

<p style="text-align: right;">Name</p>	<p>Procedure for Managing Flexible Working Requests</p>
<p style="text-align: right;">Summary</p>	<p>Flexible working encompasses a range of options as listed below:</p> <p>1.1 Part-Time Working Where an employee is contracted to work less than full-time hours.</p> <p>1.2 Job Sharing A form of part-time working where two or more people share the responsibility for a job between them in a structured manner.</p> <p>1.3 Career Breaks A means of enabling people to take an unpaid break from work where the contract of employment does not terminate.</p> <p>1.4 Reduced Working Year Where an employee's contract of employment remains in place, but they take paid/unpaid leave during fixed periods of the year, such as during school holidays.</p> <p>1.5 Flexi-Time A system by which employees can choose when they work, subject to achieving a required total number of hours over an agreed daily, weekly or monthly reference period. Such a system may involve a core period of the day when employees are expected to be at work and may also involve the facility for employees to carry over a debit or credit of hours between such reference periods.</p> <p>1.6 Self-Rostering An arrangement whereby members of a team are allowed to be self-sufficient by scheduling their own shifts, whilst maintaining agreed service levels.</p> <p>1.7 Compressed Working Hours Where employees compress normal working hours into fewer working days.</p> <p>1.8 Annualised hours Where contracted hours are calculated over the period of a</p>

	<p>whole year. They may consist of both fixed and unallocated shifts, ensuring that core times are filled and remaining times are flexible. The unallocated shifts can then be used by the manager for unexpected surges in demand at reasonably short notice.</p> <p>1.9 Home working Where a staff member fulfils their contractual obligations working from home for all or part of their hours.</p> <p>1.10 Phased retirement An arrangement where an employee can gradually reduce their working hours as they near an agreed retirement date, enabling them to balance their work and personal life and prepare for full retirement.</p> <p>1.11 Voluntary reduced working hours The provision for employees to request a reduction in their contracted hours for a defined temporary period of time.</p>
Associated Documents	
Target Audience	All staff
Version number	1.0
PIN policy	Supporting the Work-Life Balance
Date of this version	May 2021
Review Date	May 2024
Date of full impact assessment	
Name of Board	National Waiting Times Centre
Approving committee/group	SMT/Partnership Forum
Document Author	Laura Liddle

CONTENTS

Section	Page
1. Introduction	5
2. Submitting a Flexible Working Application Form	5
2.1 Initial meeting	5
2.2 Communication after Initial Meeting	5
2.3 Request accepted	5
2.4 Request unsuccessful	5
3 Appeal Procedure	6
3.1 Appeal Hearing	6
3.2 Notice of Decision	6
4 Extension of Time Limits	6
5 Representation	6
6 Service Reasons for Refusing a Request	6
7 Withdrawal of Application	7

APPENDICES

1. Flexible Working Application Form	8
2. Confirmation of Receipt of Flexible Working Application	10
3. Confirmation Flexible Working Application Been Declined	11
4. Flexible Working Appeal Form	12
5. Confirmation of Appeal	13

NHS Golden Jubilee Values Statement

What we do or deliver in our roles within the NHS Golden Jubilee (NHSGJ) is important, but the way we behave is equally important to our patients, customers, visitors and colleagues. We know this from feedback we get from patients and customers, for example in “thank you” letters and the complaints we receive.

Recognising this, NHSGJ has worked with a range of staff, patient representatives and managers to discuss and promote our shared values which help us all to deliver the highest quality care and service across the organisation. These values are closely linked to our responsibilities around Equality.



- V**aluing dignity and respect
- A** can do attitude
- L**eading commitment to quality
- U**nderstanding our responsibilities
- E**ffectively working together

Our policies are intended to support the delivery of these values which support employee experience.

1 Introduction

All individual applications for flexible working must be made on the Flexible Working Application Form attached at [Annex 1](#). The completed form should then be submitted to the employee's line manager. This application should be acknowledged in writing by the line manager ([see Annex 2](#)).

