

Work/ Life Balance & Leave	
Flexible Working Policy	
Summary	The purpose of this policy is to support and retain the services of employees who need more flexible working arrangements and to maintain the commitment of employees to NHS Health Scotland (NHS HS) at times when the demands of their life outside work requires them to change their normal working arrangements. Such arrangements can lead to a higher quality of service and commitment and reinforce NHS HS' commitment to equality of opportunity.
Status	This policy has been updated in line with processes and factual information, and for GDPR compliance.
Alternative format	This policy is available in Microsoft Word and other formats upon request. Please contact the Policy team for more details.
Impact Assessment	October 2015
Organisational Policy Subgroup (OPS)	13/06/2018
Partnership Forum Sign Off	28/06/2018
SGC Approval	17/08/2018
Review	This policy was last reviewed June 2018
Review Date	17/08/2020
Contact	Shonaidh Dyer, HR Team Manager

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1. Introduction

NHS Health Scotland (NHS HS) recognises that employees will have differing demands on their time and energies throughout their career in the NHS. The balance of time which employees give to their home life and their working life will change over time depending on their individual circumstances. NHS HS therefore wishes to meet the reasonable aspirations of employees who wish to change, whether on a temporary or a permanent basis, their working arrangements. This will not only enable employees to achieve a better balance between their home and work responsibilities but also enable them to continue working when otherwise they may have to change employers or stop working altogether. This policy is open to all HS employees.

2. Purpose

The purpose of this policy is to retain the services of employees who need more flexible working arrangements and to maintain the commitment of employees to NHS HS at times when the demands of their life outside work requires them to change their normal working arrangements. Such arrangements can lead to a higher quality of service and commitment and reinforce NHS HS' commitment to equality of opportunity. Employees may require more flexible working arrangements for a variety of reasons including:

- Pursuing educational or professional opportunities.
- Meeting parental responsibilities.
- Caring for others including dependants.
- Short or longer term domestic circumstances.
- The need or desire to have different working patterns at different stages of a career or life.

3. Principles

The principles upon which this policy is based are that it:

- Applies to all employees of NHS HS with 26 weeks' qualifying service and recognises that the right to request flexible working was extended to all employees, not only carers and parents, with effect from 30 June 2014.
- Is consistent with the NHS in Scotland Partnership Information Network (PIN) guideline "Work Life Balance Policies".
- Supports NHS HS' Equal Opportunities policy and takes account of the statutory framework and nationally negotiated terms and conditions of employment.
- Is based on a presumption that employees will show responsibility when making requests for more flexible working arrangements.
- Promotes environmental responsibility by reducing energy consumption and pollution from unnecessary car journeys.
- Can assist mothers to resume their career after a period of leave.
- Can assist employees or applicants for employment who have disabilities to continue or start employment.
- Provides for training for managers in the implementation of flexible working arrangements.

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- Provides for staff making one flexible working request per 12 months.
- HS will treat an application as withdrawn if the employee fails to turn up to two application/appeal meetings without good reason and HS formally notifies the employee that it has decided to treat the employee's conduct as a withdrawal of the application.

4. Outcomes and Success Criteria

The Staff Governance Self-Assessment Audit Tool offers a clear structure within which organisations can measure their progress in relation to the Standard. The extent to which NHS employers' work-life balance policies have been successfully implemented can be measured through the following indicators:

- Recruitment levels and the organisation's ability to fill vacancies (this might be measured by the length of time taken to fill vacancies).
- Equity of access to policies that support a work-life balance, to training opportunities and to promoted posts.
- Retention and staff turnover levels – retention of staff should be increased as demonstrated by reduced turnover rates.
- Increased quality and effectiveness of service delivery as the potential for staff stress due to managing competing priorities is reduced.
- Sickness absence levels – an effective special leave policy, for example, will mean that staff do not take sick leave to manage domestic responsibilities.
- Change of culture to one in which a long-hours culture is discouraged.
- Robust and effective monitoring.
- Organisational reputation – status as a good employer with supported, well-trained managers implementing policies that work to the benefit of staff, the organisation and ultimately patients and users of services.

5. Roles and Responsibilities

5.1 Line Managers

Line Managers will:

- Deal sympathetically with reasonable requests for flexible working arrangements, with decisions normally communicated within four weeks and a maximum of three months;
- Seek to offer flexibility, consistent with service needs, to employees who seek it;
- Consult the HR team on requests for flexible working arrangements; and
- Provide written explanations if they cannot meet a request for flexible working.

5.2 Employees

Employees will:

- Recognise that with rights come responsibilities;
- Make use of local policy fairly and reasonably; and
- Be prepared to agree solutions and working arrangements that take account not only of the individual's needs, but also of the needs of colleagues and the service.

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5.3 HR team

The HR team will:

- Provide advice and guidance to managers on the application of this policy; and
- Maintain records of requests for flexible working and the results of such requests, for recording, monitoring and reporting purposes.

5.4 Partnership Forum

The Partnership Forum will:

- Monitor and evaluate the implementation of this policy and make recommendations for improvements as necessary;
- Work in partnership with trade unions and professional organisations to put and keep in place this policy and procedures that meet or exceed the minimum PIN standards;
- Ensure management and trade union representatives at all levels are familiar with agreements and arrangements to support the work-life balance through joint training; and
- Audit the implementation of agreements.

6. Procedure

An employee who is considering more flexible working arrangements should raise the matter initially with their manager and complete the Flexible Working application Appendix 10 (Annex A). Appendix 10 also fully outlines the process. The manager must consult the HR team about the reasonableness of the request and the extent of flexibility which might be offered, before meeting with the employee. Any agreement reached to make changes should be confirmed in writing to the employee within 10 days of the date of meeting.

7. Flexible Working Options

There is a range of possible options to create more flexible working arrangements. These options are summarised below. Further details, definitions and implementation guidance is contained in separate guideline appendices (where appropriate).

7.1 Part Time Working

Part-time working (see Appendix 1) provides an employee the opportunity to reduce their contracted hours to fewer than normal full time equivalent either on a temporary or a permanent basis. The reduced hours may be worked as fewer hours each day, fewer days each week or a combination of both.

7.2 Job Sharing

Job Sharing (see Appendix 2) is a formal agreement whereby the duties and responsibilities of a full time post are shared between two or more employees. The salary and benefits of the post are divided between the job sharers in proportion to the number of hours they each work. Job Share normally requires that the employees provide full time cover during periods of leave, including annual leave and sick leave.

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7.3 Working at Home

Working at home (see Appendix 3) is where an employee is contracted to a HS office base and undertakes occasional working at home.

7.4 Homeworking

Homeworking (see Appendix 3) is where an employee is contracted to work from their home address rather than the workplace.

7.5 Career Break

A career break (see Appendix 4) is an extended period of leave from work that begins with an intention to resume working at an agreed date in the future. Career breaks are unpaid.

7.6 Sabbatical Leave

Sabbatical leave is where an employee is given a period of time away from work to undergo specialist training or further education, or to undertake work experience which will enhance their skill and knowledge base.

7.7 Reduced Working Year (including Term Time Working)

A reduced working year represents an opportunity for staff to work during certain agreed periods of the year while maintaining their career prospects and personal development. Flexible working in the form of a reduced working year can take a number of forms. One of the most common examples is that of term-time working, which is a formal agreement whereby the duties and responsibilities of a post are carried out (either full-time or part-time) during school terms. It allows employees to remain on a permanent contract and gives them unpaid leave during school holidays. The salary of the post is reduced proportionately to the hours worked by the post-holder. These principles would apply regardless of whether a reduced working year contract is explicitly linked to school terms or not.

7.8 Flexi-Time Systems

A flexitime system (see Appendixes 6 & 7) is one where employees can vary their starting and finishing times and lunch breaks within defined limits. Over a specified period (normally four weeks) employees can build up a credit or debit of hours. Credit hours can be accrued in order to take time off.

7.9 Compressed Working Week

A compressed working week (see Appendix 8), is where employees complete their full contracted weekly hours in fewer complete working days.

