



Please Note: This policy is currently under review and is still fit for purpose.

Flexible Working Policy

This procedural document supersedes: CORP/EMP 48 v.6 - Flexible Working Policy
 and incorporates: CORP/EMP 45 v.5 (amended) - Career Break Policy
 CORP/EMP 43 v.4 - Job Share Scheme
 CORP/EMP 44 v.4 - Term Time Contract for Working Parents.



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Executive Sponsor(s):	Karen Barnard, Director of people & OD
Author/reviewer: (this version)	John Scott, HR Manager
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Target audience:	Trust-wide

Amendment Form

Please record brief details of the changes made alongside the next version number. If the procedural document has been reviewed **without change**, this information will still need to be recorded although the version number will remain the same.

Version	Date Issued	Brief Summary of Changes	Author
Version 7	17 November 2020	<u>Amendment</u> Appendix 3 – Replace ‘unless otherwise agreed, this is a permanent change to my working pattern. With ‘this flexible working agreement will be continuously monitored and will be reviewed at least every 12 months. Any agreed flexible working arrangements will not constitute a permanent change to my contract of employment’	Ashish Kaushik
Version 6	15 December 2017	Merger of related policies into one document	John Scott
Version 5	Jan 2012	General review of whole policy	Kerstie Stevens
Version 4	May 2009	3.1 & Appendix 1- To reflect changes in the right to request flexible working until a child is 16 years of age	Kerstie Stevens
Version 3	Aug 2007	Section 2 - Replace ‘at certain times’ with ‘to certain patterns’ <ul style="list-style-type: none"> • Section 3 - Replace ‘part-time’ with ‘flexible’ • Section 3.1- Replace paragraph starting ‘From April 2003...’ to paragraph starting ‘You have a statutory right...’ • Replace separate points with one either/or point • Insert paragraph starting ‘Parent/guardian includes...’ • Replace ‘not an automatic right’ with ‘right to have this request granted’ • Insert sentence starting ‘All requests for flexible working...’ • Replace ‘any change authorised will be permanent, unless otherwise...’ to ‘Changes may be on a permanent or fixed term basis as’ • Replace ‘the monetary implications’ with ‘all the implications, including financial’ • Section 5.2 - Replace ‘reserves the right to’ with ‘will’ • Delete the sentence starting ‘If a job share partner is not identified...’ • Section 5.3 - Replace ‘Staff who’ with ‘Term time working is when staff’ • References - Insert References • Appendix 1 - Insert ‘I am making this application to enable me to care for an adult’ 	Rosalind Sullivan
Version 2	October 2005	Amended to include same sex partners (Civil Partnership Act 2005)	Helen Selvidge

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1. INTRODUCTION

We are committed to promoting a work environment that values diversity and is committed to developing policies and initiatives that will make a difference and support work-life balance. We understand that if we want to recruit and retain high quality staff, we need to be flexible and adopt modern employment practices and ways of working.

Equally, we also have a responsibility to deliver healthcare 24/7 all year round. Wards and departments need to be staffed to acceptable levels at all times and everyone needs to be flexible to respond to service needs. But there should still be scope for all employees to work flexibly, recognising their personal circumstances and commitments.

2. PURPOSE

The purpose of flexible working is to provide increased opportunities for those members of staff who need to change their working pattern due to personal circumstances. It also supports the recruitment of external candidates whose domestic arrangements allow them to work in only certain patterns. Doctors in Training who wish to request Flexible Working should in the first instance discuss this with their contact point at the Deanery.

Examples of flexible working arrangements used in the Trust are listed at appendix 1.

3. DUTIES AND RESPONSIBILITIES

A list describing roles and responsibilities is at appendix 2.

4. PROCEDURE

All current and prospective employees may apply to work flexibly. Applications will be considered on an individual basis and, although there is a formal process set out below, many changes may simply be agreed by mutual consent. Should a more formal approach be required, application forms are at appendix 3, and a flowchart describing the procedure is at appendix 4.

4.1 Statutory rights

Some employees will have a statutory right to request flexible working. This applies if you are an employee with at least 26 weeks continuous service and are:

- the parent/guardian of a child/children under the age of 17
- the parent/guardian of a disabled child under the age of 18
- the main carer for an adult

These rights do not apply to agency workers. The term 'parent/guardian' includes the child's mother, father, adopter, guardian, foster parent, and partner of the child's mother, father adopter, guardian, foster parent, including same sex partner. In effect, you must have responsibility for the child's upbringing.

