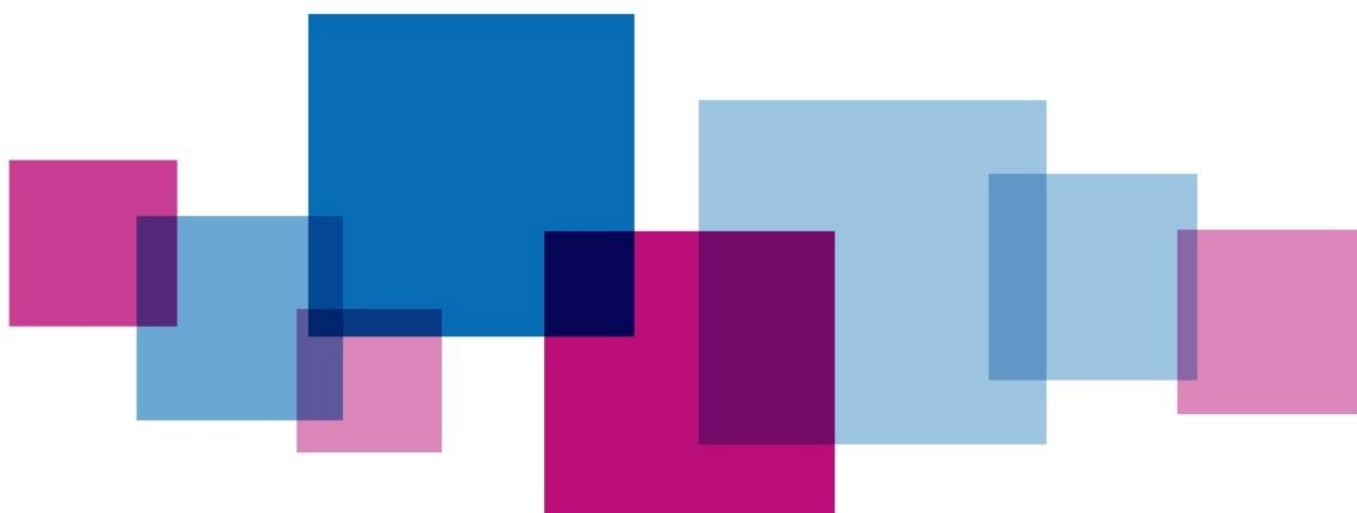


# Flexible Working



***Please complete the table below:***

*To be added by corporate team once policy approved and before placing on website*

<b>Policy ref no:</b>	27
<b>Responsible Executive Director:</b>	Deputy Chief Executive /Chief Finance Officer
<b>Author and Job Title:</b>	HR Manager/HR Business Partner
<b>Date Approved:</b>	05 November 2018
<b>Approved by:</b>	Deputy Chief Executive /Chief Finance Officer
<b>Date of next review:</b>	05 November 2021

	Yes/No/NA	Supporting information
Has an Equality Impact Assessment Screening been completed?	Yes	
Has the review taken account of latest Guidance/Legislation?	Yes	Flexible Working Regulations 2014, Employment Rights Act 1996, Children and Families Act 2014, Working Time Regulations 1998 all reviewed as part of policy development
Has legal advice been sought?	N/A	
Has HR been consulted?	Yes	HR Representatives authors of the policy
Have training issues been addressed?	TBC	To be picked up in Implementation Plan
Are there other HR related issues that need to be considered?	No	
Has the policy been reviewed by SPF?	TBC	Sent to JCC for virtual review and comments, returned for second review by SPF
Are there financial issues and have they been addressed?	N/A	
What engagement has there been with patients/members of the public in preparing this policy?	N/A	Internal Staff policy so consult with staff only
Are there linked policies and procedures?	No	
Has the lead Executive Director approved the policy?	Yes	Executive Team approved initial draft to go to JCC
Which Committees have assured the policy?	Yes	Executive Team, Corporate Policy Review Group, JCC
Has an implementation plan been provided?	TBC	Implementation Plan to be developed through consultation with SPF
How will the policy be shared with: <ul style="list-style-type: none"> <li>• Staff?</li> <li>• Patients?</li> <li>• Public?</li> </ul>	Yes	Will be shared with Staff via the Hub, Consult HR Portal and publicised through the Voice as well as through Directorate meetings



Will an audit trail demonstrating receipt of policy by staff be required; how will this be done?	TBC	Details to be confirmed in Implementation Plan
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# Flexible Working

## 1. Introduction

The CCG is committed to supporting employees by offering a range of flexible working arrangements.