7.10 Zero Hours Contracts

A zero hours contract (see Appendix 9) allows an employee to work as and when they are able to do so, provided the employer has work available.

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7.11 Annualised Hours

Annualised hours systems (see Appendix 11) provide a way of organising working time by contracting with staff to work an agreed number of hours per year rather than a standard number each week. The actual number of hours worked by a member of staff during the week will then be "flexed" to match workload requirements. As well as hours being varied week to week, they may also be varied seasonally and/or according to fluctuation of service Demands. Annualised hours are used to match attendance of staff to the periods when they are most needed by services.

8. Review

This policy will be reviewed in partnership no later than August 2020 to ensure that the arrangements are appropriate to the operating requirements of NHS HS.

Date Policy approved.....

Approved by

Agreed by**Chief Executive**

Agreed by**Staff Side Chair
Partnership Forum**

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Appendix 1 - Part Time Working Implementation Guidelines

Introduction

Part time working allows employees to reduce their full time hours to fewer than their normal hours within a range of options, i.e. half days, shorter days, a reduced number of full days or an agreed number of hours in an arranged pattern. It should be noted that an employee who asks to reduce to part time working hours may wish to do so for a specific period of time and may in due course wish to have the option of return to full time working.

Part time working is different from part time employment, where a post is designated as part time in the establishment. Occupants of such posts will also have the right of access to the range of flexible working options.

Scope

Part time working is open to all employees as well as prospective employees, no matter what level in the organisation. Where posts are not considered to be suitable for part time working, explicit, justifiable and sustainable reasons will be given by the manager.

Procedure

Current employees should complete the Flexible Working Application from in Appendix 10 (Annex A) and return it to their manager in the first instance. A formal meeting to discuss this request with the line manager should be arranged within 28 days following consultation with the HR team.

The reasons for the decision should focus on the employee's duties and responsibilities, and how a change in hours can fit in to the wider team. This may require the manager and employee to work out an arrangement which suits them both.

Some of the factors to be taken into account may include (not an exhaustive list):

- Does someone need to be present in this post during all hours of work?
- Can the post be filled as a job share?
- Is there a suitable candidate for a job share?
- Could one be recruited?
- Can all the necessary work be done in the hours requested?
- Can the job be redefined to make it easier to do part time?
- Is there another job of similar level which the employee could do part time?
- Is the change for a known reason?
- How much would it cost to recruit and train a replacement if the employee left?
- What benefits would NHS HS get from this arrangement?
- What costs or savings could this arrangement involve?
- What would be the effect on the morale and commitment of other employees?

Terms

Less favourable treatment of part time workers is illegal. The European Union drew up the Part Time Workers Directive in order to end less favourable treatment of part time employees and to support the development of a more flexible labour market. As a result,

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the Government has implemented the Directive in the UK by way of regulations and guidance. As a result, terms and conditions of employment for part time workers should be on a pro-rata basis to the full time equivalent.

Employees who have exercised the option for part time working option should also have equal access to:

- Training and career development.
- Promotion.
- Personal Development Planning and Review.
- Continuity of employment at times of organisational change.

Widening Access to Part Time Work

In order to widen access to part time work NHS HS will:

- Review posts as they become vacant to assess if they could also be performed by part time workers.
- Give consideration as to whether part time work arrangements could fulfil the requirements of the post when approached by an applicant who wishes to work part time.
- Seek to minimise the range of posts designated as unsuitable for part time working.
- Seek to minimise the range of posts designated as unsuitable for job sharing, which is a special form of part time working.
- Seek to accommodate requests for changes in hours worked unless there is a good business reason to refuse to do so.
- Ensure that training is conveniently located and timed for part time employees, wherever possible.
- Consider other training methods, such as open or distance learning courses if this is more practicable.
- Take account of individual circumstances if organisational change means contractual hours must change.
- Provide information to the Partnership Forum to enable effective monitoring of part time working.

Rejected Applications

Where posts are not considered to be suitable for part time working, explicit, justifiable, and sustainable reasons will be given by the manager.

If the request is rejected, the reasons for refusal must be stated. A decision to reject a part time working request for an existing post can be appealed by the employee through the normal mechanisms. (Annex D).

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Appendix 2 - Job Sharing Implementation Guidelines

Introduction

Job Sharing is a formal agreement whereby the duties and responsibilities of a full-time post can be shared by two or more employees. The salary and benefits of the post are divided between the job sharers in proportion to the number of hours they work. As good communication and co-operation are required between the sharers, a provision for an overlap time between the partners is usually included to facilitate and maintain continuity of work.

Scope

Job sharing is open to all employees as well as prospective employees, no matter what level in the organisation.

Procedure

Current employees should complete the Flexible Working Application Form (Annex A) and return to their manager in the first instance. A formal meeting to discuss this request with the line manager should be arranged within 28 days following consultation with the HR team. If the request is approved, the recruitment of a job share partner can begin:

- The post will be advertised as a vacancy for a job share partner.
- Applicants should receive appropriate details plus a copy of the job share guidelines.
- Short listed applicants will be made aware of the interview arrangements for job sharers.
- If no suitable job share partner is found, the post should be re-advertised.
- If the post is vacant after two consecutive advertisements have been placed, managers should give sympathetic consideration to alternative flexible working arrangements which may meet the employee's needs.
- Alternatives must be of a similar grade and status.
- The employee should be advised that a new application for a job share may be considered at a future date.
- If a job share partner is found, a formal job share agreement must be completed.

Replacing Job Sharers

As job sharers are separate employees, one partner leaving should not affect the other sharer's employment.

If one partner does leave, the following procedure should be adopted:

- The remaining sharer should be offered the option of full time working.
- Where the remaining partner does not wish to work full-time, the vacant hours will be advertised as a job share.
- If no sharer can be found in a period of not less than six months and after at least two advertisements, the existing sharer may be required to work the same hours on a part-time basis or be transferred to the equivalent hours in a similar post.

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Vacant Positions

Vacant positions should be advertised as both open to full time and job share candidates, unless it can be positively demonstrated that this is not possible. Applicants will be asked to indicate on their application whether they wish to job share.

Two candidates may submit a joint application or candidates may be matched during the recruitment process. Applicants should receive relevant job information plus a copy of the job share guidelines. Short listed candidates will be made aware of the interview procedures for job sharers.

Interview Procedures

The interview procedure should be the same as for all selection interviews, but should be adapted to include: interviewing applicants separately, to assess ability, and then together, to assess the feasibility of the proposed job share arrangements. All applications, including joint applicants, will be assessed against the minimum requirements of the post on an individual basis. Following the assessment, the interview panel may make any of the following decisions:

- To appoint one applicant to the post full time.
- To appoint two applicants to a job shared post.
- To appoint one half of a joint job share application and advertise for the other half.

Job Share Agreement

A job share agreement will need to be negotiated between the manager and the job share partners. This agreement will be in writing and will form part of the contract of employment.

When negotiating the job share agreement the primary aim is to determine the best method of ensuring service delivery and at the same time meet the job share partners' needs

Agreement Contents

Hours of Work

Working arrangements can be divided in a number of ways, for example, split days, split weeks, alternate days or alternate weeks, depending on the nature of the job. Factors to consider when determining hours of work include:

- Does the job need to be covered every day and within set times?
- Is the creation of an overlap desirable?
- Is there sufficient space for both partners to work together?
- Will they both need to attend certain meetings?
- How do the job sharers' domestic arrangements affect the hours they work?
- What are the handover or overlap arrangements?

Overlap time is usually necessary, to provide job sharers with the opportunity to pass on information and update each other. Where a high degree of managerial activity is involved, a structured overlap period will be needed.

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Communication Mechanisms

In addition to overlap periods, other methods of maintaining effective communication links should be agreed, for example, diaries, a bring-forward file and written notes of all meetings.

Annual Leave and Public Holidays

The standard annual leave entitlement will apply pro rata to the number of days worked. Annual leave can be taken at the same time or at different times subject to the manager's agreement. Arrangements for sharing public and statutory holidays will be agreed between the job sharers and their line manager to ensure that a pro rata division is maintained.

