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FLEXIBLE WORKING PROCEDURE

Introduction and Aim

Flexibility in the workplace is about developing modern working practices to fit the needs of the 21st century. Both managers and employees can gain from flexible working opportunities as both parties have the flexibility to organise their working arrangements in a way that suits them. This can enable managers to adapt to changing service needs and individual employees to better balance their work and personal life.

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.

For employees, flexible working allows them to better balance their home life with their responsibilities at work. In today's society, both men and women want to find a balance between work, family and caring responsibilities which are shared more equally than ever before. The world of work has seen enormous economic and social changes. Cardiff and Vale University Health Board (the UHB) believes that flexible working is good for patients, families, older workers, carers and a growing population who want a better balance between work and home life.

The UHB is committed to developing positive flexible working arrangements which allow people to balance work responsibilities with other aspects of their lives. By moving away from traditional perceptions of part time work it is hoped managers will broaden their understanding of the full range of flexible working practices and be encouraged to offer more flexible working opportunities.

The Children and Families Act 2014 extends the right to request flexible working to all employees (not just those with parental responsibility for a child, or caring responsibilities for an adult) and replaced the requirement for the employer to deal with the request in accordance with the statutory procedure with a requirement to "deal with the application in a reasonable manner".

This policy sets out the principles of flexible working and provides managers and staff with background information on the types of flexible working available and the process to be followed.

Document Title: <i>Flexible Working Procedure</i>	2 of 13	Approval Date: 15.05.2019
Reference Number: 102		Next Review Date: 15.05.2020
Version Number: 2a		Date of Publication: 24 May 2019
Approved By: Employment Policy Sub Group		

Objectives

The purpose of this policy is to provide a framework of guidance for managers and to promote best practice by: ,

- promoting flexible working practices across the UHB regardless of job level
- challenging the perception that the traditional working patterns is the default option - empowering managers and employees to have a well-informed, confident and productive discussion on the flexible working options that may be suitable for a role
- promoting the business benefits of flexible working and ensuring that managers are fully supported to be able to implement practices in their areas
- ensuring that managers/supervisors are clear as to the principles underlying this process and the procedure to be followed, and that staff are treated fairly and equitably.

Scope

All employees who have worked for the UHB for at least 26 weeks have the right to request to work flexibly. However, flexible working arrangements for doctors in training are co-ordinated by and subject to approval by the Wales Deanery.

Only one request for flexible working can be made in a 12 month period.

Equality & Health Impact Assessment

An Equality & Health Impact Assessment has not been completed for this procedure as it has been incorporated into the 'Family Friendly Policies & Procedures EHIA. This found there to be a positive impact.

Documents to read alongside this 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

Accountable Executive or Clinical Board Director

Executive Director of Workforce and OD

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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](#).

Document Title: <i>Flexible Working Procedure</i>	3 of 13	Approval Date: 15.05.2019
Reference Number: 102		Next Review Date: 15.05.2020
Version Number: 2a		Date of Publication: 24 May 2019
Approved By: Employment Policy Sub Group		

Summary of reviews/amendments			
Version Number	Date Review Approved	Date Published	Summary of Amendments
1	January 2012	March 2012	New policy
2	29/07/2014	15/09/2014	Work Life Balance Guidelines Incorporated, updated in line with new legislation
2a	15/05/2019	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

Document Title: <i>Flexible Working Procedure</i>	4 of 13	Approval Date: 15.05.2019
Reference Number: 102		Next Review Date: 15.05.2020
Version Number: 2a		Date of Publication: 24 May 2019
Approved By: Employment Policy Sub Group		

Contents

1	The Business Case for Flexible Working	5
2	Principles	5
3	Types of Flexible Working	7
4	Flexible Working Request Process	11
5	Appeals	12
Appendices		
1	Link to Flexible Working Request Form	13
2	Link to Appeal form	13

Document Title: <i>Flexible Working Procedure</i>	5 of 13	Approval Date: 15.05.2019
Reference Number: 102		Next Review Date: 15.05.2020
Version Number: 2a		Date of Publication: 24 May 2019
Approved By: Employment Policy Sub Group		

1 THE BUSINESS CASE FOR FLEXIBLE WORKING

Flexible working can help make the most of today's diverse workforce and reduce skills shortages. Benefits that organisations can potentially achieve from the use of flexible working include:

- a reduction in costs, notably by helping to retain valued employees and by reducing absenteeism and stress
- higher productivity
- Offering flexible working attracts a wider range of candidates
- increased employee engagement, improves morale and translates into greater commitment and loyalty to the organisation
- an improved ability to deal with change through innovation and creativity

Flexible Working can also enable 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

2 PRINCIPLES

The following principles must be adhered to when considering flexible working:

