

Flexible Working Policy

**August 2025 - September
2027**

CONTROL RECORD			
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			Sponsor Chief Nurse
			Team Human Resources and Organisational Development
Title	Flexible Working Policy		
Amendments	1. Reference to employed for 26 weeks removed from policy and application form 2. Update of Appendix B application for flexible working 3. Inclusion of review of application appeal by the manager next in the reporting line (2nd Line manager) 4. Update of Section 12 References 5. Update of EQIA at Appendix D 6. Reference to eligibility from day 1 of employment added. 7. Removal of reference of employee needing to identify effect of changes to ICB 8. Update of statutory reasons for refusal 9. Update of application process, including timescales 10. Inclusion of new appendix for process flow chart at Appendix C 11. Changes to types of flexible working (appendix A) 12. Equality and Diversity statement updated		
Purpose	To ensure that there is a process in place to support employees and managers to create flexible working arrangements to suit individual circumstances and business need.		
Superseded Documents	HR-009 Flexible working Policy version 1.3		
Audience	All employees of Nottingham and Nottinghamshire Integrated Care Board		
Consulted with	Integrated Care Board Senior Leadership Team and Staff Engagement Group		
Equality Impact Assessment	See Appendix D		
Approving Body	ICB Board	Date approved	
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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, as outlined in NHS Terms and Conditions, 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 organisation in order to achieve our commitment to improving the health and wellbeing of all of our staff.

2. Purpose

- 2.1 The aim of this policy is to provide staff and managers with a consistent approach to support the needs of individual staff members who may wish to exert their right to apply for a creative and flexible approach to working practices within the ICB. The policy also aims to:
- Reduce absenteeism by providing a mechanism for staff to meet personal commitments outside of work time.
 - Comply with/exceed statutory rights in accordance with NHS Terms and Conditions
 - 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.
 - Support ICB employee's day one statutory right to request flexible working.
 - Improve the overall wellbeing of our employees.

3. Scope

- 3.1 This policy will apply to all employees of the ICB.
- 3.2 This policy does not 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.
Line Managers	It is the responsibility of all line managers: • Ensure all of their staff are aware of this policy and give fair consideration to all flexible working requests, in line with the NHS Employers Terms and Conditions and ACAS Code of Practice. • If receiving multiple requests, they must be handled fairly, by considering requests in order of date received and following the same procedure for each. • Adhere to the policy, applying it fairly and consistently to ensure that all staff are provided with equal opportunities. • Adhere to the requirements outlined in the Equality Act 2010 when considering requests. • Adhere to the requirements outlined in the Employment Relations (Flexible Working) Act 2023 when considering requests. • Adhere to the time limits set within the policy, unless there is a mutual agreement to extend them with the employee. Any extension cannot exceed the legal timeframes as outline within this policy. • Managers have a maximum of two calendar months to consider and confirm outcome of requests with employees, this includes any appeal process if required. Failure to do so breaches statutory obligations outlined in Employment Relations (Flexible Working) Act 2023. • Provide appropriate support and information to the employee throughout the application process. Including the opportunity to appeal a decision. • Adequately review the request, assessing against needs of organisation. • Work with the employee to look at all the options for reaching a mutually agreeable outcome. This will include a meeting to discuss a request prior to any decision making to better understand the request.

Roles	Responsibilities
	• Only decline a request for flexible working in accordance with the statutory reasons outlined in the policy. • Commit to regular review periods at a minimum of six-monthly intervals of any new flexible working arrangements. • Ensure all required paperwork is completed and submitted as appropriate.
Employees	It is the responsibility of all employees to ensure that they: • Submit the request, using the application form in Appendix B, to their line manager, outlining that this a 'statutory request' for flexible working. Details of information requirements are outlined in section 6. • Apply for flexible working arrangements well in advance of when they want the change to take place. Allowing time for consideration and implementation. • 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.

5. Eligibility.

- 5.1 Every employee has a statutory right to request flexible working. This right applies from the first day of employment.
- 5.2 It does not apply to Contractors or Agency Workers.
- 5.3 There are no limits on the number of requests that can be made in a 12-month period, but employees cannot have an unresolved application (live) when making a new application.
- 5.4 An application will stay live until any of the following happen:
- the organisation makes a decision, within the designated time frame.
 - the organisation makes a decision regarding any appeal within the designated time period. Applications going through the appeals process are still considered live.
 - the employee withdraws the request.

- the employee and organisation agree an outcome.
- it has been two calendar months since the date of the request.
- the employee does not attend meetings to discuss the application with the manager or appeal (if required) with the 2nd line manager (line manager's manager). This will be viewed as the employee not co-operating with process.

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 different options available 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 a Statutory flexible working request.
 - the date of the request.
 - the type of change being requested – for example change to hours or place of work.
 - when the employee would like the change to start.
 - if they have made any previous statutory flexible working requests to your employer.
 - the date of any previous requests and the outcome.
 - provide as much information as possible about the current and desired working patterns, including working days, hours and start/ finish times, allowance for daily breaks and give the date from which they want the changes to take effect and end date, if applicable. This information will be used to complete the HR2 form to make changes to the employee's contract and ESR record, so must be accurate.
 - provide information to confirm that they do not have an active "live" application or appeal.
- 6.3 Employees should give as much notice as possible prior to the start of the new/revised working arrangements, being requested.
- 6.4 Employees to cooperate with managers during the application process, including attending meetings to discuss requests and any review meetings, as required.

