

Flexible Working Policy

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DOCUMENT TRACKING SHEET

Flexible Working Policy

Version	Status	Date	Issued by	to/approved	Comments
6.0	December 2022 Policy was archived and included within the Staff Handbook – Our People Policies. Decision made to separate all policies and re-instate as individual policies in April 2023				
6.2	Draft	August 2023			Review of document to ensure it is up to date and fit for purpose
7.0	Approved	August 2023	Joint Negotiating Forum/ Chief People Officer		Approved Assurance given to Workforce and OD Committee – Sept 23

REFERENCES

Employment Act 2002
ACAS Code of Practice 2003

RELATED POLICIES/PROCEDURES/protocols/forms/leaflets

Special Leave Policy	
Parental Leave	

SUMMARY OF CHANGES

Date	Author	Page	Changes (brief summary)
August 23	M Cheeseman	4	Added - If the original request made by the employee cannot be agreed, the manager and employee should explore further options to see whether an arrangement to work flexibly could be supported.

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1 WHAT THIS POLICY COVERS

- 1.1 In accordance with the Employment Act 2002 KMPT has a statutory responsibility to carefully consider all requests for flexible working made by substantive employees.
- 1.2 This policy outlines who is eligible to make a formal flexible working request, the procedure that should be followed and issues that will be considered when deciding whether to agree to the request.

2 PRINCIPLES

- 2.1 KMPT has a strong commitment to improving working lives and supports employees in positively exploring ways in which they can better balance their work and personal lives.
- 2.2 KMPT will make every effort to accommodate a request for flexible working.

3 RESPONSIBILITIES

- 3.1 KMPT has overall responsibility for ensuring that this policy is applied in a fair and consistent way.
- 3.2 KMPT managers must ensure that all employees making a request for flexible working are treated equally and fairly and will not unlawfully discriminate against any individual for any reason, with particular focus on preventing unlawful discrimination on the grounds of any protected characteristics. Managers must make every effort to accommodate a request for flexible working regardless of reason.

4 POLICY IN PRACTICE

4.1 Eligibility

- 4.1.1 All employees are eligible to make a request for flexible working from day 1 of employment. Employees can make more than one request per year and can do so regardless of the reason for them.

4.2 Options for flexible working

- 4.2.1 There are numerous ways employees can change their current working hours and pattern, including moving to:
 - Job sharing – the employee and one or more people share responsibility for their current role.
 - Part-time working – (any number of hours under 37.5)
 - Voluntary reduced working time – working fewer hours for an agreed period.
 - Annualised hours (or Average hours working patterns) – working their contracted hours flexibly throughout the year without affecting their regular salary payment.
 - Flexi-time – working flexible hours during the day within defined limits.
 - Compressed hours working – contracted working hours are compressed into fewer days.
 - Job-splitting – two part time jobs created from one full-time post without the need for continuity and communication.

- Term time working – concentrating their work hours within school term times to provide time off to look after children during school holidays.
- Hybrid Working – where all or part of their role is undertaken from home.
- Personalised Annual Leave - This is an arrangement whereby employees can “buy” or “sell” annual leave subject to minimum and maximum ceilings, with a commensurate adjustment to their salary. Please read the annual leave policy for more information has a strong.
- Flexible rostering – this is where an employee may work periods of differing lengths with an agreed overall period.
- Fixed work patterns – this is where by agreement days off can be irregular to enable, for example, access by separated parents to their children
- Flexible retirement – this is where an employee may choose to return by winding down, stepping down or opting out, or bank working. More information can be found in the retirement policy.
- Employment breaks – can be used to provide greater flexibility to employees wanting to balance their working and home life and have therefore been included within this document. For more information on employment breaks, please refer to the Employment Break Policy

4.3 Remuneration and benefits

- 4.3.1 Staff working reduced hours through a flexible working agreement will have a pro-rata entitlement to the same pay and conditions as full-time employees and will have equal access to training and career development opportunities.
- 4.3.2 It is important to note that moving to any flexible arrangement resulting in a reduction in hours will result in changes to the annual leave and sick pay entitlements and employees should seek advice about likely impact before making a final decision.

4.4 Making an application for change

- 4.4.1 If employees wish to make an application to change their current way of working, they need to complete the flexible working application (found on the Staff Handbook - Our People Policies forms page on i-connect) and once completed they must forward it to their manager.
- 4.4.2 After receiving the application, their manager will arrange to meet with the employee to discuss the request. This will be within 28 days of the manager receiving the application. The meeting will provide an opportunity to discuss the desired work pattern in depth and how best it might be accommodated. It will also provide an opportunity to consider other working patterns, should accommodating the desired work pattern in the application prove difficult.

4.5 Decision

- 4.5.1 After the meeting, the manager will confirm in writing, within 14 days, their decision to the employee. When deciding they will consider:
- The impact the requested change would have on service delivery.
 - How the change would affect colleagues.
 - What the financial impact on KMPT would be.

