Freedom of Information Request

Reference Number: EPUT.FOI.19.1061
Date Received: Legal Team

Information Requested:

I am investigating Flexible Policy and Adoption within NHS Trusts and as a result would appreciate if you would be able to answer the following questions under the freedom of information act:

1. Do you offer flexible working policies to address the different types of flexible working listed below (Yes/No): Yes
   a) Part-time working
   b) Flextime
   c) Job sharing
   d) Compressed hours
   e) Annual hours
   f) Term-time working
   g) Home working
   h) Voluntary time
   i) Zero-hour contracts
   j) Other
   A copy of the Trust’s policies are attached

2. Please provide the number of staff accessing flexible working by the following staff groups in the years 2017/18 and 2018/19 (Headcount):

<table>
<thead>
<tr>
<th></th>
<th>2017/18</th>
<th>2018/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical</td>
<td>N/A</td>
<td>0</td>
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<tr>
<td>Nursing</td>
<td>N/A</td>
<td>27</td>
</tr>
<tr>
<td>AHP/Scientific</td>
<td>N/A</td>
<td>4</td>
</tr>
<tr>
<td>Unqualified Clinical</td>
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<td>34</td>
</tr>
<tr>
<td>Total</td>
<td>N/A</td>
<td>65</td>
</tr>
</tbody>
</table>

   The Trust did not record this data prior to 2018/2019

3. Please provide the following details around flexible working requests and agreements over the past 12 months (Headcount):

<table>
<thead>
<tr>
<th></th>
<th>Total number of staff</th>
<th>Number of flexible working requests</th>
<th>Number of flexible working agreements</th>
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<tbody>
<tr>
<td>Male</td>
<td>1029</td>
<td>17</td>
<td>13</td>
</tr>
<tr>
<td>Female</td>
<td>4042</td>
<td>67</td>
<td>62</td>
</tr>
<tr>
<td>16-40 Years of Age</td>
<td>586</td>
<td>31</td>
<td>29</td>
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<tr>
<td>40+ Years of age</td>
<td>3317</td>
<td>53</td>
<td>46</td>
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</tbody>
</table>
4. On average, how long does a flexible working agreement last (Years/Months)?

A copy of the Trust’s policies are attached

5. Are flexible working agreements recorded against the employee HR record (ESR)?

These are not recorded within ESR

6. What % of vacancies in your organisation have been specifically targeted at reaching individuals seeking flexible working arrangements?

The Trust has not specifically targeted certain vacancies so this is not measurable; however we promote and encourage this on all of our external and internal adverts Trust wide.

7. Has your organisation seen any quantifiable or measurable returns through the implementation or adoption of flexible working?

Please see response to question 3.

8. Is training available to managers around dealing with flexible working?

The Trust does not have a specific training module on flexible working; however this would be covered during staff sickness & absence training as a reasonable adjustment for managers and staff to consider. We also offer staff and managers a 24 page detailed Flexible Working Guide and on the Trust’s intranet staffs have access to; Flexible Working Policy, Flexible Working Procedure, Job Share Procedure, Job Share Trail Report Form, Flexible Working Application Process and Flexible Working Application Form.

9. Please provide details on the organisation’s application process for a member of staff wishing to engage in a flexible working arrangement. Within which, please indicate whether this process is manual or supported via an electronic system.

A copy of the Trust’s policies are attached

10. Does your organisation use any 3rd party systems to enable or facilitate the flexible working application process and flexible working arrangements?

