

Flexible Working Policy

July 2022 - October 2023

CONTROL RECORD			
Reference Number HR-009	Version 1.2	Status Final	Author Head of Human Resources and Organisational Development
			Sponsor Director of Nursing
			Team Human Resources and Organisational Development
Title	Flexible Working Policy		
Amendments	<ul style="list-style-type: none">Reference to 'employed for 26 weeks' removed from Eligibility Criteria at section 5.Update of Appendix B to include 'Review of Application by Line Manager's Manager'.Review date extended to October 2023.Changes in approving committee to HR Sub-Committee.		
Purpose	To ensure that there is a process in place to support employees and managers to create flexible working arrangements to suit business need and individual circumstances		
Superseded Documents	Flexible Working Policy v1.1		
Audience	All staff in Nottingham and Nottinghamshire Integrated Care Board		
Consulted with	Integrated Care Board Senior Leadership Team and Staff Engagement Group		
Equality Impact Assessment	See Appendix C		
Approving Body	ICB Board	Date approved	1 July 2022
Date of issue	July 2022		
Review Date	October 2023		
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1. Introduction

- 1.1 This policy applies to the NHS Nottingham and Nottinghamshire Integrated Care Board, hereafter referred to as 'the ICB'.
- 1.2 The ICB is committed to offering a flexible approach to employment practices to ensure that employees achieve a balance between home and working lives. The ICB recognises the need to support flexible working requests where these can be reasonably accommodated by the business in order to achieve our commitment to improving the health and wellbeing of all our staff.

2. Purpose

- 2.1 The aim of this policy is to provide the staff and managers with a consistent approach to support the needs of individual staff members who may wish to adopt a creative and flexible approach to working practices within the ICB. It also adheres to statutory requirements for employees with caring responsibilities to request flexible working. The policy also aims to:
- Reduce absenteeism by providing a mechanism for staff to meet personal commitments outside of work time.
 - Increase efficiency of the ICB by providing working options to meet the needs of the service.
 - Improve retention by providing staff a process to achieve a sensible work life balance.

3. Scope

- 3.1 This policy will apply to all employees, lay members and patient representatives representing the ICB.
- 3.2 It does not automatically apply to Contractors or Agency Workers.

4. Roles and Responsibilities

Roles	Responsibilities
Human Resources	It is the responsibility of the Human Resources Team to provide advice and support in all aspects of this policy to ensure fair and consistent application and approach.

Roles	Responsibilities
Line Managers	<p>It is the responsibility of all line managers to ensure that they:</p> <ul style="list-style-type: none"> • Give fair consideration to all flexible working requests. • Adhere to the policy, applying it fairly and consistently to ensure that all staff are provided with the same opportunities. • Adhere to the time limits set within the policy unless mutually agreed to extend them with the employee. • Provide appropriate support and information to the employee throughout the application process. • Only decline a request for flexible working where there is a clear and recognised business need to refuse. • Commit to regular review periods of any new flexible working arrangements.
Employees	<p>It is the responsibility of all employees to ensure that they:</p> <ul style="list-style-type: none"> • Apply for flexible working arrangements in advance of when they want the change to take place. • Provide as much detail as possible within their application. • Be prepared to discuss their application with their line manager. • Be flexible if compromise is required. • Agree to regular review periods of the new working arrangements. • Ensure that their application meets the needs of the business as well as themselves.

5. Eligibility

- 5.1 The employee can only apply for flexible working arrangements under the policy to balance work and personal commitments whilst the ICB can consider cost effectiveness and impact of deliverability to ensure that all employees are given equal opportunity.

6. Process of Flexible Working Application

- 6.1 Any employee interested in flexible working is advised to speak informally with their line manager to discuss their eligibility, the different options available and

the effect of their proposed work pattern on colleagues and service delivery, before submitting the formal request.