- 6.5 Upon receipt of an application, the manager has 14 calendar days (in total) to consider and respond (accept/reject) the request. Within this time, they are required to consult with the employee, as outlined in 6.8.
- 6.6 When reviewing the request, the manager should consider and determine:
- how the change would affect the employee, including any performance issues
 - how the change would affect the ICB/team/colleagues
 - any potential benefits or challenges
 - how rejecting the request would affect both the employee and the organisation.
 - any alternative changes if not able to grant request in full.
- 6.7 By law, rejections can only be done for the statutory reasons outlined in 6.15 of this policy.
- 6.8 The manager must meet with the employee within 7 calendar days of receiving the application. This is to discuss the application in detail and help the line manager to gain a better understanding of the changes requested, as well as explore how the changes will affect service delivery before making any decisions. This should also include discussing adapted or alternative arrangements if it is not possible to support the full application.
- 6.9 If the employee fails to attend discussions with the manager on two occasions, without good reason (including during the appeal process), the ICB will consider the application withdrawn. The manager will need to notify the employee of this in writing. This does not prevent the employee from submitting future flexible working applications.
- 6.10 Following the meeting, the manager will complete the relevant sections of the Appendix B template and send to the employee as confirmation of the outcome of their flexible working request. This must be done within the 14 calendar days deadline to respond to requests (from the date the application received). Requests should be accepted, unless they cannot be accommodated based on one or more of the statutory reasons for refusal, as outlined in 6.14 of this policy. A line manager can propose an alternative arrangement, but the employee should be consulted before a final decision is made.
- 6.11 If the request is accepted in full, or where the employee agrees to the line managers proposed alternative, the line manager will write to the employee with details of the new working arrangements using the relevant sections of the Appendix B template. This should detail any trial period and provide an

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 Appendix B. This will be placed on their personnel file to confirm the variation to the terms of employment. The manager and employee must complete an HR2, Change of Circumstances Form, (located on the ICB intranet: [HR Forms and Policies](#)) fully detailing the changes and submit to nnicb-nn.hr@nhs.net, no later than the payroll cut-off date before the commencement of change. This will update their employment record on ESR and trigger changes to employee's annual leave entitlement.

- 6.12 A review period of 6 months is required to ensure that the new work pattern continues to meet the employee's needs and those of the ICB.
- 6.13 If the decision is to decline the application, this can only be due to the reasons outline in 6.14 and the line manager must inform the employee explaining the reason(s) for refusing the request by using the relevant sections of the Appendix B template and notify the employee of their right to appeal as outline in section 7.
- 6.14 The statutory business 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.
- 6.15 Line managers must not discriminate unlawfully against the employee in relation to any of the protected characteristics set out in the Equality Act 2010.
- 6.16 If the line manager receives multiple requests from different employees, they should handle them fairly by:
- considering each request in the order you receive it
 - following the same procedure for each request
 - looking at what is possible, rather than matching previous decisions
 - not prioritising requests based on employee's personal situations – unless someone is requesting a reasonable adjustment related to their disability.

7. Right of Appeal

- 7.1 If a request for flexible working is declined all employees have the right to appeal the decision with their line manager's manager (2nd line manager).
- 7.2 The employee must state their grounds for appeal by completing the relevant sections of the Appendix B template and submitting to their 2nd line manager within 14 calendar days of receipt of their flexible working request outcome. This may include new information the employee wishes to be considered or if they believe their request has not been handled in a reasonable manner.
- 7.3 During the appeal process the 2nd line manager must review the original decision and the reason given for refusal. The appeals process must be completed within two calendar months of the submission date of the original flexible working request. 2nd line managers have 14 calendar days to decide on the appeal and communicate the decision, by completing the relevant sections of the Appendix B template and returning it to the applicant.
- 7.4 The 2nd line manager must hold a meeting with the employee within 7 calendar days of receipt of the appeal.
- 7.5 At the meeting the employee has the right to be accompanied by an accredited representative of a recognised Trade Union or a work colleague (acting in a non-professional capacity).
- 7.6 The appeal will be treated as withdrawn if the employee misses two appeal meetings with the 2nd line manager (without good reason). This will close the process for that application. The 2nd line manager will complete the relevant sections of the Appendix B template to notify the employee of this decision. The completed form will be held on the employee's record. This does not prevent the employee from making future applications.
- 7.7 If an employee has already missed meetings with their line manager during the initial Flexible Working review process, these will count towards decision making i.e. if they have previously missed one meeting with the line manager, then miss one meeting with 2nd line manager during appeal process, the application will be closed.
- 7.8 If the 2nd line manager overturns the original decision, they must communicate this in writing using section 3 of the Application Form (Appendix B), to the employee, the line manager and HR. Detailing how they reached this decision and confirming when the flexible working arrangements will begin. This must be done within 7 calendar days of meeting the employee

during the appeals process. The process for an accepted application must then be followed for the changes to be recorded, this is detailed in 6.13 of this policy.

- 7.9 If the appeal is rejected, the 2nd line manager must notify the employee and line manager using section 3 of the Application Form (Appendix B), explaining the reason(s) for the decision and why the reason(s) apply. This must be done within 7 calendar days of meeting the employee. Rejections can only be applied based on the statutory reasons outlined in 6.14 of this policy.
- 7.10 The outcome of this appeal process is final; however, it does not prevent the employee from submitting future, different applications.
- 7.11 If after the application has been rejected at appeal, an employee wishes to make a similar, separate application at a later date, they must clearly explain (within the new application) how circumstances have changed.

8. Equality and Diversity Statement

- 8.1 NHS 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 The ICB is 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 asylum seekers, carers, ex-offenders, Gypsy, Roma and Traveller communities, homeless people, those experiencing deprivation and poverty, sex workers, veterans, and vulnerable groups (such as those with low literacy skills).
- 8.4 As an employer, the ICB is committed to promoting equality of opportunity in recruitment, training and career progression and to valuing and increasing diversity within our workforce.

To help ensure that these commitments are embedded in the ICB's day-to-day working practices, an Equality Impact Assessment has been completed and is included within this policy.

