

**BARNSELY CLINICAL COMMISSIONING  
GROUP**

**FLEXIBLE WORKING POLICY**

<b>Version:</b>	1.2
<b>Approved By:</b>	Governing Body
<b>Date Approved:</b>	13 March 2014 Oct 2015, Nov 2017 (review)
<b>Name of originator / author:</b>	Head of HR
<b>Name of responsible committee/ individual:</b>	Equality and Engagement Committee
<b>Name of executive lead:</b>	Chief Officer
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<b>Review Date:</b>	2 years from date of last review.
<b>Target Audience:</b>	Employees

**THIS POLICY HAS BEEN SUBJECT TO A FULL EQUALITY IMPACT ASSESSMENT**

**FLEXIBLE WORKING FOR DOMESTIC, CARER, PERSONAL AND FAMILY REASONS POLICY**

**DOCUMENT CONTROL**

<b>Version No</b>	<b>Type of Change</b>	<b>Date</b>	<b>Description of change</b>
V.1		February 2014	With CCG and Staff Side for Comment
1	Approved	March 2014	Policy approved at the Governing Body on 13 March 2014.
1.1	Reviewed	October 2015	Minor changes, following review by Head of Assurance & HR Manager to reflect extension of right to request flexible working to all staff in line with employment legislation. EIA updated by HR Manager.
1.2	Review	September 2017	Minor changes, following review by Head of Governance and Assurance & Head of HR. EIA updated

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## **PART 1: POLICY**

### **1. PURPOSE**

- 1.1. NHS Barnsley Clinical Commissioning Group (the CCG) recognises that in addition to the duties and responsibilities that employees have at work, many employees also have responsibilities and commitments outside of work including carer responsibilities for children and/or adults in need of care. These responsibilities may mean that an employee would benefit from a flexible pattern of work, or that in exceptional circumstances they may require short term leave to cover urgent and unforeseen situations.
- 1.2. The CCG will ensure that all employees have the right to make a request for flexible working and that it will be considered by management who will endeavour to balance the needs of the individual making the request against business / service needs. In addition a provision is made for employees to request short term leave to cover urgent and unforeseen circumstances.
- 1.3. Flexible patterns of working may cover various contractual arrangements and work patterns. This policy document details the following schemes:
  - Right to request flexible working
  - Job Sharing
  - Career Break Scheme
  - Flexi Time
  - Part Time Working
  - Flexi Year / Annual hours
  - Term Time Working
  - Home Working
  - Condensed Hours
  - Leave for domestic, personal and family reasons.
- 1.4. Arrangements associated with flexible retirement are covered in the CCG's Retirement Policy.
- 1.5. The development of this policy:
  - Promotes the CCG as an Employer of Choice by offering flexible patterns of working to aid recruitment and meet the CCG's commitment to equality of opportunity
  - Improves staff retention by enabling employees to have an effective work life balance
  - Reduces absenteeism by enabling adequate personal time outside of work for employees to meet personal commitments
  - Increases efficiency by using flexible working to meet peaks in work patterns

- Improves morale and motivation of staff who benefit from flexible working
- Enables employees who may wish to gradually decrease their hours prior to retirement to benefit from a gradual step down of time commitment.

## **2. SCOPE**

- 2.1 This policy applies to those members of staff that are directly employed by NHS Barnsley CCG and for whom NHS Barnsley CCG has legal responsibility. For those staff covered by a letter of authority / honorary contract or work experience this policy is also applicable whilst undertaking duties on behalf of NHS Barnsley CCG or working on NHS Barnsley CCG premises and forms part of their arrangements with NHS Barnsley CCG.

## **3. EQUALITY STATEMENT**

- 3.1. In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic. A single Equality Impact Assessment is used for all policies and procedures.

## **4. ACCOUNTABILITY**

- 4.1 The Chief Officer is accountable for this policy.

## **5. IMPLEMENTATION AND MONITORING**

- 5.1. The Governing Body is responsible for the formal approval of this policy. Following implementation the Equality and Engagement Committee will monitor this policy. Following ratification the policy will be disseminated to staff via the CCG's intranet and internal communications mechanisms.
- 5.2. The policy and procedure will be reviewed periodically by Human Resources in conjunction with CCG managers, the Counter Fraud Specialist and Trade Union representatives where applicable. Where review is necessary due to legislative change, this will happen immediately.