Individual Performance Review

Each partner should be assessed separately and similarly. The objectives set for the job share partners may include an objective to ensure the success of the job share partnership.

Supervision

Each partner will be individually and jointly accountable to their manager.

General Terms and Conditions of Employment

Each job sharer will have an individual contract of employment. All pay and other benefits will be pro rata to the hours worked. The job title will be that given to the full time post and the job description will be the same as the full time post.

Grade, Salary and Increment

The grade will apply equally to both job share partners. Any grading review will apply to the whole post. Benefits depending on length of service - including incremental points, sick pay, long service leave and maternity entitlements - will be attributed individually.

Annual Leave

Annual leave will be applied on a pro rata basis.

Training

Training opportunities should be made available to both job share partners depending on their individual needs. When training takes place on a day on which one of the job sharers would not normally work, time off in lieu should be offered. If appropriate, job sharers may attend training sessions together.

Sick Leave

Job sharers will be entitled to occupational sick pay in accordance with the sick pay scheme, which is based upon length of service.

Cover for Absence

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There will be no requirement on a job share partner to cover for a partner's short term absences, due to sickness or leave. If the individual agrees to work such additional hours, then any additional hours worked above those specified in the individual's personal contract will be paid at basic rate up to the standard contracted hours for the post. Thereafter, overtime rates will apply.

Promotion

Job sharers will be considered either individually or jointly for advertised vacancies on equal terms with full time employees.

Other Terms and Conditions

All other terms and conditions of employment will apply equally to job sharers as they would to other members of staff, be they full or part-time.

Job Share Register

A record of job share requests and arrangements will be maintained by the HR team. This will provide information on existing and potential employees who wish to apply for a job share. A record will also be kept of employees who wish to take advantage of future job share opportunities.

Rejected applications

Where posts are not considered to be suitable for job sharing, explicit, justifiable, and sustainable reasons will be given by the manager.

If the request is rejected, the reasons for refusal must be stated. A decision to reject a job share request for an existing post can be appealed by the employee through the normal mechanisms. (Annex D).

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Appendix 3 - Working at Home and Homeworking

Introduction - Working at Home and Homeworking Definitions

Working at Home

Working at home is where employees want, with the approval of their manager, to work at home for part of their working time even though their contract of employment requires them to have their office based on employer's premises. This arrangement can be agreed locally by the line manager and Team Head via the process outlined below.

Homeworking

Homeworking is where employees are required in their contract of employment to have their office based in their home even though they may work other than at home for part of their working time. **The term "homeworker" is used in this guideline to refer to such employees.** Because homeworking is a contractual arrangement which places legal responsibilities on the employer, the decision to approve such an arrangement requires to be based on a formal assessment of need and suitability.

Scope

Working at Home is open to all employees as well as prospective employees, no matter what level in the organisation. Homeworking is open to all employees who meet the criteria detailed below (see points 18 - 21).

Procedure

An employee who is considering homeworking or working at home arrangements should raise the matter initially with their manager. Current employees should complete the Flexible Working Application Form in Appendix 10 (Annex A) and return it to their manager in the first instance. A formal meeting to discuss this request with the line manager should be arranged within 28 days following consultation with the HR team.

The manager must consult the HR team about the reasonableness of the request and the extent of flexibility which might be offered, before meeting with the employee.

Any subsequent formal application for working at home or homeworking should receive a formal response within 10 days of the formal meeting.

Terms

- If approved, the terms under which approval is given should be confirmed in writing to the employee.
- Employee's homeworking or working at home will receive no less favourable treatment than other employees.
- Employee's homeworking or working at home will not lose out financially in terms of employment pay and conditions, training opportunities or career prospects.
- Employee's homeworking or working at home will have the same employment rights as office-based workers.

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- Agreements to homework or working at home should be reviewed regularly to determine if they should continue or revert to office based work.

Homeworking Roles and Responsibilities

Members of staff will:

- Undertake a short session with the Health, Safety & Facilities Manager, to ensure they understand the boundaries between the organisation and their own responsibilities when homeworking, in terms of health and safety.
- Sign a declaration to acknowledge that, when homeworking, they are responsible for their own health and safety.
- Provide their own DSE equipment (e.g. riser, chair) required to homework safely. IT may be asked to provide standard IT equipment as part of the agreement but this excludes specific DSE requests. Staff may only homework if they can provide a safe working environment.

Line Managers will:

- Ensure their staff have signed the required health and safety declaration form before homeworking.
- Monitor the health and safety aspects of homeworking during regular meetings with staff.

The HR team will:

- Store all signed declaration forms securely.
- Implement this guidance in line with the Flexible Working Policy.

The IT team will:

- Provide standard IT equipment for staff working at home if required (e.g. laptop, mouse) with the standard IT support mechanisms in place.

Homeworking Considerations and Processes

Criteria to determine suitable posts

The manager and HR representative will agree the number and type of jobs to be operated in line with this policy. If a current member of staff requests to homework they will participate fully in these discussions.

Selection is undertaken in the following stages:

Stage 1: The Nature of the Role

- The role requires a high degree of personal concentrated work with very limited interaction and can be done at home in isolation from colleagues.
- The role effectively has no need for or would derive limited benefit from an office base.
- There is no 'face to face' service at the work base (the home).

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Stage 2: Health and Safety Assessment

Individuals who are planning to homework should complete the attached self-assessment form (See Appendix 3) to ascertain whether the home needs to be assessed by a risk assessor. The purpose of any such assessment is to establish the suitability of the home working against health and safety standards and the requirements as specified within Appendix 3.

Stage 3: Capability, Personal and Role Development

Selection must be in accordance with the competencies and criteria which have been identified as essential to being able to work productively and competently in the home environment, i.e.

- Competency to deliver the role effectively without supervision.
- Understanding of the impact of homeworking on the home environment.
- Self-motivation, self-discipline and possession of good time management skills.
- Clarity of role, deadlines and objectives with feedback.
- Clarity of personal development plan and monitoring arrangements.

The above criteria will be reviewed in the light of service needs and may be varied for specific job roles.

NHS HS will identify in partnership with staff representatives if there are categories of jobs which could be regarded as suitable for homeworking. If a current employee asks to homework they will participate fully in the assessment process undertaken by the manager with the HR team.

Homeworking Health and Safety Assessment

If a post and post holder is identified as suitable for homeworking, there requires to be a Health and Safety Assessment before approval can be finalised. The employee should complete the self-assessment form attached as Appendix 3, Annex A. The Health and Safety Standards which need to be satisfied are attached as Appendix 3, Annex B. The purpose of the Self-Assessment form is to ascertain whether the home needs to be assessed by an Occupational Health Adviser. The purpose of the Occupational Health Adviser assessment is to establish the suitability of the home for homeworking against the Health and Safety standards.

Information, Support and Communications

Regular information, support and communications is essential if homeworking is to be effective and the following provides guidance to managers and employees to ensure that those who work from home remain an integral part of the team.

- The manager should ensure that each homeworker has the opportunity to meet and discuss ideas at least once a week.
- In addition to regular and detailed team briefings, managers will ensure that there are regular communications, as appropriate, between the office based team and homeworkers.
- Homeworkers and their managers should meet on a regular basis to evaluate and develop effective communication links.

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- Homeworkers should receive all relevant information, briefing papers and internal departmental communications.
- Clear objectives are required with specific targets and the organisation of work into a series of deliverable segments.
- Homeworkers should be allocated a work area within the work premises for the times they are expected to attend.
- Homeworkers should be supplied with relevant I.T. support e.g. computer, e-mail, internet access, telephone conference facilities, to allow them to work effectively.