9. Communication, Monitoring and Review

- 9.1 The Flexible Working Policy will be highlighted to new employees at induction by the line manager during induction and is stored on the ICB's HR&OD Intranet pages, the ICB's policy internet pages and by the ICB's HR&OD.
- 9.2 This Policy will be reviewed every three years (or earlier if changes in the law or any other circumstances require it) and will be approved by the HR Executive Steering Group.

10. Staff Training

- 10.1 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
 - Equality, Diversity and Inclusion Policy
 - Sickness Absence Policy
 - Recruitment and Selection 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
- ACAS Code of Practice on handling flexible working requests 2024
- Gov.Uk Guidance on Flexible working [reviewed 2025]
- NHS Employers Flexible Working guidance 2024
- NHS Terms and Conditions of Service Handbook [review 22 May 2025]

Appendix A: Types of Flexible Working

Flexible working can take many forms, some examples are:

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 7.5-hour day/37.5-hour week.

An example of this would be a 9-day fortnight. This enables staff members to condense their full-time hours over a two-week (75 hours) period into 9 days rather than 10, providing them with an additional day off once a fortnight.

In this example the employee's normal working day will be 8 hours 20 minutes long excluding any meal breaks. This is reflected on ESR in hours, rather than hours and minutes. In this case 8.33 hrs. This is also the number of hours that should be booked for ALL leave days AND any BH days that fall on a normal working day.

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 and allows accuracy in recording leave and BHs on ESR.

Changes to compressed hours will affect your annual leave entitlement and how you book leave. Guidance on this can be found on the ICB [Intranet](#).

When choosing to work a non-standard (Mon-Fri/7.5 hr/ per day/ 37.5 hrs per week/5-day work pattern) a Change of Circumstances Form (HR2) MUST always be submitted via the HR team. Bank Holiday entitlement will be calculated and added to your leave on ESR. As above, the employee and the manager MUST ensure in these cases that leave and Bank Holidays are booked off on each occasion using the number of hours normally worked on those days; NOT at 7.5 hrs per day.

2. 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, for an example, 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 included in their final payment and any

overpayment will be deducted from their final pay. Where the latter is insufficient, an invoice will be raised for the remainder of the overpayment.

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

3. Annualised hours

Annualised hours provide 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 work (as a Mon-Fri/7.5 hr/ per day/ 37.5 hrs per week/5-day standard pattern) 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 must not contravene Working Time Regulations.

Worked hours are to be recorded on a timesheet 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. An Annual Leave calculator can be found in the ICB's [intranet](#) to help calculate hours.

4. 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, particularly where there are vacancy control processes in place.

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. However, a temporary arrangement can only be for 6 months, by this point the change must be reviewed and either reverted to the original hours or the employee made 'permanently' part-time, following the correct procedures.

Any changes made to contracted hours require the completion and submission of a Change of Circumstances (HR2) form detailing the changes and end date. Even where it is a temporary arrangement.

5. Job sharing

Job sharing is a mutual agreement between two or more employees who share the pay and benefits of one job between them, based upon the amount of time they each work in the role. This will be subject to vacancy control processes.

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 and is subject to any vacancy control procedures.

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.

Where one of the job-share employees leaves employment, the remaining hours will be offered to the other job-share partner in writing, (subject to any vacancy control processes and where there are two people sharing) once the 'termination of contract' is confirmed. The remaining partner will have 14 calendar days to consider the proposal. If the hours are unwanted, they will be advertised as a part time/job share opportunity, again subject to any vacancy control processes.

If the existing job-share partner wishes to accept the additional hours, they must do so in writing to the line manager, who should complete a HR2 Change of Circumstances form to ensure changes are made to the employee record on ESR.

The termination of the leaving partner **MUST** be processed on ESR (using the HR4 termination form) before any offer is made and the start date of the new arrangements must be after the effective date of termination of contract.

Where the remaining partner does not want to accept additional hours and following the recruitment process (subject to any vacancy control processes), if the manager is unsuccessful in filling the vacant part time/job share post, all hours will need to be advertised as full time. The remaining job share partner will, where possible, be found alternative work elsewhere within the ICB on the same or similar hours as their job share agreement. This is not guaranteed.

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.

Appendix B: Flexible Working Request Form

To be used in conjunction with the guidance HR-009 Flexible Working Policy V1.2

Note to the employee

You can use this form to make a request to work flexibly under the right provided in law, this is available to employees of the ICB from day one of employment. Use Section 1 to detail your request and send it to your line manager.

There is no limit on the number of requests you can make, but you can only have one active request being considered at a time. You have the right to make requests and have them considered regardless of the reason.

It is expected that you provide your line manager sufficient 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, as the consideration process can take a maximum of two months.

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 will not be valid and will not be accepted as an application.

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) who will start the review process and arrange a meeting to discuss your request. You should receive a response to your request within 14 calendar days of the application being received by your line manager. If the request is granted, this will be a change to your terms and conditions.

If the request is declined, you have the right to appeal the decision with your line managers line manager (2nd line manager). This must be done within 14 calendar days of you receiving the outcome from your line manager using the same application form. Please see the main body of the Flexible Working Policy for more details.

Note to the line manager

This is a formal application made in line with the Flexible Working Policy and is a statutory legal right for all employees, from day one of employment. The duty on employers is to consider and respond to applications within **two calendar months** of receiving the application, this includes any appeals process, if required, unless an extension is agreed with the employee.

Timelines for this process within the ICB are:

- Line managers have 14 calendar days (in total) to consider and respond to the request (accept/reject).
- Within this timeframe you must meet with the employee within 7 calendar days of receiving the Flexible Working request to discuss the details before making a decision.

- Meet with the employee at least 6 months after the start of the new working arrangements, to review for the employee and the organisation.

