



Work Life Balance Policy

Work Life Balance Policy

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How is policy to be disseminated	All Staff

Check list for Governing Body/approving committee	
Has an Equality Impact Assessment been completed?	Yes
Has legal advice been sought?	No
Have training issues been addressed?	Yes
Are there financial issues and have they been addressed?	Yes
How will implementation be monitored	Through the SCWCSU HR Team
How will the policy be shared with: <ul style="list-style-type: none"> • Staff? • Patients? • Public? 	Via the Bristol CCG internet site and dedicated communication to Bristol CCG employees.
Are there linked policies and procedures?	

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Section A: Work-Life Balance Policy

1 Policy Statement

Bristol Clinical Commissioning Group's success depends on you (the staff) and we understand that your ability to work at your best is when you are able to strike a balance between your work and your life outside of work. We recognise that we need to attract and retain good staff and that our commitment to helping you to achieve a 'Work Life Balance' will assist in enabling you to work more productively and happily.

One of the aims of the policy is to create a workforce that is representative of the population the CCG serves and in order to do this, it will look to remove barriers to recruitment and retention, which may adversely impact on staff members and applicants with protected characteristics.

These policies and procedures have been developed to provide you with a range of flexible working options and leave arrangements to help you to balance your life-style whilst maintaining the required service for Bristol CCG to be a success.

2 Who does this Policy Apply to?

All Bristol CCG employed members of staff.

3 How will the CCG Improve Work-Life Balance?

By promoting 'work-life balance' in a structured and consistent manner to enable you to work more flexibly, through aiming to meet your flexible working/leave requests where possible.

By considering all requests on their own merits, with fairness, discretion, sensitivity and compassion, whilst ensuring that the CCG and the service are not disadvantaged.

By providing a number of flexible working options (section B) and employee leave options (Section C).

4 What can I do if I feel the Policy is not being implemented properly?

If you feel that the Work-Life Balance Policy is not being applied correctly you should discuss this in the first instance with your line manager and/or senior manager. However if you are still unhappy you can make a complaint under the CCG's Grievance Procedure.

5 What can I do if I Feel my Request for Flexible Working / Employee Leave has been Unfairly Refused?

If you have followed the correct application procedure and you feel that your request for flexible working/employee leave has been unreasonably refused, you should discuss this in the first instance with your line manager and/or senior manager. If you are still unhappy you can appeal against the decision, using the CCG's Appeals Procedure.

Please note that if you are appealing about parental leave and you have a child under the age of 14, or a disabled child under the age of 18, your appeal hearing should be held within 4 weeks of your request being turned down.

6 What Happens in the Provisions of this Policy are Abused?

Any misuse of this policy and procedure(s) (by Manager or Staff) will be dealt with through the CCG's Disciplinary Procedure.

7 How will this Policy be Monitored and Reviewed?

All applications, arrangements, and the effect of this policy and procedures will be monitored by Human Resources on an on going basis. Senior Management are also encouraged to review regularly the uptake of this policy and the consistency of application across the organisation.

Data regarding the implementation of this policy will be sought from individuals through the staff survey and analysed.

All the Work Life Balance options detailed in this policy will be reviewed after 2 years, or earlier in line with changing legislation and/or at the request of either the staff or management side or the recognised consultative forum.

Section B: Flexible Working Policies and Procedure

8 Summary of Flexible Working Options Available

Title of Policy/Guidance	Brief definition
Part Time	Working less than full time with an agreed pattern of hours.
Flexi-working	Working your contracted hours on a flexible basis. In a 'flexi scheme' core hours are covered but start and finish times of the day can be varied. Hours can be credited or debited within an agreed period and time off can be taken in lieu of hours worked.
9-day fortnight	This is an arrangement whereby 75 hours are worked over a period of 9 days, with an agreed day off every fortnight. This is different to flexi-working as it is a defined working pattern.
Job Share	2 or more equally graded members of staff share the duties of one post.
Home Working	An agreement which allows a member of staff to work part or all of their working time at home.
Term Time Working	Taking leave during school holidays with a salary that is divided in to 12 monthly equal amounts.
Annualised Hours	Working a set number of hours over a one-year period.
Flexible	Options enabling a reduction in hours or

Retirement	responsibility prior to retirement, or enabling staff to return to work following retirement. (Please refer to the flexible retirement policy)
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9 Applying to Work Flexibly

9.1 Do I have the right to apply to work flexibly?

Since June 2014, the right to apply to work flexibly has been a statutory right extended to all employees who have been in employment for 26 weeks or more.

