



**Scottish
Ambulance
Service**
Taking Care to the Patient



Flexible Working Policy Version 1.0

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Flexible Working Policy

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Flexible Working Policy

1.0 Policy Statement

The Scottish Ambulance Service is committed to the principles of work/life balance, and recognises that, as one of the range of options, a flexible working arrangement may give staff some discretion as to their starting and finishing times each day. This policy details the procedure for requesting flexible working. There are many forms of flexible working. It can describe a place of work, for example, home working, or a type of contract. Other common variations include: part-time working, flexitime, job sharing and shift working. The request can cover hours of work, times of work and place of work and may include requests for different patterns of work.

In line with the Employment Rights Act 1996, employers have a duty to consider all requests in a reasonable manner; however, managers will have the flexibility to refuse requests on business grounds.

2.0 Right to request flexible working

All employees who meet the eligibility criteria outlined in Section 2.2 below have the right to request flexible working.

2.1 Scope

Eligible employees are entitled to request:

- A change to the hours they work;
- A change to the times when they are required to work; or
- A change to the place they are required to work.

An acceptance of an employee's request for flexible working will result in a permanent change to that employee's terms and conditions of employment unless otherwise agreed (for example any temporary arrangement under review). Any permanent change should be documented as a formal contract variation in order to be effective. The employee has no right to revert back to the previous working pattern once a formal contract variation is in place. For medical staff in the consultant and Specialty Doctor/Associate Specialist grades, this is normally achieved through the contractual job planning process.

2.2 Eligibility

To be eligible to make a request, the employee must:

- Have been continuously employed by Scottish Ambulance Service for at least 26 weeks at the date of application;
- Not be an agency worker; and
- Not have made another application to work flexibly during the previous 52 weeks.

This does not preclude a manager agreeing with an employee that their request can be approved within that time period in circumstances where the request was originally refused, but the work environment can now sustain the change requested.

2.3 Application

An employee can only make one application for flexible working in any 12 month period from the date on which any previous application was made.

3.0 Flexi-time

3.1 Hours of duty

Core working time falls between 9.30am and 4pm each week day with a minimum of 30 minutes and a maximum of two hours for a lunch break, taken between 12 noon and 2 p.m.

Each employee will have discretion within agreed limits to work at times of their choosing but all departments must ensure that they have adequate staffing levels during the working day.

Any balance outstanding must be worked within the hours of 9.30 a.m. and 4 p.m. The period between 7 a.m. and 6.30 p.m. is known as the bandwidth. Employees will normally work their contracted hours during this bandwidth, and working outside this bandwidth will only be allowed if authorised by direct line manager.

3.2 Personal appointments

Employees making appointments with GPs, dentists or opticians, etc. are expected to ensure that wherever possible these take place out with core times. Time will not be credited for these appointments.

Hospital appointments which may not be within the control of the employee and cannot be rescheduled, can be taken during core time but must be sanctioned by the departmental manager and recorded accordingly.

Appointments with Occupational Health, employee counselling (or related appointments) will be accommodated during working time.

3.3 Accounting period

The accounting period (or flexi-time period) will be four weeks and there are 13 such periods in a year. Debit or credit up to 11 hours 15 minutes (one and a half days) may be carried forward to the next accounting period.

During the accounting period, one and a half days may be taken off in lieu of credit accumulated or in anticipation of credit to be accumulated during the accounting period. Prior notice of time off in lieu is needed in order that staffing levels can be maintained.

3.4 Record of hours worked

Each employee will use appropriate documentation / clocking in procedure to record their own time when starting and leaving work, including lunch breaks.

At the end of each week/month a copy of the flexi recording sheet should be authorised by the appropriate line manager or other named person (unless clocking in system is used).

3.5 Treatment of authorised absences

Absences through sickness, attendance at courses, annual leave and other leave of absence with pay will be regarded as 7.5 hours per day. The hours of authorised absence should be entered on return. For the purpose of recording, a half day will be defined as 3 hours and 45 minutes.

3.6 Leave

For annual, compassionate, sick leave, etc., time will be credited on the record sheet /clocking system on the basis of one full day or half day of the working week.

