

# FLEXIBLE WORKING POLICY

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## 1 INTRODUCTION

- 1.1. The CCG believes that its staff members are its most valuable asset and is committed to attracting and retaining the very best, and utilising all the talent and experience available within the community. It also appreciates that the UK workforce is becoming increasingly diverse and includes a high percentage of parents and individuals with other caring responsibilities, as well as those whose interests and aspirations impact on their time. It therefore appreciates that the standard Monday to Friday, 9am to 5pm working week is, in many cases, incompatible with increasing demand for a better work-life balance.
- 1.2. The CCG recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements that enable them to balance their working life with other priorities, including parental and other caring responsibilities, life-long learning, charity work, leisure activities and other interests. In turn it recognises that staffing levels must at all times remain in line with the demands of the business.
- 1.3. This policy aims to set out the ways in which flexible working can increase staff motivation, build better relationships between the Company and its employees, increase the rate of retention of staff, reduce absence, attract new talent, promote work-life balance and reduce employee stress, and in doing so improve the CCG's efficiency, productivity and competitiveness. It provides a description of the issues involved, taking into account the possible benefits of each kind of flexible working to both employees and the CCG, but also raising possible drawbacks and areas of potential concern.
- 1.4. Further guidance for managers and staff on flexible working options and implications can be found on the ACAS website: [www.acas.org.uk](http://www.acas.org.uk)
- 1.5. From the 6<sup>th</sup> April 2014 the Children's and Families Bill will extend the right to request flexible working to all employees with 26 weeks service. ACAS will be producing statutory and non-statutory codes of practice on this extended right. Managers should ensure that they refer to this code of practice from this date. The code of practice will be available from [www.acas.org.uk](http://www.acas.org.uk)

## 2 EQUALITY IMPACT ASSESSMENT (EIA)

- 2.1 This document has been assessed for equality impact. This policy is applicable to every member of staff within the CCG and in applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to background, trade union membership, or any other personal characteristic.

### 3 THE BUSINESS NEED

- 3.1 Although the CCG is committed to providing the widest possible range of working patterns for its workforce, both management and employees need to be realistic and to recognise that the full range of flexible working options will not be appropriate for all jobs across all areas of the business.
- 3.2 Where an instance of flexible working is proposed the CCG will need to take into account a number of criteria including (but not limited to) the following:
- the cost of the proposed arrangement;
  - the effect of the proposed arrangement on other staff;
  - the level of supervision that the post-holder requires;
  - the structure of the department and staff resources;
  - other issues specific to the individual's department;
  - an analysis of the tasks specific to the role, including their frequency and duration;

### 4 ELIGIBILITY

- 4.1 Although it is recognised that not all of the flexible working patterns considered will be suitable for all sections of the CCG's workforce, there should be no arbitrary barriers. Employees in all areas and levels of the company will be considered for flexible working regardless of their age, sex, sexual orientation, race, or religion or belief, or whether they have a disability, their level of seniority, their current working pattern, or whether they are employed on a permanent or fixed-term basis. However, there is no automatic right for employees to change to any of the flexible working patterns - each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on individual, team or business performance.

### 5 RIGHT TO REQUEST FLEXIBLE WORKING

- 5.1 The Employment Act 2002 gives the right for employees with 26 weeks' continuous service, a child under the age of 17 (18 where the child is disabled) and parental responsibility for the child to request a change to the number of hours that they work, the times that they work or their place of work. The right to request flexible working is available to employees who have a minimum of 26 weeks' continuous service and who have caring responsibilities for an adult aged 18 or over who is their spouse, partner or civil partner; a relative; or someone who lives at the same address also have the right to request flexible working.
- 5.2 From the 6<sup>th</sup> April 2014, the Children's and Families Bill extends the right to request flexible working to all employees who have a minimum of 26 weeks' continuous service.

## 6 APPLICATION FOR FLEXIBLE WORKING

### APPLICATION PROCEDURE

6.1 Employees, when making an application for flexible working, must indicate whether the application is made as a statutory right under the legal framework or under the terms of this policy. The process is the same, however, if the application is made under the right provided in law the criteria set out in Section 4.1 must be met before any request can be considered. From the 6<sup>th</sup> April 2014 the right to request flexible working is extended to all employees.

6.2 All requests should be made in writing using the form in appendix 2 to managers and they should detail:

- The change requested;
- The proposed date for the change;
- The effect of the change on the department and service and how these may be considered or implemented;
- Any previous requests made.