The organisation will therefore consider requests for flexible working from any member of staff. All requests will be dealt with sensitively and where possible your needs will be met. However in balancing the needs of the service and organisation it is likely that not all requests will be able to be accommodated – if this is the case a compromise will be sought.

Employees are eligible to request flexible working if they have worked for the CCG continuously for a minimum of 26 weeks at the date that the application for flexible working is made. Employees are eligible to apply for flexibly working once during every 12 month period.

9.2 How do I request to work more flexibly?

You should consider the various options available to you (see above). 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 suit your own circumstances whilst satisfying the needs of the service. You should therefore discuss your own situation with your manager, HR Department and/or Trade Union Representative.

It may be that you would like to work flexibly initially for a time-limited period to cover a certain phase in your life. For example you may have an elderly dependant and would like to alter your hours to enable you to care for him/her. Or a trial period of flexible working could be negotiated. Such requests will aim to be met by retaining your original contract and changing your working pattern for a temporary period, subject to review.

Once you are clear about your request you should apply **in writing** using the application form attached in Appendix C to your manager clearly stating that you would like to work more flexibly and how you would ideally see this working.

The organisation maybe more able to accommodate your flexible working request the more notice they have.

9.3 How will my manager deal with my request?

Your manager should arrange to meet with you to discuss your request within 3 weeks of receiving your written application.

He/she will consider your request in light of your needs, the departmental needs and any legal requirements, and will assess how best to accommodate your needs without impairing the needs of others and the

service. It is recommended your manager consults with your department to ensure any decision is fair, equitable and owned by the team. Your Human Resources Department will offer advice and support in determining suitable flexible working options and you will also be able to bring a workplace colleague or a trade union representative to this meeting if you wish.

Following your meeting your manager will write to you within 2 weeks confirming the outcome of your discussion. This notification will clearly state your new working pattern if it has changed, when this will commence from and any salary changes if applicable. Should your request be rejected your manager should clearly outline the specific reasons for this and inform you of your rights of appeal.

Your 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
- Detrimental impact on quality and performance.

Please note that the list above is not exhaustive.

If your hours and/or work situation does change you will be required to complete a change of conditions form. Your Line Manager is responsible for compiling the change of conditions form.

10 Guidance on Part Time Working

Part Time working is widely used within the NHS and has always been the traditional way for employers to manage the need for flexibility within employment. There are many ways of accommodating part time working which are covered in this section of the Work-Life Balance Policy.

Under the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, all part-time workers are entitled, pro rata, to exactly the same benefits as full-time workers. This includes the right to receive a pro rata annual leave and Bank Holiday allocation.

11 Guidance on Flexi-Working

11.1 What is flexi-working?

Flexi-working allows you to work your contracted hours in a flexible manner whilst ensuring that the needs of the service are not disadvantaged. Flexi working is not classed as time off in lieu (TOIL) which is outlined in the overtime policy, as it is a long term arrangement and is therefore available to all staff (Bands 1-9 and VSM).

The Working Time Regulations (1998) state that individuals should not work more than 48 hours per week, averaged over 17 weeks, unless you opt out from these regulations. The organisation however believes that for staff to work at their best the regulations should be adhered to and therefore cumulative hours should not exceed 48 hours per week. For further detail

please refer to the Working Time Policy. Staff cannot opt out of rest periods detailed in the Working Time Regulations (1998) as outlined in the Working Time Policy.

11.2 Am I eligible for flexi-working?

All staff are eligible to be considered for flexi-working, including part time staff.

