



Somerset  
NHS Foundation Trust

## Flexible Working

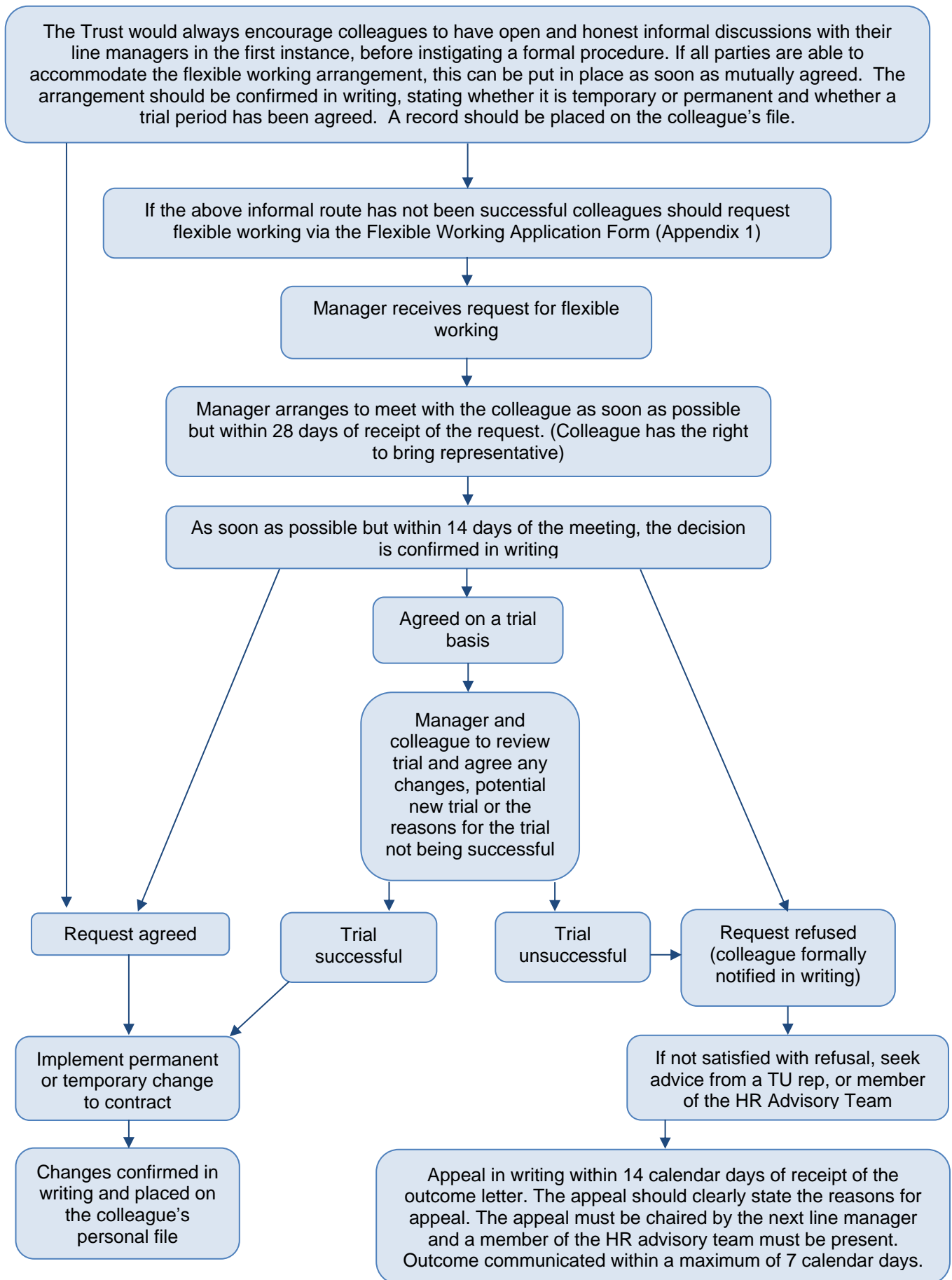
### POLICY

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## 1.0 FLOW DIAGRAM



## 2.0 INTRODUCTION

- 2.1 This policy has been produced and agreed in partnership between management and Trade Union representatives of both Taunton and Somerset NHS Foundation Trust and Somerset Partnership NHS Foundation Trust to ensure all colleagues are treated fairly when considering flexible working requests. It is acknowledged that not all situations will necessitate the need to implement this policy and in assessing whether a formal approach is required, many factors will need to be considered.
- 2.2 This policy aims to provide a framework to be used when colleagues request flexible working and to managers in considering a request. It incorporates the Advisory, Conciliation and Arbitration Service (ACAS) guidelines on flexible working and adheres to the Flexible Working Regulations 2014.
- 2.3 The Trust believe in using flexible working arrangements to support improved individual and organisational performance, encouraging greater diversity and increasing levels of job satisfaction and commitment from colleagues.
- 2.4 The Trusts recognise the need for colleagues to have a healthy balance between work requirements and domestic or personal commitments.
- 2.5 The Trusts recognise that some sections of society experience prejudice and discrimination. The Equality Act of 2010 recognises protected characteristics and gives consideration to socio-economic factors including pregnancy/maternity and marriage/civil partnership.
- 2.6 The Trusts are committed to equality of opportunity and inclusive practices in both the provision of services and the Trusts role as an employer. All people have the right to be treated with dignity and respect and the Trusts are committed to the elimination of unfair and unlawful discriminatory practices
- 2.7 Where Trust is written in the singular, it is intended that this is applicable to both Trusts and that this policy will apply to any successor organisation of the two Trusts.

## 3.0 DEFINITIONS

- 3.1 **Flexible working** – a working arrangement that allows some degree of flexibility, which could be a change in hours, days, duration or work location, which varies from the original working arrangement.
- 3.2 **Work arrangement** – The manner in which a particular job is performed – e.g. rota, partial shift, full shift, location etc.
- 3.3 **Trial Period** – A period by which a request is tested, with clearly outlined measures to establish if the flexible working request can be reasonably accommodated