Terms and Conditions of Employment

- The terms and conditions set out below must be agreed prior to the start of any homeworking arrangement and confirmed in the contract of employment.
- The contract will define the normal place of work as the employee's home. Should the employee move to a different home address, and then the suitability of those premises will need to be assessed. Home working will only continue with NHS HS' express agreement.
- The contract will require that the employee attend work premises at reasonable notice and for whatever periods may be necessary. The reasons for such attendance may include meetings, reporting sessions, submission of completed work, and training.
- NHS HS may at its discretion require the employee to live within a reasonable travelling distance of work premises for meetings, briefings, training, etc. in line with the arrangements for office based staff. This requirement will be specified in advance.
- The contract should recognise that there may be occasions, for example as a result of system or equipment failure, when the employee will be required to work from work premises. Arrangements will be agreed between the manager and employee prior to commencement of homeworking.
- NHS HS, by prior appointment, has the right to enter the employee's home to inspect equipment and methods of storage, including a right of access to filing cabinets and to computer files relating to NHS HS' activities.
- The hours of work will be as for employees based in work premises.
- Homeworkers are required to carry out work duties during their normal hours of work. Any domestic arrangements such as childcare or carer arrangements must remain in place throughout the homeworker's hours of work.
- Where the home address is the contractual place of work, reimbursement of business travel costs will be based on the home address as the normal place of work and will be in line with organisation policy.
- NHS HS will provide homeworkers with the necessary equipment to carry out their duties. NHS HS will be responsible for the installation, maintenance, repair and removal as required. Stationery and other office materials will also be supplied by NHS HS.
- NHS HS will, at its discretion and up to specified limits, reimburse the homeworker for the previously agreed purchase of essential equipment e.g. desk, chair, filing cabinet.
- The Homeworker is responsible for keeping all such equipment in good condition, reasonable wear and tear accepted, and for reporting any damage or malfunction to their manager.
- The homeworker shall be responsible for ensuring that equipment and furniture purchased meets health and safety requirements as outlined within Annex B.
- On termination of the contract of employment, NHS HS will have the right to enter the homeworker's home immediately to recover all its property including equipment,

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software and copy documents and files. Without prejudice to NHS HS's legal right, entry should always be by mutual agreement.

- As an alternative to returning, the homeworker may opt to keep the equipment and office furniture in exchange for a payment equal to the original cost, less 3% of the value per month of service since its purchase. NHS HS will have the right to remove the equipment in the absence of such a payment.
- The homeworker will, if required, arrange for a telephone line to be installed solely for business use, and all call, rental, internet and installation charges will be reimbursed by NHS HS.
- If additional or if specialist equipment is required, due to a homeworker's disability, the home should be assessed by the local Placement, Assessment and Counselling Team (PACT) to advise on equipment available under the access to work scheme.

Tax

Based on current legislation, there should not be any additional personal taxation or benefit in kind implications on the homeworker. Homeworkers should contact the Inland Revenue to confirm their individual tax status with the HMRC.

Insurance

Full guidelines on insurance are attached in Appendix 3, Annex C and D.

Intellectual Property and Data Protection

The information on intellectual property and data protection attached as Annex E will form part of the contract.

Monitoring and Review

Homeworking undertaken within NHS HS will be monitored and reviewed annually by the line manager, HR, Health & Safety and Estates & Facilities to ensure that it is operating effectively.

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Annex A - Health and Safety Audit

Homeworking - Self Assessment

This form must be completed by the individual applying to homework and counter signed by their manager. This self-assessment will form part of the decision making process.

The purpose of this form is to ascertain whether a full health and safety assessment should be undertaken on the individual's home environment by an Occupational Health Adviser. This form should be completed and returned to the HR team before the organisation agrees to a member of staff homeworking.

Name	
Address	
Telephone No:	
Department	
Job Title:	Please forward a copy of your job description with this completed form

Question No	Question	Please tick appropriate box	
1.	Do you anticipate spending more than 40% of your time working at your home-base?	Yes	No
	If yes, do you anticipate spending more than 50% of your time working at your home-base?	Yes	No
2.	Do you have a room at home which will be used specifically as an office base?	Yes	No
	If you have answered no to this question, within which room in the home will the work be undertaken?		
	How much space in this room will be required to carry out your role effectively?		
	Is there sufficient space within this room to carry out you role effectively?	Yes	No
	Is there adequate ventilation, reasonable temperature, suitable and sufficient lighting within the home to perform the role effectively and with comfort	Yes	No

3.	Will you be using your PC continuously for an hour or more at a time?	Yes	No
	Will you be using the PC every day?	Yes	No
	If not, how often will you be required to use your PC at your home base?		
4.	Do you have the required first aid provisions in the home?	Yes	No
5.	Are you likely to have to carry or move heavy loads in the home as part of your role?	Yes	No
	If yes, what manual handling activities will be undertaken in the home?		
6.	Is your electricity supply suitable for homeworking? e.g. are there sufficient sockets etc.? <i>Consult a qualified electrician if necessary</i>	Yes	No

In order that we can address all the potential risks to your health it is important that the needs of individuals homeworking are fully addressed. If you believe there is additional information we may require please set this out below.

Annex B - Homeworkers - Health and Safety Issues

Introduction

In accordance with Section 2(1) of the Health & Safety at Work etc. Act 1974 there is a duty on every employer "...to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all its employees".

In particular, the employer is responsible for:

- The provision and maintenance of the organisation's equipment and systems of work that are safe and without health risks.
- Ensuring safety and absences of health risks in the use, handling, storage, and transport of articles.
- The provision of information, instruction, training and supervision necessary to ensure health and safety.

The employer will make a suitable and sufficient assessment of all the risks to the health and safety of their homeworkers by identifying any hazards in the home, assessing the risks those hazards might pose to the homeworkers, and other occupants of and visitors to the home, and taking appropriate action to remove those risks or to reduce them as far as possible. The homeworker is required to assist in that process by completing a preliminary Health and Safety Self-Assessment Audit.

This assessment should take place before a new employee, or existing employee is designated a homeworker and should be reviewed on a regular basis.

Homeworkers are required to take reasonable care for their own health and safety and that of other persons who may be affected by their acts and omissions at work in the home. Without prejudice to the organisation's duties as employer, the homeworkers' duties in this regard are likely to be significant because the working environment is not under the employer's control.

Risk Assessment

Risk Assessments should take into account the following issues:

Display Screen Equipment

A homeworker will not be permitted to carry out a significant amount of work at a home based work station until such risk assessment has been carried out and any recommendations implemented. Such assessments shall be conducted by someone who has received relevant training The "workstation" as defined in the Health and Safety (Display Screen Equipment) Regulations 1992 includes the display screen, the software, the keyboard, disk drive, telephone, modem, printer, documents holder, work chair, work desk, work surface, any other items peripheral to the display screen equipment, and the immediate environment around it.

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Work Equipment

The Provision and Use of Work Equipment Regulations 1992 apply to homeworking. Other equipment not comprising part of the "workstation" provided by the employer must nevertheless be suitable and sufficient for its purpose with proper information and training being given on how to use that equipment properly and safely. Particularly important will be proper storage facilities for paper files.

Handling Loads

Homeworkers should be warned of the hazards of handling loads. Steps require to be taken to avoid the need for any hazardous manual handling by homeworkers of loads relevant to their work in the home either altogether or, until risk assessments have been carried out.

Workplace

The Workplace (Health, Safety and Welfare) Regulations 1992 do **not** apply to the home but the standards they require provide a useful benchmark in carrying out the overall risk assessment. The home workplace should have adequate ventilation, a reasonable temperature, suitable and sufficient lighting, sufficient space, and the floor should be kept free from obstructions or from articles or substances which could cause a homeworker to slip, trip or fall. If the employer approves the home as suitable it will be the homeworkers' responsibility to maintain that safe and healthy working environment.

Electrical Equipment

The Electricity at Work Regulations 1989 requires electrical systems to be constructed and maintained, so far as is reasonably practicable, to prevent danger. Duties under the regulations fall on employers and employees insofar as they relate to matters under their control. The employer is only responsible for electrical equipment which it supplies. However, before allowing a homeworker to work from home the organisation will ensure that the homeworker's own electrical wiring is adequate for the purposes intended. Maintenance of the wiring is the homeworker's responsibility.

Substances and Materials

The employer is only responsible for substances and materials it provides to homeworkers. Procedures under the Control of Substances Hazardous to Health Regulations 1994 should be complied with.

Security

Employees who undertake to meet with members of the organisation or members of the public in the course of their employment should make arrangements, as far as practicable, to meet at the work office or in a public building.