- All employees have the right to request any form of flexible working as long as they have 26 weeks service with the UHB and have not made an application within the last 12 months.
- 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 before they can be properly considered.
- Employees must follow the same process when requesting flexible working, and shall be treated equally and fairly when having their requests considered
- Any form of flexible working must meet the needs of the organisation and employees
- Each request for flexible working will be considered individually and will be assessed on its own merits by the appropriate line manager
- Managers should arrange to talk with the employee as soon as possible after receiving their request form. The employee can be accompanied by a work colleague and should be informed about this prior to the discussion. This meeting is not necessary if the manager intends to approve the request, but it may still be helpful.
- All requests for flexible working should be approached on the assumption that

Document Title: <i>Flexible Working Procedure</i>	6 of 13	Approval Date: 15.05.2019
Reference Number: 102		Next Review Date: 15.05.2020
Version Number: 2a		Date of Publication: 24 May 2019
Approved By: Employment Policy Sub Group		

they will be granted unless there is a legitimate business reason for refusing it

- Managers should consider the impact on other employees by the requested change before a decision is confirmed
- Contractual changes to terms and conditions of service can only be agreed following careful consideration of the implications and a proper understanding of the employee's circumstances
- Pay and benefits need to be adjusted on a pro-rata basis to changes in hours worked and the effects of the proposed change fully explained and agreed with the employee
- Employees working flexibly will not be treated less favourably in relation to access to training or promotional opportunities
- The application of flexible forms of working should not result in the UHB incurring additional costs without objective justification
- Reduced hours, or other changes, cannot be imposed on employees under this Policy to achieve financial savings
- Any change to an employee's working pattern as a result of a request for flexible working is regarded as a permanent variation to the employee's contract, unless agreed otherwise. Thus, once a change to an employee's hours or place of work has been implemented, the employee has no right to revert to his or her previous pattern of working at a future date. Similarly, there is no scope for the employer to insist that the employee revert to his or her previous working pattern. Therefore 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.
- Managers and staff may wish to try the flexible working arrangement for an agreed trial period before agreeing to a longer term arrangement.
- 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

Document Title: <i>Flexible Working Procedure</i>	7 of 13	Approval Date: 15.05.2019
Reference Number: 102		Next Review Date: 15.05.2020
Version Number: 2a		Date of Publication: 24 May 2019
Approved By: Employment Policy Sub Group		

- If a request is rejected, the employee has the right to appeal the decision by writing to their line manager's manager.

3 TYPES OF FLEXIBLE WORKING

Flexible working encompasses a range of options including (but not exclusive to) part time working, job sharing, flexible hours, compressed hours, annualised hours, term time working, or varying start and finish times.

Separate guidance is available on parental leave, employment breaks and occasional home working.

3.1 Part-Time Working

Part time working is the most prevalent and established type of flexible working.

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.

Issues to consider include arrangements for training and meetings, which are often designed around full time working hours.

Part time workers have legal rights, based on the principle of equal treatment with comparable full time workers.

3.2 Compressed Hours

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. 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 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 less days.

When a member of staff is working compressed hours the total hours worked over an agreed period (usually a fortnight) 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 employees contracted hours.

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

Document Title: <i>Flexible Working Procedure</i>	8 of 13	Approval Date: 15.05.2019
Reference Number: 102		Next Review Date: 15.05.2020
Version Number: 2a		Date of Publication: 24 May 2019
Approved By: Employment Policy Sub Group		

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.

3.3 Flexitime

Flexitime is a scheme which allows employees some discretion around the start and end time of the working day, based around core working times.

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.

Flexitime scheme are usually based on detailed, locally agreed procedures which set out :

- 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
- 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

3.4 Temporary Reduction in Hours

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.

Employees are advised to contact payroll to determine whether a change in hours will affect their pension entitlements.

If the employee wishes to extend this arrangement for longer than 12 months they are required to submit a new flexible working request.

3.5 Job Share

Two employees share the responsibilities, duties and benefits of a single full time post. 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.

Each employee will hold an individual contract of employment indicating it is a job share.

If one of the partners leave, their hours can be offered to the remaining employee on a

Document Title: <i>Flexible Working Procedure</i>	9 of 13	Approval Date: 15.05.2019
Reference Number: 102		Next Review Date: 15.05.2020
Version Number: 2a		Date of Publication: 24 May 2019
Approved By: Employment Policy Sub Group		

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 (3 months) the remaining post holder may be re-deployed to another suitable post within the organisation.

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.

3.6 **Annualised Hours**

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.

