

Worcestershire Acute Hospitals NHS Trust

Flexible Working Policy

Department/Service	Human Resources
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What this Policy Covers

The NHS People Plan sets out the ambition to provide greater choice of working patterns to support work-life balance. Additionally, the NHS Terms and Conditions of Service (Agenda for Change) provide contractual rights in relation to requesting flexible working.

The NHS definition of Flexible Working is:

“An arrangement which supports an individual to have greater choice in **when, where and how** they work.”

The Trust has achieved **Timewise Accreditation** and is committed to supporting you to ‘**bring your whole self to work**’. We will positively explore ways with you in which you can better balance your work and personal life. This will enhance the **health and wellbeing and recruitment & retention** of colleagues, whilst maintaining service delivery and patient care.

This **life-friendly** policy outlines eligibility to make an informal or formal flexible working request, the procedure that should be followed and what will be considered when deciding whether to agree to the request.

Principles

- You have the contractual right to request flexible working from **day one** of employment and flexible working opportunities will be considered at all stages in your career, **regardless of role, band, or the reasons for you wanting to work flexibly**. The Trust is committed to affording this right to all colleagues employed by the Trust, not only those whose terms and conditions are determined by the NHS Terms and Conditions of Service (Agenda for Change).
- The Trust will make every effort to accommodate your request for flexible working, focussing on **how** it might be accommodated rather than why not.
- Although you have the contractual right to request FW from day one of employment, **not all roles are suitable for every** flexible working option available. Requests for flexible working are therefore considered on a case-by-case basis in a fair and transparent manner.
- You will be asked to consider the impact of your flexible working request on your colleagues, the service provided and patient care.

Individuals, managers and teams are encouraged to work together to explore the flexible working options available and seek a practical arrangement which supports the individual while:

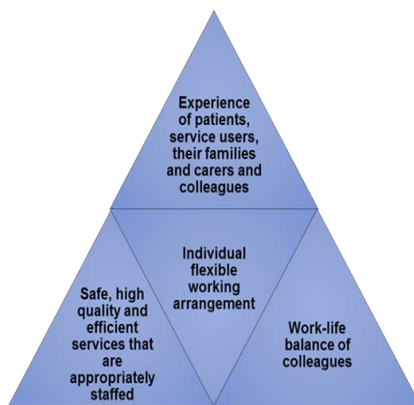
- Providing the best experience for patients/service users, their families and carers.
- Maintaining safe, high quality, efficient services that are appropriately staffed.
- Maintaining the work-life balance of colleagues.
- If you have an agreed flexible working pattern you will not be treated any less favourably in terms of e.g. pay rates and opportunities for promotion than colleagues

who do not work a flexible working arrangement. Any adjustments to pay and benefits should be pro-rata to that of a full-time colleague.

The Trust recognises that legislation enabling two flexible working requests to be made in a 12-month period may not always align with changes in your personal/professional life. The approach to requesting and considering flexible working arrangements should therefore be a collaborative one between you and your manager. If your first request is declined, you will be supported by your manager to review your request and consider alternative arrangements consistent with any previous feedback and in accordance with Section 4.3 below.

Your manager will jointly agree review periods with you and discuss flexible working as part of regular **Wellbeing Conversations, 1:1s** and **PDR** processes to consider whether any additional or alternative arrangements are needed to meet either your needs or those of the Trust.

Flexibility works best when the following key considerations are balanced:



Responsibilities

- The Trust Board has overall responsibility for this policy. The lead Executive Director will be the Chief People Officer with responsibility for ensuring that the policy is applied in a fair and consistent way and is monitored effectively.
- Managers have a responsibility to effectively and fairly implement this policy within their department/area. They will ensure that all flexible working requests are dealt with in a fair, equitable, timely and consistent manner and will consider requests within the team as a whole. Although you are not required to provide a reason for your request, if you have given a reason, this will remain confidential and will not be discussed with your colleagues. Managers will have due regard for flexible working requests where you have additional protections from the Equality Act 2010 (for example: to meet childcare needs; as an adjustment to support a disability; or to meet religious requirements).
- You have a responsibility to balance your own needs for flexibility against those of your colleagues and the provision of services to patients.

A complete list of responsibilities is detailed within the [Flexible Working Guidance Toolkit supporting this Policy](#).

Policy in practice

Options for Flexible Working

Informal flexible working arrangements

These arrangements are usually agreed between you and your line manager as and when needed and do not normally require a formal contractual change. Examples of informal arrangements could include:

- Shift/session swaps
- Mixing shifts/sessions (e.g. working some long and some short shifts/sessions)
- Time off in lieu (TOIL)
- Flexing Working Hours
- Staggered hours where start, finish and lunch/break times can be variable (usually set around a period of 'core hours')
- Hybrid Working (where you have a defined Trust base but you are able to work from home for part of your working week).

