

Reference Number: UHB 102 Version Number: 3	Date of Next Review: 23.11.2025 Previous Trust/LHB Reference Number: HR/05
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FLEXIBLE WORKING PROCEDURE

Introduction and Aim

At Cardiff and Vale UHB we know that to meet the health and care needs of our population effectively it is important to have a workforce which is healthy, engaged and motivated. We committed to being a 'Great Place to Train, Work and Live', with inclusion, wellbeing and development at the heart of everything that we do and we recognise our responsibility to attract, retain, deploy and develop staff to maximise their potential, to meet the needs of the service. We are committed to supporting and developing positive flexible working arrangements which allow people to balance work responsibilities with other aspects of their lives. The UHB recognises that flexibility in employment helps its staff to meet the needs which may arise at different stages of their lives. Flexible working allows employees to make choices about how and when they wish to work and to better balance their home life with their responsibilities at work.

Good flexible working arrangements should balance the needs of the individual with three key organisational factors: patient/ service-user and staff experience, service delivery and work-life balance of colleagues.

This procedure sets out the principles of flexible working and provides both managers and staff with information on the variety of flexible working options available and the process to be followed to request flexible working.

Objectives

- Promoting flexible working practices across the UHB at all levels
- Providing a framework for managers and their staff to hold a well-informed, confident and productive discussion around their request to work flexibly and the flexible working options that may be suitable for them.
- Promoting the business benefits of flexible working and ensuring that managers are fully engaged and supported to enable flexible working opportunities in their areas
- Ensuring that all managers/supervisors understand the principles of flexibility in the workplace and the procedure to be followed.
- Ensuring that all applications for flexible working are welcomed from all and considered fairly and equitably.

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Scope

All employees covered by Agenda for Change Terms and Conditions of Service have right to request flexible working from day one of employment.

Flexible working arrangements for doctors in training are coordinated by and subject to approval by Health Education & Improvement Wales (HEIW)

Equality & Health Impact Assessment

An Equality & Health Impact Assessment has not been completed for this procedure as this has been incorporated into the 'Adaptable Workforce Policy EHIA. This found there to be a positive impact.

Documents to read alongside this Procedure

People and Culture Plan
Adaptable Workforce Procedure
Special Leave Policy
Maternity, Adoption, Paternity and Shared Parental Leave Policy and accompanying Procedures
Parental Leave Guidelines
Employment Break Policy
Recruitment and Selection Policy and Procedure
Annual Leave Procedure
Working Remotely Guidelines

Accountable Executive or Clinical Board Director

Executive Director of People and Culture

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Disclaimer

If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the [Governance Directorate](#).

Summary of reviews/amendments

Version Number	Date Review Approved	Date Published	Summary of Amendments
1	January 2012	March 2012	New Policy

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2	29/07/2014	15/9/14	Work Life Balance Guidelines Incorporated, updated in line with new legislation
2a	15/05/2016	24/05/2019	Changed from Policy to Procedure in line with UHB definitions – no other changes (rolled forward) Reference to EQIA & Health Assessment changed to EHIA
3	23/11/2022		<ul style="list-style-type: none"> • Change to scope. Section 33 of AFC Handbook to allow requests to be made from day 1 of employment and no limit on number of requests which can be made. • Introduction updated. Addition of NHS definition of flexible working • Section 1 Responsibilities section added • Section 3 Principles updated to include section 33 amendment and emphasis on culture change and expectations. • definition that a change is a contractual change • Section 4 new section on Agile working • remote working and voluntary reduction in hours included • Section 5 - Process expanded. New sections for employee and manager • Section 6 Appeals – included written confirmation of request being declined. • Appendix 1 Types of Flexible Working added as appendix • clarified section on annualised hours Maternity and Adoption pay. • Review of term time working changed to where appropriate • Appendix 2 Links to forms updated