- 6.2 Employees wishing to change their pattern of working must apply in writing to their line manager using the Flexible Working Request Form (**see Appendix B**). The application must:
- State that this is a flexible working request.
 - Explain the reasons for the request.
 - Consider whether any policies are relevant, for example Equality, Diversity and Inclusion Policy if the request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability.
 - Provide as much information as you can about current and desired working patterns, including working days, hours and start and finish times, and give the date from which they want the changes to take effect.
 - Identify the effect the changes that the requested working pattern will have on the work done, on colleagues and on service delivery. Suggestions about dealing with any potentially negative effects should be included in the written application.
 - Provide information to confirm that the eligibility criteria set out in paragraph 4.1 and 4.2 of this policy including the dates of any previous formal requests for flexible working.
 - Be reviewed by the line manager and the line manager's manager.
- 6.3 Employees should give as much notice as possible before they want the flexible working arrangements to begin.
- 6.4 Upon receipt of the application, the manager must meet with the employee as soon as possible to discuss the application in detail.
- 6.5 A review period may be suggested to ensure that the new work pattern meets the employee's needs and those of the ICB.
- 6.6 Following the meeting the manager will write to the employee with the outcome of their flexible working request.
- 6.7 If the request is accepted, or where the manager proposes an alternative to the arrangements requested, the line manager will write to the employee with details of the new working arrangements, details of any trial period, and explanation of changes to the contract of employment and the date on which they will commence. The employee will be asked to sign and return a copy of

the letter. The letter will be placed on their personnel file to confirm the variation to the terms of employment.

6.8 There will be circumstances where, due to operational requirements, the ICB is unable to agree a request. In these circumstances, the line manager will write to the employee explaining the reason(s) for refusing the request and setting out the appeal process.

6.9 The statutory reasons for which a request may be rejected are:

- The burden of additional costs.
- Detrimental effect on ability to meet demand.
- Inability to reorganise work among existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficiency of work during the periods that the applicant proposes to work.
- Planned changes.

6.10 There is no limit to the number of requests which can be made. Excessive requests for flexible working will be considered by the line manager, and action taken, where appropriate.

7. Right to Appeal

7.1 If a request for flexible working is declined all employees have the right to appeal the decision.

7.2 The employee must state their grounds for appeal in writing to their line manager's manager within ten calendar days of receipt of their flexible working request outcome letter.

7.3 The line manager's manager must review the original decision and the reason given for refusal. If the manager overturns the decision they must communicate this to both the line manager and to the employee detailing how they reached this decision and when the flexible working arrangements are due to begin.

7.4 If the appeal is rejected, the written decision will give the reason(s) for the decision and explain why the reason(s) apply.

8. Equality and Diversity Statement

- 8.1. The Nottingham and Nottinghamshire ICB pays due regard to the requirements of the Public Sector Equality Duty (PSED) of the Equality Act 2010 in policy development and implementation as a commissioner and provider of services as well as an employer.
- 8.2. The ICB is committed to ensuring that the way we provide services to the public and the experiences of our staff does not discriminate against any individuals or groups on the basis of their age, disability, gender identity (trans, non-binary), marriage or civil partnership status, pregnancy or maternity, race, religion or belief, gender or sexual orientation.
- 8.3. We are committed to ensuring that our activities also consider the disadvantages that some people in our diverse population experience when accessing health services. Such disadvantaged groups include people experiencing economic and social deprivation, carers, refugees and asylum seekers, people who are homeless, workers in stigmatised occupations, people who are geographically isolated, gypsies, Roma and travellers.
- 8.4. As an employer, we are committed to promoting equality of opportunity in recruitment, training and career progression and to valuing and increasing diversity within our workforce.
- 8.5. To help ensure that these commitments are embedded in our day-to-day working practices, an Equality Impact Assessment has been completed for, and is attached to, this policy.

9. Communication, Monitoring and Review

- 9.1 The Flexible Working Policy will be highlighted to new employees at staff induction and is stored on the ICB's HR/OD Intranet pages and by the ICB's HR&OD.
- 9.2 This Policy will be reviewed periodically every three years (or earlier if changes in the law or any other circumstances require it) and will be approved by the HR Sub-Committee.
- 9.3 Any individual who has queries regarding the content of this policy, or has difficulty understanding how this policy relates to their role, should contact the HR department via email nnicb-nn.hr@nhs.net.