You and your manager are encouraged to have informal flexible working discussions on an ongoing basis during **wellbeing conversations and during regular 1:1 meetings**.

Formal flexible working arrangements

Some of these working arrangements may initiate a change to your contract and therefore may impact upon your pay (including unsocial hours' payments), pension and/or annual leave calculations.

Formal flexible working options include:

- Annualised hours – working your contracted hours flexibly throughout the year without affecting your regular salary payment.
- Term time working – concentrating your working hours within school term times to provide time off during school holidays.
- Voluntary reduction in working time – working fewer hours for an agreed period.
- Part-time working – where working hours are less than standard full-time hours.
- Compressed hours – where your contracted working hours are compressed into fewer days.
- Job sharing – you and one or more people share responsibility for your current role.
- Flexitime – working flexible hours during the day within defined limits.
- Team Based Rostering – where colleagues within a team organise themselves to work the shifts/hours that need to be covered at the appropriate skill mix to meet the needs of the service, overseen by the line manager.
- Flexible Retirement
- Hybrid working

NB It may be possible for a combination of Flexible Working options to be worked e.g. Compressed hours combined with Hybrid working.

Hybrid Working

Flexible Working relates to **Where, When and How** you work and Hybrid working is one of the options that determines **Where** you work.

The use of Hybrid working practices increased during the Covid-19 pandemic and there is evidence that colleagues have experienced improved work-life balance, mental and physical health, and lower levels of unpaid working hours.

The Trust has introduced an approach to Hybrid working using job role categories which means that available working options will depend upon your job role. These categories are used to set expectations regarding hybrid working. Teams with colleagues able to adopt such working patterns decide on the ratio of hybrid working within their team according to operational business and colleague needs.

All roles may be assigned to one of 4 categories:

- **On-site with flexibility** – this is for colleagues whose role requires them to work on-site usually because the nature of their work requires some level of face to face contact, however there is a level of flexibility where they could work remotely on occasions. This is likely to include Nurses, Doctors, and AHPs.
- **On-site fixed** – this is for colleagues whose role requires them to work on-site for all of their working time. This is likely to include housekeepers, porters, and security staff.
- **Remote / On-site hybrid with fixed desk** – this is for colleagues who can work remotely for at least 40% of their working week but they are required to have a specific working environment when they are on-site. This is likely to include medical secretaries, IT technicians, specialist nurses, procurement, and staff with a disability requiring specific equipment.
- **Remote / On-site hybrid with hot desk** – this is for colleagues who can work remotely for at least 40% of their working week and do not require a specific working environment when on-site. These colleagues would be required to use a hot desk when attending one of our sites. This is likely to include corporate areas such as finance, HR, digital, and information.

Colleagues will be assigned to one of the 4 categories based upon their job role. Teams can then complete a **Team Principles** document (available in the Flexible Working Guidance/Toolkit) to agree on the following factors:

- Requirements for on-site working and any rotas for on-site cover
- How key information will be cascaded to those working remotely
- What equipment will be required
- Frequency and planning of team meetings and events
- How the team will stay in touch

As explained in section 2, any flexible working arrangements need to balance patient needs, service needs, the wider team's needs and ensuring that the health & wellbeing of all colleagues is maintained.

If you feel that your job role has been assigned to an incorrect Hybrid working category, you should discuss this with your manager in the first instance.

There is a [Flexible Working Guidance Toolkit](#) to support both colleagues and managers.

Pay and benefits

- For all of the flexible working arrangements listed above, the Trust can arrange for payments to be made regularly, regardless of when hours are worked over the course of the year.
- Payments would be made as though you were working a standard working week. This would involve recalculating your annual pay based upon your new working arrangements and making regular monthly payments.
- Moving to an alternative flexible working arrangement may result in contractual changes to your pay, pension and annual leave entitlements and you are advised to seek advice about any likely impact before making a final decision from Payroll/your manager.

Stages

Making a formal flexible working request

- If you wish to request a formal change to your working pattern, you should make this request via ESR Colleague Self Service. If you do not have access to ESR, you may complete a Flexible Working Application Form (see [Flexible Working Guidance Toolkit](#)). General advice (excluding financial advice) and support is available from your Trade Union representative or the HR Advisory Team if you would find this helpful.

A formal Flexible Working request is not required for Hybrid working because this is based upon your role.