You are expected to give adequate consideration when receiving this application in which to decide whether to grant the request.

Please see the process flow chart in Appendix C of the Flexible Working Policy for more detailed information.

You should consider the application in the wider context of your team and organisational need.

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

If an application is rejected, the reason(s) need to be given and recorded on the application form, as well as being fed back to the individual. The policy and application form provide the statutory business reasons, detailing the only reasons that an application can be refused.

When the process is completed, a copy of the application should be given to the individual and retained locally on the personal file. An HR2 - Change of Circumstances form (located on the intranet [HR Forms and Policies](#)) will need to be completed, detailing all of the working hour changes, and submitted to nnicb-nn.hr@nhs.net to ensure the changes are processed on ESR. Annual Leave and Bank Holiday entitlement will be added/amend on ESR, and changes in hours will be recorded for payroll purposes. The HR2 form will be classed as an amendment to the employee's contract. As such, ensure the employee receives a copy of the final submission.

Flexible Working Request Form

1. PERSONAL DETAILS

Employee Name:	
Employee Job Title:	
Employee contact email:	
Employee Assignment Number:	
Line Manager Name:	
Line Manager contact email:	

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 make this statutory request, with the understanding that a change to my working hours or pattern is a **Permanent/temporary (delete as appropriate) change** to my contract.

Date of your request
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:
Start date:
End date (if temporary):
Have you made any previous request? (Please include dates, details and decision)
Do you have any current live requests? (either in initial phases or going through the appeals process)
Employee Signature:
Date

2. LINE MANAGER REVIEW OUTCOME

Date of meeting with employee:
Is the Flexible Working Application:
☐ Approved (go to part A) ☐ Rejected (go to part B) Please tick as appropriate
Part A
Has the application been approved in full? ☐ Yes ☐ No <i>If no but partially approved, please provide details of arrangement:</i>
Part B
Please indicate reason for refusal: ☐ 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. Summarise reasons for not approving application, in accordance with the statutory reason indicated:

Date employee informed of outcome:
Date HR2 (if applicable) has been submitted:
Additional Comments
Line Manager Signature
Date

Next steps:

- Send completed form to employee and retain a copy locally on Personal File
- If Flexible working request is **approved** complete HR2 Change of Circumstance Form and submit to nnicb-nn.hr@nhs.net
- If flexible working request is **declined/not agreed in full** the employee needs to be notified of their right to appeal the decision, as outlined in the policy.
- If the employee submits an appeal, this form must be provided to the 2nd Manager as part of the appeals process for review and completion of section 3

3. FLEXIBLE WORKING REQUEST - APPEAL PROCESS/OUTCOME

Appeal process is outlined in section 7 of the Flexible Working Policy. If a flexible working request has been declined by the line manager, an employee has the right to submit an appeal to their 2nd line manager (line managers manager) within 14 calendar days of receiving the initial outcome.

EMPLOYEE STATEMENT – GROUNDS FOR APPEAL

Reason for appeal:

Additional information for consideration:

NOTE: when submitting appeal please include a copy of the completed sections 1 and 2, including outcome details from original application