- Can the training needs of the employee be met/ structured adequately around any reduction/change in hours?
 - Will adequate supervision be available during working hours?
- 4.5.2 If the request is agreed a letter will be sent confirming the new working arrangements and start date. Please contact kmpt.hr@nhs.net for a template letter. Please note that if the employee agrees to the change, which involves a reduction in hours, they will have no automatic right to return to their original pattern of work if they wish to change again in the future.
- 4.5.3 If the change requested is a temporary one, for a few months, the employee and the manager would review at the end of that period. We would always recommend that any flexible working arrangement agreed (apart from a permanent reduction in hours) should be reviewed every six months to ensure that it is still meeting the needs of the individual and the service.
- 4.5.4 If the original request made by the employee cannot be agreed, the manager and employee should explore further options to see whether any other arrangement could be agreed to work flexibly could be supported.
- 4.5.5 If the request has been refused a letter will be sent to the employee detailing the reason(s) why the request has been declined and provide details of the employee's right of appeal. Letter template can be obtained from kmpt.hr@nhs.net.
- 4.5.6 The decision to decline a request should be made after the manager has had a discussion with the HR advisor and should only be declined due to the statutory reasons for refusal;
- The burden of additional costs
 - Inability to meet service demand
 - Inability to recruit additional employees
 - Risk of detrimental impact on quality or performance
 - Insufficiency of work during the periods the employee proposes to work
 - Planned structural changes
 - Inability to reorganise work among existing employees.

4.6 Agreement

- 4.6.1 All forms of flexible working must comply with the European Working Time Directive (EWTD) and relevant Health and Safety Regulations
- 4.6.2 Where the flexible working application is successful the manager should complete a change form which should be sent to Workforce Information, where applicable.
- 4.6.3 If the total working hours have changed the manager should also recalculate the employee's Annual Leave for the remainder of the year, taking account of any leave already accrued and/or taken using the annual leave calculator (which can be found on i-connect- <http://i-connect.kmpt.nhs.uk/document-library/annual-leave-calculators/542>)
- 4.6.4 • Upon agreement, managers must discuss with the employee their expectations and aspirations under the new flexible working hours contract.
- 4.6.5 This should cover factors such as:

- i) Necessity to provide cover for absent job- share partners; and
- ii) Arrangements for attending team or training events.

4.6.6 If there is a change to the employee's working environment (e.g. if hybrid or working in a lone office environment), managers must carry out a risk assessment, and the arrangement only implemented where the risks are adequately mitigated.

4.7 Trial Periods

4.7.1 In some circumstances the manager and/or employee may have reservations about the potential success of the new arrangement. In these circumstances, the manager may agree a trial period of up to three months to assess the impact of the arrangement. As stated above, flexible working arrangements (apart from a permanent reduction in hours) should be kept under constant review to ensure they still meet the needs of the individual or the service.

4.8 Length of arrangement

4.8.1 Any arrangement involving a change in annual hours will be contractual and agreed by both parties

- Where there is an organisational need for an agreed Flexible Working arrangement to be changed, this may be agreed informally between the employee and the manager. Where the employee does not wish to agree informally to a change in the flexible working agreement, a formal period of consultation must be held with the employee to manage the proposed change and give the employee the right to engage with the proposal. This should be conducted in accordance with the Organisational Change Policy.
- Where the agreement is to be terminated reasonable notice should be given, (usually at least one months' notice) to enable both parties to make appropriate transitional arrangements.
- In the case of job-sharing, if one sharer leaves, the existing job-sharer should be offered the full-time post (where accepted the manager must complete a change form). If the existing job sharer does not want to work full-time, the vacant hours of the post must be advertised. If a suitable candidate is not found after the post has been advertised internally and externally, the department should explore alternatives such as (this list is not exhaustive):
 - a) Re-distribution of workload
 - b) Re-distributing hours elsewhere within the team (as appropriate)
 - c) Re-structuring the department

4.8.2 Any post designated for job sharing will remain as a whole-time post on the establishment. Hours and cover arrangements will be agreed between the job sharers and the manager.

5 APPEAL

5.1 If an employee wishes to appeal a decision to refuse their request the process to be used is set out in the Appeals Procedure.

6 EQUALITY IMPACT ASSESSMENT

- 6.1 The Equality Act 2010 places a statutory duty on public bodies to have due regard in the exercise of their functions. The duty also requires public bodies to consider how the decisions they make, and the services they deliver, affect people who share equality protected characteristics and those who do not. In KMPT the culture of Equality Impact Assessment will be pursued in order to provide assurance that the Trust has carefully considered any potential negative outcomes that can occur before implementation. The Trust will monitor the implementation of the various functions/policies and refresh them in a timely manner in order to incorporate any positive changes.

7 HUMAN RIGHTS

- 7.1 The Human Rights Act 1998 sets out fundamental provisions with respect to the protection of individual human rights. These include maintaining dignity, ensuring confidentiality and protecting individuals from abuse of various kinds. Employees and volunteers of the Trust must ensure that the trust does not breach the human rights of any individual the trust comes into contact with.