There are two exceptions to this:

- the procedure for women returning from maternity leave who wish to job share is described in the model job share policy, and
- the procedure for introducing annualised hours is described within the annualised hours policy.

This policy and procedure has been assessed for relevance and screened for equality impact, to identify and mitigate, where possible, any potential for the policy and procedure to have differential impact on employees having regard to their differences, such as ethnicity, gender, disability, age, sexual orientation, religion, literacy or belief.

2 Submitting a Flexible Working Application Form

The following procedure must be followed:

2.1 Initial meeting

The line manager will hold a meeting with the employee to discuss the application within 28 calendar days of the date on which the application is made. In appropriate circumstances, this period can be extended by mutual agreement.

2.2 Communication after Initial Meeting

The manager will inform the employee of their decision in writing within 14 days of the date of the initial meeting.

2.3 Request accepted

If the request is accepted, the line manager must confirm this in writing to the employee, specifying the new working pattern and the date from which it will take effect. The line manager must also notify the Payroll Department. The line manager must also consider whether the employee's contract of employment requires to be amended to reflect the change to the working pattern. If so, this should progress with the support of Human Resources.

2.4 Request unsuccessful

Non-acceptance of an application for flexible working can only be for valid and objective service/operational reasons. The line manager must, therefore, confirm the reasons in writing to the employee (see [Annex 3](#)). The employee should also be provided with details of the formal appeal procedure.

There is also the provision that, before progressing to appeal, it may be preferable for the manager and the employee to seek advice on resolving the matter from an appropriate member of the HR Team and a Trade Union/or Professional Organisation representative. This approach will not preclude the employee's right to raise a formal appeal in the event that they consider that the matter has not been satisfactorily resolved.

3 Appeal Procedure

A member of staff can appeal against the decision to refuse their application by submitting a Notice of Appeal form ([see Annex 4](#)) to the Manager and copied to HR within 14 days of receiving written confirmation that their application for flexible working has been refused. The notice of appeal must be dated and clearly set out the grounds of appeal. The member of staff should receive confirmation of receipt of the Notice of Appeal ([see Annex 5](#)).

3.1 Appeal Hearing

A hearing will be held to discuss the appeal within 14 days of the Notice of Appeal form being given to the HR Team by the employee. The Appeal Panel will ideally consist of a manager who is at a more senior level than the manager who made the original decision and a member of the HR Team, neither of whom should have been involved in making the original decision.

N.B. A hearing will not be required where, within 14 days of the Notice of Appeal form being received by the HR team, the matter has been satisfactorily resolved informally as outlined above.

3.2 Notice of the Decision

The employee will be informed, in writing, of the outcome of the appeal within 14 calendar days of the hearing.

Where the appeal is upheld, the notice of the decision will specify the new agreed working pattern and the date on which it will take effect. The line manager must also notify the Payroll Department. The line manager must also consider whether the employee's contract of employment requires to be amended to reflect the change to the working pattern. If so, this should be progressed with the support of Human Resources.

Where the appeal is unsuccessful, the notice of the outcome will provide a clear and detailed explanation of the reasons for the decision.

4 Extension of Time Limits

The above timescales can be extended but only if both parties agree in writing to an extension.

5 Representation

Employees are entitled to be accompanied by a trade union or professional organisation representative (including full-time Trade Union Officers), or a colleague, at all stages of the procedure.

6 Service Reasons for Refusing a Request

An application can only be refused for one of the following service/operational reasons where it is determined that a change to the employee's work pattern would:

- Create an unacceptable burden of additional cost;
- Have a detrimental effect on NHS Golden Jubilee's (NHSGJ) ability to meet a service demand;
- Have a detrimental impact on service quality;
- Have a detrimental impact on the performance of the organisation, their colleagues or the employee;
- Result in an inability on the part of NHSGJ to re-organise work among existing staff;
- Result in an inability on the part of the organisation to recruit additional staff; or
- Include periods where there would be insufficient work for the employee to undertake.