## **6. RESPONSIBILITIES**

- 6.1 Good working relations are vital for the organisation to operate successfully and provide services. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on

issues in good faith and with the shared intention of facilitating good working relations.

## 6.2 Employees

It is the responsibility of employees to:

- Ensure that applications are made in advance of when the employee wishes the change to take place
- Provide a carefully considered application with as much detail as possible
- Be prepared to discuss their application with their manager in an open and constructive manner
- Be flexible where a mutually agreed compromise is required
- Agree to regular review periods to ensure the pattern of working is still valid and meets the needs of the business as well as themselves.

## 6.3 Line Managers

It is the responsibility of line managers to ensure that:

- Consideration is given to the request for flexible working in accordance with this procedure
- They adhere to the time limits as set out in this policy
- They provide the appropriate support and information to the employee throughout the course of the application
- They only decline a request where there are valid business grounds such as additional costs or an inability to reorganise work amongst existing staff
- They review flexible working patterns at agreed intervals to ensure the pattern is still valid/effective and with consideration as to the performance and behaviour of the individual within the role e.g. attendance, and achievement of objectives/outputs. Where the pattern is not working consideration needs to be given as to whether there is a requirement to review the arrangement.

## 6.4 Human Resources Team

The Human Resources Team are responsible for:

- Leading the development, implementation and review of the policy.

## 6.5 Trade Unions

The Trade Unions are responsible for:

- Ensuring employees are familiar with the policy and procedure

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- Advising and representing employees who are members of a recognised Trade Union
- Assisting employees in the preparation of a applications for flexible working and encourage employees to provide a provide a carefully considered application with as much detail as possible.

## **PART 2: PROCEDURE**

### **1. APPLICATION FOR FLEXIBLE WORKING**

- 1.1. This policy and procedure is open to all employees and potential employees of the CCG. Employees have the right to request consideration of flexible working arrangements which may assist in helping them to care for their child, spouse, partner, civil partner or near relative. However, employees may make a request on any reasonable grounds.
- 1.2. Appendix 1 is the application form for the employee to complete to request flexible working and should be completed in all cases.

### **2. ELIGIBILITY CRITERIA**

- 2.1. Eligibility to request flexible working as an employment right extends to:
  - Any employee with at least six months' continuous service.
- 2.2. The employee must be directly employed and eligibility does not extend to agency workers.
- 2.3. The employee may only make one request in any 12 months period.

### **3. APPLICATION PROCESS**

- 3.1. The employee should submit their request for flexible working using the application form contained in Appendix 1. The employee should give as much notice as possible and within the minimum timescales set out in the following paragraphs.
- 3.2. Upon receipt of the application the line manager must meet with the employee within a reasonable timescale to discuss the full details of the request. The line manager should respond in writing with the decision within a reasonable timescale. .

### **4. ACTIONS TO BE TAKEN WHEN APPROVING AN APPLICATION**

- 4.1. The line manager should confirm in writing the approval of the flexible working request and confirm the arrangements in full regarding working hours, annual leave etc., and the date that the revised working pattern will take effect from.
- 4.2. Consideration should be given to the intervals at which the revised working pattern will be reviewed and this should be confirmed to the employee.

- 4.3. The line manager should complete a change form (if there is a contract variation) and forward this to the Human Resources Department ([sheccg.humanresources@nhs.net](mailto:sheccg.humanresources@nhs.net)) along with copies of all correspondence in relation to the flexible working request.

## **5. DECLINING AN APPLICATION**

- 5.1. Applications for flexible working can be declined. However there are specific grounds for rejection that must be evidenced. These are as follows:
- The qualifying conditions have not been met
  - The burden of additional costs
  - A detrimental effect on the ability to meet customer demand or business need
  - Inability to reorganise the work amongst existing employees
  - Inability to recruit additional employees
  - Detrimental impact on performance / quality
  - Insufficient work during the period the employee proposes to work
  - Planned structural changes.