It is recognised that employees may need to work flexibly to meet unexpected service needs, and be occasionally asked to work over their contracted hours, due to the needs of the business. In addition, employees have commitments outside of work and the balancing of these commitments may at times be better served through agreeing flexible working arrangements.

This policy sets out the flexible working arrangements that are available within the organisation.

## 2. Purpose and scope

The CCG is committed to providing a range of flexible working options for our employees in order to maintain a committed and skilled workforce, able to deliver high quality, cost effective services in an environment which maximises opportunities for employees to balance work and personal commitments.

It is for the employee and their line manager to discuss and agree which arrangement would be most suitable taking into account the overall needs of the department, the business and operational needs whilst ensuring the individual is still able to deliver the responsibilities of their role.

In granting flexible arrangements managers will need to ensure it does not cause unintended consequences that negatively affect the workload and wellbeing of other staff.

This policy applies to all staff employed by the organisation. It does not apply to students or volunteers, or to agency or self-employed contract personnel.

## 3. Principles of flexible working

The CCG has an overriding responsibility to deliver the best possible health outcomes to the population it serves. To do this, the organisation must have the capacity and resource to discharge its statutory requirements and commissioning objectives in a timely manner. It also has the right to seek ways of developing the capacity of its services, improving the capabilities of its employees and the operational effectiveness of the organisation.



The way working hours are arranged can help the CCG to manage its business and help employees balance their responsibilities at work and at home.

This policy allows any employee with 26 weeks of continuous employment with the CCG, the right to apply for a change in their contracted hours of work or working arrangements but does not guarantee a change will be made ... NOT A RIGHT.

All requests will be given full consideration and balance against the needs of the business. Where a request is denied a full and detailed written reason for the refusal will be provided by the manager to the member of staff.

### **4. Working Time Regulations**

Flexible working arrangements must adhere to the Working Time Regulations. Under these regulations staff should not exceed an average working time for each seven-day period, including overtime, of 48 hours (calculated over a 17 week period) unless an opt out agreement has been signed. The CCG does not support such opt outs.

The standard hours of all full-time NHS staff will be 37.5 hours, excluding meal breaks. Working time is calculated exclusive of meal breaks, Employees are legally entitled, under these regulations, to take a minimum of a 20 minute unpaid break if working 6 hours or more and there is no facility to opt out of such requirements. In the interests of employee wellbeing, the organisation encourages employees to observe this break which is not counted as working time. We encourage staff to take longer than this where possible to ensure they take a proper break and normally no longer than one hour unless previously agreed. Longer break times, need to be negotiated in advance with managers to ensure there is appropriate cover within the organisation. Where employees do not take such breaks, this would not accrue as flexible time.

Employees must also have a minimum of 11 hours rest between working days. If Employees are unable to take such rest, managers must seek to offer compensatory rest at the next available opportunity.

## 5. Flexible Working Options

### 5.1 Formal Requests for Contractual Changes to Flexible Working

#### 5.1.1. Who has the right to apply for contractual changes to work flexibly?

All employees are eligible to request flexible working if they have worked for the CCG continuously for 26 weeks or more at the date that the application for flexible working is made. Employees are eligible to apply for flexible working once during a rolling 12 month period. The Executive Team may permit an additional request in exceptional circumstances where it is appropriate to do so.

Requests for flexible working from staff should be made formally to their line manager using the Flexible working request Form (FWA01) on the Consult HR Portal. e.g. changes to hours, formal working from home arrangements and job shares.

All requests will be dealt with sensitively and with due consideration of an individual's needs.

However, in balancing the needs of the service and organisation it is likely that not all requests will be able to be accommodated. Individuals have the right to appeal against the decision to decline a formal flexible working request following the appeals policy.

Where a request for a permanent change to an employees' working arrangements is requested the organisation reserves the right to impose a trial period, the length of which will be at the line managers discretion but will normally be between 3 and 6 months, to establish whether or not the new working arrangements meet service needs.