3.7 Overtime on flexi time system

Employees who are required by their manager to work more than their full-time hours (or the full-time equivalent of a part-time employees) will be entitled to overtime rates in line with Agenda for Change. For hours worked up to between 7 a.m. and 6.30 p.m. employees may choose either to accrue lieu time or to claim an overtime payment. Hours worked before 7 a.m. and after 6.30 p.m. will attract normal overtime rates according to NHS Terms and Conditions of Service.

If for operational reasons any flexi/time back has not been taken after three months this should be paid as overtime, in line with NHS Terms and Conditions of Service.

3.8 Part-time staff

This agreement will also apply to part-time staff with the relevant changes to work times.

3.9 Leaving employment

Where an employee is leaving the Service they should ensure that their flexi-time balance is at zero hours on their last day. No payment will be made for credit hours worked.

Line Managers are responsible for ensuring that, if they have employees who are in their notice period prior to termination of their employment, that their flexi should be closely monitored and employees given the opportunity to clear their flexi credit or debit. Any debit balances will be deducted from an employee's final salary.

4.0 Self-rostering

4.1 Definition

Team-based self-rostering is an approach to scheduling work, giving people more control over the pattern of their working week. Parameters are set by agreeing in advance the levels of staff and skill mix required hour-by-hour throughout the working day. Employees put forward the times they would like to work and times they would like to protect away from work. This information is then used to compile shift patterns that match individual preferences as closely as possible, whilst maintaining agreed levels of cover at all times. There may be no requirement for employees to work their 'contracted hours' on a weekly or indeed monthly basis. Self-rostering programmes can enable employees to 'bank' hours worked over or under contractual hours. Hours can then be taken back or extra hours borrowed as dictated by the personal circumstances of employees. Self-rostering can lend itself to all staff groups within the NHS, and works best in a large mixed team where there is a variety of personal circumstances among employees, and different preferences about work patterns.

4.2 Benefits of team-based self-rostering

Benefits for employees include:

- More control over the scheduling of their own working lives;
- A stronger voice in the planning of team activity;
- Previously unrecorded extra time at work is noted and carried forward in a "time bank";
- Linking start and finish times more efficiently to travel and family care arrangements;
- Opting for fewer, longer shifts where appropriate (within the requirements of the Working Time Regulations);
- Being able to attend appointments without losing a whole shift; and More discretion to be at work for significant events in patient care.

Benefits for the organisation include:

- Potential conflicts and tensions over shift allocation may be reduced;
- A better match between staffing levels and delivery of care;
- Development of stronger team spirit;
- An opportunity to review the match between staff resources/care needs, and the potential for new care initiatives, such as evening cover etc.;
- Improved retention of staff (once staff have worked in a self-roster environment, very few want to give it up); and
- Reduced reliance on agency/bank staff.

Benefits for patients and users include:

- Better motivated staff ensuring better quality of care;

- More effective use of staff resources to deliver more care;
- Improved access to care through extended work patterns.

4.3 Implementation guidelines

There is no single way to structure a project to introduce self-rostering that will prove successful for all. However, the following critical success factors have been identified:

4.3.1 Ask the team

The first step is to assess the support among employees for team based self-rostering. Although there are benefits to the service in implementing a successful scheme, its first purpose is to give employees more control over when they work. There may be differences of opinion among existing employees about how desirable this is. But the scheme's impact on future recruitment and retention should also be considered.

4.3.2 Explore the key questions

In discussions with employees, these questions need to be considered:

- Would employees value more flexibility in their working lives?
- Will there be any effect on the delivery/continuity of patient care and how can a gain in quality of care be ensured?
- Will it help to retain existing employees and recruit new employees?
- Will it reduce absences and the need for bank or agency staff?
- Will it be fair to all?
- Could it impact on equal opportunities policy?
- Will a computer system be required or will a manual system work?
- Will it affect overtime or unsocial hour's earnings?
- How will handovers be managed when there aren't clear shift changes?

4.3.3 Set the parameters

Before a team-based self-rostering scheme can be introduced, principles and parameters must be agreed. These will include:

- Agreeing minimum and maximum staff levels for each hour of the day;
- Agreeing skill, grade and if necessary gender mix, hour by hour;
- Agreeing "veto" hours and any "core" hours;
- The preferences for hours to be worked by each member of the team;
- Protected time periods for each member of the team when they specifically do not want to work; and
- Agreed limits as to how much time owed or time owing can accrue to each team member.