6.3 Employees should follow the guidelines to assist them with the process and completing the form:

- Consider the implications of the proposal to personal circumstances, salary, holidays, pension etc.;
- Set out the proposals clearly and objectively using the form provided in this policy;
- Consider the impact on colleagues;
- Consider the impact on the service provided in their work area;
- Consider whether the job can be efficiently carried out within the new working pattern?
- Consider there any health & safety implications from the proposal?
- Set out the benefits and any drawbacks to the proposal;
- Do you require any training or support to make the proposal work;
- Be prepared to discuss the issue objectively and consider alternatives if necessary;
- Consider a trial period to ensure that both the Manager and the Employee can operate within the new system.
- Unless otherwise agreed, a successful flexible working request should be considered a substantive change in contractual terms and conditions.

6.4 Following a receipt of a flexible working request, the manager will arrange a meeting to discuss the issue within 28 days. Employees have a right to be accompanied at the meeting by a Union Representative, colleague or other suitable companion as agreed with the manager.

6.5 Appendix 1 contains a flow chart of the application process.

### TIMEFRAMES

6.6 Any requests for flexible working must be considered within the following timeframes:

- Within 28 days of receiving the application a manager must meet with the employee to discuss the request;

- For applications received before the 6<sup>th</sup> April 2014, the manager should confirm the decision in writing to the employee using the Request to Change Working Pattern Form;
- From the 6<sup>th</sup> April 2014, the manager must confirm the decision within 3 months of this meeting.
- If the proposal is declined there is a right of appeal and this should be submitted within 14 (fourteen) working days of the decision being communicated in writing;
- If a change in working pattern is approved no further requests for changes to a different working pattern would be considered for 12 months following this change;
- Any extensions to the above timeframes must be mutually agreed between the manager and employee and confirmed in writing.

## DECISION

6.7 Decisions must be confirmed to the employee in writing.

6.8 In case the application is declined by the CCG, the employee will have the right to appeal, using the form included in Appendix 3.

## APPEALS PROCESS

6.9 Appeals should be in writing and the following process should be followed:

- The appeal should be submitted to the next appropriate manager within 14 (fourteen) working days of the decision being communicated in writing;
- The grounds for the appeal must be clearly stated and copies of the original Request to Change Working Pattern Form, the letter outlining the reasons for declining the request, and any additional supporting information should be included;
- The appeal hearing should be held within 14 (fourteen) working days of receipt of the appeal;
- The appeal hearing will be chaired by the relevant manager
- The appeal outcome should be communicated in writing within 14 (fourteen) working days of the hearing and set out the reasons for the decision to uphold or dismiss the appeal;
- All decisions are final and the matter will then be regarded as closed;
- All employees have the right to be accompanied by a Union Representative, colleague or friend employed by the CCG;

## WITHDRAWING AN APPLICATION

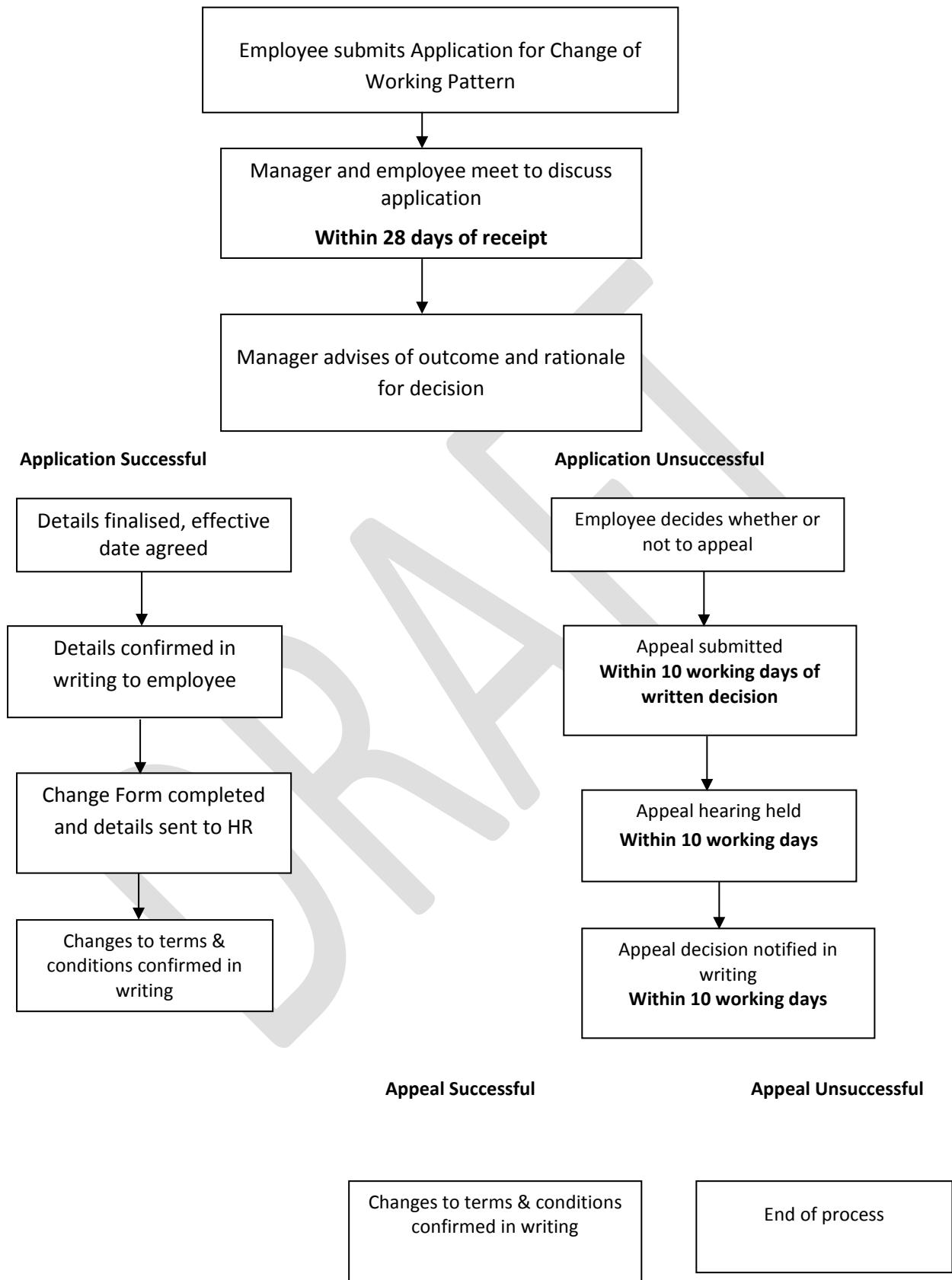
6.10A request to work flexibly can be withdrawn at any time before it has been accepted and any new terms and conditions agreed and put in place