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First Aid

In accordance with the First Aid at Work Regulations, the Approved Code of Practice and Guidance to the Health and Safety (First Aid) Regulations 1981 the employer will ensure that the homeworker has the required first aid provision in the home.

It shall be a contractual obligation on the part of the homeworker to allow managers to have reasonable access to the home, by appointment, in order to carry out inspections for health and safety purposes.

The homeworker will be given sufficient training and information to enable the employer to comply with its duty to report and record the work related accidents, injuries and diseases referred to in the Reporting of Injuries Diseases and Dangerous Occurrences Regulations 2013.

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Annex C - Homeworkers - Guidelines on Insurance

Employer Liability Insurance

The employer will potentially be liable at all times for loss, damage or injury caused by the proper use of furniture and equipment which it has installed in the homeworker's home, irrespective of who suffered the loss. The employer will not be liable for any loss, injury or damage which is not directly connected with the furniture or equipment that it has installed in the homeworker's home.

A copy of the Employer Liability Insurance Certificate must be displayed in the part of the home to which it relates. This should be obtained from the Executive Finance and Procurement Manager.

Public Liability Insurance

The employer will potentially be liable at all times for loss, damage or injury caused by the furniture and equipment which it has installed in the home, irrespective of who suffered the loss.

The employer will not be liable for any loss, injury or damage which is not directly connected with the furniture or equipment that it has installed in the home. Homeworkers should therefore ensure that they have adequate public liability insurance as part of their buildings or contents insurance (which is normally the case) to cover any possible incidents that may occur in their home, not related to the organisation's equipment, for which they may be deemed liable.

The homeworker must prevent unauthorised use of the organisation's furniture and/or equipment, and all visitors to their home (such as contractors and maintenance personnel) should be supervised for this purpose.

The provisions of the Occupiers Liability Act (1957 and 1984) render employees as occupiers of premises personally liable for any losses or damage sustained by visitors to the premises. Under the 1957 Act an occupier of premises owes a 'common duty of care' to all visitors. The duty is to take such care as is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he/she is invited or permitted by the occupier to be there. An occupier must be prepared for children to be less careful than adults.

Under the 1984 Act the duty is extended to persons other than visitors in respect of their suffering injury on the premises by reason of any danger due to the state of the premises or to things done or omitted to be done on them.

Furniture and Equipment Insurance

Any equipment bought by the organisation is automatically covered by the organisation against loss and damage on the same basis as in other work locations.

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Home, Contents and Public Liability Insurance

The homeworker will be responsible for arranging adequate insurance of their home and contents, including public liability, other than the items specifically insured by the employer. It is the homeworker's decision as to the level of insurance provided. However, the employer requires that public liability insurance is provided.

The employer will reimburse any reasonable additional premiums incurred if they are shown to be due to the presence of the organisation's equipment or the use of the property for business purposes, although this is not expected to be likely. Any requests should be directed to the manager.

Evidence must be provided to the employer that the insurers of the property have been advised in writing of the employee's working from home, and have acknowledged this in writing. A sample letter is attached in Annex D.

Any events or requirements arising from this advice must be advised to management immediately, so that the organisation can respond as necessary.

The homeworker must ensure that insurance continues in force and that their manager is advised if the Buildings or Contents Insurer(s) change. In these circumstances new consents must be obtained and forwarded to management.

Notification of Incidents

Notification is required of all incidents under the (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013).

In addition, insurers must be informed of actual or potential claim incidents, whether or not a claim is made against the policy or against the employer/homeworker. The Executive Finance and Procurement Manager will provide homeworkers with full guidance as required on notification of incidents.

Homeworker's own Insurance

Incidents resulting in a claim against the homeworker's own insurance cover must be advised to their insurer.

Employer's Insurance

Incidents resulting in claims against the employer's insurance cover must be reported. Major incidents must be reported immediately by telephone to the Finance Department.

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Annex D - Example Letter to Home Building and Contents Insurer(s)

NB The letter should be signed by the policyholder, who may not be the homeworker.

Dear Sir,

Policy Number
Insured Address

I write to inform you that I will shortly be homeworking, at the request of my employer.

The work will be of up to 7.5 hours duration, _____ day to _____ day. Additional equipment and furniture will be installed at my address, including computer, fax, filing cabinets and office furniture but this will be the property of, and will be insured by my employer.

Please note your records accordingly, and acknowledge receipt of this letter. Please also advise me if any additional premium is due.

Yours faithfully

Policy Holder

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Annex E - Homeworkers - Intellectual Property and Data Protection

Intellectual Property

Employees do not own the Copyright in work produced in the course of employment with the organisation unless there is a written agreement to the contrary.

Data Protection

It is the duty of the homeworker to take all reasonable precautions to protect confidential information relating to employment with the organisation which is stored in the home and, in particular, from other people residing in or visiting the home.

Information is confidential where it is expressly stated to be confidential. Information can also be confidential where its nature or quality attracts confidence by implication, or where it is covered by the data protection legislation.

Information held on computer which contains data about any identifiable living individuals is likely to be subject to the Data Protection Act 2018 and General Data Protection Legislation 2018. Homeworkers, as employees, do not need to register separately under this Act as they are covered by the organisation's Register entry. But homeworkers will need to know and understand their obligation to keep data about any identifiable living individuals confidential and secure, to operate within the terms of the organisation's Data Protection Register entry, and to comply with the eight Data Protection Principles.

In practice the homeworker's obligations as set out above are best observed by keeping work life and domestic life separate. In particular, where there is a risk that other household occupants might gain access to work related computer files these should be password protected. Great care should be taken not to inadvertently disclose passwords.

Computer files which are not contained in the organisation's networked drives should be regularly backed up onto disc and stored away from the home. Managers are responsible for agreeing and monitoring procedures for ensuring the security of work, information, and data and files under the homeworker's control. Homeworkers should comply with the organisation's procedures on virus checking and logging off when a computer is not in use.

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Appendix 4 - Career Break Implementation Guidelines

Introduction

A career break is an extended period of leave from work that begins with an intention to resume working at an agreed date in the future. Career breaks are unpaid. It is designed for employees who are prevented from remaining in full or part time work but who would like to restart work when circumstances make this possible.

Some examples of where applications could apply are in the context of:

- Caring for a dependant relative.
- Continuing childcare following period of maternity leave.
- Undergoing further education and training of benefit to the organisation.

A career break will not be allowed for the purpose of taking up alternative employment.

The maximum period is 5 years. An employee may however take a number of breaks throughout their employment provided that the total period of absence does not exceed 5 years. A new application must be made for each break requested.

Scope

The scheme is open to all employees provided they have at least 12 months service with NHS HS.

Procedure

Employees who wish to apply for the scheme should discuss the matter initially with their line manager.

Employees should complete the Flexible Working Application form in Appendix 10 (Annex A) and return it to their manager in the first instance. A formal meeting to discuss this request with the line manager should be arranged within 28 days following consultation with the HR team. Applications for a career break should be made at least three months before the start of the proposed break. In exceptional circumstances this requirement may be waived at management discretion.

Each application will be considered on the merits of the individual case and a decision communicated to the employee within 10 days of the formal meeting.

If approved, the employee will be required to sign an agreement to abide by the terms and conditions of the career break scheme.

The HR team will seek confirmation from the manager at the end of each financial year that employees on career breaks have completed the minimum 10 days' work requirement in circumstances where professional registration needs to be maintained.

Employee Commitment

Employees who participate in the scheme are required to advise their manager of any change in circumstances, e.g. address.

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Employees on a career break must normally be available for at least 10 days in each year of the scheme (pro rata for shorter breaks) should they be required to work, attend courses or receive professional updating.

If the career break lasts for more than 1 year, employees are required to advise their manager of their intention to continue the break at least 3 months prior to the end of each year.

Employees will be asked annually to renew their commitment to the scheme and its terms and conditions, and continuation is dependent on receipt of this assurance.

Management Commitment

NHS HS will ensure as far as is reasonably practicable that employees on a career break shall be offered priority consideration for any post at the same grade and undertaking the same type of work as that undertaken prior to the career break.