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1	RESPONSIBILITIES
1.1	<p>Employee</p> <ul style="list-style-type: none"> • To access this procedure from the UHB Website, from their manager or from the People Services Team. • To submit flexible working requests on the UHB flexible working application form. • To consider the needs of the service and team when submitting a request. • To discuss the request with their manager if asked to do so. • To follow the timescales as detailed in this procedure • To contact the People Services Department for advice if needed. • To contact their respective Trade Union for advice and support if needed
1.2	<p>Manager</p> <ul style="list-style-type: none"> • To give due consideration to all request that are submitted. • To meet with employee to discuss the request • To complete the process within the 3 month timescale detailed in this procedure. • Save all correspondence on the Employee's personal file. • To contact the People Service Department for advice if needed. • To complete all paperwork required to inform payroll of any changes to an employee's working hours
1.3	<p>People Services Department</p> <ul style="list-style-type: none"> • To advise the employee of their rights when applying for flexible working • To advise managers and employee's on the process to be followed.
2	BENEFITS OF FLEXIBLE WORKING
2.1	<ul style="list-style-type: none"> • For managers, flexible working can help retain staff – and holding onto experienced and skilled staff is important in maintaining quality and containing costs. Offering flexible hours widens the talent pool, so managers should be able to recruit people with more skills; it can also increase commitment and loyalty of staff members. This can in turn translate into improved productivity and by extension improved profitability. • Flexible Working can also support service redesign through the creation of new blended roles and the reshaping and development of existing roles, in consultation with staff. The creative use of new and redesigned roles can result in improved services for patients and more rewarding careers for staff

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	<ul style="list-style-type: none"> • Helping to retain valued employees the organisation can benefit through reducing levels of absenteeism and stress • Higher productivity and quality of service. • Supporting flexible working makes the UHB attractive to a wider range of candidates • Increased employee engagement and raised morale which result in a better patient experience.
3	PRINCIPLES
	<p>The following principles underpin this procedure:</p> <ul style="list-style-type: none"> • Employees can request to work flexibly from day one of their contractual employment. • Employees can make more than one flexible working request per year regardless of the reasons for them. • All eligible staff should have equality of access to flexible working, as far as practicable, regardless of role, shift pattern, team or pay band. • Employees working flexibly will not be treated less favourably in relation to access to training or promotional opportunities • Staff may choose to have an informal discussion with their manager about the possibility of working flexibly before submitting a formal request. However, all requests must be put into writing, using the appropriate document, before they can be properly considered. • Any form of flexible working must meet the business needs of the UHB and its commitment and ability to provide the required level and quality of service to our service users and their families. • Each request for flexible working will be received openly by the appropriate line manager and considered individually on its own merits by that manager. Any request for flexible working should be approached on the assumption that it will be granted unless there is a legitimate business reason for refusal. However consideration should be given to any potential impact on other employees and potential additional costs. • Employees should recognise that they may be required to adjust and modify the arrangements requested where the department is not able to support their

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application. In such cases, managers and their staff should work together to try to reach an acceptable solution for both parties.

- Consideration should be given to a trial period of any arrangement, to ensure that the arrangement meets the needs of both the individual and the Department.
- Changes to an employee's contract of employment must be confirmed in writing.
- Any change to an employee's working pattern as a result of agreement to a request for flexible working is regarded as a permanent variation to the employee's contract, unless agreed otherwise. Once an agreement is made on a permanent basis, the employee has no automatic right to revert to their original working pattern. This would need to be addressed via a further Flexible Working application.
- It is important that it is made clear from the outset if the new working arrangements are permanent or temporary; and if they are temporary there must be a review date. This must all be documented in writing.
- Pay and benefits will be adjusted on a pro-rata basis to changes in hours worked. Managers should ensure that the effects of the proposed change are fully explained and they are understood and agreed by the employee
- Legislation dictates that a request for flexible working can only be rejected for one of the following business reasons:
 - the burden of additional costs
 - an inability to reorganise work
 - an inability to recruit additional staff
 - a detrimental impact on quality or performance or to meet customer demand
 - insufficient work for the periods the employee proposes to work
 - a planned structural change
- Any manager who feels unable to support a Flexible Working request may wish to discuss the matter with a People Services Advisor to ensure their reason for rejecting the request falls within the legal business reasons.
- If a request is rejected the employee has a right to appeal by writing to their Line Manager.