Employee name

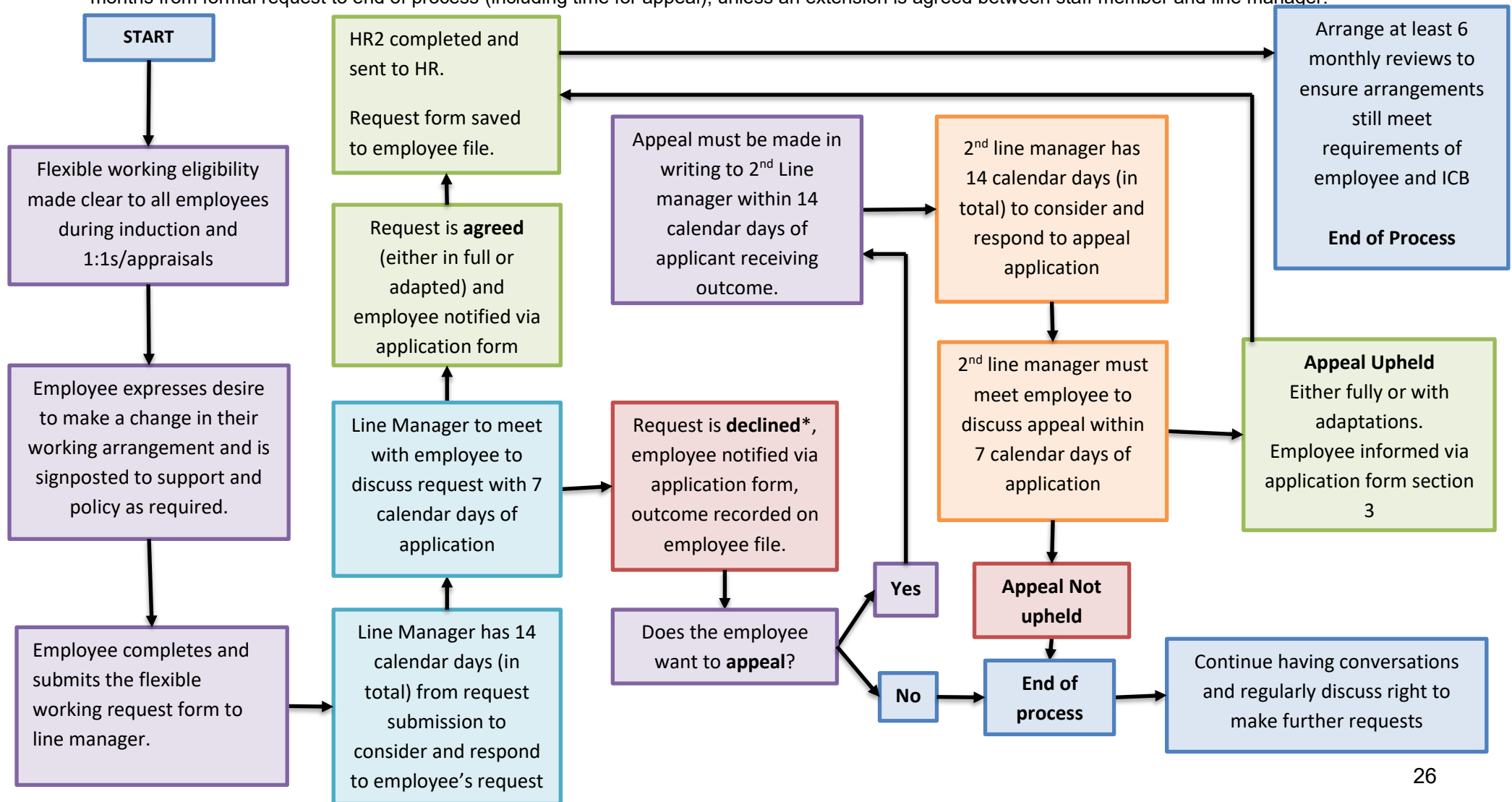
Employee signature

Date

APPEAL MANAGER REVIEW OUTCOME
Appeal manager name (2nd line manager)
Appeal managers contact email
Date appeal received
Date of meeting with applicant
Considerations
Outcome
Has the appeal been upheld? ☐ Yes (complete next section) ☐ No (provide details) Details:
If the appeal has been accepted, please provide details: ☐ Accepted in full ☐ Accepted with amendments Details:
Appeal Manager signature
Date of decision
Date applicant informed of outcome via application form
Date Line manager informed of outcome via application form
Date HR2 change form submitted to HR nnicb-nn.hr@nhs.net (if applicable)

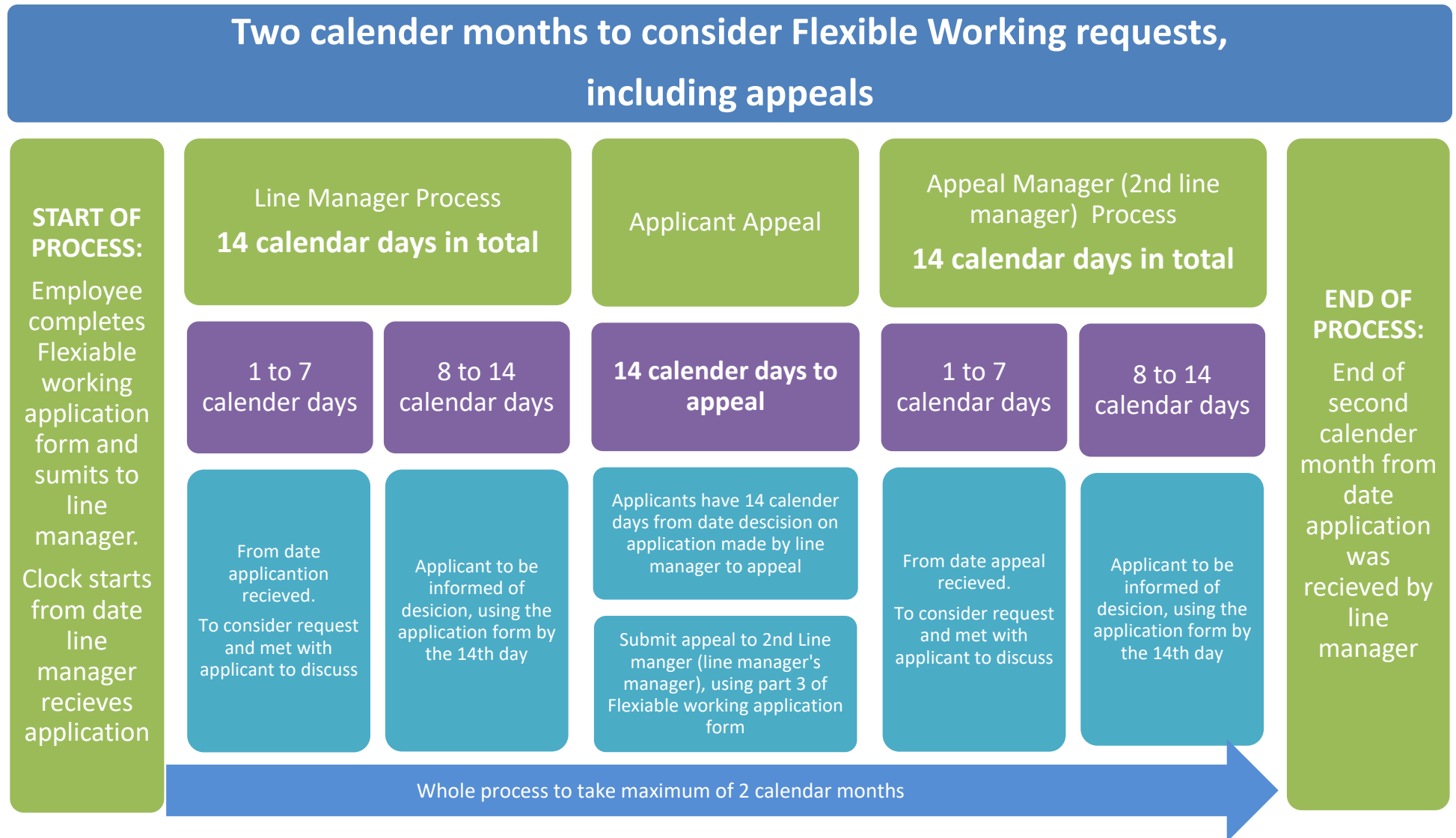
Appendix C: Guide to making flexible working requests – Process map

This flowchart has been designed to support both line managers and staff of the NNICB to understand the steps involved when making a flexible working request and should be used alongside the NNICB Flexible Working Policy. It is a statutory requirement that the request process takes a maximum of 2 months from formal request to end of process (including time for appeal), unless an extension is agreed between staff member and line manager.