As far as practicable the CCG may be able to offer flexible working arrangements in line with the principles laid out in the NHS Terms and Conditions of Service Section 34: Flexible Working Arrangements which can be accessed at <http://www.nhsemployers.org/tchandbook/part-5-equal-opportunities/section-34-flexible-working-arrangements>

It should be noted that the options listed within this document are intended as a general guidance to the types of flexible working options available. However, the spirit of this policy is to agree arrangements that both support individual circumstances whilst satisfying the needs of the service and maintaining responsibilities to deliver work requirements. Individuals should therefore discuss their own situation with their line manager.



### **5.1.2. Part-Time Working**

This is where an employee is contracted to a number of hours that are less than the normal hours of work of a comparable full-time employee.

Salary and annual leave are likely to be affected by changing to Part-Time Working. Part-time employees will receive the same entitlements on a pro-rata basis to full-time colleagues and are not treated less favourably than comparable full time employees in their terms and conditions of employment

Part time hours can be used for a variety of reasons and can be beneficial for both the employee and the employer.

Requests to work on a part time basis will be judged on the basis of business needs and existing capacity within the relevant team.

### **5.1.3. Job Share**

This is where two people share the duties and responsibilities of one full-time post in a partnership arrangement.

The salary and terms and conditions of service are shared on a pro-rata basis according to the hours worked by the job sharers. The incremental pay point of each job sharer, however, will be determined on an individual basis according to their skill level and knowledge, as well as previous recognised NHS service.

Hours and the pattern of the working week will be agreed between the job sharing post holders and their manager and will be varied only by the agreement of all parties. The sharing of duties and responsibilities must be agreed by the job share partners prior to confirming the appointments. Where continuity is determined as an essential requirement of the job, such arrangements must be achieved within the normal established total hours.

A post may be shared by two people on a split-day, split week or alternate week basis, giving each employee a pro-rata share of the full-time hours of the post. For operational reasons, it would be expected a handover would take place between Job –Shares each week.

Job sharers who work alternate weeks maintain their continuity of employment and this will be stated in the Contract of Employment.

Job Sharing partners will have an individual statement of Terms and Conditions covering salary, annual leave, bank holidays, sick pay entitlements, cover arrangements and the procedures which apply when one partner leaves. The hours agreed between job sharers should not be changed except with the express agreement of both manager and the job sharers.



In exceptional circumstances, where it is necessary for the job share unit to exceed the contracted hours, time of in lieu should whenever possible be arranged. Overtime will only be payable if an individual job sharer works more than the full time hours for the CCG and at the prior request of the line manager.

If one job share partner leaves, the vacancy shall not be advertised until the remaining sharer has been offered the post on a full-time basis.

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 'readymade' 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.

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.

If a job share appointment to a 'part' vacancy cannot be made within 3 months from the day of the first advertisement, the post will revert to full-time and the job share cannot be progressed. Under these circumstances, full consultation will take place with the job sharer. All reasonable attempts will be made to redeploy the remaining job sharer into another suitable post.

### **5.1.4 Annual Hours and Term-Time only Working**

This is where an employee works a specific number of hours each year, with the hours being unevenly distributed throughout the year or where people work during the school term but not during school holidays

Employees work an allocated number of hours per year rather than per week. The number of hours worked in any one week can fluctuate according to individual circumstances and the workflow demands of the service or modifying working patterns to suit personal circumstances with the possibility of having blocks of time off in the quieter periods of the year. This option may be favourable for those employees who are looking to concentrate their working hours during term times

A minimum number of hours must be worked in order to maintain professional registration and competencies, where applicable.

The allocation of hours worked each week or month becomes a matter for agreement between the employee and manager. It is the responsibility of the individual to make themselves available for work and to understand that they may be required to work in another location if their line manager cannot accommodate the hours requested.



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 must be specified within the contract.

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. Any remaining annual leave left over after off-setting against non-working weeks should be agreed with line managers in the normal process.

### **5.1.5 Regular Working from Home Requests**

Where an employee requests to work from home for a regular period of time the following should be considered:

- How to ensure the employee does not feel isolated and how links with the organisation 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.

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

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 organisations office, for team meetings, one to ones etc.

