

FLEXIBLE WORKING POLICY

April 2018

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POLICY AMENDMENTS

Amendments to the policy will be issued from time to time. A new amendment history will be issued with each change.

New Version Number	Issued by	Nature of Amendment	Approved by and Date	Date on Internet
DRAFT	VoYCCG	Draft policy for CCG	Senior Management Team 05 February 2014	Jan 14 – for staff consultation
DRAFT	VoYCCG	N/A	JTUPF 26.03.14	n/a
Final	VoYCCG	Approved Policy	Senior Management Team 08 April 2014	15 April 2014
V1.1	VoYCCG	General Data Protection Regulations wording (para 1.3) and review period to 4 years; cross-reference to HR09a	Social Partnership Forum 10 January 2018 CCG Executive 04 April 2018	04 May 2018

To request this document in a different language or in a different format, please contact:

Email: valeofyork.contactus@nhs.net

Telephone: 01904 555 870

CONTENTS

1.	INTRODUCTION.....	4
2.	POLICY STATEMENT	4
3.	IMPACT ANALYSES	4
4.	SCOPE.....	4
5.	POLICY PURPOSE / AIMS AND FAILURE TO COMPLY	5
6.	PRINCIPAL LEGISLATION AND COMPLIANCE WITH STANDARDS.....	6
7.	APPEAL PROCEDURE	7
8.	PROCEDURE FOR WORK OUTSIDE OF REGULAR HOURS	8
9.	ROLES / RESPONSIBILITIES / DUTIES.....	9
10.	POLICY IMPLEMENTATION.....	9
11.	TRAINING AND AWARENESS.....	10
12.	MONITORING AND AUDIT	10
13.	POLICY REVIEW.....	10
14.	REFERENCES.....	10
15.	ASSOCIATED POLICIES	10
16.	CONTACT DETAILS	10
17.	APPENDIX 1: EQUALITY IMPACT ANALYSIS FORM	11
19.	APPENDIX 2: SUSTAINABILITY IMPACT ASSESSMENT	15
20.	APPENDIX 3 : FLEXIBLE WORKING APPLICATION FORM	19
21.	APPENDIX 4 : CONFIRMATION OF RECEIPT OF APPLICATION	21

1. INTRODUCTION

- 1.1. The CCG is committed to providing a range of flexible working options for employees in order to maintain a committed and skilled workforce, able to deliver high quality, cost effective services in an environment which maximises opportunities for employees to balance work and personal commitments.
- 1.2. This policy sets out the flexible working arrangements that are available within the CCG.
- 1.3. The CCG is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the CCG's Data Protection and Confidentiality and related policies and procedures.

2. POLICY STATEMENT

- 2.1. The Vale of York Clinical Commissioning Group aspires to the highest standards of corporate behaviour and responsibility. All Vale of York Clinical Commissioning Group staff are required to comply with this policy.

3. IMPACT ANALYSES

Equality

- 3.1. In applying this policy, the CCG will have due regard to 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 offending background, trade union membership, or any other personal characteristic. An Equality Impact Analysis is attached at Appendix 1.

Sustainability

- 3.2. A Sustainability Impact Assessment has been completed for this policy and is attached at Appendix 2.

4. SCOPE

- 4.1. This policy applies to all CCG employees and will be applied in accordance with the CCG's Equality and Diversity Policy.
- 4.2. The policy will be in accordance with NHS Terms and Conditions of Service Handbook.