*Can only be declined based on the statutory reason in the Flexible Working

Guide to making flexible working requests – Timescale map



Appendix D: Equality Impact Assessment

Equality Impact Assessment for this Policy

Overall Impact on: Equality, Inclusion and Human Rights [Select one option]	Positive ☐ Neutral ☒ Negative ☐ Undetermined ☐
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Name of Policy, Process, Strategy or Service Change	<i>HR-009 Flexible Working Policy</i>	Date of Completion	<i>17/07/2025</i>
EIA Responsible Person Include name, job role and contact details.	Gemma Waring - Head of HR and OD Gemma.Waring@nhs.net		
EIA Group Include the name and position of all members of the EIA Group.	Gemma Waring – Head of HR and OD Paula Herr – HR Manager		
Wider Consultation Undertaken State who, outside of the project team, has been consulted around the EIA.	<i>Staff Engagement Group.</i> <i>Equity, Inclusion and Human Rights (EIHR) Steering Group.</i> <i>Staff Networks</i>		

Summary of Evidence

Provide an overview of any evidence (both internal and external) that you utilised to formulate the EIA. E.g., other policies, Acts, patient feedback, etc.

References/ sources of information

Flexible working 2023 <https://www.gov.uk/flexible-working>

Employment Relations (Flexible Working) Act 2023: [Employment Relations \(Flexible Working\) Act 2023](#)

ACAS Code of Practice on handling flexible working requests (2024) <https://www.acas.org.uk/acas-code-of-practice-on-flexible-working-requests>

ACAS (2023) <https://www.acas.org.uk/flexible-working>

CarersUK (2023) Higher proportion of unpaid carers in the most deprived areas of England and Wales <https://www.carersuk.org/press-releases/higher-proportion-of-unpaid-carers-in-the-most-deprived-areas-of-england-and-wales/#:~:text=Women%20were%20more%20likely%20to,likely%20to%20provide%20unpaid%20care.>

Equality Act (2010) [Equality Act 2010](#)

Centre for Ageing Better: <https://ageing-better.org.uk/blogs/flexible-working-day-1-essential-supporting-older-workers>

Women more likely to take career break for caring responsibilities (2019)

<https://www.hrmagazine.co.uk/content/news/women-more-likely-to-take-career-break-for-caring-responsibilities/>

NHS Employers – Flexible working guidance: [Flexible working | NHS Employers](#)

NHS Employers – Flexible working Toolkits: [Flexible working toolkits | NHS Employers](#)

NHS Employers – Staff Council Flowchart: [1237.STAFF COUNCIL Flexible Flowchart Updated April 2024.pdf](#)
(Edited)

How flexible working can help close the gender pay gap (2020)

<https://equalities.blog.gov.uk/2020/01/16/how-flexible-working-can-help-close-the-gender-pay-gap/> .

Women and ethnic minorities suffer impact of juggling care and work (2022)

<https://www.personneltoday.com/hr/women-and-ethnic-minorities-suffer-impact-of-juggling-care-and-work/>

Religious Leave Requests (2020) <https://www.hegarty.co.uk/news/religious-leave-requests/>

Ramadan: A time for fasting and flexible working? (2021) <https://www.peninsulagrouplimited.com/resource-hub/working-time/ramadan-a-time-for-fasting-and-flexible-working/>

For the policy, process, strategy or service change, and its implementation, please answer the following questions against each of the Protected Characteristics, Human Rights and health groups:	What are the actual, expected or potential positive impacts of the policy, process, strategy or service change?	What are the actual, expected or potential negative impacts of the policy, process, strategy or service change?	What actions have been taken to address the actual or potential positive and negative impacts of the policy, process, strategy or service change?	What, if any, additional actions should be considered to ensure the policy, process, strategy or service change is as inclusive as possible? Include the name and contact details of the person responsible for the actions.	Impact Score
Age	Eligibility is open to all employees from day one of employment, following legislation changes in 2023. As a day one right for all employees and with less grounds for rejection by employer, this might encourage more up take and better work/life balance for all ages.	Research by centre for better ageing indicates that employees over 55 state that they either already work flexibly or wanted to. A third of over 50s didn't realise they had the right to request flexible working, and a quarter said they wouldn't be comfortable asking.	Managers and staff can seek guidance from HR if unsure of range and type of support available	The organisation could consider wider review of specific support available for staff in the context of the aging workforce and potential interdependencies with disability or other protected characteristics, and how these may evolve or change over the course of their employment and how use of flexible working may support them. Managers must ensure that any rejection is only based on the statutory business reasons outlined in the policy.	3
Disability¹ (Including: mental, physical, learning, intellectual and neurodivergent)	Those with a declared disability can have reasonable adjustments in place to support them in the workplace from day one. A flexible working request may be used to further enhance or support these adjustments.	None	Managers and staff can seek guidance from HR if unsure of range and type of support available. Staff can be referred to OH to identify actions or reasonable adjustments at any point, they do not have to wait for an absence to trigger the request	There is flexibility and discretion in how to handle flexible working requests depending on information available and the needs of the ICB but there needs to be increased visibility and support for flexible working and how different models are applied across the ICB. Managers need be aware of how their own beliefs and biases influence how they interpret others' needs (Gov 2021).	3