No

b. Please provide the name of the system[s] used

N/A

Publication Scheme:

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A publication scheme is a guide to the information that is held by the organisation. EPUT’s Publication Scheme is located on its Website at the following link https://eput.nhs.uk
# FLEXIBLE WORKING POLICY

<table>
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<tr>
<th>POLICY REFERENCE NUMBER:</th>
<th>HR39</th>
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<td>6</td>
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<td>REPLACES SEPT DOCUMENT</td>
<td>Flexible Working Policy HR39</td>
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<td>REPLACES NEP DOCUMENT</td>
<td>HRP / Flexible Working Policy / 04/14</td>
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<tr>
<td>KEY CHANGES FROM PREVIOUS VERSION</td>
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<tr>
<td>AUTHOR:</td>
<td>Head of Staff Engagement, HR Business Partners</td>
</tr>
<tr>
<td>CONSULTATION GROUPS:</td>
<td>HR Policy Sub Group, Joint Staff Committee, Workforce Transformation Group</td>
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<tr>
<td>IMPLEMENTATION DATE:</td>
<td>April 2018</td>
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<tr>
<td>AMENDMENT DATE(S):</td>
<td>February 2012, May 2014 (Director Change), August 2014, December 2015 (Director Change), September 2017 (extension) March 2018</td>
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<td>LAST REVIEW DATE:</td>
<td>March 2018</td>
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<td>NEXT REVIEW DATE:</td>
<td>January 2021</td>
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<td>APPROVAL BY WORKFORCE TRANSFORMATION GROUP:</td>
<td>26 March 2018</td>
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<tr>
<td>RATIFICATION BY FINANCE &amp; PERFORMANCE COMMITTEE:</td>
<td>22nd March 2018</td>
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## POLICY SUMMARY

This Policy sets out the arrangements for flexible working within the Trust. It sets out our approach to equality in flexible working and strongly encourages managers to consider allowing staff to work in new and innovative ways in order to retain them in the organisation. It supports our Recruitment and Retention Strategies and promotes a healthy work-life balance for staff.

The Trust monitors the implementation of and compliance with this policy in the following ways:

- Annual Staff Survey Key Findings on Flexible Working
- Flexible Working Requests HR Monitoring
- Numbers of staff accessing these documents and the Flexible working guide.

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The Director responsible for monitoring and reviewing this procedure is Executive Director of Corporate Governance.
FLEXIBLE WORKING POLICY

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2.0 SCOPE

3.0 GUIDING PRINCIPLES

4.0 RESPONSIBILITY

5.0 MONITORING

6.0 POLICY REFERENCE INFORMATION

7.0 REFERENCE TO OTHER TRUST POLICIES AND PROCEDURES
ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

FLEXIBLE WORKING POLICY

Assurance Statement

This Policy aims to ensure that the Trust has a systematic and planned approach to encouraging, promoting and supporting flexible working practices and demonstrates the Trust's commitment to being a “an employer of choice” whilst reinforcing our values ‘open, compassionate, empowering’.

All staff are encouraged to consider working in ways that are flexible to suit their work-life balance – taking into account the context of service needs and safety of patients. The Trust is committed to the fair treatment of its employees, potential employees and the users of its services and will ensure requests for flexible working are fair and free from discrimination. This policy should be read in conjunction with the Flexible Working and Job Sharing Arrangement procedures, the Retirement Procedure and their associated appendices.

1.0 INTRODUCTION

1.1 Flexible Working is a working arrangement that differs from what is often thought of as 'normal' working arrangements.

1.2 Many people want or need to work hours that fit in with their domestic and other commitments and want greater choice over where, when and how they work.

1.3 This Policy will ensure that all applications are considered and treated equally and fairly – and in line with the range of legislation which covers flexible working including the Employment Act 2002 and the Work and Families Act 2006.

1.4 Employees can only make one application for flexible working in any given 12 month period. The Manager will consider how to accommodate the request whilst balancing the needs of the service.

1.5 New working arrangements can be trialled for a period of between 3 to 6 months in anticipation of a longer term permanent arrangement.

1.6 This policy and associated procedure are written in accordance with the Agenda for Change terms and conditions of service in particular section 34 – Flexible Working.

1.7 The Trust recognises that flexible working is a vital part of working life balance and that it has a demonstrable impact on our recruitment and retention strategies. All Managers are urged to consider it seriously and find solutions to potential barriers.
1.8 This Policy will ensure there are flexible working arrangements that are innovative and diverse, but which reflect both the needs of employees whilst continuing to meet the needs of the service.