5. POLICY PURPOSE / AIMS AND FAILURE TO COMPLY

- 5.1. The CCG has an overriding responsibility to deliver timely services. It also has the right to seek ways of developing the capacity of its services, improving the capabilities of its employees and improving effectiveness.
- 5.2. This policy allows any employee, from their first day of employment onwards, the right to apply for a change in their contracted hours of work but does not guarantee a change will be made.
- 5.3. The statutory right to apply for flexible working applies to employees with parental responsibility for a child aged 16 and under, or a disabled child under 18, and to those caring for an adult who have 26 weeks continuous employment with the CCG. Please refer to Resources section for further information.
- 5.4. All requests will be given full consideration and no reasonable request will be refused. However, in certain circumstances the needs of the business may not allow for the request to be granted. If a request is denied, a full and detailed reason for the refusal will be given in writing to the employee.
- 5.5. Managers will ensure that staff who request a flexible working arrangement are aware of the implications (if any) on their terms and conditions of employment e.g. salary, annual leave, pension. Managers should seek the assistance of a Workforce Team Representative where necessary.
- 5.6. As far as practicable the CCG will consider flexible working arrangements such as :
 - Part-Time Working – this is where an employee is contracted to a number of hours that are less than the normal hours of work of a comparable full-time employee.
 - Job Share – this is normally where two people share the duties and responsibilities of one full-time post in a partnership arrangement.
 - Flexible hours – allows employees to vary their actual working hours. This means that employees can vary their start and finish times to better fit their domestic responsibilities, travel arrangements or for work purposes.
 - Flexible Rostering – using periods of work of differing lengths within an agreed overall period.
 - Tele-working – this is where people work from home for all or part of their hours with a computer or telecommunication link to the CCG.
 - Fixed work patterns – this is where, by agreement, days off can be irregular to enable, for example, access by separated parents to their children and flexible rostering.
 - Compressed Hours – this is where working hours are condensed into lesser days to create an additional day off without a reduction in pay.
 - Flexible Retirement – where someone retires from full time work and resumes their previous role on a part time basis.

- Working from another base – a member of staff may request to work from another NHS base for personal reasons but travel/mileage expenses will not be paid.

5.7. Where a request for a permanent change to an employees working arrangements is requested, the CCG reserves the right to and will usually, impose a trial period, the length of which will be at the director’s discretion but will normally be between three and six months, to establish whether or not the new working arrangements meet service needs and suit the needs of the employee.

5.8. Employees are able to apply no more than once per year, unless has been a significant change in circumstances.

5.9. For details of arrangements covering emergency time off for the care of dependants, see the Special Leave Policy.

5.10. Support will be provided to all Line Managers in the implementation and application of this policy by the CSU Workforce Team upon request.

6. PRINCIPAL LEGISLATION AND COMPLIANCE WITH STANDARDS PROCEDURE

6.1. An employee has the right to be accompanied by their trade union representative or a work colleague, not acting in a legal requirement, at every stage of this procedure.

6.2. A request to change the contracted hours of work must be made by the employee in writing using the attached form (Appendix 1), to their line manager and must :

- Be dated and submitted allowing sufficient time between the submission of the request and the proposed start date for the application to be considered.
- State whether a previous application has been made and, if so, the date on which it was made;
- Include the reason the request is being made and whether or not it is being made under the statutory right to apply to work flexibly;
- If applying under the statutory right to apply for flexible working the request should confirm the employee’s relationship to the child or adult;
- Include details of the proposed change, and proposed start date, and an explanation of the employee’s view of the effect on the CCG’s business and how this may be dealt with;
- Relate to hours, times or place of work.

- 6.3. The line manager will acknowledge the request and will arrange a meeting with the employee and the responsible director to discuss the application, to be held within 28 days after the date of application. Consideration will be given to the implications of the request, current working arrangements, including working patterns of staff within the same team and any methods for mitigating and concerns.
- 6.4. A decision will be made within 14 days of the meeting and the employee notified in writing. The notification will either :
- Accept the request and establish a start date and any other action or
 - Confirm a compromise agreed at the meeting or
 - Reject the request, detailing all of the facts and demonstrating the business rationale behind the decision
 - Include details of the appeals process
- 6.5. Should the application be approved then a contract variation must be completed immediately.
- 6.6. Should a trial period be agreed then a review date must be set.
- 6.7. Applications for flexible working agreements will be refused only for one or more of the following reasons :
- The burden of additional costs;
 - Detrimental effect on ability to meet customer 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 the employee proposes to work;
 - Planned structural changes.