## **6. RIGHT OF APPEAL**

- 6.1. If an employee feels that their application for flexible working has been treated unfairly they have the right to appeal under the terms of the CCG's Grievance Policy. Unreasonable refusal to consider a flexible working request may be deemed discriminatory and if deemed to be so will be dealt with in accordance with the CCG's Equality and Diversity Policy.

## **7. TYPES OF FLEXIBLE WORKING**

### **7.1. Job Sharing**

7.1.1 Job sharing is a flexible working arrangement which enables two, or more, employees to share the duties and responsibilities of a post. The salary associated with the post is divided between the number of job share partners in direct proportion to the number of hours they work. Annual leave entitlement will also be pro rata based on the number of hours worked and based on length of service in accordance with NHS terms and conditions of service.

7.1.2. A job share will originate in one of the following ways:

- From a vacant post which is advertised as open to job share applicants
- From a request from two or more existing employees who submit a joint application as a 'ready-made' partnership to job share a full time post
- From one existing employee who requests a job share, the other share of the post to be advertised.

7.1.3. In the case of an existing employee requesting a job share, the request should only be approved when a suitable candidate is appointed to the remainder of the post.

7.1.4. There are a number of important factors to be considered when recruiting to a job share post as follows:

- Clear definition of the duties and responsibilities of the post and how they are to be shared
- How to ensure equal effort of all job share partners
- Flexibility of job sharers to cover each other during periods of annual leave or sickness absence
- Communication in terms of effective handover periods between one job sharer to the other
- Increased supervision may be required initially by managers
- Administration and associated costs may be higher, for example for training and development.

## 7.2. Flexi Time

7.2.1. Flexi time enables employees to vary their working hours within agreed limits, i.e. they can vary the start and finish times for the working day and lunch breaks, provided they work the locally agreed 'core times'. Core hours should be specific to business requirements and to ensure cover arrangements are in place. Typical core period would be – 10.00 am to 12.00 noon and 2.00 pm to 4.00 pm.

7.2.2. It should be noted that flexi time may not always be possible due to business requirements. The following provides an overview of formal flexi time working but each department should establish their core flexi time system in consultation with employees, Human Resources and Staff Side.

7.2.3. Employees may work longer than the standard working day when necessary and 'save' the additional hours worked to take as time in lieu at a later date. This must be taken in accordance with local flexi time rules. Additionally an employee may have a deficit of hours worked which again should be agreed in accordance with local flexi time rules and worked back as appropriate and within the needs of the service.

7.2.4. The line manager should set the time limits within which accrued flexi time must be used and set a maximum amount of time which can be taken or carried over from one accounting period to the next. It is recommended that the accounting period is one month and that no more than 7.5 hours per month are either accrued or owed.

7.2.5. An appropriate recording mechanism must be introduced indicating the employee's start time, commencement of lunch break and recommencement from lunch break (minimum of 20 minutes, unpaid, if the employee works more than 6 hours per day) and a finish time. The employee should sign the form to confirm that the information contained on the form is accurate and to acknowledge that any misrepresentation of the hours worked may lead to disciplinary proceedings and referral to the CCG's Counter Fraud Specialist for further investigation, which may result in criminal proceedings. The supervisor or line manager must also sign the form each month.

7.2.6. Where abuse of the system is suspected an investigation will be conducted which may result in disciplinary action and dismissal. The case may also be referred to the CCGs Counter Fraud Specialist for further investigation which may result in criminal proceedings. Where abuse of the system is proven the flexi time arrangement will be withdrawn.

### **7.3. Part Time Working**

7.3.1. This is an established area of flexible working. In some cases an employee may wish to reduce their hours to part time for a period of time to combine work and personal commitments and then return to full time work at a later date.

7.3.2. Where an employee requests a change from full time to part time hours this should be considered wherever possible and only refused where there are good operational or business reasons for doing so.