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4	AGILE WORKING
	<p>Agile working is the ability to work in the place and at the time most appropriate for the task in hand. Within Cardiff and Vale it is usually hybrid working which is a mixture of remote working and working from a base.</p> <p>Working remotely is a recognised flexible working practice which, in appropriate circumstances, can help staff balance their work and personal lives, support the most effective and efficient provision of services, and have a positive impact on the environment. It can also act as an aid to recruitment and retention.</p> <p>Agile working. may be a tool which can supplement or support a Flexible Working arrangement. It is not a contractual change to an employee's terms and conditions and is subject to regular review separate to this procedure.</p>
5	FLEXIBLE WORKING REQUEST PROCESS
5.1	Making a request - Employee
	<p>The employee should put their request in writing, using the UHB application form found in Appendix 2. It is helpful if they can demonstrate that they have given thought to how their requested arrangements will work in practice and any implications of their request on the Service and their colleagues.</p> <p>The employee may wish to have an informal discussion with their manager before submitting a formal request and managers are encouraged to facilitate this when requested to do so. However, the request will not be formally considered until it is put into writing.</p>
5.2	Responding to a request - Manager
	<p>The manager should arrange to discuss the application with the employee as soon as possible after receiving their application form.</p> <p>This will allow them to get a better understanding of the changes their member of staff is looking for and how they see things working in practice. The discussion should explore how the proposed revised working arrangement will work in practice, any potential positive and negative impact it may have on service provision and how it may affect either service provision or other team members. As this is a Formal Meeting, employees have the right to be accompanied by a workplace colleague or a trade union representative.</p>

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	<p>It is recommended that this meeting takes place within one month of the request being submitted.</p> <p>If the manager intends to approve the request, this meeting is not a requirement, but it may still be helpful to discuss practical arrangements.</p> <p>Managers should be aware that there is a legal requirement to complete the entire process, including any appeal, within 3 months, and should take this into consideration when arranging the initial meeting. This should include ensuring they have an adequate time frame to give the request due consideration.</p>
5.3	<p>Considering the request</p> <p>At Cardiff and Vale UHB, we believe that all requests should be approached with a can-do attitude, with the presumption that they will be granted unless there is a business reason for not doing so (see section 3). The request should be considered carefully and the benefits of implementing the change should be weighed against any costs. In considering the application line managers must ensure that they do not directly or indirectly discriminate against the employee.</p> <p>Once a decision is made the manager should inform the employee in writing (using Part 3 of the application form).</p> <p>If it is decided to approve the employee's application, or accept it with modifications, a discussion should take place to determine how and when the changes might be best implemented. This may include a trial period. The line manager is responsible for ensuring that Payroll are notified via ESR or a PIF Form (for Term Time Only and Annualised Hours).</p> <p>If the application is rejected the line manager must demonstrate in writing that their decision is based on one of the 6 business reasons set out in Section 3, giving details of how their decision meets this criterion. It is not acceptable to give any other reason for rejecting an application.</p>
5.4	<p>Timescales</p> <p>The law requires that all applications, including any appeals, must be considered and decided on within a 3- month period from first receipt; unless an extension to this period is agreed with the employee.</p>
5.5	<p>Correspondence</p>

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	<p>Copies of all correspondence should be kept on the employee's personal file for future reference.</p>
6	<p>APPEALS</p> <p>If an application for Flexible working is declined, the employee has the right of appeal against the decision. Appeals should be put in writing, setting out the grounds for appeal, as soon as possible after receiving written notice of the decision to reject the application (within 14 days). The Appeal form attached as Appendix 2 should be used for this.</p> <p>The Appeal form should be submitted to the line manager's manager, and the Appeal heard by a more senior manager than the manager who rejected the original application.</p> <p>The employee has the right to be accompanied at this meeting, and should be given advance notice of when it will take place.</p> <p>The timescales outlined in section 5.4 must be adhered to.</p>
	<p>APPENDIX 1 – TYPES OF FLEXIBLE WORKING</p>
	<p>Flexible working encompasses a range of options including (but not exclusive of) part time working, job sharing, flexible hours, compressed hours, annualised hours, term time working, remote working, voluntary reduction in hours, or varying start and finish times.</p> <p>Separate guidance is available on parental leave, employment breaks, agile working and working remotely.</p>
	<p>Part-Time Working</p> <p>Part time working is the most common type of flexible working.</p> <p>Part time working means that employees can reduce their contracted hours below that of full time (37.5 hrs per week), enabling them to have more days off or a shorter working day. There is usually an agreed pattern to the hours of work. Salary, annual leave, bank holidays etc. are reduced pro-rata accordingly.</p> <p>Issues to consider may include arrangements which are often designed around full-time working hours – for example, team meetings and training and cover of core business hours if there is more than 1 part time member of staff is working in the department.</p>