Flexi-working normally applies to whole departments depending on the service you provide and whether it is practical to work in this way. It is advisable in teams where flexi working is appropriate, that a departmental scheme is devised to ensure consistency amongst staff.

The operation of a flexi-working scheme is always subject to agreement from your manager to ensure the needs of the service are being met. For example, it may not always be possible to allow maximum flexibility on a particular day due to service requirements.

Individual requests for flexi-working can be made to your manager. Your manager has discretion to grant this and may refuse if the needs of the service would be disadvantaged.

11.3 How does flexi-working operate?

If a flexi-working scheme is deemed appropriate the following example guidelines may be helpful when devising the arrangements: Please note these guidelines relate to full-time staff, but may be adapted as required.

- Set earliest start and latest finish times for a normal working day, e.g. 7.30am – 6.30pm.
- Set core times when all staff should be present at work, e.g. 10am – 12 noon and 2pm – 4pm.
- Subject to service requirements staff can accrue hours over the course of a one month period to take 1 day off per month. This should be agreed with management and is subject to service delivery. It may not be possible for staff utilising flexi-time to be able to utilise this option and only flexible start and finish times may be available under this agreement.
- Lunch arrangements should be clearly stated. A minimum of 20 minutes rest break must be taken if staff work for 6 hours or more (this is unpaid).
- Agree a maximum of credit/debit hours to be carried over from one four week period (called the 'accounting period') to the next. It is advised that this is not more than the equivalent of 1 normal working day in any accounting period.
- Staff should be responsible for recording their hours in a system to be agreed with their manager. This should be monitored and any abuse of the system could result in disciplinary action. Staff and managers are responsible for retaining this information for a reasonable period of time for audit purposes, in accordance with the Data Protection Act.

- Accrued flexi-time leave should only be taken at a mutually convenient time for the member of staff, manager and the department. If necessary management can postpone leave at short notice.
- In cases of authorised absence such as annual leave or sick leave, hours should be credited as a standard working day.

12 **Nine Day Fortnight**

A nine day fortnight allows employees to work full time hours but over nine days instead of ten in each two week period. Although they work full time, the annual leave needs to be calculated differently.

For individuals who work 37.5 hours per week, an extra 7.5 hours must be spread over the 9 days that are worked. Days off will be taken in agreement with the line manager to suit the needs of the service.

It is a reasonable request for your line manager to ask you to demonstrate when you worked extra hours and for what reason at any time.

A day off should only be taken if the extra hours have been worked. All annual leave should be recorded in hours and not days.

The annual leave is worked out in accordance with section 7 of the policy. To workout the entitlement, you first need to calculate the average working day. To do this, multiply the hours in the working week by two and divide by nine. The following example is for someone working 37.5 hours per week. $37.5 \times 2 = 75$. $75/9 = 8.33$ hours or 8 hours 20 minutes.

For someone on 27 days leave, using the tables, annual leave entitlement = 202.5 hours; bank holiday entitlement = 60 hours. Total = 262.5.

Each day of annual leave requested is 8.33 hours. In this example, if you have a week off when you would normally work 5 days, this should be taken as 41.65 hours (41 hours 40 minutes) and then you are still entitled to your day off the following week. If you have annual leave the week you would normally have your day off you should request 33.32 hours (33 hours 20 minutes). Similarly each Bank Holiday you take is 8.33 hours. If the Bank Holiday falls on a day you would normally have as your day off, you do not need to deduct the hours.

You must be able to demonstrate that 75 hours has been worked over two weeks whether this is actual work time or annual leave hours.

13 **Job Share**

13.1 **What is a job share?**

A Job Share is a working arrangement where, two or more equally graded staff share the duties of one post.

Job sharers share the full responsibilities of one post and undertake a proportionate amount of the duties.

Pay and conditions of service are shared pro rata according to the number of hours worked and each job sharer will receive a separate contract of employment.