### **5.1.6 Voluntary reduced working time**

This is where people work reduced hours by agreement at a reduced salary for a temporary period. This should be agreed on a mutual basis between line manager and the employee. Staff reducing their hours should be made fully aware of the implications on pay, annual leave accrual, pension contributions and any other pay allowances (such as On-call) affected by such a reduction.

The salary and annual leave will be affected throughout the duration of the temporary reduction in hours.



### 5.1.7 Flexible Retirement

Within the rules of the NHS Pension Scheme there are a range of alternatives available for employees as they approach retirement. Employees interested in flexible retirement should seek further advice from HR in the first instance. Alternatively the NHS Pension Agency website at [www.nhsbsa.nhs.uk/pensions](http://www.nhsbsa.nhs.uk/pensions) can be accessed to seek advice regarding their pension.

When considering the flexible retirement options, management should balance the needs of the employee with the needs of the service. Flexible retirement options are not therefore an automatic right. Likewise, there may also be occasions where the CCG in the interest of the service may look to create opportunities for interested employees to pursue flexible options

The options available are as follows:

- **Wind down** - Defer retirement and continue to work part time. This option will affect the salary, pension contributions and annual leave.
- **Step Down** - Defer retirement and take a less demanding, lower paid role, whilst preserving pension benefits from the higher paid role. This option will affect the salary.
- **Retire and come back** - Retire, collect pension and return to work

Employees who formally retire from their job(s) in the NHS and wish to draw their NHS pension can no longer make any further pension contributions. NHS Pensions stipulate that there must be a minimum 24-hour break in employment and the employee must not work more than 16 hours a week in the first month of retirement to allow access to NHS Pension payments

If the employee is over age 60, after that first month has elapsed, the amount he/she could earn should have no effect on pension income.

If the employee is under age 60, he/she must ensure that their NHS Pension, plus their new income does not exceed their pre-retirement pay, otherwise the pension will be abated accordingly.

Staff whose application for returning to work to a role within the CCG after retirement is successful, will be issued with a new contract of employment to reflect the break in service and new arrangement. The employee's continuous service date for the purposes of sick pay and annual leave will not change.

However the employee's continuous service date for the purposes of the Employment Rights Act (1996) will be the new NHS start date (the date the employee returned to work after retirement).

### 5.1.8. Compressed Hours

Compressed hours is an arrangement that permits employees to work their total number of contractual hours over fewer working days.

Usually a five day week is compressed into four days or four and a half days, or a 10 day working fortnight being compressed into nine days.

Compressed working hours may not be viable for roles where additional cover would be needed on the days that the employee is not at work.

An example of this is:

- A 9 day fortnight where an employee may work a total number of contracted hours for a two week period, over 9 days instead of 10 days (i.e. working 75 hours over 9 days).
- This would average out and equate to the same weekly hours of 37.5 hours.
- The individual hours worked in a normal day are 8 hours and 20 minutes excluding meal breaks. The day not worked in the fortnight would normally be the same day every fortnight so that the service could accommodate this arrangement, with a reasonable amount of flexibility to cover service need and personal circumstances.
- A 9 day fortnight arrangement cannot be worked in conjunction with the flexi-time scheme to accrue additional flexi leave.

Compressed hours requests will only be considered as a single flexible working request and cannot be combined with other requests such as flexible days. Any staff member making a flexible working request for compressed hours will need to demonstrate the benefit to the organisation in comparison to other flexible working options such as reduced hours or flexible start and finish times.

### 5.1.9 On Call

On call arrangements are in line with Agenda for Change terms and conditions of employment.

An employee is on-call when, as part of the established arrangement with the CCG, they are expected to be available outside their normal working hours – either at the workplace, at home or elsewhere – to work as and when required.

On Call arrangements currently apply to Managers (usually Band 8c and above) on the CCGs on-call rota and other locally arrangements at team level.



Exceptions to this where suitable On-Call arrangements are offered to staff at different pay bands will be advertised internally for applications.

Employees who are required to be available to provide on-call cover outside their normal working hours will be entitled to receive a pay enhancement. Employees who are called into work during a period of on-call will receive payment for the period they are required to attend, including any travel time. This is usually under the CCG's contingency plan and employees have been designated as a Loggist role. Alternatively, staff may choose to take time off in lieu. However, if for operational reasons time off in lieu cannot be taken within three months, the hours worked must be paid for (including travel time).