7.3.3. Vacant posts may also be advertised as open to part time working.

### **7.4. Flexi Year / Annualised Hours Contract**

7.4.1. The flexi year or annualised hours contract enables employees to vary their working hours over a full year period rather than over days or weeks. This arrangement enables the employee to match working hours to their personal commitments and to the requirements of the job which can take account of peaks and troughs in workload.

7.4.2. When establishing a flexi year or annualised hours contract the total number of hours to be worked for the year should be agreed and stated in the contract. This should not exceed the total number of hours which would be worked in a year by a full time employee and should take into account annual leave and general public holiday entitlement.

7.4.3. The arrangement for when these hours are worked or how they are distributed through the year is subject to business need and must be agreed between the employee and the line manager. The maximum number of hours to be worked in any one day or week must be agreed

with the employee and must not contravene the Hours of Work Policy and/or the Working Time Regulations.

- 7.4.4. A system must be set up to record hours worked and this must be monitored by the line manager.

## **7.5. Term Time Working**

7.5.1. Term Time working enables employees to work for an agreed number of weeks or hours per year. Unlike the facility to vary the number of weeks / hours worked on an annual basis, term time working is based on pre-determined weeks during the year.

7.5.2. Employees may be contracted for a specified number of weeks per year and paid only for those weeks worked. In this case employees would not work during some or all of school / college holiday periods. Alternatively employees can be contracted for a specified number of weeks per year to cover holiday periods only and are paid for those weeks worked.

7.5.3. In order to avoid the situation where employees have certain weeks without pay their salary will be paid on a pro rata basis throughout the year to maintain a regular income. This will be specified within the contract.

7.5.4. Employees working term time are entitled to annual leave. This annual leave entitlement should be off set against the weeks the employee does not work.

## **7.6. Home Working**

7.6.1. Home working can either be a formal agreement where an employee works part of their contractual hours from home, as an alternative base point, or informally, for a few agreed hours, to complete project work, specific pieces of work etc.

7.6.2. Employees wishing to work from home on an ad hoc basis should agree this with their line manager and the work to be undertaken should be agreed. The line manager must consider the impact of home working on the rest of the team. Contact arrangements should also be put in place.

7.6.3. Where an employee requests to work from home permanently or for a lengthy period of time the following should be considered:

- How to ensure the employee does not feel isolated and how links to the CCG will be maintained
- The cost of equipping the home in terms of access to mobile devices
- Health and Safety including workstation risk assessment

- Telephone, electricity and insurance costs
- Stationery supplies
- Confidentiality / security.

7.6.4. The employee will need to notify the Inland Revenue that they are working from home for a set period of time or permanently as there are tax benefits associated with home working.

7.6.5. It is important to agree how workloads and hours worked will be monitored. The employee should be aware of times they are required to attend the CCG headquarters, for team meetings, one to ones, PDRs etc.

7.6.6. It is the responsibility of the employee to inform their home insurance provider that they are working from home and provide any details that maybe required.

### **7.7. Condensed Hours**

7.7.1. Condensed hours are a flexible working arrangement which enables an employee to work their contracted hours over a shorter period of time than a standard working week, for example 37.5 hours over 4 days or a working fortnight over 9 days.

7.7.2. It will be necessary to agree how the hours worked will be recorded and this should be monitored by the line manager.

7.7.3. Consideration must be given to the impact on the ability to cover business needs and this takes precedence at all times.



**Barnsley Clinical Commissioning Group**

**Putting Barnsley People First**

**APPENDIX 1**

**APPLICATION FOR FLEXIBLE WORKING**

<b>Name:</b>		<b>Employee Number:</b>	
<b>Job Title</b>		<b>Hours of work:</b>	
<b>Department</b>		<b>Location:</b>	

I wish to apply for the following flexible working scheme (Please highlight by ticking the appropriate box)

<b>Job Share</b>		<b>Part Time</b>	
		<b>Flexi Year /Annualised Hours</b>	
<b>Flexi-Time</b>		<b>Term Time</b>	
<b>Home Working</b>		<b>Condensed Hours</b>	

Please detail the changes that you are applying for and the date you propose they become effective from:

Please outline any implications you feel may need to be taken into consideration relating to the change to the service you provide:

**FOR THOSE APPLYING FOR A FLEXIBLE CONTRACT IN RELATION TO THEIR EMPLOYMENT RIGHTS TO REQUEST FLEXIBLE PATTERNS OF WORKING PLEASE COMPLETE THE FOLLOWING**

I have 6 months continuous service at the date of application: **Yes / No**

I have not made a previous application to work flexibly under this right during the previous 12 months	<b>Yes / No</b>
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**Signed:** ..... **Date:** .....