Job sharing requires a high level of co-operation and communication between the sharers. This makes it different from 'Job Splitting', which is

when a job is split in to two or more separate part time jobs, requiring very little interaction.

13.2 Am I eligible to job share?

Job share is open to any person in the organisation and all posts are eligible to be considered for job sharing. However not all posts will be deemed suitable for job sharing although requests should only be refused when there are justifiable service delivery reasons. Discussion should take place between your manager, your colleagues and Human Resources to decide if a post is viable for job share.

13.3 How do I apply to job share?

If you are currently working in a post:

- If you are currently working and wish your post to become a job share you should write to your line manager in the first instance with a copy to Human Resources.
- Your manager should meet with you to discuss how the job share will work and Human Resources will be involved to advise on contractual and legislative matters.
- If the application to job share is successful, the vacant part of the post will be advertised in accordance with the organisation's recruitment and selection procedures.

If you are applying for a full time post on a job share basis

- If you are applying for a new job on a job share basis it is helpful (although not essential) if you seek out a suitable job share partner before you apply.
- Job share works best when the two people:
 - relate well to each other
 - understand each other's special requirements
 - have compatible skills and experience
 - are flexible
 - communicate effectively with each other
- Your application should include a detailed account of how the job share will work in practice.

13.4 How are job sharers selected?

The process for filling a job share must be fair and equitable and consistent with the organisation's Recruitment and Selection Guidelines.

When you are already in post and searching for a job share partner:

- You will be involved in the selection process and have the opportunity to meet all applicants.
- Your manager will discuss with you your views on potential candidates. The final appointment decision will rest with the interview panel.

When you are making a joint application to job share in a post:

- Both you and your potential job share partner will be interviewed separately by the panel to establish suitability to the role.
- Following the separate interviews you will then be interviewed together to discuss details of the job share. This will be ideally on the same day and by the same interview panel.

When you are making an individual application to job share a post:

- If there are separate applications for job share you will be interviewed separately.
- You will then be given the opportunity to meet each other separately to discuss arrangements before being asked to meet together with the panel.

13.5 What happens if a job share partner can't be found for me?

If you are an existing job share employee and your job share partner leaves you will be offered the remaining hours of the post in the first instance subject to skill mix requirements of the service. If you reject this there will be at least one recruitment attempt to find a new job sharer. If this is unsuccessful you will be offered redeployment to another part time post if available. If neither of these options are acceptable or possible then you may, as a last resort, have to be given notice and your contract terminated.

13.6 How does job share affect my pay and conditions?

Contract: You will be issued with an individual contract of employment and the provisions of the job share policy and individual job share agreement relating to the post will form part of the contract. If you have converted from an existing post to a job share post you will be issued with an amended contract of employment or change of conditions form, retaining any service linked entitlements as appropriate.

Salary: You will receive the appropriate rate for the post calculated pro rata to the actual number of contracted hours. Starting salary and incremental progression, if applicable, will be on an individual basis within the grade according to length of service and experience.

Pension: All employees are eligible to join the NHS Pension Scheme unless they choose not to.

Annual Leave: This will be pro rata to the full time entitlement. You should agree with your manager as part of the initial job share arrangement whether it is preferable for you to take leave separately or simultaneously when possible. You should also consult with your job share partner before making a formal leave request.

Bank Holidays/Statutory Days: These will be applied pro rata to the contracted hours as per the annual leave policy.

Sickness: Occupational pay is payable on a pro rata basis.

Banding: The banding of a post will relate to all sharers employed against it. Any review of banding will assess the whole post and not individual employees in the role.

Training & Development: Like all staff, you will have a regular Individual Performance and Development Review with your manager and you will be considered separately. In terms of training and promotion opportunities you will be considered equally.

13.7 Do I need to cover my job share's absence?

There is no compulsory requirement for you to work extra hours to cover your job share partner's annual leave or sickness leave. However you will be expected to cover the agreed priority workload in the role, as far as is practicable. Additional hours may be offered to you by your manager to cover such periods of absence.