- 3.4 **Right to representation** - A colleague has the right to be represented by a Trade Union Representative or work colleague from the Trust.

## 4.0 ROLES and RESPONSIBILITIES

### 4.1 Colleagues are responsible for:

- carefully considering the impact of the request on service delivery, colleagues and patients.
- providing a pragmatic, well thought application providing as much notice as possible, outlining how the flexible working request can be achieved.
- engaging fully in the process and meetings, remaining open to a compromise to meet an agreement on a flexible working arrangement that works for the Trust and the colleague.

### 4.2 Managers are responsible for:

- considering all flexible working requests in line with this policy
- responding to requests as swiftly as possible
- only refusing requests where there is a recognised business reason for doing so and providing the colleague with an objective explanation as to the reasons around the decision made.

### 4.3 HR Advisors are responsible for:

- providing support and advice on the process to colleagues ensuring a fair and consistent approach

### 4.4 Trade Union Representatives are responsible for:

- supporting their members when making the request for flexible working

## 5.0 PROCESS DESCRIPTION

### 5.1 Eligibility

5.2 The Trust is fully committed to supporting flexible working requests from all colleagues, regardless of reason or length of service. Only one application can be made in any rolling 12 month period.

### 5.3 Application process

5.4 The Trust would always encourage colleagues to have open and honest informal discussions with their line managers in the first instance, before instigating a formal procedure. If all parties are able to accommodate the flexible working arrangement, this can be put in place as soon as mutually agreed. The arrangement should be confirmed in writing, stating whether it is temporary or permanent and whether a trial period has been agreed. A record should be placed on the colleague's file. Please ensure consideration has been given to the wider team/department in order to safeguard against any unintended consequences of agreeing or declining requests

5.5 Where the above approach has been unsuccessful and a colleague wishes to apply for flexible working, they must submit a flexible working request in writing by using the "Flexible working application form" (Appendix 1) to their line manager. Key information should include what the change is, timescale for the change taking place and some detail around how the request can work, acknowledging the potential impact on the team and service.