**LINE MANAGER'S COMMENTS**

Application approved:	<b>Yes/No</b>
If approved, commencement date:	
If declined, reasons for the decision:	

Date employee notified of decision .....

Date employee notified in writing of the outcome and right of appeal .....

**Signed:** ..... **Date** .....

Manager/Head of Department

Copy to: HR Department  
Personal File

## Equality Impact Assessment

<b>Title of policy or service:</b>	Flexible Working Policy and Procedure	
<b>Name and role of officer/s completing the assessment:</b>	Head of HR and Head of Governance and Assurance)	
<b>Date of assessment:</b>	September 2017	
<b>Type of EIA completed:</b>	Initial EIA 'Screening' <input checked="" type="checkbox"/> or 'Full' EIA process <input type="checkbox"/>	<i>(select one option - see page 4 for guidance)</i>

1. Outline	
<p><b>Give a brief summary of your policy or service</b></p> <ul style="list-style-type: none"> <li>• Aims</li> <li>• Objectives</li> <li>• Links to other policies, including partners, national or regional</li> </ul>	<p>To enable all employees to request consideration of flexible working arrangements to assist them in achieving a work life balance appropriate to their circumstances.</p> <p>The policy is in line with employment legislation and mirrors similar arrangements throughout the NHS.</p> <p>The Grievance Policy and Retirement Policy have links to this policy.</p>

## Identifying impact:

- **Positive Impact:** will actively promote the standards and values of the CCG.
- **Neutral Impact:** where there are no notable consequences for any group;
- **Negative Impact:** negative or adverse impact: causes or fails to mitigate unacceptable behaviour. If such an impact is identified, the EIA should ensure, that as far as possible, it is eliminated, minimised or counter balanced by other measures. This may result in a 'full' EIA process.

<b>2. Gathering of Information</b>					
This is the core of the analysis; what information do you have that might <i>impact on protected groups, with consideration of the General Equality Duty.</i>					
(Please complete each area)	What key impact have you identified?			For impact identified (either positive or negative) give details below:	
	Positive Impact	Neutral impact	Negative impact	How does this impact and what action, if any, do you need to take to address these issues?	What difference will this make?
<b>Human rights</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<b>Age</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<b>Carers</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<b>Disability</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

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<b>Sex</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<b>Race</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<b>Religion or belief</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<b>Sexual orientation</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<b>Gender reassignment</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<b>Pregnancy and maternity</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<b>Marriage and civil partnership</b> (only eliminating discrimination)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<b>Other relevant groups</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Procedure intended to apply to all staff	
<b>HR Policies only:</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Procedure legally compliant and in line with HR professional practice	

**IMPORTANT NOTE:** *If any of the above results in 'negative' impact, a 'full' EIA which covers a more in depth analysis on areas/groups impacted must be considered and may need to be carried out.*

Having detailed the actions you need to take please transfer them to the action plan below.

<b>3. Action plan</b>				
<b>Issues/impact identified</b>	<b>Actions required</b>	<b>How will you measure impact/progress</b>	<b>Timescale</b>	<b>Officer responsible</b>
No actions have been highlighted	No actions have been highlighted	N/A	N/A	N/A

<b>4. Monitoring, Review and Publication</b>				
<b>When will the proposal be reviewed and by whom?</b>	<b>Lead / Reviewing Officers:</b>	Head of HR and Head of Governance and Assurance)	<b>Date of next Review:</b>	September 2019

Once completed, this form **must** be emailed to the Equality Lead [barnsleyccg.equality@nhs.net](mailto:barnsleyccg.equality@nhs.net) for sign off

<p><b>Equality Lead signature:</b> <b>13 November 2017</b></p>	
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