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	<p>Part time workers have legal rights, based on the principle of equal treatment with comparable full- time workers which means that they should be treated the same as a full-time worker except for hours and pay.</p>
	<p>Compressed Hours</p> <p>Compressed hours arrangements allow individuals to work their normal hours of work over a shorter period of time than is standard. For example, an individual may work the standard 37.5-hour week in four or four and a half days, instead of the usual 5 days, or a 9 day fortnight instead of the usual 10 days. This would allow them to have an extra day off per week or fortnight. N.B. the non-working day must be mutually agreed and could be required to be flexible to suit the needs of the service. Compressed hours can benefit staff by enabling them to maintain their contracted hours and level of salary while working fewer days.</p> <p>When a member of staff is working compressed hours, the total hours worked over an agreed period must equal their contracted hours for that period e.g. 75 hours over two weeks. This can include annual leave, bank holidays, hours worked or unpaid leave, but it must always total the employee's contracted hours.</p> <p>Employees working compressed hours should take the number of hours normally worked for each day of annual leave (including bank holidays). For example, if a member of staff normally works 8 hours and 20 minutes each day to enable them to work a nine-day fortnight, they must take 8 hours 20 minutes annual leave for each day to be entitled to the 10th day off.</p>
	<p>Flexitime</p> <p>Flexitime is a scheme which allows employees some discretion around the start and end time of the working day, based around core working times. To benefit from this a department would need to have a Flexi-time arrangement in operation (not all departments would be in a position to accommodate this option).</p> <p>Staff can build up a debit or credit of hours worked within an agreed period (usually 4 weeks) and consolidate the extra hours into a day or half day off.</p> <p>Flexitime schemes are usually based on detailed, locally agreed procedures which set out:</p> <ul style="list-style-type: none"> • the core hours • limits on early and late working • the minimum lunch break to be taken • the maximum number of credit and debit hours which can be accrued

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	<ul style="list-style-type: none"> • limits on the number of hours which can be carried over to the next month • limits on the number of days off allowed in any one period • limits on the number of staff allowed off at any one time
	<p>Temporary Reduction in Hours</p> <p>Employees are able to reduce their contracted hours by between 5 and 50% for a period of no less than 3 months, and no more than one year. At the end of the agreed time they return to their original contracted hours. Salary/annual leave etc will be reduced pro-rata for the period of the agreement.</p> <p>Employees are advised to contact payroll to determine whether a change in hours will affect their pension entitlements.</p> <p>If the employee wishes to extend this arrangement for longer than 12 months they are required to submit a new flexible working request.</p>
	<p>Job Share</p> <p>Two employees share the responsibilities, duties and benefits of a single full- time post and the salary and annual leave are divided according to the number of hours worked by each job sharer. The total hours should not usually exceed those of the full- time post.</p> <p>Each employee will hold an individual contract of employment indicating it is a job share.</p> <p>If one of the partners leave, either their hours can be offered to the remaining employee on a full-time basis, or the vacant hours can be advertised in line with the Recruitment and Selection Policy. If no suitable partner can be found within a reasonable period of time e.g. (3 months) the remaining post holder may be re-deployed to another suitable post within the organisation, to allow the post to be advertised on a full-time basis.</p> <p>All posts must be considered for job sharing when advertising. It is the responsibility of the manager, not the individual, to ensure that appointments are made to both elements of the job share.</p>
	<p>Annualised Hours</p> <p>Annualised hours is a method of organising work so that the employee works their contracted hours over the year, rather than a set number per week.</p>

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Annual leave and Bank Holiday entitlements are calculated and deducted from the employee's annualised hours to give the total number of working hours for the year.