6.11If an employee fails to attend more than one meeting arranged to discuss the request and does not provide a reasonable explanation, the employer may assume that the application has been withdrawn.

6.12The CCG may also treat an application as withdrawn if the employee does not provide the required information.

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PROCESS FLOWCHART



REQUEST TO CHANGE WORKING PATTERN FORM

**Section 1: Personal details**

Surname:					Title:			
Forenames:								
Job Title:								
Location			Directorate/ Department					
Payroll No.								

**Note:** Please note that this change to your working pattern is a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern.

**Section 2 Working Pattern**

Outline the hours and days **currently** worked per week:

Days	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours							

**Describe the working pattern which you would like to work in the future:**

**Please state when you would like this change to take an effect from:**

**If this is a temporary change please state the period of time you expect the change to be effective for:**



**Rationale**

Describe how you will maintain your level of contribution in this role if you change to the requested working pattern.

**Impact of the new working pattern** on yourself, colleagues and Department, including possible problems and how to overcome them

**Effective date for new working arrangements:** .....

**Details of any previous requests under this Policy:**

**Change Requested:**

**Date of Request:**

**Signed:** .....

**Date:** .....

**Section 3: Management Decision**

<b>Manager Name</b>	
<b>Job Title</b>	
<b>Location</b>	

<b>Date Form Received</b>		<b>Date Meeting arranged to discuss request*</b>	
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\*(to be no later than 28 days following receipt)

**Outcome of the Request**

Approved YES NO

Declined\*\* YES NO

\*\*The Right of Appeal has been explained to the employee

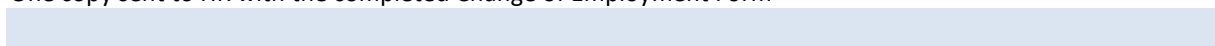
**Rationale for the decision:**

**Date employee advised of decision:** .....  
 (to be no later than 14 days of meeting)

**Signed:** ..... **Date:** .....

**Letter sent to employee (date)** .....

- One copy of the form to be sent to the employee with the letter
- One copy of this form to be retained
- One copy sent to HR with the completed Change of Employment Form



**APPEAL FORM**

**Employee's Details:**

<b>Full Name:</b>			
<b>Job Title</b>			
<b>Department</b>		<b>Location</b>	

**Name of Manager to hear the Appeal:**

<b>Manager Name:</b>			
<b>Job Title</b>			
<b>Department</b>		<b>Location</b>	

The grounds for my appeal are as follows:

I wish to appeal against the decision to decline my flexible working application. I attach a copy of the completed Request to Change Working Pattern Form and the letter confirming the decision.

**Signed:** .....

**Date:**

.....



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