7. APPEAL PROCEDURE

- 7.1. The employee must submit their appeal in writing within 14 days of them being informed of the decision.
- 7.2. The appeal will be acknowledged in writing and an appeal meeting arranged.
- 7.3. The appeal meeting must take place within 14 days of the notice of the appeal and will be heard by the line manager of the manager who made the original decision, or someone at an equivalent level.
- 7.4. The employee has the right to be accompanied by their trade union representative or a work colleague not acting in a legal capacity at this meeting.

- 7.5. A member of the eMBED Workforce Team may be present at the appeal meeting.
- 7.6. The decision on the appeal must be given within a further 14 days and is final.

8. PROCEDURE FOR WORK OUTSIDE OF REGULAR HOURS

- 8.1. The usual working hours of staff will have already have been determined, either at the time of appointment or by subsequent agreement. These working hours will have been agreed in line with Working Time regulations and to reflect service needs, i.e. to ensure there is office cover at specific times. The will be in accordance with Section 3 of the NHS Terms and Conditions of Service Handbook where applicable.
- 8.2. Where personal circumstances mean that an individual needs to vary their start and finish times on an ad hoc basis- i.e., to attend an appointment this should be agreed following discussion with their line manager.
- 8.3. There is an expectation that staff in Band 8a and above may occasionally need to vary their working hours to accommodate meetings and work load. Each individual is responsible for maintaining accurate records of their working hours and should manage their working hours sensibly themselves to fulfill the needs of their role. This daily individual management of work should not lead to accruing hours that need to be taken back later. Staff in Band 7 and below will follow the CCG Flexitime Policy.
- 8.4. It is acknowledged that from time to time employees at any grade may be required to work outside of their set regular hours. For bands 8a and above this requirement is more significant than the daily time managements set on in 3.3. Such a requirement may arise due to an evening meeting being arranged or a peak in workload at the end of the financial year.
- 8.5. Where there is a requirement for an individual to work outside of their set regular hours at set out in 3.4, this will initially be discussed between the individual and their line manager. The discussion will be initiated by the individual who identifies the need. Where practicable work will be redistributed or altered so that the individual does not need to work outside of their regular hours. If this is not possible an agreement should be reached to clarify what work should be done and when it should be done. The manager must stipulate the maximum amount of time that should be required. An agreement should also be reached to clarify when these additional hours that have been accrued should be taken back. Where possible, these hours should be taken within 10 working days but in exceptional circumstances they may be carried forward and used within three months.
- 8.6. Where it is not possible to take the hours back hours accrued under 3.5 within three months then payment will be made for the additional hours worked. Approval for a payment must be granted by the Chief Officer and the Chief Officer must be alerted as soon as it is foreseeable that this may be necessary.
- 8.7. Additional hours that are accrued under 3.5 should be taken back in the same manner as they are accrued, i.e., if an individual works an hour longer one day it

should be taken back as an hour deducted from another day. This procedure is not designed as a method of accruing additional leave days.

- 8.8. Records must be kept of additional hours accrued and when these hours are taken back. Staff in Band 6 and below will record their working hours on the flexitime recording sheet.

Statutory Instrument

Bribery Act 2010

The Bribery Act is particularly relevant to this policy. Under the Bribery Act it is a criminal offence to :

- Bribe another person by offering, promising or giving a financial or other advantage to induce them to perform improperly a relevant function or activity, or as a reward for already having done so; and
- Be bribed by another person by requesting, agreeing to receive or accepting a financial or other advantage with the intention that a relevant function or activity would then be performed improperly, or as a reward for having already done so.

These offences can be committed directly or by and through a third person and other related policies and documentation (as detailed on the CCG intranet) when considering whether to offer or accept gifts and hospitality and/or other incentives. Anyone with concerns or reasonably held suspicions about potentially fraudulent activity or practice should refer to the Local Anti-Fraud and Corruption Policy and contact the Local Counter Fraud Specialist.