1.9 It is a key element of workforce planning and can ensure that vital skills and experience are retained. There is a need to develop and introduce initiatives, which attract and retain high quality staff, enabling them to reach and use their full potential.

1.10 This Policy should be read in conjunction with the Flexible Working Procedure, Job Share Procedure and relevant appendices. The Trust has also developed a detailed guide to flexible working and staff are encouraged to share new and innovative ways of working for inclusion in the guide.

1.11 In line with the ACAS code of practice, all flexible working applications must be concluded within 3 months from the date of the application/request made to the Trust. This 3 month period must also include the conclusion of any appeal process.

2.0 SCOPE

2.1 This Policy and associated Procedures apply to all employees who have at least 26 weeks continuous service with the Trust. Reckonable or continuous NHS service is not applicable in the calculation of the 26 weeks.

2.2 All employees who meet the above criteria have the statutory right to be able to make an application to request flexible working once a year.

2.3 This Policy and Procedures provide guidelines on application and implementation of flexible working.

3.0 GUIDING PRINCIPLES

3.1 This policy and associated procedures aim to provide staff and managers with guidance on all aspects of Flexible Working which values and supports staff.

3.2 The Trust is committed to the development of different working patterns, which enable a better work-life balance.

3.3 The Trust must ensure that all flexible working arrangements do not have a detrimental impact on quality or performance and the ability to meet patient needs.

3.4 Employees have the right to be accompanied by a trade union / professional association representative or work colleague at any meeting in the flexible working procedure.

3.5 Employees working flexibly must be provided with equal access to all other opportunities (e.g. Learning and Development) and should not be at any detriment because they are working flexibly.
4.0 RESPONSIBILITY

4.1 Responsibility for co-ordinating the development, approval and distribution of this policy and its associated procedures rests with the Executive Director of Corporate Governance & Strategy.

4.2 The Line Manager has responsibility for considering each individual request, in an unbiased way whilst:

- balancing services needs
- taking into consideration other similar requests that have been granted or refused
- adhering to the Trust’s Equality, Inclusion and Human Rights (CP24)
- following Flexible Working procedures
- Liaising with payroll to ensure appropriate payments are made.

4.3 The Human Resources department is responsible for providing advice and guidance to staff and managers in relation to this policy and its associated procedural guidelines.

4.4 All staff are responsible for applying for flexible working in line with the timescales and documentation outlined in the associated procedural guidelines and for following them at all stages thereafter.

5.0 MONITORING

5.1 The Human Resources Department monitors take up and will ensure that all requests are dealt with in a fair, consistent and reasonable manner.

5.2 Information about flexible working requests will be produced annually as part of the Equality & Diversity Report and will be shared with all relevant committees and published on our external facing website.

6.0 POLICY REFERENCE INFORMATION

6.1 The following legislation and guidance appertains to this policy:

- Equality Act 2010
- Employment Rights Act 1996
- Agenda for Change Handbook – Section 34
- Work and Families Act 2006
- Flexible Working Regulations 2014
7.0 REFERENCE TO OTHER TRUST POLICIES AND PROCEDURES

7.1 Where applicable, this Policy should be used in conjunction with:

- Training & Study Leave arrangements
- Employee Wellbeing and Sickness Absence
- Rostering Staff Clinical Guideline
- Leave
- Working Time Regulations
- Recruitment and Retention Policy
- Equality, Inclusion and Human Rights
- Dignity, Respect and Grievance

END
How does the flexible working application process work?

Line Manager receives an application for flexible working and confirms receipt within 5 working days.

Within 28 days

The Line Manager and employee meet to discuss the application

Within 10 working days

The Line Manager writes notifying the employee of the decision

Request is ACCEPTED

Both the employee and the employer will need to consider what arrangements they need to make for when the working pattern is changed

Request is REJECTED

The employee needs to decide if they wish to appeal against the Line Manager's decision. If so, they must appeal in writing, setting out the grounds for their appeal, to the manager next in line.