NHS HS will guarantee to provide career break participants with at least 10 days paid employment per year (pro rata for shorter breaks) in order to keep abreast with changes and developments in the service. This may include training courses and professional updating.

NHS HS will make an annual re-commitment to the scheme with the employee.

NHS HS will provide information regularly to employees on a career break on changes to the service or to conditions of employment.

Employees will be entitled to refuse up to two offers after which the organisation is under no obligation to make any further offers and the employment relationship will have ended.

Return to Work

While no guarantee of a return to a particular post can be given, every effort will be made to place employees in posts of similar grade and responsibility to that held prior to the break, and will take into account the employee's experience, achievements and qualifications.

Three month's notice of an intention to return to work must be given to the manager. During this period copies of the internal vacancy bulletin will be sent to participants in the scheme by the HR team.

If prior to the commencement of a career break an employee works in a part time or job share arrangement, every effort will be made to allow the employee to return on that basis. However, there is no guarantee that this will always be possible.

To ease the transition back to work the employee may ask to work on a part time basis for up to three months before returning to full duties. This should be discussed with the manager at the time of notifying the employee's wish to return to work.

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Terms and Conditions of Service

A period of absence on a career break will not be regarded as a break in service. However, the break itself will not count as reckonable service.

Periods of paid employment during the break will count as reckonable service.

Entitlements accrued prior to the break will not be lost because continuity of employment is maintained.

Sick Leave

Employees are not entitled to sick pay, while on a career break.

Annual Leave

An employee on a career break will retain the annual leave entitlement they have accrued. They will not be entitled to annual leave while on a career break and will start accruing annual leave again upon their return from their career break.

Maternity Leave

Employees will retain the same entitlement to Maternity Leave as that accrued prior to going on a career break. Only reckonable service while on a career break will count towards additional entitlement.

While on a career break employees will not normally be entitled to Maternity Pay as full pay is calculated on the average of the eight week period from the 22nd week to the 15th week prior to the expected date of confinement.

Rejected Applications

Where posts are not considered to be suitable for career breaks explicit, justifiable, and sustainable reasons will be given by the manager.

If an application is rejected the reasons for this will be confirmed in writing to the employee. An employee may appeal in accordance with normal procedures against a decision to reject an application.

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Appendix 5 - Reduced Year Working and (inc. Term Time) Implementation Guidelines

Introduction

Flexible working in the form of a reduced working year can take a number of forms. One of the most common examples is that of term-time working, which is a formal agreement whereby the duties and responsibilities of a post are carried out (either full-time or part-time) during school terms. It allows employees to remain on a permanent contract and gives them unpaid leave during school holidays. The salary of the post is reduced proportionately to the hours worked by the post-holder.

These principles would apply regardless of whether a reduced working year contract is explicitly linked to school terms or not. A reduced working year represents an opportunity for staff to work during certain agreed periods of the year while maintaining their career prospects and personal development.

Scope

An application to request a reduced working year contract is open to all employees as well as prospective employees, no matter what level in the organisation.

Employees on reduced working year contracts are expected to take their contractual entitlement to paid annual leave during pre-agreed periods of leave (such as the school holidays). Subject to local agreement, a maximum of five days' contractual paid leave may be held to be taken with prior notice at times outwith holiday periods for needs which may arise from time to time.

Each employee must agree with their manager how much additional unpaid leave is required to cover the leave period and when exactly paid leave will be taken. These arrangements should be made at the start of the reduced working year agreement

Procedure

Employees should complete the Flexible Working Application form in Appendix 10 (Annex A) and return it to their manager in the first instance. A formal meeting to discuss this request with the line manager should be arranged within 28 days following consultation with the HR team.

The discussion with the line manager should aim to cover issues such as:

- The implications for the employee of a reduced salary and the consequent impact on pension contributions and benefits.
- The likely length of such a contract and the ways of adjusting to the workplace after breaks of unpaid leave for significant periods.
- The ease with which work can be reorganised to meet service needs.
- The need and means to cover work during the periods of leave.
- The impact on other employees when one team member is working term or school time.

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Calculation of Pay

There are two options available for payment of staff who work reduced working year contracts. Option 1 allows for twelve equal payments over the year to be made using a formula to deduct monies due for unpaid leave. Option 2 makes payments to staff on the basis of what they actually work and deductions for periods of unpaid leave.

Option 1

Once an employee has agreed with their manager how much unpaid leave will be taken, their paid annual leave allocation (this will include public holidays due on a pro rata basis) will be recalculated. This calculation will take account of the unpaid period of leave (no annual leave will be accrued during unpaid leave). Following this calculation the annual salary will be calculated on a pro-rata basis for the period of paid employment. This figure will then be paid in twelve equal payments throughout the year.

Option 2

Once an employee has agreed with their line manager how much unpaid leave will be taken and when, the line manager must inform payroll. The necessary deductions to pay for the periods of unpaid leave will be made the month they occur.

Rejected Applications

Where posts are not considered to be suitable for a reduced working year contract, a full explanation will be given by the line manager.

If an application is rejected the reasons for this will be confirmed in writing to the employee. An employee may appeal in accordance with normal procedures against a decision to reject an application.

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Appendix 6 - Flexitime Implementation Guidance

Introduction

By implementing a flexi-time system, NHS HS is seeking to recruit and retain a well-motivated and committed staff. A flexi-time system allows employees a measure of discretion in organising their working day and week. Such a system can:

- Enable employees to fit their personal or domestic commitments into the working day.
- Avoid rush hour travel.
- Accrue extra hours which can be taken as time off at a later date.
- Reduce problems associated with lateness and absence.

Definition

A flexi-time system is one where employees can vary their starting and finishing times and lunch breaks within defined limits. Over a specified period (normally four weeks) employees can build up a credit or debit of hours. Credit hours can be accrued in order to take time off which is normally two days or four half days in the agreed period.

Scope

Flexi-time is available to all NHS HS employees who are office based for a substantial proportion of their time. It is unlikely to suit employees who work irregular hours or who spend significant proportions of their time out of their main base.

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Appendix 7 - Flexi Sheet Guidelines for Staff and Managers

Introduction

NHS HS operates under a flexi-system, this does not withstand requests made and agreed for flexible hours under NHS HS's Flexible Working policy.

The purpose of flexi-time is to reduce the rigidity of set office hours therefore enabling staff to adjust their working day, within certain time limits and subject to business requirements, consequently assisting achievement of a better work-life balance, for example to avoid rush hour travel, reduce problems associated with lateness and absence as well as improving service delivery, through committed, motivated staff.

All staff, excluding those on Executive Level and medical grades, have access to the flexitime system. Subject to business requirements, the flexitime system provides the opportunity for employees to vary their start and finish times at work within defined limits (see below).

Principles of Flexi-Time

As an organisation, NHS HS is committed to ensuring we work in line with Working Time Regulations 1998. All employees are required to record hours worked in order to comply with Working Time Regulations 1998. If any member of staff wishes to opt out of recording their hours they are required to complete a form confirming they wish to opt out of the Working Time Regulations and this opt-out form should be returned to the HR team. Further information is available via the HR team.

Employees can also opt out of the flexitime system, whereby they work within a set pattern and do not accrue flexitime credit which can be taken during the flexi leave period. However, opting out of the flexitime system still requires employees to record hours under the terms of Working Time Regulations.

Employees operating under the flexitime system can accrue flexi-hours over a specified 4 week period. Each flexi period equates to a four week period and within this period a full time employee can take a maximum of 2 days off (15 hours for those contracted to 37½ hours or pro-rated for part-time staff) assuming the flexi-time has been accrued in previous period/during current period.

NB. An employee cannot book flexi-time off more than one-month in advance. Flexi-time off can only be requested and authorised once the time has been accrued. If annual leave has been booked in advance and the employee has accrued enough flexi in that period to swap the annual leave day for a flexi-day, the employee can make a request through their line manager to swap the annual leave day for a flexi day, recording the change accordingly.