10. Staff Training

- 10.1 All staff will be offered relevant training commensurate with their duties and responsibilities. Staff requiring support should speak to their line manager in the first instance. Support may also be obtained through their HR Department.
- 10.2 Any individual who has queries regarding the content of this policy, or has difficulty understanding how this policy relates to their role, should contact the HR Team via email at nnicb-nn.hr@nhs.net

11. Interaction with other ICB Policies

- 11.1 This policy should be read in conjunction with the following ICB policies:
- Leave Policy;
 - Family Leave Policy.

12. References

- 12.1 The following legislation and guidance has been taken into consideration in the development of this procedural document:
- Equality Act 2010.

Appendix A: Types of Flexible Working

1. Compressed/condensed hours

Condensed hours are a flexible working arrangement that allows the employee to work their contracted hours over shorter periods rather than the standard 5-day week.

An example of this would be the 9-day fortnight. This enables staff members to condense their hours over a two-week period into 9 days rather than 10, providing them with an additional day off once a fortnight. The 9-day fortnight is only available to full time staff.

The employee's normal working day will be 8 hours 20 minutes long excluding any meal breaks.

Usually the additional day off will remain the same every fortnight. This allows the ICB to plan work around the individual and ensure that service delivery can be met. A degree of flexibility will be needed from the employee should a service need require the employee to change their non-working day or to respond to their own personal circumstances.

For example, a degree of flexibility can be accommodated on the number of hours worked each day.

2. Time owing

Employees may accrue time owed to them when where is an organisational need for them to work beyond their contracted hours. Time owing cannot exceed 15 hours in any 3-month period.

3. Term time only contracts

Term time working provides the employee the opportunity to work for an agreed number of weeks or hours per week. Unlike annualised hours, term time working is pre-determined when the individual will work throughout the course of the year.

This working pattern is likely to be suited to employees with young or school-aged children in order to enable them to care for their children during school holidays without incurring additional childcare costs.

Employees can have their pay aggregated over the course of the year to avoid a situation where some weeks/months they will not receive any pay due to their agreed working pattern. Should this be agreed and should the employee leave part way through the year, any shortfall in pay will be their final payment and any overpayment will be deducted from their final pay.

Employees working on a term time only contract are entitled to the same annual leave as set out in Agenda for Change although this will be calculated pro-rata.

Annual leave should be taken in school holidays and should be offset against the weeks the employee does not work.

4. Annualised hours

Annualised hours provides an employee the greatest degree of flexibility. It allows them to vary their working pattern and hours to suit their personal commitments and the needs of the service that may peak and trough at certain times of the year.

The hours to be worked in a year under this arrangement should be stated within the contract. The hours should not exceed what the individual would normally work within the course of a year and should take account of the annual leave entitlement.

The maximum number of hours to be worked in a day or week should be agreed with the employee and should not contravene the Working Time Directive.

Worked hours are to be recorded and shared with the line manager to ensure that the employee is not in breach of contract.

Annual leave entitlement and Bank Holidays will be included in the annual hours and will be calculated in hours rather than days. Please seek advice from HR to calculate the hours.

5. Part-time working

An employee can request to move to part time hours but the line manager will need to consider the service and business needs before agreeing.

Employees can request to reduce their hours to part time on a temporary basis due to personal circumstances and return to full time at a later date.

6. Job sharing

Job sharing is a mutual agreement between two employees to share the pay and benefits of one job between them based upon the amount of time they each work in the role.

The ICB is supportive of informal job sharing arrangements which can arise from the following situations:

- From a vacant post which is advertised as open to job share.
- From a request from two or more current employees who submit a joint flexible working request.
- From an existing employee who requests a job share and the remaining hours are advertised. This can only be approved once a suitable candidate has been appointed.

Managers must be clear on the following before pursuing a job share option:

- Duties and responsibilities are clearly defined and it is determined how these are going to be shared.
- Establish how to ensure equal effort from all job share parties.
- The flexibility of the job share partners.
- Establish communication methods to ensure effective hand overs between job sharers.
- Ensure the manager has the ability to offer increased support and supervision initially.
- Be aware of the impact on administration costs and other associated costs which may be higher due to duplication for example, training and development.