4.3.4 Compare agreed staffing levels with actual establishment

Is there a match between required staffing levels and staff available? If there is a mismatch, what steps can be taken to correct it?

4.3.5 Select an operating system

The operating system which processes employee requests and produces the rosters is a key element. This can be done manually with pencilled preferences input to a shift chart and then confirmed in ink. Various computer systems will automatically process the information from employees to produce recommended rosters. However, computer programs may be difficult to program where complex skill mixes have to be achieved, and require basic keyboard skills from staff. Some form of manual system is probably desirable in the early phases of implementation, and for smaller or less complex teams. Questions to consider are:

- Are all team members comfortable with using a computer based system?
- If not, what support or training can be given?
- Where could the computer(s) be sited to give all team members access?
- Will it be possible to integrate the computer system into existing organisational IT systems?
- Is IT support available?
- Who will be responsible for putting in the time it takes to prepare a roster manually from information supplied?

4.3.6 Trial the system

A time-limited trial will give team members a taste of self rostering. Evidence suggests that three months is the minimum period for the effect to be assessed; six months will provide a better picture of how well it works. All members of the team should be given the opportunity to express their views during this trial. At the end of this period, the effect of the scheme can be assessed:

- What is the general team view?
- What has been the uptake of the scheme?
- Have patients expressed views?
- Are any individuals unhappy with the scheme and, if so, for what reasons?
- How has the service been affected?

It may be appropriate to trial the scheme with a “team within the team”, but it should be large enough to make the trial a valid basis for assessment.

4.3.7 Implement and monitor

Given that problems identified in the trial can be resolved, the scheme can be carried forward, but it will be important to continue to monitor employee attitudes to its operation.

- Do team members want it to continue?
- Have patients or the service been affected?
- Are modifications needed?

Communicate the initiative to other teams, if it is successful. Self-rostering will work effectively where these factors are present:

- Effective team working;
- Sensitivity to individuals' working time requirements within the team; and
- Managers with good leadership skills.

4.4. Earnings

Any intention to alter pay through changing shift patterns should be negotiated through the normal channels, to avoid rejection of a system that would suit both employees and the organisation. Increased flexibility may take some staff into or out of periods that attract enhanced payments. Some groups may not have worked unsocial hours in the past and therefore not attracted additional payments.

Employees who are in receipt of equated unsocial hours payments will require a new calculation based on the new shift pattern.

4.5 Training

There may be a need for training for managers and employees in the following areas:

- An understanding of the concepts and cultural changes involved in self-rostering; and
- Techniques for managers to assess the scope for flexibility balanced with the preferences of individual employees within the agreed parameters. Each initiative will need to consider how to provide training in the self rostering system and who should provide it. The starting point should be to consult those who are responsible for general management training within the organisation.

5.0 Procedure for managing flexible working requests

5.1 Introduction

All individual applications for flexible working must be made on the Flexible Working Application Form attached at Appendix 1. The completed form should then be submitted to the employee's line manager. This application should be acknowledged in writing by the line manager (see Appendix 2) and a copy sent to the HR department..

There are two exceptions to this: the procedure for women returning from maternity leave who wish to job share is described in the job share policy, and the procedure for introducing annualised hours is described within the annualised hours policy.

6.0 Submitting a flexible working Application Form

The following procedure must be followed:

6.1 Initial meeting

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

6.2 Communication after initial meeting

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

6.3 Request accepted

If the request is accepted, the line manager must confirm this in writing to the employee, specifying the new working pattern and the date from which it will take effect. With agreement by both parties, a trial period may be agreed before accepted on a permanent basis. The line manager must also notify the Payroll Department.

The line manager must also consider whether the employee's contract of employment requires to be amended to reflect the change to the working pattern. If so, this should progress with the support of the Human Resources Department.