The maximum number of hours employees can carry forward from one four week period to another is 15 hours for those on 37½ per week (pro-rata for part-timers) .If an employee has in excess of 15 hours at the end of the four week flexi-period, the excess hours will be lost, unless exceptionally authorised by your line manager. However, employees are expected to manage flexi hours so that hours are not in excessive credit or debit.

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The maximum number of hours an employee can be in debit at the end of a four week flexi period is 7.5 hours. If the debit exceeds 7.5 hours in any one four week flexi period it will be necessary for the line manager to discuss this debit with you, and in exceptional circumstances, utilise annual leave in ½ day units in order to reduce the debit to at least 7.5 hours. If there is insufficient annual leave entitlement, the individual may incur deductions from their salary equivalent to the amount in debit. Consistent up to a maximum of 7.5 hours debit over 3 months, could result in fixed hours being implemented and disciplinary action been taken under NHS HS' Management of Employee Conduct policy and procedure.

NHS Health Scotland used to have Core Time, which informed the hours all employees were required to work unless they were taking leave. This has been removed from the policy during its update in 2016.

Bandwidths are set to determine the earliest and latest hours of working.

The bandwidth for the flexi-system are:
7:00am – 7:00pm

Operating the Flexi-Time System

In order that the scheme operates smoothly and to the satisfaction of both managers and staff, the below procedures must be followed:

Recording Time

A time recording sheet is to be used by all employees operating under the flexi-time scheme, logging starting time, start of lunch break, then end of lunch break and finishing time.

For full time employees working 37½ hours per week, 7 hours 30 minutes per day should be recorded for any type of leave and 3 hours 45 minutes for a half-day i.e. flexi-leave, annual leave, sickness, carers leave, special leave etc. Time should be recorded in 5 minute blocks.

Recording Lunch Break

All employees whose working day is longer than 6 hours, must take and record a minimum of 30 minute lunch break on their flexi-sheet, and in the interests of health and wellbeing all staff must ensure they do take this break.

An audit requirement of the flexi-time scheme is that flexi sheets are available for inspection by managers and auditors at any time. At the end of each four week flexi period timesheets should be signed and dated by the member of staff and then submitted to their immediate line manager for authorisation. All authorised forms should be held by line managers.

All employees are under an obligation to record their hours worked accurately. Failure to record hours, or to falsify hours (i.e. record inaccurate hours) would be deemed as fraud and could result in disciplinary action, and potentially dismissal, under the terms of NHS HS' Management of Employee Conduct policy & procedure.

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Agreeing Time

It is important that employees agree in advance, with their line manager and relevant colleagues, their probable times of work during each four week flexi period in order to maintain sufficient office cover, efficient team working arrangements etc. Any proposals to change the agreed, or customary, attendance pattern should be discussed in advance between the line manager and the individual.

Individuals should note that the working week, for a full time employee, is based upon a 7 hours 30 minutes day (37½ hours per week) for all other staff, and employees should therefore use these hours as the basis for total hours to be worked in a day.

Leave/ Authorised Absence

Any type of planned leave must first be agreed, and authorised, with your immediate line manager. This includes flexi-leave, annual leave, carer's leave, parental leave, special leave, compassionate leave, etc. This type of leave should be recorded on your flexi-sheet as a normal working day and specify the type of leave authorised and taken in the 'Remarks' column.

In relation to sick leave, this should be recorded on the flexi-sheet as outlined above

Travel Time

Excess travel (i.e. over and above normal travel time from home to base) can be recorded within the flexi time bandwidth of 7.00am to 7.00pm. Travel time out with the bandwidth will be time back in lieu and needs to be negotiated with line manager.

Hospital Appointments

Any hospital appointments up to a half working day, would be recorded as special leave and the special leave form should be completed.

Should the hospital appointment be for more than a half day, then it should be recorded as an authorised absence and the self-certification form should be completed with the reason as hospital appointment.

Retention of Flexi-Time Sheets

Hard copies of the flexitime sheets should be retained by the individual's line manager for a period of one year to be made available for audit purposes, and then destroyed. Electronic copies of the authorised flexitime sheet should be held by individuals for a period of one year.

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Appendix 8 - Compressed Working Week Implementation Guidelines

Introduction

Employees are allowed to 'compress' some of their working weeks into fewer full working days, without reducing the total number of hours.

Typically a full time employee may compress their hours into four and a half longer days rather than five each week; or into nine days out of ten each fortnight. This gives them half a day off each week or a full day every fortnight. The hours should be agreed with management well in advance.

A maximum length of day is normally nine hours, to ensure employees are fully productive and do not attempt to squeeze too many working hours into each day.

Scope

Compressed working week arrangements are open to all employees as well as prospective employees, no matter what level in the organisation.

Procedure

Employees should complete the Flexible Working Application form in Appendix 10 (Annex A) and return it to their manager in the first instance. A formal meeting to discuss this request with the line manager should be arranged within 28 days following consultation with the HR team. The request should be considered in the light of the benefits and potential pitfalls listed below before a decision is made.

Terms

If a request is approved, there should be a written agreement setting out the terms. In the first instance an agreement should be for no more than one year with an extension subject to mutual agreement.

Approval should be conditional on the employee's agreement not to undertake other employment without the prior approval of the manager.

Rejected Applications

Where posts are not considered to be suitable for compressed hour working, a full explanation will be given by the line manager.

If an application is rejected the reasons for this will be confirmed in writing to the employee. An employee may appeal in accordance with normal procedures against a decision to reject an application.

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Appendix 9 - Zero Hours Contracts Implementation Guidelines

Introduction

It is recognised that work and home life can create conflicting pressures. Employment on fixed hours contracts can create pressures for employees who are unable to dedicate in advance to standard contracted hours. Employees may need to vary the hours committed at home and at work on a weekly basis depending upon the varying pressures of their home life.

By implementing zero hours contract arrangements, NHS HS is seeking to create an environment which will allow employees to utilise their skills, talents and experiences at all stages of their career. It will also assist NHS HS to recruit and retain a well-motivated and committed staff.

Scope

Zero hours contracts provide the opportunity for employees to work as and when they are able to do so. Zero hours contracts can help to encourage a culture of flexible working practices to allow employees to balance family and home commitments. Zero hours contracts are those contracts where the organisation is under no obligation to provide any working hours and the employee does not have to work any hours when requested.

Procedure

Employees should complete the Flexible Working Application form in Appendix 10 (Annex A) and return it to their manager in the first instance. A formal meeting to discuss this request with the line manager should be arranged within 28 days following consultation with the HR team.

Terms

- Employees on zero hours contracts are entitled to the same basic terms and conditions of employment as those employees on fixed hours contracts.
- The employee will remain employed but need not be paid and will not be bound by any contractual terms except terms relating to good faith and confidentiality which will also bind the employer.
- Employees on zero hours contracts are entitled to annual leave as laid down within the Working Time Regulations. The employee's statutory entitlement to paid annual leave equates to 1 hours leave for every 12 hours worked. This means that once an employee on a zero hours contract works 12 hours they are entitled to 1 hours leave.
- In order to ensure that this entitlement is taken, the employee needs to be "booked" on to work, but then given the time off for annual leave. Maximum annual leave entitlements are those detailed in Agenda for Change.
- Employees who have two contracts of employment with their employer, one of which is for zero hours will not be entitled to annual leave in respect of hours worked on the zero hours contract because they are already afforded their statutory paid annual leave entitlement under their other contract of employment
- Employees on zero hour's contracts are not entitled to Occupational Sick Pay and will only be entitled to Statutory Sick Pay, if they meet the qualifying requirements.

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- Employees on zero hours contracts may be entitled to increments as relevant to the salary scale for which they are employed on as defined within Agenda for Change.
- Those employees who are currently employed on fixed hours contracts but also have a contract for zero hours, enabling them to undertake bank work, will have the same incremental date as in their fixed hours contract. They will, therefore be entitled to receive an increment for both contracts on the same date.
- Employees on zero hour's contracts are entitled to become a member of the National Health Service (Scotland) Superannuation Scheme.
- Full and complete records of the hours worked by employees on zero hours contracts will be kept by NHS HS.
- Employees on zero hours contracts, will be entitled to credit for continuous employment on the same basis as employees on fixed hours contracts.
- Employees on zero hours contracts are entitled to receive the same training opportunities as employees on fixed hours contracts and must receive fore training on a regular basis, repeated at regular intervals.
- Employees on zero hour's contracts are entitled to the same level of briefing and communication as employees on fixed hours contracts.
- Employees on zero hours contracts must advise NHS HS if they have any other employment in order to meet the requirements of the Working Time Regulations.
- Employees on zero hours contracts must maintain their professional registration.