It is imperative that, as far as is possible, hours are planned and agreed in advance and an accurate record is maintained of actual hours worked. Before implementing annualised hours, the line manager and employee should agree the minimum and maximum hours that can be worked in a week (n.b. the minimum hours may be zero) and what the individual's 'normal' working hours are. A weekly/daily timesheet must be completed. If the needs of the service require a member of staff to work outside of their planned hours, as much notice as possible should be given.

There should be no credit or deficit in hours at the end of the financial year or if the employee moves departments. If the employee resigns from their annualised hours contract and this leaves a disparity between hours worked and payment received, they should use the notice period to close the gap between hours worked and pay received. If there is still a disparity the final salary will be adjusted accordingly. Managers should formally review hours in credit/deficit on a regular basis (e.g. three or four times a year) but monitor them informally on an ongoing basis.

Salary is paid in twelve equal monthly instalments, regardless of hours worked in any particular month.

Sickness absence will be allocated in line with planned hours of work for that particular period of time.

Under the requirements of the Working Time Regulations, all employees are entitled to 5.6 weeks paid leave per year, including Bank Holidays, though actual annual leave entitlements may be more than this depending on length of service. Employees are required to continue to book their annual leave via ESR to ensure they take and are paid for the requisite number of days annual leave in addition to their annualised hours timesheet. Please note that if extra annual leave is purchased via the Annual Leave Purchase scheme, the annualised hours will need to be re-calculated accordingly.

Maternity and adoption pay are calculated in relation to the actual salary received over an eight- week reference period. As the salary is paid in 12 equal instalments, maternity and adoption pay should not be affected by the number of hours worked, unless the employee also works unsocial hours.

Managers are encouraged to contact the People Services Department and Payroll for guidance before implementing annualised hours.

Term-time Working

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Term- time working is a form of part time working where the employee works only during the school terms and is off work during the school holidays (usually 13 weeks). Time off during the school holidays is made up of a combination of annual leave and unpaid leave. Salary is based on the number of weeks in work and is paid in 12 equal instalments. It is calculated on an individual basis to take account of annual leave entitlement based on length of service, whether inset days are worked and any protection arrangements that may be in place. Salary, annual leave and related benefits are reduced pro rata. and salary is paid in 12 equal instalments.

As a term-time working arrangement is designed to assist employees with school-age children, its appropriateness will be reviewed where appropriate.

Term time working is usually worked on the basis of 38 weeks in work and 13 weeks not in work (though this can vary depending on the school and whether or not inset days are included). The 13 weeks are calculated as follows:

Easter – 2 weeks

Summer – 6 weeks

Christmas – 2 weeks

Half terms – 3 weeks (May, October and February).

There is scope for the employee to work some of these holidays (e.g. part of the summer holidays) if agreed with the line manager in advance. It is the responsibility of the individual to ensure that they have informed their manager of the dates of the school holidays for the next academic year by 1 July each year.

Annual leave will normally be taken in school holidays, but it is possible to have up to one week's annual leave to be taken flexibly in term time (Floating Days). Managers should contact the People Services Department on [Actionpoint](#) who will calculate the employees annual leave entitlement and pay. Once this is calculated managers need to complete a Person Information changes (PIF) form, stating clearly that the employee is working term time only and forward it to Payroll. This should be reviewed every year to ensure the calculation is correct and any necessary adjustments are made to annual leave entitlement based on length of NHS Service.

If an employee is sick during a non-working week, normal reporting/recording arrangements apply.

Staff who have a Term-Time contract must not work more than 50% of their normal working hours on the Nurse Bank during the school holidays.

APPENDIX 2 – FLEXIBLE WORKING REQUEST FORMS

A copy of the Flexible Working Request Form and the Flexible Working Appeal Form can be found on the [Flexible Working Toolkit](#) on the UHB internet site.

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	Alternatively, staff may obtain a form from their manager or via Actionpoint on CAVHR Actionpoint@wales.nhs.uk
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