### 5.2 Informal Requests for Flexible Working

#### Who has the right to apply for informal changes to work flexibly?

Informal changes are ad-hoc agreements between the employer and employee to work flexibly using a number of options, which are open to all employees from their first date of employment to request. These include:

##### 5.2.1 Flexi-Time

The aim of flexitime is to provide a degree of freedom for employees to flex the pattern of their working day whilst still meeting core business needs and management requirements. All patterns of working must be discussed and agreed with the manager since the needs of the service are the main consideration. It should be noted that flexi time may not always be possible due to business requirements or changing priorities.

Those employees working under a flexitime arrangement should each take an equitable share of responsibility for covering the service during normal working hours. It is not the purpose of flexitime, to enable employees to routinely accrue additional time off based on a system of core time and flexible time in each working day.

Flexi-time operates around a set of core hours that must be worked. Flexible hours provide a degree of flexibility for the remaining hours of work. Individuals may request the flexible element of working hours based on their preferences, but these must take into account the needs of the service and the circumstances of colleagues within the same team.

The flexitime system will be based on a monthly cycle. For full time employees a maximum of 7 hours 30 minutes credit or debit time can be accrued in the calendar month. This time will be reduced on a pro rata basis for part time employees. For example, a part time employee working 3 days a week on 22.5 hours could accrue a maximum of 4.5 flexitime hours.



Core time is the time of the day that all employees are expected to be at work. These are between:

10.00 am to 12.00 noon  
2.00 pm to 4.00 pm

Flexible time is time outside of these core hours where an employee may be at work and can flex these hours to accrue additional hours. These are normally:

8:00am to 9:00  
5:00pm to 6:00

Flexitime may be taken as requested by staff and only with the prior agreement of their line manager. Time can be taken in minutes, hours, half days or full days up to a maximum of one day each calendar month cycle. This will be pro-rata for part-time staff. Anything in advance of the one day can only be taken with agreement of the manager and is dependent on service needs and demands.

When taking flexitime within core hours, the employee must arrange this in advance with their line manager. Employees will not be allowed to build up excessive credit balances of flexitime and these will not be paid as overtime. Any flexitime credit are for work that has been completed above your normal working hours and should be taken back at an agreed time with your manager for no additional pay.

If an employee is due to leave the CCG, flexi hours should be maintained and managed to ensure that no credit or debit is outstanding on the last working day. Employees will be responsible for ensuring there is no outstanding flexitime credit or debit and demonstrating this to their line manager.

Annual leave should not be used to write off debit hours accumulated. Employees should not work in excess of 9 hours per day on a regular basis, and the working week must not exceed 48 hours as in line with the Working Time Regulations.

When working under the flexi time arrangement all employees must keep an up to date record of hours worked on a daily basis, using an agreed flexitime record, which should indicate the hours worked. A minimum of 20 minutes must be recorded for lunch, even if the employee chooses to work through. The employee should sign the document to confirm that the information contained is accurate and to acknowledge that any misrepresentation of the hours worked may lead to disciplinary proceedings. The manager must check and then countersign the form. It is recommended the manager keeps a record of any flexitime for a maximum period of 2 years. The manager may use these to monitor patterns of work.

Where a meeting has been pre-planned and takes place outside of flexi time periods shown above (e.g. evening meetings) then this time should be taken as time in lieu rather than banked as flexi time. Lieu time should be discussed and agreed with the line manager.





Employees are able to have an earlier start time and finish time but are based upon the standard service delivery need of the CCG. Any hours worked outside of these times would need prior line manager agreement. It is an expectation of the CCG that all telephone calls will be answered and visitors to the building welcomed between the hours of 8:30am and 5:00pm. It is therefore the line manager's responsibility to ensure that there is sufficient and appropriate team cover between these hours. This cover may be shared, at the manager's discretion, across different teams.

Flexible working arrangements are intended to make starting and finishing times flexible for employees with the aim of improving service delivery and supporting better working lives and wellbeing. It is not intended to be used as a means of accumulating sufficient hours for future leave to be taken and use of flexitime should be monitored carefully by managers against resource requirements and team capacity.