Within 10 working days

The Manager receives the employee's written appeal

Within 10 working days

Employer and employee meet to discuss the appeal

Within 10 working days

The Manager writes notifying the employee of the decision

Appeal is ACCEPTED

Both the employee and the Line Manager will need to consider what arrangements they need to make for when the working pattern is changed
PROCEDURE ON JOB SHARE ARRANGEMENTS

PROCEDURE REFERENCE NUMBER: HRPG39B
VERSION NUMBER: 6
REPLACES SEPT DOCUMENT: HRPG39 Job Share Procedure
REPLACES NEP DOCUMENT: HRP / Flexible Working Policy / 04/14
KEY CHANGES FROM PREVIOUS VERSION: None
AUTHOR: HR Advisor
CONSULTATION GROUPS: Policy Sub Group, HR Team, Joint Partnership Committee, Workforce Transformation Committee
IMPLEMENTATION DATE: April 2018
AMENDMENT DATE(S): January 2012, August 2014, December 2015 (Director Change)
LAST REVIEW DATE: March 2018
NEXT REVIEW DATE: January 2021
APPROVAL BY WORKFORCE TRANSFORMATION GROUP DATE: 26 March 2018
RATIFICATION BY FINANCE AND PERFORMANCE COMMITTEE: 22nd March 2018

PROCEDURE SUMMARY
This procedure sets out the processes associated with applying for and approving requests for Job Share arrangements. EPUT strongly encourages modern and innovative ways of flexible working through the use of Job Share Arrangements as set out in these procedures.

The Trust monitors the implementation of and compliance with this procedure in the following ways:

- Annual Staff Survey Key Findings on Flexible Working
- Flexible Working Requests HR Monitoring
- Numbers of staff accessing these documents and the Flexible working guide.

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<td>CHS</td>
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The Director Responsible for monitoring and reviewing this procedure in the Executive Director of Corporate Governance & Strategy
ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

PROCEDURE ON JOB SHARE ARRANGEMENTS

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2.0 POSTS ELIGIBLE FOR JOB SHARES
3.0 SETTING UP A JOB SHARE POST
4.0 TRIAL PERIODS
5.0 RECRUITMENT
6.0 WORKING ARRANGEMENTS
7.0 TERMS AND CONDITIONS
8.0 ANNUAL LEAVE AND BANK HOLIDAYS
9.0 APPEALS PROCEDURE
10.0 FURTHER INFORMATION AND GUIDANCE

APPENDICES
APPENDIX 1 - JOB SHARE TRIAL – REPORT FORM
Assurance Statement
The Trust is committed to equality of opportunity and seeks to provide employment opportunities for those who are unable or choose not to work full time. Examples of this might be, employees returning from maternity leave or those with caring responsibilities that would make full time work difficult or undesirable. In this context the Trust considers all of its posts as potentially suitable for job sharing, subject to the needs of the service.

Managers have a responsibility for ensuring the Trust’s procedure is implemented effectively. This includes ensuring all requests to job share are given proper consideration under the requirements of the Flexible Working Policy HR39.

1.0 INTRODUCTION

1.1 The Trust’s job share procedure aims to:
- Contribute to and enhance the Trust’s commitment to Equality by improving part time working opportunities for those unable to work full time.
- To provide a framework in which managers can act to help ensure a consistency of approach across the Trust.
- To provide managers and employees with further information in order to aid consideration of job share requests

1.2 Scope of the Procedure
This policy applies to all employees of the Trust.

1.3 Definition of Job Sharing
A job share is considered to be a voluntary sharing of the duties, responsibilities and benefits of a full time post. Wherever possible all features of the job are maintained for job sharers with the main characteristics being pro rata pay terms and conditions.

Job sharers are to be distinguished from part time workers although there are many elements of working practices that will be common to both. The deliberate sharing of functions that would normally be the sole responsibility of a single employee however sets apart job sharers from part time workers and job splitting. In these instances employees are allocated specific tasks for which they are solely responsible.