			for support if they become aware of a condition that need support.	Managers must ensure that any rejection is only based on the statutory business reasons outlined in the policy.	
Gender² (Including: trans, non-binary and gender reassignment)	Eligibility open to all employees from day one of employment, following legislation changes in 2023. As a day one right for all employees and with less grounds for rejection by employer, this might encourage more up take and better work/life balance for all ages. Less restrictions might encourage more up take and better work/life balance.	Women are twice as likely as men to be informal carers, (CarersUk 2023) 74% women are still taking up the majority of primary carer roles in families, taking short or long periods off work to look after family, compared with just 26% of men (HR Magazine 2019) Men can make a claim for direct sex discrimination if women in their organisation are being given more flexibility or would have the same flexible working request approved. If, for example, a man is refused flexible working in a situation where women doing similar jobs are allowed to work flexibly, this could be direct sex discrimination.	Managers and staff can seek guidance from HR if unsure of range and type of support available.	Managers be aware and work with staff to understand and make use of interdependencies and options available under other policies. The needs and requirements of the individual it is being applied to and that flexible working requests may be for a variety of reasons; and not just relate them to childcare. The organisation needs to explicitly understand the challenges and difficulties experienced by trans and non-binary staff in the workplace and how their relationships with colleagues and managers affect the ability of the organisation to manage the application of policy and ensure that it fully considers the context. Intersectionality: The organisation needs to be aware of, and work with, line managers who have the responsibility to implement this policy to ensure that they are aware of how Gender may interact with the other areas of this assessment, impact on an individual's health and wellbeing and the information that is available to support them with the application of this policy.	2

				Managers must ensure that any rejection is only based on the statutory business reasons outlined in the policy. The manager needs be aware of how their own beliefs and biases influence how they interpret others' health needs (Gov 2021)	
Marriage and Civil Partnership	There is no evidence to suggest that marriage or civil partnership has an impact on flexible working requests.	None	Managers and staff can seek guidance from HR if unsure of range and type of support available.	None	3
Pregnancy and Maternity Status	Staff who are currently pregnant or on maternity leave may not be negatively impacted by this policy. However, some of those that are returning to work will make an application for flexible working	None	Managers and staff can seek guidance from HR if unsure of range and type of support available. Staff can be referred to OH to identify actions or reasonable adjustments at any point for pregnancy.	Intersectionality: The organisation needs to be aware of and work with line managers who have the responsibility to implement this policy to ensure they are aware of how this area may interact with the other areas of policy. Managers must ensure that any rejection is only based on the statutory business reasons outlined in the policy. They need to ensure that outcomes are based on the information that is available to be able to tailor the appropriate application of this policy. Managers need be aware of how their own beliefs and biases influence how they interpret others' needs (Gov 2021).	3

Race³	As a day one right for all employees and with less grounds for rejection by employer, this might encourage more up take and better work/life balance for all ages. Less restrictions might encourage more up take and better work/life balance. Eligibility is open to all employees from day one of employment, following legislation changes in 2023.	From research at the Business in the Community, a third of workers from black, Asian, mixed race or other ethnically diverse groups have reportedly left or considered leaving a job due to lack of flexibility. By comparison, one in five (21%) white people have done the same (Personnel Today 2022).	Managers and staff can seek guidance from HR if unsure of range and type of support available	Intersectionality: The organisation needs to be aware of and work with line managers who have the responsibility to implement this policy to ensure they are aware of how this area may interact with the other areas of policy. They need to ensure that outcomes are based on the information that is available to be able to tailor the appropriate application of this policy. Managers need be aware of how their own beliefs and biases influence how they interpret others' needs (Gov 2021).	2
Religion and Belief⁴	As a day one right for all employees and with less grounds for rejection by employer, this might encourage more up take and better work/life balance for all ages. Less restrictions might encourage more up take and better work/life balance. Eligibility is open to all employees from day one of employment, following legislation changes in 2023.	An employee may make a request to work flexibly to accommodate the need for private prayer, religious holidays or religious practice. If an employer automatically prioritises a religious leave request over a non-religious holiday or working request this may be considered as direct discrimination against the employee with no religion or belief. (Hegarty Solicitors 2020).	Managers and staff can seek guidance from HR if unsure of range and type of support available	Intersectionality: The organisation needs to be aware of and work with line managers who have the responsibility to implement this policy to ensure they are aware of how this area may interact with the other areas of policy. The manager need be aware of how their own beliefs and biases influence how they interpret others' needs (Gov 2021) Temporary Flexible working examples may need to be considered at certain times of years: for example, for Muslims, Ramadan means long days without lunch, late nights and very early mornings. Temporary changes to shifts could allow either start work earlier or finish work later. Increased work from home if there are long commutes, or regular office days. Additionally,	3

				heavy-duty staff tasks can be re-thought and appropriate risk assessments done. This is especially important for manual workers where tiredness could have serious health & safety implications. (Penninusula Health and Safety 2023)	
Sex⁵	There are more restricted reasons for rejection and the employee is not required to work out if it will be possible, no reason for request needs to be provided. Eligibility is open to all employees from day one of employment, following legislation changes in 2023.	Female workers are twice as likely as men to be informal carers, (CarersUk 2023). 74% women are still taking up the majority of primary carer roles in families taking short or long periods off work to look after family, compared with just 26% of men (HR Magazine 2019).	Managers and staff can seek guidance from HR if unsure of range and type of support available	Intersectionality: The organisation needs to be aware of and work with line managers who have the responsibility to implement this policy to ensure they are aware of how this area may interact with the other areas of policy. They need to ensure that outcomes are based on the information that is available to be able to tailor the appropriate application of this policy and that managers are aware of any unconscious bias that may affect their decisions. Managers must ensure that any rejection is only based on the statutory business reasons outlined in the policy.	2
Sexual Orientation⁶	There is no evidence that application of this policy is negatively affected by an individual's sexual orientation	None	None	Intersectionality: The organisation needs to be aware of and work with line managers who have the responsibility to implement this policy to ensure they are aware of how this area may interact with the other areas of policy. Managers need be aware of how their own beliefs and biases influence how they interpret others' needs (Gov 2021).	3