4.2 Applications and decisions

This is a right to *request* to work flexibly, not a right to have this request granted. Applications must be in writing and are limited to only one application per year. Changes can be on a permanent or fixed term basis, as agreed between you and your manager. You will need to carefully consider all the implications, including financial, of changing your working arrangements and which working pattern will best suit your present and future needs for providing care.

A flowchart showing the timescale for application is at appendix 4. Your manager will arrange to meet with you within 28 days to discuss the request and, if they cannot agree to the request, to explore alternative solutions. They should then write within 14 days to either confirm the agreed new work pattern and start date, or give to a clear, justified reason why the request cannot be accommodated, explaining the operational reasons why this is not practicable.

4.3 Appeals

If your application is refused, you have the right of appeal to the next level of line management. The appeal should be made in writing within 14 days of the receipt of the refusal of the flexible working request. The manager will make the necessary arrangements to hear and consider the basis of the appeal, ideally within 28 days of receipt. The manager will confirm the outcome of the appeal in writing to the employee and their decision is final. However, if you feel that the procedure outlined in this policy has not been followed, you have access to the Trust's Grievance and Disputes Procedure.

5. TRAINING/ SUPPORT

There is no formal Statutory and Essential Training associated with this policy. HR Business Partners can offer support and advice to managers about the content of this policy.

6. MONITORING COMPLIANCE WITH THE PROCEDURAL DOCUMENT

What is being Monitored	Who will carry out the Monitoring	How often	How Reviewed/ Where Reported to
Suitability of policy	Deputy Director of P&OD	At least every three years, or if legislation changes	Monitor best practice and legal updates
Effectiveness of the arrangements	Deputy Director of P&OD, in partnership with Staff Side	Annually	Monitoring information should be analysed and used to review and revise policies and procedures to ensure continuing effectiveness.

7. DEFINITIONS

Explanations of flexible working terminology are included at appendix 1.

8. EQUALITY IMPACT ASSESSMENT

The Trust aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are disadvantaged over others. Our objectives and responsibilities relating to equality and diversity are outlined within our equality schemes. When considering the needs and assessing the impact of a procedural document any discriminatory factors must be identified.

An Equality Impact Assessment (EIA) has been conducted on this procedural document in line with the principles of the Equality Analysis Policy (CORP/EMP 27) and the Fair Treatment For All Policy (CORP/EMP 4).

The purpose of the EIA is to minimise and if possible remove any disproportionate impact on employees on the grounds of race, sex, disability, age, sexual orientation or religious belief. No detriment was identified. (See Appendix 5).

9. ASSOCIATED TRUST PROCEDURAL DOCUMENTS

Grievance and Dispute Procedure (including Staff Copy) - **CORP/EMP 3**
 Fair Treatment for All - **CORP/EMP 4**
 Restructure, Reorganisation, Redeployment and Redundancy Policy – **CORP/EMP 9**
 Retirement Policy - **CORP/EMP 12**
 Equality Analysis Policy – **CORP/EMP 27**
 Roster Policy - Nursing and Midwifery – **CORP/EMP 35**
 Recruitment and Selection Policy - **CORP/EMP 36**
 Special Leave Policy - **CORP/EMP 47**

10. REFERENCES

Employment Act 2014
 Agenda for Change: Terms and Conditions of Service Handbook
 The Flexible Working Regulations 2014
 Children and Families Act 2014
 The Equality Act 2010
 ACAS Rights and Responsibilities at Work

APPENDIX 1 - EXAMPLES OF FLEXIBLE WORKING

Listed below are some working patterns you may want to consider. Clearly, there may be jobs where operational demands mean they are not always feasible. But talk to your line manager about what might be possible.

Part-Time Working

In the context of delivering a 24 hour service, everyone works part-time. Part-time hours may vary from just a few to over 30 hours per week. Similarly, patterns of work vary tremendously - some staff work just weekends, others work evenings, mornings, afternoons, a few days a week or a combination to fit in with personal circumstances.

Job Sharing

This is where two people perform the duties of one job. The two job holders share the work load, the decision making, problem solving and in some instances, the staff supervision.

Term time only

You work term time only (39 weeks) and do not work at all during the school holidays, but are paid all year round at a pro-rata rate.

Many posts in the Trust may be suitable for a term time only contract but, as the demand for health services does not tend to go down significantly during school holidays, there is a limit to the number of term time posts each department or directorate can accommodate. If a term time only contract is granted, it will initially be for a fixed period of 1 to 2 years only and will be reviewed regularly.