Both the employee and their manager have the right to end the flexible working arrangement at the end of the next four week period. If a manager wishes to end the flexible working arrangement they must seek advice from the HR Team prior to any action being taken. If the flexible working arrangement is terminated by either party the flexi hours should be adjusted to ensure that no credit or debit is outstanding on the last day of that four week period.

### **5.3 Remote Working/Working from Home**

This is when an employee is able to request to work from another location, whether it be an office or home on ad-hoc basis, and is able to access the server to be able to work and communicate with the organisation by e-mail and telephone.

Ad-hoc Home working is a consideration where the employees work is self-regulated and discrete to the extent that it can be undertaken outside the office. Home working can also only be possible where there is mutual trust between the manager and the employee.

Home working can only be considered where a specific task can be undertaken at home and where there is clarity around what will be accomplished. No additional costs must be incurred by the CCG as a result of home working.

Facilities required to undertake the job must already be available at the employee's home, i.e. telephone, IT facilities to access emails and online records as appropriate and an employee must be contactable at home during 'normal' working hours via telephone or email.



The employee must satisfy the organisation that whilst working from home they will be free from interruptions/distractions etc. that may normally exist within the home environment. The employee must also ensure their home is safe and secure for the individual to work and not put the CCG at any risk of liabilities.

The CCG will retain the right to refuse working from home should an individual be subject to formal performance management or as a sanction as part of disciplinary action.

To ensure the principles of Information Governance are adhered to, managers and staff are required to make the necessary arrangements to ensure all confidential information remains secure at all times during this arrangement.

By agreeing to work from home, individuals are giving their assurance to the organisation that any such information will be managed securely. Any breaches arising from a failure to safeguard such information may result in Disciplinary action and a cessation of further home working.

No employee will have their base designated as home and the CCG will offer casual home working as appropriate. Line managers should monitor the working patterns of staff members who work remotely on an ad hoc basis.

It is recognised that staff may need to work from home on the grounds of ill health or to support phased return to work after a period of sickness absence. Line Managers shall agree such arrangements with staff for a temporary period over a defined period following advice from Occupational Health or a Medical professional involved in the care of the affected staff member.

Staff shall not be entitled to use working from home on an ad-hoc basis to avoid accruing sickness absence.

### **5.4 Overtime**

Eligibility for overtime payments is set in the Agenda for Change terms and conditions.

There is a single harmonised rate of time and a half for all overtime, with the exception of work on general public holidays, which will be paid at double time.

Overtime payments will be based on the hourly rate provided by basic pay. Part-time employees will receive payments for the additional hours at plain time rates until their hours exceed the standard hours of 37.5 hours a week.



The overtime rate will apply whenever excess hours are worked over fulltime hours unless time off in lieu has been agreed as an alternative. Overtime or TOIL must be agreed in advance with the line manager.

Senior staff paid on Agenda for Change pay bands 8 or 9 or at VSM level will not be entitled to overtime payments.

### **5.5 TIME OFF IN LIEU (TOIL)**

TOIL is where staff have worked approved additional hours in excess of their normal contractual hours. TOIL is based on actual hours worked, which can be claimed back. Managers should ensure that staff are not working excessive amounts of TOIL

For staff who do not do flexi-time they can claim TOIL when appropriate. TOIL is an ad-hoc arrangement which allows managers and staff to respond flexibly to unexpected service or personal needs i.e. doctor's appointment. It also covers when working outside of a normal pattern is a regular and expected occurrence, e.g. end of month returns, evening meeting etc.

Recognising that employees are sometimes asked to work additional hours to cover essential and discrete pieces of work, the employee is able to take mutually agreed time off at a later date.

TOIL should be used appropriately for short, unplanned additional work or for staff to use who are not on flexi-time for one-off occasions to start work later or finish earlier. For more regular occurrences, flexi time should be used.

Where, exceptionally, for operational reasons, staff are unable to take TOIL within 3 months (of the additional hours being worked) they are entitled to receive an overtime payment for bands up to band 7. Overtime payment in lieu of TOIL will not be paid where the CCG has made a reasonable offer for the employee to take the time off in lieu, which they have refused to take.

The need for the additional time to be worked should be agreed prior to undertaking the work. TOIL must be taken at a time agreed with the authorised manager which meets the business needs of the CCG. Employees need to be considerate to each other when operating TOIL and give primary consideration to the needs of their service area. This may mean that the time is reimbursed through working shorter days and/or taking a part or full day off work which is mutually convenient to you, the business and fellow colleagues.