Human Rights⁷	There is no evidence that this policy contravenes and of the relation to health and care, the most commonly applicable of the Articles within the Human Rights Act 1998.	None	None	None	3
Community Cohesion and Social Inclusion⁸	This policy is an internal organisational policy and there is no evidence that it impacts community Cohesion or Social inclusion	None	None	None	3
Safeguarding⁹ (Including: adults, children, Looked After Children and adults at risk or who lack capacity)	This policy can be used in conjunction with the leave policy to support additional responsibilities that may be needed to safeguard individuals within their own care groups, but this is not an organisational safeguarding policy.	None	None	Staff to be reminded of options available to support carers, and managers training to include understanding of the different types of leave available to support carers	3
Other Groups at Risk¹⁰ of Stigmatisation, Discrimination or Disadvantage	Socio- economic	Employees on higher salaries tended to be granted the most flexibility (Equalities 2020)	Managers must seek opportunities for flexible working across all pay bands.	Intersectionality: The organisation needs to be aware of and work with line managers who have the responsibility to implement this policy to ensure they are aware of how this area may interact with the other areas of this assessment to create the overall impact on an individual's health and wellbeing. Managers need be aware of how their own beliefs and biases influence how they interpret others' needs (Gov 2021).	3

Additional Narrative

Provide additional evidence and narrative about the positive, negative, and neutral impacts of the proposal on the equality, inclusion and human rights elements detailed above.

You should consider:

- Three elements of Quality (safety, experience and effectiveness)
- Intersectionality
- Impact of COVID-19
- Access to Services
 - Physical
 - Written communication.
 - Verbal communication
- Digital Poverty
- Safeguarding
- Dignity and Respect
- Person-centred Care

Here you should add additional detail or explanation around the positive, negative, and neutral impact of the proposals on the above protected characteristic and health inclusion groups. To address this, you should consider the barriers to accessing or using the service, including the mitigations to respond to these.

EIA Completed by Paula Herr XXXX.

Authorised By Gemma Waring

XXXX

Positive Impact	Neutral Impact	Negative Impact	Undetermined Impact	Equality Impact Score Total	36
56 to 50	49 to 36	35 to 22	21 to 14		

Positive	Neutral	Negative	Undetermined
4	3	2	1

1. **Disability** refers to anyone who has: “...a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on your ability to do normal daily activities...” (Equality Act 2010 definition). This includes, but is not limited to mental health conditions, learning disabilities, intellectual disabilities, neurodivergent conditions (such as dyslexia, dyspraxia and dyscalculia), autism, many physical conditions (including HIV, AIDS and cancer), and communication difficulties (including d/Deaf and blind people).

2. **Gender**, in terms of a Protected Characteristic within the Equality Act 2010, refers to: “A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.”

3. **Race**, in terms of a Protected Characteristic within the Equality Act 2010, refers to: A person’s colour, nationality, or ethnic or national origins. This also includes people whose first spoken language is not English, and/or those who have a limited understanding of written and spoken English due to English not being their first language.

4. **Religion and Belief**, in terms of a Protected Characteristic within the Equality Act 2010, refers to: Religion means any religion and a reference to religion includes a reference to a lack of religion. Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.

5. **Sex**, in terms of a Protected Characteristic within the Equality Act 2010, refers to: A reference to a person who has a particular protected characteristic and is a reference to a man or to a woman.

6. **Sexual Orientation**, in terms of a Protected Characteristic within the Equality Act 2010, refers to: Sexual orientation means a person's sexual orientation towards persons of the same sex, persons of the opposite sex or persons of either sex.

7. The **Human Rights Act 1998** sets out the fundamental areas that everyone and every organisation must adhere to. In relation to health and care, the most commonly applicable of the Articles within the Human Rights Act 1998 include: Article 2 Right to Life, Article 5 Right to Liberty and Security, Article 8 Right to Respect of Private and Family Life, and Article 9 Freedom of Thought, Conscience and Religion.

8. **Community Cohesion** is having a shared sense of belonging for all groups in society. It relies on criteria such as: the presence of a shared vision, inclusion of those with diverse backgrounds, equal opportunity, and supportive relationships between individuals. **Social Inclusion** is defined as the process of improving the terms of participation in society, particularly for people who are disadvantaged, through enhancing opportunities, access to resources, voice and respect for rights (United Nations definition). For the EQIA process, we should note any positive or negative impacts on certain groups being excluded or not included within a community or societal area. For example, people who are homeless, those from different socioeconomic groups, people of colour or those from certain age groups.

9. **Safeguarding** means: "...protecting a citizen's health, wellbeing and human rights; enabling them to live free from harm, abuse and neglect. It is an integral part of providing high-quality health care. Safeguarding children, young people and adults is a collective responsibility" (NHS England definition). Those most in need of protection are children, looked after children, and adults at risk (such as those receiving care, those under a DoLS or LPS Order, and those with a mental, intellectual or physical disability). In addition to the ten types of abuse set out in the Health and Care Act 2022, this section of the EQIA should also consider PREVENT, radicalisation and counterterrorism.

10. **Other Groups** refers to anyone else that could be positively or negatively impacted by the policy, process, strategy or service change. This could include, but is not limited to: carers, refugees and asylum seekers, people who are homeless, gypsy, Roma and traveller communities, people living with an addiction (e.g., alcohol, drugs or gambling), people experiencing social or economic deprivation, and people in stigmatised occupations (e.g., sex workers).