People on term time only contracts are not allowed to take annual leave during term time, although managers can authorise unpaid leave in exceptional circumstances.

Home- or Tele- Working

Some posts do not require an employee to be permanently on site or closely supervised, and particular pieces of work can be done more easily without the interruptions of colleagues, phones etc.

Home working also helps support the Trust's "green" transport plan as it reduces the amount of travel to sites and car parking demand.

If you are spending a significant amount of time at home, your manager will need to agree arrangements for you to attend Trust events such as team brief, statutory training and regular keeping in touch and appraisal meetings.

You may have IT equipment you can use at home or it may be possible to borrow equipment. In either case, Information Services will need to check the security, confidentiality and safety issues connected with using IT equipment off site.

Annualised Hours

This is where you are contracted to work a total number of hours per annum or month. Your hours do not necessarily have to follow a set pattern or routine, and so is helpful for managing peaks and troughs in demand.

Compressed Hours

You work longer hours and reduce the number of days worked per week or per fortnight.

Self Rostering

This is about stating your preferred working pattern, within agreed parameters, before a rota is formally drawn up. The needs of the department remain paramount and must fully comply with service delivery needs.

Secondments

Secondments provide the opportunity to experience working elsewhere for a limited period of time whilst still retaining your job. It can be to another NHS organisation, or just to another department within the Trust. The terms of a secondment mean that your terms and conditions of employment are maintained by your 'home' employer. A secondment would not be regarded as a break in service.

Flexi-Time

Flexi-time allows you to vary your working hours within specified limits. There are usually earliest start and finish times in place and the opportunity to build up a debit or credit of 'flexi leave' over time.

Staggered Hours

This is a way of creating flexibility, similar to compressed hours, by working with different start and finish times. It can increase the number of hours the service is open and also allows for the service to be staffed during peak times. This works particularly well for clinics where less staff are required at the beginning and end of the day.

Career Break

A career break allows you to take an extended break (three months to five years) from the workplace without the need for resigning and seeking re-employment. There is a clear expectation that you will return to work for the NHS.

You can request a career break for a number of reasons including caring responsibilities study leave, training, working abroad, voluntary work or travelling.

You need to think carefully about the pension implications of taking a career break and whether you wish to continue, or pause your contributions. You should seek advice from an NHS Pension expert and notify your line manager of your decision.

You cannot take other paid employment during your career break without the agreement of a Director of the Trust. Permission will only be considered where the work is likely to broaden your experience, or be of benefit to the Trust when you return to work.

If your career break is 12 months or less then, as far as reasonably practicable, you will

turn to your original post. You have to give at least two months' notice of your intention to return. Any longer than a year, that post is not guaranteed but, where practicable, you will be offered a job as similar as possible. You should give three months' notice. Your pay will only start once you take up a suitable vacancy. Standard pay protection arrangements apply.

Your vacancy search can continue for up to 3 months (in line with the notice period required for your return to work. If you refuse the offer of these posts, your employment will be terminated. The Trust will write to you explaining the situation and inviting you to a meeting to discuss the proposed termination. You are entitled to be represented at this meeting by a colleague or a Trade Union representative. You will be offered a right to appeal against the termination of their employment.

The main terms for a career break are included in the staff handbook, Agenda For Change, Part 5 Section 36: Employment Break Scheme

Flexible Retirement

This is an arrangement where you retire and draw your pension, but then return to work, often on a part-time or reduced hours basis. Full details are included in the [Retirement Policy](#).

APPENDIX 2 – ROLES AND RESPONSIBILITIES

ROLES AND RESPONSIBILITIES

People and OD are responsible for:

- Increasing awareness and publicising flexible working initiatives
- Advising managers and employees on policy and procedure
- Attending meetings if requested to discuss flexible working and employment break applications
- Entering changes onto HR Information System and liaising with payroll as appropriate.

Line managers are responsible for:

- Ensuring open discussion of employee requests for flexible working and employment break
- Following the principles of the policy and procedure and for giving full consideration to all requests for a change to working pattern or employment break
- Ensuring all applications are considered fairly and equally, and decisions are taken based on the needs of the service
- Confirming all meetings and decisions with the employee in writing
- Completing necessary forms detailing any change in working hours and promptly passing information to the Workforce Information Team to ensure any change is recorded in the HR Information Systems
- Reviewing flexible working arrangements at the end of a 3 month trial period.