Annual leave and bank holiday entitlements are calculated and deducted from the employees 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 there is 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 must be given and take 5.6 weeks paid leave, including Bank Holidays (pro rata for part time employees), though actual annual leave entitlements may be more than this depending on length of service. Employees are required to continue to maintain annual leave records to ensure they take and are paid for the requisite number of days annual leave in addition to their annualised hours timesheet

Maternity and adoption pay is calculated in relation to the actual salary received over

Document Title: <i>Flexible Working Procedure</i>	10 of 13	Approval Date: 15.05.2019
Reference Number: 102		Next Review Date: 15.05.2020
Version Number: 2a		Date of Publication: 24 May 2019
Approved By: Employment Policy Sub Group		

an eight week reference period ending weeks before the expected week of childbirth/matching week. 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 Human Resources and Payroll for guidance before implementing annualised hours.

3.7 **Term-time Working**

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. Time off 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 and any protection arrangements. 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 annually. It is expected that, once term-time working is no longer required, employees will agree to a revised working arrangement with the organisation

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 holiday) 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 weeks annual leave to be taken flexibly in term time. Managers should contact the HR Advisory and Administration Team who will calculate the employees annual leave entitlement and pay. Once this is calculated managers need to complete a changes form, stating clearly that the employee is working term time only and forward it to payroll.

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

Staff who have a term time contract should not work more than 50% of their normal

Document Title: <i>Flexible Working Procedure</i>	11 of 13	Approval Date: 15.05.2019
Reference Number: 102		Next Review Date: 15.05.2020
Version Number: 2a		Date of Publication: 24 May 2019
Approved By: Employment Policy Sub Group		

working hours on the Nurse Bank in school holidays as long as they take their annual leave entitlement as set out in the Working Time Regulations.

4 FLEXIBLE WORKING REQUEST PROCESS

4.1 Making a request

The employee should put their request in writing, using the UHB application form found in appendix 3. It is helpful if they can demonstrate that they have given thought to the implications of their request on their manager and colleagues.

The employee may wish to have an informal chat 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.

4.2 What to do with a request

The manager should arrange to talk with the employee as soon as possible after receiving their application form. The employee may be accompanied by a work colleague or trade union representative at the discussion and should be informed about this prior to the meeting.

The manager should discuss the request with the employee to help them get a better understanding of the changes they are looking for and how they will benefit the UHB and the employee. Wherever possible this discussion should take place somewhere private where it is not overheard.

It is recommended that this meeting takes place within one month of the request being submitted.

If the manager intends to approve the request, this meeting is not a requirement, but it may still be helpful to discuss practical arrangements.

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.

Document Title: <i>Flexible Working Procedure</i>	12 of 13	Approval Date: 15.05.2019
Reference Number: 102		Next Review Date: 15.05.2020
Version Number: 2a		Date of Publication: 24 May 2019
Approved By: Employment Policy Sub Group		

4.3 Considering the request

All requests should be approached from the presumption that they will be granted unless there is a business reason for not doing so (see section 2). 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 discriminate against the employee.

Once a decision is made the manager should inform the employee in writing (using Part 3 of the application form).

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. The line manager is responsible for ensuring that a changes form is completed and payroll notified.

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 2, giving details of how their decision meets this criteria. It is **not** acceptable to give any other reason for rejecting an application.

4.4 Timescales

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.

4.5 Correspondence

Copies of all correspondence should be kept on the employee's personal file for future reference.

5 APPEALS

If an application for flexible working is turned down, the employee has the right to appeal against the decision. Appeals should be put into writing, setting out the grounds for appeal, as soon as possible after receiving notice of the decision to reject the application (within 14 days). The appeal form attached as Appendix 2 should be used for this.

The appeal form should be submitted to the line manager's manager, and heard by a more senior manager than the one who rejected the original application.

The employee has the right to be accompanied at this meeting, and should be given advance notice of when it will take place.

The timescales outlined in section 4.4 must be adhered to.

Document Title: <i>Flexible Working Procedure</i>	13 of 13	Approval Date: 15.05.2019
Reference Number: 102		Next Review Date: 15.05.2020
Version Number: 2a		Date of Publication: 24 May 2019
Approved By: Employment Policy Sub Group		

APPENDIX 1 – FLEXIBLE WORKING REQUEST FORM

A copy of the [Flexible Working Request Form](#) can be found on the UHB internet site. Staff who do not have access to this may obtain an application form from their line manager or by contacting the HR Administration Team on UHW 45700

APPENDIX 2 – APPEALING AGAINST A DECISION TO REJECT A REQUEST FOR FLEXIBLE WORKING

A copy of the [form to be used to make an appeal](#) against a decision to reject an application for flexible working can be found on the UHB internet site. Staff who do not have access to this may obtain an application form from their line manager or by contacting the HR Administration Team on UHW 45700