The CCG does not expect any member of staff to work excessive hours and concerns about workloads should be discussed regularly at one to one meetings between employees and managers.

Where it is not possible to agree the additional hours beforehand, the employee should inform their line manager, where appropriate, as soon as practicable and the line manager must agree.

The accrual of TOIL should not normally exceed a maximum of 15 hours per calendar month (pro rata for part time staff) and where this is the case, managers must review the resource capacity across the team.

## 6 Flexible Working Changes Application Procedure

Where an employee is applying for flexible arrangements which fall within the “Informal Arrangements – Section 5.2). This **does not** require an application in writing, but should be discussed and agreed between the employee and line manager.

Where an employee is applying for flexible arrangements which fall within the “Formal Contractual Options – Section 5.1), they should apply **in writing** using the flexible working application form, located on the BNSSG ConsultHR portal to the line manager clearly stating their request, how they propose the arrangement will work and the benefits and impact of the request.

Staff are encouraged to make flexible working requests as soon as possible to allow time for such requests to be considered and any changes to resources planned.

### 6.1 How will my manager deal with my request?

Line managers must arrange to meet the employee to discuss the request within **28 days** of receiving the written application.

The line manager will consider the request in light of the employee needs, the departmental needs and any legal requirements, and will assess how best to accommodate these needs without impairing the needs of others and the service.

A Human Resources Representative will offer advice and support in determining suitable flexible working options and the employee will also be able to bring a workplace colleague or a trade union representative to this meeting if they wish.

Following the meeting the line manager will write to the employee within **14 days** confirming the outcome of the discussion. This notification will clearly state the new working pattern if it has changed, when this will commence from and any



salary changes if applicable. Should the request be rejected the line manager should clearly outline the specific reasons for this and inform the employee of the right of appeal.

An application for flexible working may be refused on the following grounds:

- Detrimental effect on the ability to deliver the required service.
- The inability to reorganise work among existing staff
- The inability to recruit additional staff
- The burden of additional costs and resources
- Detrimental impact on quality and performance.
- Risk to the individuals wellbeing
- Risk to the organisation
- Ongoing unresolved performance issues

Please note that the list above is not exhaustive.

If hours or working arrangements are changed which affect pay, a change of assignment form will need to be completed and submitted to action on Payroll, with a copy of the form added to the individuals personal file.

### **6.2 Trial Periods**

In some circumstances the manager and/or employee may have reservations about the potential success of a new arrangement. In these circumstances, the manager may agree to a trial period of up to 6 months to assess the impact of the arrangement.

There should be a midway review to discuss the impact and consider any further adjustments, or the continuation or early ending of the arrangement.

Employees may request to work flexibly initially for a time-limited period to cover a certain phase in their life. For example, where having an elderly dependant means individuals would like to alter their hours to better support their caring arrangements.

The aim will be to consider such requests by retaining the staff members original contractual terms and changing the working pattern for a temporary period, subject to ongoing review.

## 7 Appeal

If the employee feels that an application for flexible working has been unreasonably declined, they should discuss the matter with their line manager in the first instance, putting their case in writing within 5 days of receiving the decision in writing. If the manager upholds the original decision s/he should respond in writing setting out the reasons for the decision within 5 days.

If the employee still feels aggrieved by this decision the employee should appeal through the Appeals procedure.

## 8 Responsibilities

The Chief Executive has a responsibility to oversee the implementation of this policy and to ensure that managers take action to meet the organisation's obligations to ensure equity and consistency.

Managers have a responsibility to follow this policy and to act on concerns or issues raised in a sympathetic, sensitive and supportive manner.

HR are responsible for the provision of advice and/or support to managers and employees in relation to the application of this policy.

Employees have a responsibility to familiarise themselves and act in accordance with this policy.

## 9 Training requirements

Training and support will be available to all line managers in the implementation and application of this policy.

## 10 Equality Impact Assessment

All relevant persons are required to comply with this document and must demonstrate sensitivity and competence in relation to the nine protected characteristics as defined by the Equality Act 2010. The Act prohibits discrimination on the basis of age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex or sexual orientation. It also means that each manager or member of staff involved in implementing the policy must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity between those who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not.