Employees are responsible for:

- Familiarising themselves with flexible working options available for consideration
- Completing the relevant application form (see Appendix 3)
- Submitting the application form at least 6 weeks before the requested start date for flexible working
- Submitting the application form at least 3 months before the requested start date for an employment break
- Adhering to the procedure and following the principles outlined
- Where appropriate, arranging representation at meetings to discuss flexible working and employment break applications e.g. a trade union representative or work colleague.

APPENDIX 3 – APPLICATION FORMS

FLEXIBLE WORKING APPLICATION FORM

DONCASTER & BASSETLAW TEACHING HOSPITALS NHS FOUNDATION TRUST

Name:		Pay No:	
Post:		Hours:	
Department:		Hospital:	

I wish to apply for a new working pattern commencing on

I have worked for the Trust for at least 6 months	Yes/No
I am the parent (or have parental responsibility for a child under the age of 16) (18 years old if the child is disabled)	Yes/No
I am making this application to enable me to care for an eligible child	Yes/No
I am making this application to enable me to care for an adult	Yes/No
I have not made a previous application to work flexibly under this right during the past 12 months	Yes/No

Please indicate the type of flexible working pattern you are requesting, the reasons for your request, how this would assist you and what working pattern you would prefer:

Please outline any implications of this change for the Department:

I have carefully considered the implications of my request, including any financial impact there may be and understand that this flexible working agreement will be continuously monitored and will be reviewed at least every 12 months. Any agreed flexible working arrangements will not constitute a permanent change to my contract of employment.

Signed: Date:

CC. HR Business Partner, People & OD

CAREER BREAK APPLICATION FORM

DONCASTER AND BASSETLAW TEACHING HOSPITALS NHS FOUNDATION TRUST

Name:		Pay No:	
Post:		Hours:	
Department:		Hospital:	

I wish to apply for a Career Break commencing on the for a duration of years/months. I have read, understand and agree to the conditions of service governing the application of the Career Break Scheme as defined by the Trust's policy and undertake to return to work following the expiry of my Career Break:

I accept that:

1. I will be required to agree keeping in touch arrangements during my absence.
2. I will forfeit my right to return should I, during the period of my Career Break, be employed by any other organisation without the prior agreement of a Director of DBTH.
3. I understand that if my Career Break is for 12 months or less that every reasonable effort will be made to ensure my original post is available to me when I return. However, if my Career Break is for over 12 months, there is no guarantee that the job offered upon return, will be exactly the same number of hours, or in the same department or location as that relinquished at the commencement of my Career Break.
4. I understand that where practicable the Trust will offer me the same or similar post to the original, but where this is not possible a vacancy search will be carried out for three months. Should I fail to accept any posts, I understand that my employment with the Trust will cease.
5. Should I wish to change this agreement then I must notify my immediate manager at the earliest opportunity.

Signed: Date:

Head of Department

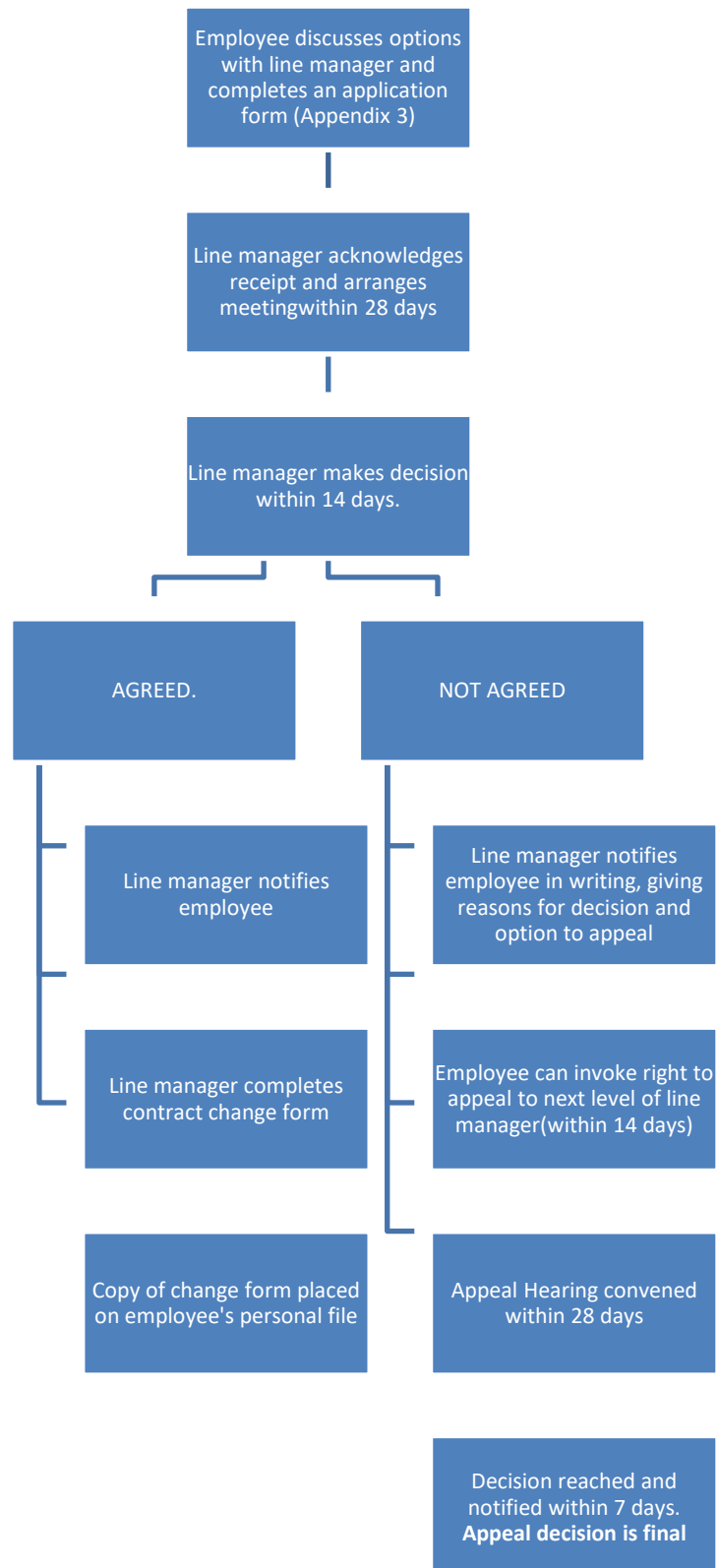
Further to your application to join the Career Break Scheme, I write to confirm that your application has been *accepted/not accepted.

*Delete as applicable

Comments/Reason for Decision.....

Signed: Date:

APPENDIX 4 – APPLICATION FLOWCHART



APPENDIX 5 - EQUALITY IMPACT ASSESSMENT PART 1 INITIAL SCREENING

Service/Function/Policy/Project/ Strategy	Care Group/Executive Directorate and Department	Assessor (s)	New or Existing Service or Policy?	Date of Assessment
Flexible Working	People & OD	John Scott	Existing	15/11/2017
1) Who is responsible for this policy? Name of Care Group/Directorate: People & OD				
2) Describe the purpose of the service / function / policy / project/ strategy? Ensure widest access to opportunities at DBTH and flexibility in working				
3) Are there any associated objectives? Equality, diversity and Inclusion legislation; NHS initiatives and the Trust's People Strategy				
4) What factors contribute or detract from achieving intended outcomes? – Capability to re-design posts and service to accommodate flexible working				
5) Does the policy have an impact in terms of age, race, disability, gender, gender reassignment, sexual orientation, marriage/civil partnership, maternity/pregnancy and religion/belief? Only in terms of promoting accessibility				
<ul style="list-style-type: none"> If yes, please describe current or planned activities to address the impact n/a 				
6) Is there any scope for new measures which would promote equality? The new measures are designed to fundamentally promote equality				
7) Are any of the following groups adversely affected by the policy?				
Protected Characteristics	Affected?	Impact		
a) Age	No			
b) Disability	No			
c) Gender	No			
d) Gender Reassignment	No			
e) Marriage/Civil Partnership	No			
f) Maternity/Pregnancy	No			
g) Race	No			
h) Religion/Belief	No			
i) Sexual Orientation	No			
8) Provide the Equality Rating of the service / function /policy / project / strategy – tick (✓) outcome box				
Outcome 1 ✓	Outcome 2	Outcome 3	Outcome 4	
<i>*If you have rated the policy as having an outcome of 2, 3 or 4, it is necessary to carry out a detailed assessment and complete a Detailed Equality Analysis form in Appendix 4</i>				
Date for next review: November 2020				
Checked by: Anthony Jones		Date: 15 November 2017		