In addition, there may be occasions where planned structural changes might make it impracticable for the organisation to agree to an employee's request for flexible working. An application may also be declined on this basis.

7 Withdrawal of Application

NHSGJ will treat an application as withdrawn if the employee has:

- Notified their manager in writing that their application is being withdrawn;
- Failed, without reasonable cause, to attend a meeting/Appeal Hearing convened under the procedure on more than one occasion; or
- Refused, without reasonable cause, to provide information which the organisation considers necessary to assess whether the employee's request to work flexibly should be granted.

The employer will confirm the withdrawal of the application in writing to the employee, unless the employee has provided written notice of the withdrawal.

Annex 1 - Flexible Working Application Form

1. Personal Details

Name	
Job title	
Payroll number	
Department	
Location	

2. Describe your current working pattern below, i.e. days/nights/hours/times worked:

3. Describe the working pattern you wish to work in future below, i.e. days/nights/hours/times worked:

4. I would like this working pattern to start from:

Impact of the new working pattern

Please give details of how you think the requested work pattern will affect the department:

Accommodating the new work pattern

How do you think this can be managed/ resolved?

If you are applying for a statutory right to a flexible working pattern that is different from your current working pattern you should meet the following eligibility criteria:

- I have been continuously employed by this organisation for at least 26 weeks at the date of application; and
- I have not made another application to work flexibly during the past 12 months; or
- I have made other applications to work flexibly during the past 12 months, but circumstances have changed which I have detailed above.

Applicant's signature:

Date:

Annex 2 - Confirmation of Receipt of a Flexible Working Application Form

(To be completed by the line manager and returned to the employee)

Dear

I confirm receipt of your completed Flexible Working Application Form dated

_____.

I will arrange a meeting with you within 28 days of the date of your application in order to discuss it with you. In the meantime you may wish to consider whether you wish to be accompanied at that meeting by a Trade Union/or Professional Organisation representative or a colleague.

Please let me know, as soon as possible, if you will be accompanied in order that I can include your representative in the arrangements for the meeting.

Yours sincerely,

Annex 3 - Confirmation that a Flexible Working Application Has Been Declined

(To be completed by the line manager and returned to the employee)

Dear

Following our meeting on _____ at which we discussed your application for flexible working, I have now considered your application and regret that I am unable to accommodate your request for the following service/operational reason(s): [insert one of more valid reasons as listed at section 6]

This (these) reason(s) apply in the circumstances because:
[The line manager should also explain here why any other work patterns that may have been discussed at the meeting were inappropriate.]

You have the right to appeal against this decision by completing the attached Flexible Working Appeal Form, clearly stating your grounds of appeal and sending this to _____

_____ (name) of the Human Resources Team at _____ (address) within 14 days of receiving this letter.

Receipt of your Appeal Form will be acknowledged in writing and a hearing to consider your appeal will be held within 14 days of receipt of your appeal form.

You will be notified of the outcome of your appeal within 14 days of the appeal hearing.

Yours sincerely,

Annex 4 - Flexible Working Appeal Form

1. Personal Details

Name	
Job title	
Payroll number	
Department	
Location	

2. I wish to appeal against the decision not to allow my application for flexible working. I am appealing on the following grounds:

[Please continue on a separate sheet if necessary].

Applicant's signature:

Date:

Annex 5 - Confirmation of Appeal

(To be completed by HR and returned to the employee)

Dear

I confirm that I received your Appeal Form in respect of the decision not to allow your request for flexible working on _____.

I will be arranging a hearing to discuss your appeal within 14 days of the above date. In the meantime you may wish to consider whether you wish to be accompanied at that meeting by a Trade Union/or Professional Organisation representative or a colleague. Please submit copies of all documentation which are relevant to your request and the decision made.

Please let me know, as soon as possible, if you will be accompanied so that I can include your representative in the arrangements for the meeting.

Yours sincerely