Equality Impact Assessment Screening	
Query	Response

If you, or any other groups, believe you are disadvantaged by anything contained in this document please contact the Document Lead (author) who will then actively respond to the enquiry.

## 11 Monitoring compliance and effectiveness

This policy will be reviewed every 3 years but can be reviewed at any time if the CCG deems it necessary to do so or a review is requested by management or staff.

## 12 Counter fraud

The CCG is committed to reducing fraud in the NHS to a minimum, keeping it at that level and putting funds stolen through fraud back into patient care. Therefore, we have given consideration to fraud and corruption that may occur in this area and our responses to these acts during the development of this policy document.

## 13 Appendices

### 13.1 Equality Impact Assessment

### 13.2 Implementation Plan

### 13.1 Equality Impact Assessment

Equality Impact Assessment Screening		
Query	Response	
What is the aim of the document?	To set out the CCG responsibilities in relation to the procedure for managing staff requests for formal and informal flexible working	
Who is the target audience of the document (which staff groups)?	All staff	
Who is it likely to impact on and how?	Staff	Yes - Staff will be given fair and reasonable consideration of any formal or informal flexible working requests. The policy makes all reasonable provision to ensure equity of access to request flexible working for all staff, with a fair and balanced consideration of such requests in line with organisational need. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic
	Patients	No
	Visitors	No
	Carers	No
	Other – governors, volunteers etc	No
Does the document affect one group more or less favourably than another based on the 'protected characteristics' in the Equality Act 2010:	Age (younger and older people)	no
	Disability (includes physical and	no

	sensory impairments, learning disabilities, mental health)	
	Gender (men or women)	no
	Pregnancy and maternity	no
	Race (includes ethnicity as well as gypsy travellers)	no
	Sexual Orientation (lesbian, gay and bisexual people)	no
	Transgender people	no
	Groups at risk of stigma or social exclusion (e.g. offenders, homeless people)	no
	Human Rights (particularly rights to privacy, dignity, liberty and non-degrading treatment)	no





### 13.2 Implementation Plan

Target Group	Implementation or Training objective	Method	Lead	Target start date	Target End date	Resources Required
Governing Body	Ensure GB is aware of CCG's responsibilities for implementation and monitoring of HR Policies	Cover paper to the policies to be presented to the Governing Body	HR Business Partner	1 January 2019	28 February 2019	staff time, governing body time
Executive Directors	Ensure awareness of responsibilities of CCG process to ensure compliance Individual Executive Director responsibilities Directorate Responsibilities	Ensure systems are in place to implement relevant policies in their areas  Discussion/bite size workshop on overview of policies with Individual Directors  Launch of Policies at SMT  Launch of Policies through Directorate meetings/briefings  To ensure the provision of advice, guidance and support to Directors in the operation of HR policies.  Ensure systems exist to identify staff training needs on the implementation of new and updated policies	HR Business Partner	1 February 2019	31 March 2019	staff time, executive director time
Managers	Ensure awareness of CCG process and roles	Ensure staff have read and understood the relevant policies, strategies and procedures.  Ensure policies and procedures are accessible for all their staff on the Hub  Ensure systems exist to identify staff training needs on the implementation of new and updated policies  Specific training sessions and 1:1 support to be provided, including awareness of the application of HR policies.	HR Manager/ Learning and Development Manager	9 <sup>th</sup> January 2019	31 March 2019	staff time, training room resources

## Flexible Working Policy

		Implementation of training workshops for Line Managers.				
All Staff	Ensure awareness of CCG processes and procedures	<p>Information about the policy and CCG processes to be placed on the Hub/Consult HR platforms and to familiarise themselves with this policy and the how it may impact upon them.</p> <p>Ensure a system is in place for policies to be placed on the intranet</p> <p>Information about the policy and CCG process to be communicated through the Voice</p> <p>Awareness raising item at individual Directorate/Directorate SMT and team meetings</p>	<p>HR Business Partner/HR Manager/Comms</p> <p>Corporate Team/Comms Team</p> <p>Comms Team</p> <p>Executive Directors/Senior Managers</p>	1 January 2019	31 March 2019	staff time,





**Bristol, North Somerset  
and South Gloucestershire**  
Clinical Commissioning Group