- After receiving your flexible working request, your manager will acknowledge this via ESR/letter within 14 days. If your request is made using a Flexible Working Application Form, your manager will input your request details into ESR, creating a central record, using Manager Self Service. If your manager is able to agree to your request immediately based upon the information you have provided, they will discuss and confirm this decision to you via ESR and also by letter, confirming any revised contractual terms.
- If further information is required, your manager will arrange a **Flexible Working Exploration Meeting** with you to discuss your request. This meeting must take place within 28 days of receiving your request in ESR/receiving your Flexible Working Application Form. It will provide an opportunity for you to discuss in depth your desired work pattern and how long you wish to have this work pattern in place. This will allow for a full exploration of whether and how your request may be accommodated.
- It will also provide an opportunity for you to discuss and consider alternative working patterns within your current area of work if accommodating your initial request is not possible.

- If you wish, you can arrange to be represented at this meeting by your accredited workplace Trade Union representative or be accompanied by a work colleague although this is not a requirement. An HR representative may also attend if required.
- If a trial of your requested working arrangements is agreed at this meeting, timeframes for a review of the arrangements/ when a decision will be made regarding your request will be mutually agreed.

Flexible Working Decisions

- Following full consideration of your request at the **Flexible Working Exploration Meeting**, your manager will confirm whether your request or a mutually agreed alternative arrangement can be accommodated within your immediate department/work area. If it has been approved, your manager will confirm this to you via ESR and also in writing within 14 days of the meeting.
- When deciding whether your flexible working request can be accommodated within your immediate department/work area, your manager will consider:
 - the impact of your requested change on service delivery/experience of patients
 - how the change would affect your colleagues

Further considerations are detailed within the [Flexible Working Guidance Toolkit](#) supporting this Policy.

- Whether or not a Flexible Working Exploration Meeting has been held, if your request has been approved, your manager will confirm the changes to your terms and conditions, your new working pattern and start date within the decision letter. This will be an amendment to your terms and conditions of employment. You should note that, if you agree to the change, (unless it is for an agreed time period) you will have no automatic right to return to your original pattern of work if you wish to change again in the future.
- If your manager is unable to accommodate your request ***within your immediate department/work area***, an **Escalation Stage** will then be followed (***unless you confirm that you do not wish this to happen***).
- The **Escalation Stage** enables the Trust to support you to explore other possible solutions, including whether the form of flexibility you are seeking can be accommodated in a different team, location or role, outside of your current department/work area. This may initially be arranged on a trial basis for a mutually agreed period of time.
- Whilst the Trust is supporting you to look for alternative options, you will be asked by your manager to confirm whether you are willing to accept an extension of timescales to allow for the **Escalation Stage** to be followed. The **Escalation Stage** will be effective for a maximum period of **8 weeks** commencing from the date of the Flexible Working Exploration Meeting. Whilst this Stage is progressing, your manager will record a '**Pending Decision**' in ESR and a final decision will only be confirmed once the Escalation Stage has been completed following consideration of any alternative options. Conversations between you and your manager during the Escalation Stage will be confirmed in writing including alternative options that you have considered during this time.

- If an alternative option within the Trust (which supports your requested working arrangements) has been identified, offered and accepted by you, even if initially on a trial basis, this will be confirmed by your manager in writing and via ESR.
- If however, no alternative options have been successfully identified during the Escalation Stage, your manager will meet with you at the end of the 8 week period. Your manager will confirm the outcome of your original flexible working request and provide the reasons for your request not being supported at this time. This will be confirmed by your manager via ESR and in writing, providing you with information regarding a right of appeal.
- If you wish, you can arrange to be represented at this meeting by your accredited workplace Trade Union representative or be accompanied by a work colleague although this is not a requirement. An HR representative may also attend if required.

Appeal

If you are not satisfied with the outcome of your flexible working request, then you have the right to appeal against this decision. Your appeal should be made in writing to your line manager within 7 calendar days of the date of receiving the outcome in ESR or written confirmation from your manager (whichever is the earlier), outlining the reasons for your appeal. The appeal will be handled in accordance with the Appeals section of the Trust's Grievance Policy.

Reviews

Approved flexible working arrangements will be discussed by you and your manager during regular 1:1s, Wellbeing Conversations and your PDR to ensure that they continue to suit both your needs and those of the Trust.

Timescales

All flexible working requests, including appeals, should be considered and decided upon within a period of 2 months from the first receipt of the request, unless an extension to timescales has been mutually agreed (to enable you to explore alternative opportunities available within the Trust using the [Escalation Stage](#)).

Reporting & Monitoring

Data relating to formal Flexible Working requests and outcome decisions will be centrally recorded and reported within ESR with quarterly updates provided to the Trust's People and Culture Committee and the Joint Negotiating & Consultative Committee (JNCC).

Implementation Plan

This policy will be available on the Trust Intranet.

A policy briefing will be developed for Divisional Management Boards, Directorate Meetings and Worcestershire weekly.

[HR Key Documents Supporting Documents](#)

[Flexible Working Policy Supporting Documents](#)