If one half of a job share leaves employment, the remaining hours will be offered to the other job share partner. If the hours are unwanted they will be advertised as a job share opportunity.

Following the recruitment process, if unsuccessful in filling the post, the remaining hours will need to be advertised as full time. The remaining job share partner will, where practicably possible, be found alternative work elsewhere within the ICB on the same or similar hours as their job share agreement.

Only in exceptional circumstances and after all other options have been exhausted would consideration be given to terminating the remaining job share partner's contract of employment.

7. Home working

Home working can be a formal agreement where the employee has their contractual base changed to home. When an employee requests to work from home permanently or for a lengthy period of time the line manager will need to consider the following:

- Health and safety including workstation risk assessments.
- Confidentiality and security.
- Telephone, electricity and insurance costs.
- Equipment costs of mobile devices.
- How to ensure the employee does not feel isolated in their work and how links to the ICB and the team are to be maintained.
- Stationary supplies.

There are tax implications associated with working from home. The employee will need to notify HMRC that they are working from home permanently or on a fixed term basis.

Monitoring of working hours, recording of sickness absence and agreeing workloads will need to be agreed before any home working request is approved.

Appendix A, sections 1 to 7 are subject to management decisions. Abuse of any of the listed working arrangements may lead to disciplinary actions and where fraud is

suspected, this should be referred immediately to the ICB's nominated Counter Fraud Specialist.

8. Flexi Time

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

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

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

It is recommended that the accounting period is one month (i.e., a 4-week period) and that no more than 7.5 hours per month are either accrued or owed. Where time is accrued, employees are encouraged to take the time back as either half days (3.75hrs) or full days (7.5hrs) which should be agreed in advance with line managers.

The ICB timesheet template should be used as the recording mechanism indicating the employees start time, commencement of lunch break and recommencement from lunch break (minimum of 20 minutes, unpaid, if the employee works more than 6 hours per day) and a finish time. The employee should sign the form to confirm that the information contained on the form is accurate and to acknowledge that any misrepresentation of the hours worked may lead to disciplinary proceedings. The supervisor or line manager should also sign the form each month.

Flexi time should not be purposely accrued as a mechanism to increase the number of days an employee can take off during the year.

Line managers will encourage employees to take back any time accrued to ensure that the Health and Wellbeing of staff is supported and maintained.

Where abuse of the system is suspected an investigation will be conducted which may result in disciplinary action up to and including dismissal and action by the NHS Anti-Crime Service. Where abuse of the system is proven the flexi time arrangement will be withdrawn.

Appendix B: Flexible Working Request Form

To be used in conjunction with the guidance within HR-009 Flexible Working Policy.

Note to the employee

You can use this form to make an application to work flexibly under the right provided in law.

You should note that under the right it is expected that you provide your line manager significant time to consider your request. You should therefore ensure that you submit your application well in advance of the date you wish the request to take effect.

It will help your line manager to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. When completing the form, think about what effect your change in working pattern will have both on the work that you do and on your colleagues/the rest of the team.

Once you have completed the form, you should pass it to your line manager (you might want to keep a copy for your own records). If the request is granted, this will be a change to your terms and conditions.

Note to the line manager

This is a formal application made in line with the Flexible Working Policy and under the legal right to apply for flexible working and the duty on employers to consider applications in a reasonable manner. You are expected to give adequate consideration following receiving this application in which to decide whether to grant the request.

You should consider the application in the wider context of your team and discuss applications with your line manager.

The form below should be signed by you as line manager and your manager.

If an application is rejected, details are to be given and recorded in the application, as well as being fed back to the individual.

A copy of the application when completed should be given to the individual and retained locally on the personal file.

1. PERSONAL DETAILS

Employee's Name:	
Employee's Job Title:	
Employee's Assignment Number:	
Line Manager's Name:	

2. EMPLOYEE STATEMENT

I would like to apply to work a flexible working pattern that is different to my current working pattern under the provision granted in the Flexible Working Policy. I understand that a change to my working hours or pattern is a **Permanent change** to my contract.