9. ROLES / RESPONSIBILITIES / DUTIES

- 9.1. This policy will be approved by the CCG Executive Team and the Social Partnership Forum. The following have a responsibility to ensure that the policy is appropriately followed :
- CCG Managers – implementation of policy
 - CCG Staff – following process

10. POLICY IMPLEMENTATION

- 10.1. This policy will be communicated to staff via team meetings/team brief and will be available for staff on the intranet.
- 10.2. Breaches of this policy may be investigated under the CCG's disciplinary procedure.

11. TRAINING AND AWARENESS

- 11.1. A copy of the policy will be available on the CCG internet. Training needs will be identified via the appraisal process and training needs analysis.

12. MONITORING AND AUDIT

- 12.1. The implementation of this policy will be audited on an annual basis by the CCG and reported to CCG Governing Body on an annual basis.

13. POLICY REVIEW

- 13.1. The policy and procedure will be reviewed after three years for the CCG Governing Body in conjunction with Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

14. REFERENCES

- 14.1. For further information please refer to the following reference sources
- <https://www.gov.uk/flexible-working/overview>
 - <http://www.acas.org.uk/media/pdf/o/0/Right-to-apply-for-flexible-working-a-short-guide.pdf>

15. ASSOCIATED POLICIES

- HR09a Flexitime Policy

16. CONTACT DETAILS

Manager Name : Strategy and Assurance Manager

Telephone : 01904 555578

Email : valeofyork.contactus@nhs.net

Address : NHS Vale of York Clinical Commissioning Group, West Offices, Station Rise, York. Y01 6GA

17. APPENDIX 1 : EQUALITY IMPACT ANALYSIS FORM

1.	Title of policy/ programme/ service being analysed
	Flexible Working Policy
2.	Please state the aims and objectives of this work.
	The policy aims to introduce a level of flexibility around working hours to enable differing start/ finish times where business needs allow for this.
3.	Who is likely to be affected? (e.g. staff, patients, service users)
	Staff
4.	What sources of equality information have you used to inform your piece of work?
	Staff data
5.	What steps have been taken ensure that the organisation has paid <u>due regard</u> to the need to eliminate discrimination, advance equal opportunities and foster good relations between people with protected characteristics
	The analysis of equalities is embedded within the CCG's Committee Terms of Reference and project management framework.
6.	Who have you involved in the development of this piece of work?
	<p>Internal involvement: Senior Management team</p> <p>Stakeholder involvement: Consultation with Senior Managers</p> <p>Patient / carer / public involvement: This is an Internal policy aimed at staff employed by the CCG and contractors working for the CCG. The focus is on compliance with statutory duties and NHS mandated principals and practice.</p>
7.	What evidence do you have of any potential adverse or positive impact on groups with protected characteristics?
	<p>Do you have any gaps in information?</p> <p>Include any supporting evidence e.g. research, data or feedback from engagement activities</p>

<p>Disability People who are learning disabled, physically disabled, people with mental illness, sensory loss and long term chronic conditions such as diabetes, HIV)</p>	<p>Consider building access, communication requirements, making reasonable adjustments for individuals etc.</p>
<p>This may have a positive effect on people with disabilities or long term conditions who may need the flexibility to adjust their working hours, for example to attend hospital appointments.</p>	
<p>Sex Men and Women</p>	<p>Consider gender preference in key worker, single sex accommodation etc.</p>
<p>No impact detected.</p>	
<p>Race or nationality People of different ethnic backgrounds, including Roma Gypsies and Travellers</p>	<p>Consider cultural traditions, food requirements, communication styles, language needs etc.</p>
<p>No impact detected.</p>	
<p>Age This applies to all age groups. This can include safeguarding, consent and child welfare</p>	<p>Consider access to services or employment based on need/merit not age, effective communication strategies etc.</p>
<p>This policy may have a positive impact on people requesting flexible working hours in the approach to retirement, as part of the organisation's flexible retirement arrangements.</p>	
<p>Trans People who have undergone gender reassignment (sex change) and those who identify as trans</p>	<p>Consider privacy of data, harassment, access to unisex toilets & bathing areas etc.</p>
<p>No impact detected.</p>	
<p>Sexual orientation This will include lesbian, gay and bi-sexual people as well as heterosexual people.</p>	<p>Consider whether the service acknowledges same sex partners as next of kin, harassment, inclusive language etc.</p>
<p>No impact detected.</p>	
<p>Religion or belief Includes religions, beliefs or no religion or belief</p>	<p>Consider holiday scheduling, appointment timing, dietary considerations, prayer space etc.</p>