If you do work hours in excess of your contracted hours you will either be given time off in lieu or as a last resort may be paid at the basic hourly rate for the additional hours if time off in lieu is not appropriate and the role is still required to be covered.

14 Guidance on Term Time Working and Annualised Hours

The Term Time working and Annualised Hours approach is to allow staff to have more flexibility to plan their work around other commitments and responsibilities, whilst still meeting the needs of the service.

14.1 Annual Hours

The Annualised Hours approach is based on contracting employees to work a set number of hours each year and to receive a regular monthly payment that equates to one twelfth of the hours they need to work each year plus their annual leave and public holiday entitlement.

14.2 Term Time Working

Term Time working allows employees to remain on a permanent contract and gives them the right to unpaid leave during school holidays. Agreement is then reached between the member of staff and their manager on how much additional unpaid leave is required to cover the school holiday period and when exactly paid leave will be given. These arrangements should be made as much as a year in advance if possible.

14.3 Procedure and Management Approach

Employees who wish to apply for the scheme shall discuss the matter initially with their line manager.

With agreement, Term Time working and Annualised Hours will be available to all categories and grades of staff.

Requests for Term Time and Annual Hours provisions should be granted with due consideration to the needs of patients, service delivery and fellow work colleagues.

The administration of these contracts requires regular communication and mutual monitoring of working hours.

The hours to be worked by each employee are negotiated in advance, and can vary on a weekly or monthly basis.

The standard year for the purposes of term time working and annualised contract runs from 01 April to 31 March and is defined as 52.143 weeks (365.00 days).

14.4 Defining the Base Contract

Annual Hour Contract

The formula to calculate annualised hours is as follows:

Contracted hours per week (x) weeks to work for the year (-) annual leave entitlement (-) public holiday entitlement (=) Annual hours
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Example 1: A full time employee whose standard week is 37.5 hours with annual leave entitlement of 27 working days plus 8 public holidays is worked out as:

37.5 hour's (x) 52.14 weeks (-) 202.50 hours annual leave (-) 60.0 hours public holidays (=) 1692.50 hours per annum

Therefore, the employee in this example would be contracted and paid for 1955 hours per annum but would only be required to physically work 1692.50 because of the deduction for annual leave entitlement.

NB - 1955hours per annum is derived from (Wkly hrs x weeks).

Worked out as $37.5 \times 52.143 = 1955$

Example 2: A part time employee contracted to work 20.0 hours with 132.0 hours annual leave after 10 years of service and 32 hours bank holiday is worked out as:

20.0 hour's (x) 52.14 weeks (-) 132.0 hours annual leave (-) 32.0 hours public holidays (=) 879 hours per annum
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Please note that variations can be calculated using the above principle for different levels of standard work hours and leave entitlements. Also refer to the Annual Leave policy for an accurate annual leave and bank holiday calculation.

The number of annual hours to be worked should be divided by 4 over the year to be monitored quarterly. A timesheet will need to be completed by the individual and signed off by the line manager on a monthly basis to keep track of the hours. This should record:

- a) Date of start of current annual contract
- b) Total annual Contracted Hours
- c) Total hours worked that month and cumulative hours worked in the YTD
- d) Total hours remaining in the YTD

NB - YTD means Year to Date and refers to the standard year (01 April to 31 March).

Term Time Working

Employees on term time contracts will be expected to take their paid annual leave during the school holiday period and not during term time. They instead get an entitlement which is incorporated into their salary.

Please see below for a worked example of term Time Working:

Table 1

Current Contracted Hours per Week	24 hrs
Current Contracted Hours per Year (24 x 52.143)	1251.5hrs per annum
Proposed weeks NOT worked Easter 2 weeks Summer 5 weeks October 1 week Christmas 1 week	TOTAL (=) 9 weeks
Proposed weeks WORKED (52.143 – 9)weeks	43.143 weeks
Annual Hours worked over 43 weeks (Contracted Hours per Week x Proposed weeks WORKED = 24 x 43.143)	1035 hours Per annum
Spread evenly over 52.143 weeks (1032hours divide 52.143)	19.85 hrs Per Week

Total actual weekly hours worked = 24 hours

Total actual weekly hours paid = 19.85 hours

Total period NOT worked = 9 weeks

Total annual leave entitlement for the year is therefore spread over the 9 week period.