Rejected Applications

Where posts are not considered to be suitable for a zero hours contract, a full explanation will be given by the line manager.

If an application is rejected the reasons for this will be confirmed in writing to the employee. An employee may appeal in accordance with normal procedures against a decision to reject an application.

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Appendix 10 - Process for dealing with flexible working requests

The following procedure must be followed when the line manager receives a formal request:

Initial Meeting

The line manager will hold a meeting with the employee to discuss the application within 28 days of the date on which the application was received. Where the circumstances warrant it, this period can be extended by mutual agreement.

Communication after Initial Meeting

The manager will inform the employee of their decision in writing within 10 working days of the date of the initial meeting.

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 complete a Change Form for the Payroll Department.

Request unsuccessful

Non-acceptance of an application for flexible working can only be for valid and objective service and operational reasons and the line manager must, therefore, confirm these reasons in writing to the employee. 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 Staff Side Representative (if appropriate). 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.

Appeal Procedure

A member of staff can appeal against the decision to refuse their application by submitting a Notice of Appeal form to the HR team within 10 days of receiving written confirmation that their application for flexible working has not been successful.

The notice of appeal must be dated and clearly set out the grounds of appeal.

Appeal Hearing

A hearing will be held to discuss the appeal within 10 working days of the Notice of Appeal form being received by the HR team. The Appeal Panel will 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.

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Note: A hearing will not be required where, within 10 working days of the Notice of Appeal form being received by the HR team, the matter has been satisfactorily resolved informally as outlined above.

Notice of the Decision

The employee will be informed, in writing, of the outcome of the appeal within 10 working 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 complete a Change Form for the Payroll Department.

Where the appeal is unsuccessful, the notice of the decision will state the grounds for the decision and an explanation of the reason that these grounds were found to apply. The Appeal Panel may refer the matter back to the line manager for reconsideration if it is felt that new factors that need to be taken into account have emerged.

Extension of time limits

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

Representation

Employees are entitled to be represented by a trade union or professional organisation representative (including full-time Trade Union Officers), a fellow member of staff, or a friend or relative not acting in a legal capacity, at all stages of the procedure.

Service Reasons for Refusing a Request

An application can only be refused for valid and objective service/operational reasons where it is considered that a change to the employee's work pattern would:

- create an unacceptable additional burden of cost;
- have a detrimental effect on the organisation's ability to meet a service demand;
- have a detrimental impact on service quality;
- have a detrimental impact on the performance of either the organisation or the employee;
- result in an inability on the part of the organisation to reorganise the work of other staff;
- result in an inability on the part of the organisation to recruit additional staff; or
- include periods where there would, regularly, be insufficient work for the employee to undertake.

In addition, there may be occasions where planned organisational changes, or government legislation, might make it impracticable for the organisation to accede to an employee's request for flexible working.

Withdrawal of Application

The organisation 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 two occasions; or

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- 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 withdrawal of the application will be confirmed in writing to the employee.

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Annex A - Flexible Working Application Form

Section 1	
Name	
Job Title	
Team/Directorate	
Contracted Office Base	
Section 2 * Refer to the policy for definitions	
I wish to apply for the following flexible working arrangement: (Tick flexible working arrangement you are applying for):	
Increase or decrease in hours	
Part-time Working	
Job Sharing	
Career Break (if applying for a career break please also complete section 5)	
*Working at Home (this is not for caring/childcare responsibilities)	
Reduced Year Working	
Compressed Working	
Zero Hours Working	
Annualised Working	
Section 3	
Describe your current working pattern below, i.e. days/nights/hours/times worked:	
Describe the working pattern you wish to work in the future below, i.e. days/nights/hours/times worked:	
Is this arrangement Permanent or Temporary	
I would like this working pattern to start from: (insert date) until: (insert date)	

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Section 4

I hereby apply to work a flexible working pattern that is different from my current working pattern and confirm that I meet the following eligibility criteria (tick box):

I have been continuously employed by NHS Health Scotland for at least 26 weeks at the date of my application	
I am NOT an agency worker	
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 my circumstances have changed which are detailed below:

<p>**Working at home only</p> <p>I confirm:</p> <ul style="list-style-type: none"> *I have adequate care/child care arrangements in place. *I am medically fit to work from home and any sickness absence will be reported in line with local agreements *I may be asked to work in the office/elsewhere on a working from home day, if this is a requirement of the business. 	
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Section 5 – For career break applications only.

Career Break applications:

Employee

I.....wish to apply for an extended period of unpaid leave under the Career Break Scheme.

I understand that the conditions of the scheme requires me to undertake up to 10 days paid work with NHS Health Scotland each year and that I must not carry out any other substantive employment during the Career Break period.

I accept and will abide by the conditions of the Scheme and undertake to return to work for a minimum of twelve months at the end of the Career Break.

I understand that failure to comply with the terms and conditions of the Career Break scheme will result in the termination of my employment.

Applicants Signature

..... **Date**.....

Line Managers Signature

..... **Date**.....

Team Head Signature

..... **Date**.....

Annex B - 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 working 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/Staff Side representative, a colleague or a friend/relative not acting in a legal capacity.

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

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Annex C - Confirmation that a Flexible Working application has been unsuccessful

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

Dear *

Following our meeting on *DATE _____ 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):

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).

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 the form.

You will be notified of the outcome of your appeal within 10 working days of the hearing.

Yours sincerely

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Annex E - 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 *date _____.

I will be arranging a hearing to discuss your appeal within 10 working 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/Staff Side representative, a colleague or a friend/relative not acting in a legal capacity.

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

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Appendix 11 - Annualised Hours Implementation Guidance

Introduction

Annualised hours systems provide a way of organising working time by contracting with staff to work an agreed number of hours per year rather than a standard number each week. The actual number of hours worked by a member of staff during the week will then be "flexed" to match workload requirements.

As well as hours being varied week to week, they may also be varied seasonally and/or according to fluctuation of service demands. Annualised hours are used to match attendance of staff to the periods when they are most needed by services.

Fluctuations in hours worked may be predictable or not reflecting the often uncertain patterns of demand for services such as in an acute hospital. Annualised hours working can offer a flexible and efficient way of deploying staff by matching staffing levels more closely with variances in workload. For staff, annualised hours working offers greater flexibility and the opportunity to better manage working hours to allow individuals to tailor the time they spend at work and at home.

For employers, in time this can lead to reductions in staffing costs through efficient allocation of staffing levels and the reduction of overtime costs or use of agency or bank staff.

Under more traditional working arrangements, the demand for services may result in overtime or premium rates of pay at busy times or overstaffing when demand is low. With annualised hours, a yearly staff plan is drawn up in advance so that staff know when they are expected to work on a regular basis.

Pay administration

Staff are paid the same monthly salary throughout the year regardless of the exact number of hours they work each month.

Developing the system

Developing the system requires accuracy and significant effort. Very accurate work scheduling is essential as absenteeism could lead to difficulties in service delivery. Therefore, adequate assessments need to be made before implementation of a scheme, of workflows, demand patterns and efficiency.

Implementation

Annualised hours working is likely to be a useful mechanism where:

- staffing levels do not match the level of patient activity and dependency;
- there are unforeseen peaks in workload;
- sickness absence cover has to be provided at short notice;
- staff are frequently asked to work extra shifts or hours at short notice;
- bank or agency staff are required to provide cover; or
- staff from other wards are needed to "help out".

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Annualised hours working may be appropriate in a range of other settings but the above circumstances describe where an annualised hours system may bring greatest benefit to both staff and managers in providing services. The above condition can lead to uncertainty and informal flexible working for staff, increased costs and decreased quality of patient care.

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