- 5.6 Within 28 calendar days of the request being received, a meeting will be arranged by the manager and the colleague to discuss the request. At this meeting the colleague will have the right to be accompanied by a Trade Union representative or work colleague.
- 5.7 During the meeting a discussion will take place on the impact of the request and how this can be mitigated, taking into account the impact on colleagues and the service needs. There will also be a discussion on alternative suggestions. Colleagues may not be provided with an outcome at this stage if further information is required to make a fully informed decision.
- 5.8 Notes will be taken to record the discussion. Where agreed by all parties, the meeting may be recorded digitally in addition to transcripts being taken.
- 5.9 **Outcome**
- 5.10 The potential outcome of the flexible working request meeting is that the request can be approved, be agreed on a trial basis or it can be declined. All outcomes need to be communicated within 14 calendar days of the meeting and in writing to the colleague.
- 5.11 **Approval**
- 5.12 Where the request is approved, the manager will confirm this in writing. A changes' form will be required if the change results in a change to the contract i.e. reduction in hours or change of base.
- 5.13 **Agreed on a trial basis**
- 5.14 Where there is uncertainty about whether the request will work there is an option of agreeing the change on a trial basis. The trial period and details of this should be agreed in writing, confirming the length of the trial. The agreement for the arrangement to continue would be subject to a review meeting at the end of this period of time. A changes' form would need to be submitted to note this change if required (depending on what the change is).
- 5.15 **Declined**
- 5.16 A flexible working request can only be declined on one or more of the below reasons. Managers will need to communicate the decision in writing to the colleague making the request, providing a full explanation as to their reasons, in addition to providing them the right of appeal.
- Lack of work or colleagues during proposed working times
  - Inability to reorganise the work amongst existing colleagues
  - Inability to recruit additional colleagues to do the work
  - Inability to meet service /clinical needs
  - Burden of additional costs
  - Detrimental impact on performance
  - Detrimental impact on quality and efficiency
  - Planned structural changes

- Detrimental effect on the ability to meet customer/service user demands.

## 5.17 Appeal process

5.18 Colleagues who have their request declined or only partially agreed by their line manager have the right of appeal. Colleagues must note their grounds for their appeal in writing to the next line manager in the department within 14 calendar days of receipt of the outcome letter. The appeal should clearly state the reasons for appeal and subsequently an appeal hearing will be arranged where the colleague will have the right of representation. The appeal must be chaired by the next line manager; a member of the HR advisory team must be present. Colleagues will be notified within a maximum of 7 calendar days of the outcome of the appeal.

5.19 Colleagues are advised to consult their trade union representative or a member of the HR advisory team.

## 6.0 TRAINING/COMPETENCE REQUIREMENTS

6.1 Training will be provided as and when required, including on those occasions when requests are made for flexible working and occasions when lessons have been learnt from employee relations cases.

## 7.0 MONITORING

Element of policy for monitoring	Section	Monitoring method - Information source (e.g. audit)/ Measure / performance standard	Item Lead	Monitoring frequency / reporting frequency and route	Arrangements for responding to shortcomings and tracking delivery of planned actions
Completion of Application form		Formal flexible working requests and approvals or rejections where the application form has been properly completed. Dip sample 10 applications annually to People Governance Committee	HR Advisory	Annually to People Governance Committee	Feedback given to line managers where form has not been completed to rectify in future.
Rejections for lawful reasons		Rejections of formal flexible working requests are limited to the lawful reasons in 5.16. Dip sample 10 applications annually to People Governance Committee	HR Advisory	Annually to People Governance Committee	Line managers to be given training on lawful reasons for rejection and signposted to ACAS training on Flexible Working.

## 8.0 REFERENCES

Flexible Working Regulations 2014.

The Equality Act of 2010

## 9.0 DOCUMENT CONTROL

<b>Document Author</b>	Elaine Edwards, HR Specialist		
<b>Lead Owner</b>	Isabel Clements Director of People and OD		
<b>This Version</b>	1	<b>Status</b>	Final
<b>Replaces</b>	All previous Sompar and TST flexible working policies		
<b>Approval Date</b>	10 July 2019	<b>Where</b>	Somerset Operational Partnership
<b>Ratification Date</b>	11 December 2019	<b>Where</b>	Policy Review Group
<b>Date of issue</b>	6 January 2020 1 April 2020 (new Trust name)	<b>Review date</b>	6 January 2023
<b>Applies to</b>	All colleagues	<b>Exclusions</b>	None



**Personal Details**

Name:

Assignment Number:

Manager:

Date:

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996. I confirm I meet each of the eligibility criteria as follows:

- I have not made a request to work flexibly under this right during the past 12 months.

Date of any previous request to work flexibly under this right: .....

**Describe your current working pattern (days/hours/times/location worked):**

**Describe the working pattern or any other change that you would like to work in future (days/hours/times/location worked):**

**I would like this working pattern to commence from:**

**Impact of the new working pattern**

I think this change in my working pattern will affect my department/ward/work area and colleagues as follows:

**Accommodating the new working pattern**

I think the effect on my department/ward/work area and colleagues can be dealt with as follows:

Now, send this form to your manager who will consider your request and arrange to meet with you within a maximum of 28 calendar days to discuss.