14.5 Defining the Working Pattern

Annual Hours Contract

The employee contractual hours under the annualised hours approach is divided into fixed hours and flexible hours. The manager and the employee agree how many are to be fixed and flexible hours.

When negotiating the contracted hours, the flexible hours cannot exceed the number of fixed hours, which in total cannot exceed the full time hours for that post.

The exact pattern of flexible hours worked by each employee in any given period can be 'flexed' to match both workload requirements and individual availability. The flexible hours can also be used to cover peak periods, staff sickness, holiday and other absence, and training.

e.g. for an annual hour's contract on 780 hours per annum, this could be agreed as

Fixed hours: 390 per annum (equivalent to 7.5 per week) Flexible hours: 390 per annum (equivalent to a notional 7.5 per week)
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Or for annual hours contract of 1872 hours per annum.

Fixed hours: 1123 per annum (equivalent to 21.6 per week) Flexible hours: 749 per annum (equivalent to a notional 14.4 per week)

Term Time Working

The principles and parameters must be agreed before a term time Working Contract scheme can be introduced i.e. the agreement of timescales i.e. paid and unpaid leave periods. Please refer to the term time working TABLE 1 for an illustration of how to define unpaid periods.

In the table this is a total of 9 weeks proposed unpaid period over a 12 month period.

These were Easter – 2 weeks, Summer – 5 weeks, October – 1 week and Christmas – 1 week, making a total period of 9 weeks unpaid period.

Term time staff are not usually able to take annual leave during term time.

14.6 Payment of Salary

Annual Hours

Under the annualised hours contract, salary payment will be paid in arrears in 12 equal monthly instalments regardless of the number of hours worked during the relevant period.

Contracts would provide for a re-calculation of earnings including pro-rata leave entitlement when the contract ends part way through the year.

If notice is given by the employee the calculation for annual leave may need to be re-visited also taking into account hours already worked and any adjustments required could possibly result in staff reimbursing the organisation for the annual leave which has been overtaken.

Term Time Working

Term time working ensures that rather than staff only being paid during week/months they work, they receive an equal average payment every week of the year.

Therefore in the example the employee works 24 hours per week over 43 weeks but is paid for 19.8 hours per week plus 2.5 hours annual leave. The employee would therefore be paid 22.3hours per week over 52.143 weeks.

14.7 Sick Pay

The sick pay allowance would apply (in line with nationally agreed terms and conditions of employment and organisation policy) providing the following areas are satisfied: -

- Medical certificate or self-certificate is produced
- Sickness occurs during planned work time and not "free" time.
- Hours planned/rostered to be worked but not worked due to sickness will be credited towards annualised hours worked.

Calculation of sick pay will be based on the contracted hours.

14.8 Other Conditions

In time of sudden staff shortages due to sickness, vacancies or other causes staff are expected to be flexible to work a different work pattern for a short period of time and this decision should take into account the needs of the service balanced against the needs of the individuals and their circumstances.

15 Application to Request for Flexible Working

Please apply for any request for flexible working by completion of the relevant form available on the ConsultHR Portal.

16 Statement of Compliance with the Equality Act 2010

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.

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.

17 Counter fraud

The CCG is committed to the NHS Protect Counter Fraud Policy – to reduce fraud in the NHS to a minimum, keep it at that level and put funds stolen by fraud back into patient care. Therefore, consideration has been given to the inclusion of guidance with regard to the potential for fraud and corruption to occur and what action should be taken in such circumstances during the development of this procedural document.

18 Review

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

19 Appeals Process

If the employee feels that an application for other leave 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. 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 grievance procedure.

20 Associated Documents

- Other Leave Policy
- Annual Leave Policy
- Grievance policy

Victoria Nangreave

HR Manager

20 June 2016