The policy may have a positive impact in that flexible start and finish times allow for changing prayer times throughout the year.	
Marriage and Civil Partnership Refers to legally recognised partnerships (employment policies only)	Consider whether civil partners are included in benefit and leave policies etc.
No impact detected.	
Pregnancy and maternity Refers to the pregnancy period and the first year after birth	Consider impact on working arrangements, part-time working, infant caring responsibilities etc.
This policy may have a positive impact for people who need to make childcare arrangements.	
Carers This relates to general caring responsibilities for someone of any age.	Consider impact on part-time working, shift-patterns, options for flexi working etc.
This policy may have a positive impact on those with caring responsibilities, who may need to work hours that are in line with the availability of other carers.	
Other disadvantaged groups This relates to groups experiencing health inequalities such as people living in deprived areas, new migrants, people who are homeless, ex-offenders, people with HIV.	Consider ease of access, location of service, historic take-up of service etc.
No negative impacts detected.	
8. Action planning for improvement	
	Please outline what mitigating actions have been considered to eliminate any adverse impact? No adverse impacts have been observed.
	Please state if there are any opportunities to advance equality of opportunity and/ foster good relationships between different groups of people? Not applicable.

Sign off
Name and signature of person / team who carried out this analysis
Date analysis completed
Name and signature of responsible Director
Date analysis was approved by responsible Director

19. APPENDIX 2 : SUSTAINABILITY IMPACT ASSESSMENT

Staff preparing a policy, Governing Body (or Sub-Committee) report, service development plan or project are required to complete a Sustainability Impact Assessment (SIA). The purpose of this SIA is to record any positive or negative impacts that this is likely to have on sustainability.

Title of the document	Flexible Working Policy
What is the main purpose of the document	To allow for flexibility in working hours
Date completed	April 2018
Completed by	Planning and Assurance Manager

Domain	Objectives	Impact of activity Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = N/A	Brief description of impact	If negative, how can it be mitigated? If positive, how can it be enhanced?
Travel	Will it provide / improve / promote alternatives to car based transport?	N/A		
	Will it support more efficient use of cars (car sharing, low emission vehicles, environmentally friendly fuels and technologies)?	N/A		
	Will it reduce 'care miles' (telecare, care closer) to home?	N/A		
	Will it promote active travel (cycling, walking)?	N/A		
	Will it improve access to opportunities and facilities for all groups?	N/A		
	Will it specify social, economic and environmental outcomes to be accounted for in procurement and delivery?	N/A		

Domain	Objectives	Impact of activity Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = N/A	Brief description of impact	If negative, how can it be mitigated? If positive, how can it be enhanced?
Procurement	Will it stimulate innovation among providers of services related to the delivery of the organisations' social, economic and environmental objectives?	N/A		
	Will it promote ethical purchasing of goods or services?	N/A		
Procurement	Will it promote greater efficiency of resource use?	N/A		
	Will it obtain maximum value from pharmaceuticals and technologies (medicines management, prescribing, and supply chain)?	N/A		
	Will it support local or regional supply chains?	N/A		
	Will it promote access to local services (care closer to home)?	N/A		
	Will it make current activities more efficient or alter service delivery models	N/A		
Facilities Management	Will it reduce the amount of waste produced or increase the amount of waste recycled?	N/A		
	Will it reduce water consumption?			
Workforce	Will it provide employment opportunities for local people?	N/A		
	Will it promote or support equal employment opportunities?	1		