6.4 Request unsuccessful

Non-acceptance of an application for flexible working can only be for valid and objective service/operational reasons. The line manager must, therefore, confirm the reasons in writing to the employee (see Appendix 3). The employee should also be provided with details of the formal appeal procedure. There is also the provision that, before progressing to appeal, it may be preferable for the manager and the employee to seek advice on resolving the matter from an appropriate member of the HR Team and a Trade Union/or Professional Organisation representative. This approach will not preclude the employee's right to raise a formal appeal in the event that they consider that the matter has not been satisfactorily resolved.

7.0 Appeal procedure

An employee can appeal against the decision to refuse their application by submitting a Notice of Appeal form (see Appendix 4) to the next in line senior manager (i.e. line managers manager) within 14 days of receiving written confirmation that their application for flexible working has been refused. The notice of appeal must be dated and clearly set out the grounds of appeal. The employee should receive confirmation of receipt of the Notice of Appeal (see Appendix 5).

7.1 Appeal hearing

A hearing will be held to discuss the appeal within 14 days of the Notice of Appeal form being given to the manager by the employee. The Appeal will ideally be heard by the next in line senior manager (i.e. line manager's manager) and a member of the HR Team, neither of whom should have been involved in making the original decision. N.B. A hearing will not be required where, within 14 days of the Notice of Appeal form being received by the manager, the matter has been satisfactorily resolved informally as outlined above.

7.2 Notice of the decision

The employee will be informed, in writing, of the outcome of the appeal within 14 calendar days of the hearing. Where the appeal is upheld, the notice of the decision will specify the new agreed working pattern and the date on which it will take effect. The line manager must also notify the Payroll Department. The line manager must also consider whether the employee's contract of employment requires to be amended to reflect the change to the working pattern. If so, this should be progressed with the support of the Human Resources Department. Where the appeal is unsuccessful, the notice of the outcome will provide a clear and detailed explanation of the reasons for the decision.

8.0 Extension of time limits

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

9.0 Representation

Employees are entitled to be accompanied by a trade union or professional organisation representative or a colleague, at all stages of the procedure. If the employee wishes alternative representation, such as a family member or friend, this should be discussed with the Head of HR.

10.0 Service reasons for refusing a request

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

- Create an unacceptable burden of additional cost;
 - Have a detrimental effect on the organisation's ability to meet a service demand;
 - Have a detrimental impact on service quality;
 - Have a detrimental impact on the performance of the organisation, their colleagues or the employee;
 - Result in an inability on the part of the organisation to reorganise work among existing;
 - Result in an inability on the part of the organisation to recruit additional staff;
- or

- Include periods where there would be insufficient work for the employee to undertake.

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

11.0 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 one occasion; or
- Refused, without reasonable cause, to provide information which the organisation considers necessary to assess whether the employee's request to work flexibly should be granted.

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

12.0 Review of policy

This policy and procedure (s) has been updated as part of continual improvement programme within the Service focusing on ensuring best practice in partnership with Managers and staff representatives through a partnership working group. The policy will be formally reviewed on a continuing basis as part of this process, no later than the date on the front cover of this document.

Appendix 1 Flexible Working Application Form

1. Personal details

Name	
Address	
Job title	
Payroll number	
Department	
Location	

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

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

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

Impact of the new working pattern

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

Accommodating the new work pattern

How do you think this can be managed/resolved?

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

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

Applicant’s signature

Date

Appendix 2 Confirmation of receipt of Flexible Working Application Form

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

Dear

I confirm receipt of your completed Flexible Working Application Form dated _____.

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

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

Yours sincerely

Appendix 3 Confirmation that a Flexible Working Application Form has been declined

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

Dear

Following our meeting on _____ at which we discussed your application for flexible working, I have now considered your application and regret that I am unable to accommodate your request for the following service/operational reason(s): [insert one or more valid reasons as listed at section 10]

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 _____ (HR team) at _____ (address) within 14 days of receiving this letter.

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

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

Yours sincerely

Appendix 4 Flexible Working Appeal Form

1. Personal Details

Name	
Address	
Job title	
Payroll number	
Department	
Location	

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

[Please continue on a separate sheet if necessary].

Applicant's signature

Date

Appendix 5 Confirmation of Appeal

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

Dear

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

I will be arranging a hearing to discuss your appeal within 14 days of the above date. In the meantime you may wish to consider whether you wish to be accompanied at that meeting by a Trade Union/or Professional Organisation representative or a colleague.

Please 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