Details of your current working pattern (days/hours/times worked):	
Describe the working pattern you would like to work in the future (days/hours/times worked):	
I would like this working pattern to commence from (date):	
I think this change in my working pattern will affect the ICB and my team as follows:	
I think the effect on the ICB and my team can be dealt with as follows:	
Employee Signature	Date
Review and Approval	

Line Manager Comments	
Line Manager Signature	Date
Line Manager's Manager Comments	
Line Manager's Manager Signature	Date
Application Outcome	
<p>Circle outcome (below):</p> <p>Approved Summarise approved changes:</p> <p>OR</p> <p>Not Approved Summarise reasons for not approving application:</p>	

Next steps:

- Retain a copy of this locally on Personal File.
- If a flexible working request is approved, complete HR2 Change Form [HR2---Change-of-Circumstance-Form-v1.1-March-2023.docx \(sharepoint.com\)](#) and submit to nnicb-nn.hr@nhs.net

Appendix C: Equality Impact Assessment

Date of assessment:	June 2022			
For the policy, and its implementation, please answer the questions against each of the protected characteristic and inclusion health groups:	Has the risk of any potential adverse impact on people in this protected characteristic group been identified, such as barriers to access or inequality of opportunity?	If yes, are there any mechanisms already in place to mitigate the adverse impacts identified?	Are there any remaining adverse impacts that need to be addressed? If so, please state any mitigating actions planned.	Are there any positive impacts identified for people within this protected characteristic group? If yes, please briefly describe.
Age¹	None identified.	N/A	No	No
Disability²	Potential impact for staff with a disability or underlying health condition where flexible working is required to maintain presence at work.	Management training. Support from HR on application of policy. Use of trial periods where appropriate.	No	No
Gender identity (trans, non-binary)³	None identified.	N/A	No	No
Marriage or civil partnership status⁴	None identified.	N/A	No	No

¹ A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).

² A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

³ The process of transitioning from one gender to another.

⁴ Marriage is a union between a man and a woman or between a same-sex couple.

Date of assessment:	June 2022			
For the policy, and its implementation, please answer the questions against each of the protected characteristic and inclusion health groups:	Has the risk of any potential adverse impact on people in this protected characteristic group been identified, such as barriers to access or inequality of opportunity?	If yes, are there any mechanisms already in place to mitigate the adverse impacts identified?	Are there any remaining adverse impacts that need to be addressed? If so, please state any mitigating actions planned.	Are there any positive impacts identified for people within this protected characteristic group? If yes, please briefly describe.
Pregnancy or maternity⁵	Potential impact for staff that are pregnant or on maternity leave and requesting flexible working upon return to work.	Management training. Support from HR on application of policy. Use of trial periods where appropriate.	No	No
Race⁶	None identified.	N/A	No	No
Religion or belief⁷	None identified.	N/A	No	No
Gender⁸	Potential impact upon women utilising the policy due to the demographic of the organisation.	Management training. Support from HR on application of policy.	No	No

Same-sex couples can also have their relationships legally recognised as 'civil partnerships'.

⁵ Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

⁶ Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

⁷ Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

⁸ A man or a woman.

Date of assessment:	June 2022			
For the policy, and its implementation, please answer the questions against each of the protected characteristic and inclusion health groups:	Has the risk of any potential adverse impact on people in this protected characteristic group been identified, such as barriers to access or inequality of opportunity?	If yes, are there any mechanisms already in place to mitigate the adverse impacts identified?	Are there any remaining adverse impacts that need to be addressed? If so, please state any mitigating actions planned.	Are there any positive impacts identified for people within this protected characteristic group? If yes, please briefly describe.
		Use of trial periods where appropriate		
Sexual orientation⁹	None identified	N/A	No	No
Carers¹⁰	Potential impact on staff who are carers and require flexible working arrangements to fulfil their caring responsibilities	Management training Support from HR on application of policy Use of trial periods where appropriate	No	No

⁹ Whether a person's sexual attraction is towards their own sex, the opposite sex, to both sexes or none. <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>

¹⁰ Individuals within the ICB which may have carer responsibilities.