Domain	Objectives	Impact of activity Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = N/A	Brief description of impact	If negative, how can it be mitigated? If positive, how can it be enhanced?
	Will it promote healthy working lives (including health and safety at work, work-life/home-life balance and family friendly policies)?	1		
	Will it offer employment opportunities to disadvantaged groups?	0	The policy will prevent fixed working hours being a barrier	
Community Engagement	Will it promote health and sustainable development?	N/A		
	Have you sought the views of our communities in relation to the impact on sustainable development for this activity?	N/A		
Buildings	Will it improve the resource efficiency of new or refurbished buildings (water, energy, density, use of existing buildings, designing for a longer lifespan)?	N/A		
	Will it increase safety and security in new buildings and developments?	N/A		
	Will it reduce greenhouse gas emissions from transport (choice of mode of transport, reducing need to travel)?	N/A		
	Will it provide sympathetic and appropriate landscaping around new development?	N/A		
	Will it improve access to the built environment?	N/A		

Domain	Objectives	Impact of activity Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = N/A	Brief description of impact	If negative, how can it be mitigated? If positive, how can it be enhanced?
Adaptation to Climate Change	Will it support the plan for the likely effects of climate change (e.g. identifying vulnerable groups; contingency planning for flood, heat wave and other weather extremes)?	N/A		
Models of Care	Will it minimise 'care miles' making better use of new technologies such as telecare and telehealth, delivering care in settings closer to people's homes?	N/A		
	Will it promote prevention and self-management?	N/A		
	Will it provide evidence-based, personalised care that achieves the best possible outcomes with the resources available?	N/A		
	Will it deliver integrated care, that co-ordinate different elements of care more effectively and remove duplication and redundancy from care pathways?	N/A		

20. APPENDIX 3 : FLEXIBLE WORKING APPLICATION FORM

Name :	Dept :
Manager :	Organisation start date :

I wish to apply to work a flexible working pattern that is different from my current working pattern.

Either

I wish to apply under the provisions of the CCG’s Flexible Working Policy (Go to Section 2 overleaf) []

Or

I wish to apply under my right provided by the Employment Rights Act 1996 as outlined in the Flexible Working Policy []

I confirm that I have been employed by the CCG for at least 26 weeks and have made a request under this right during the past 12 months. I meet the eligibility criteria as follows:

EITHER	<p>I have responsibility for the upbringing of</p> <p>either: [] a child aged 16 or under; or [] a disabled child under 18.</p> <p>I am:</p> <p>[] the mother, father, adopter, guardian, special guardian or foster parent of the child; or [] married to, or the partner or civil partner of, the child’s mother, father, adopter, guardian, special guardian or foster parent.</p> <p>I am making this request to help me care for the child.</p>
OR	<p>I am, or expect to be, caring for</p> <p>an adult. I am:</p> <p>[] the spouse, partner, civil partner or relative of the adult in need of care; or [] not the spouse, partner, civil partner or relative of that adult but live at the same address.</p> <p>I am making this request to help me care for the adult in need of care.</p>

All sections must be completed

2. My current working pattern is: <p style="text-align: right;">Please provide details of days/hours/times to be worked</p>
3. The pattern I would like to work is: <p style="text-align: right;">Please provide details of days/hours/times to be worked</p>
4. I would like this working pattern to commence from:
5. I think this change in my working pattern will affect the CCG and my colleagues as follows:
6. I think the effect on the CCG and my colleagues can be dealt with as follows:

Signed: _____ Date: _____

21. APPENDIX 4 : CONFIRMATION OF RECEIPT OF APPLICATION

Confirmation of receipt of application

(Line manager to complete and return to employee)

Dear

Request for Flexible Working

I confirm that I received your request for flexible working to change your work

pattern as follows _____.

I will be arranging a meeting to discuss your application within 28 days. In the meantime, you may wish to consider whether you would like a colleague to accompany you to the meeting.

Yours sincerely