Unlike part time workers a job share post is contingent upon the post holder having a working partner. This agreement is contractually binding and thus the continuation of the arrangement is dependent upon a replacement being found should part of the partnership leave.
2.0 POSTS ELIGIBLE FOR JOB SHARE

2.1 All posts are considered potentially suitable for job sharing, unless managers can demonstrate sound and justifiable reasons for refusal. It is recognised that some posts lend themselves more easily to job sharing than others. The following provides an outline of some possible areas of work that might make job sharing difficult or impractical:

- Where there is a legal requirement for a designated person to carry out duties.
- Posts which are responsible for policy formation and which require consistent judgement to be made.
- Posts which are funded by third parties.
- Posts which may carry accommodation as a condition of employment.
- Trainees employed under a Sponsorship Scheme.
- Posts which demand specific, fixed or reduced hours of working e.g. certain part time posts.
- Posts which are of a fixed term or temporary nature.

2.2 It is important that any application to job share is given proper consideration with every case being considered on its own merits. In areas of dispute the Human Resources Department can offer advice and support or if necessary act as a mediator. If agreement cannot be reached, the appropriate Director/Associate Director will arbitrate. In some instances where there is doubt as to the suitability of a post for job sharing, it may be appropriate to proceed with the arrangements on a trial basis (see section 4).

3.0 SETTING UP A JOB SHARE

3.1 Job share posts can be set up in a number of ways:

- An existing employee may request to job share and the remaining hours of the post would then be advertised.
- Two candidates can apply jointly for a vacant post and both be appointed.
- Two separate candidates can be appointed to a vacant post on a job share basis.
- Two existing post holders in the same or similar jobs, at the same salary level, can request to occupy one post. The remaining full time vacancy would then be advertised if appropriate.
- Where, through a recruitment advertising campaign, only one suitable job share candidate has been found management may, in exceptional circumstances, determine to re-advertise the remaining hours in order to find a partner and therefore offer a job share appointment to a full time vacancy.
4.0 TRAIL PERIODS

4.1 In instances where a post has not previously been shared e.g. following a job share request from an existing full time employee, it may, in certain instances, be appropriate to proceed with the arrangement on a trial basis.

4.2 In order to allow sufficient time for monitoring, a trial period of six months is recommended. During this time it is the manager’s responsibility to review the situation and highlight any difficulties with the job share arrangement. It is important for this to be discussed with the job sharers to allow time for remedial action to be taken. Managers will need to be able to justify their reasons for discontinuing a job share arrangement after a trial period.

4.3 A form to ease this process is attached at Appendix 1.

5.0 RECRUITMENT

5.1 Job Share Vacancies (Existing Employees Request)
Where an existing employee has requested job sharing, the remaining hours of the post should be advertised in the normal manner following the Trust’s recruitment procedures. The employee should be informed that the job share request is approved 'subject to the recruitment of a suitable working partner’ and every effort should be made to achieve this. The request however will have to be declined if a suitable sharer is not found after all reasonable recruitment initiatives have been exhausted. Advice should be sought from the Human Resources Department before declining any requests.

5.2 Recruitment – Other Trust Vacancies
All future recruitment advertisements for any full-time Trust vacancy must include the statement “Application to job share will be considered” unless specifically agreed otherwise with the Human Resources Department. Any job share applicant for a full time position should be considered in line with normal recruitment practices and the Trust's Equality, Diversity and Human Rights Policy on the basis of their suitability for the post regardless of their age, disability, race, religion, sex, marital status, sexual orientation and regardless of the fact they are requesting job sharing.

5.3 Interview expenses should be reimbursed on an individual basis where appropriate and the payment of relocation expenses will be considered depending on circumstances.

5.4 Return from Maternity Leave into a Job Share Post
Full time employees wishing to return from maternity leave on a job share basis should provide the Trust with as much notice as possible. A minimum of three months’ notice is preferred to allow sufficient time for the job share request to be given proper consideration and to recruit a suitable partner.
6.0 WORKING ARRANGEMENTS

6.1 Various working patterns are available but these must always be subject to the requirements of the service and may not therefore always coincide with the employee’s preferences. The actual working arrangements and split of duties are a matter of discussion between managers and employees.

6.2 The hours of work do not have to be split 50/50, but managers should give consideration to the ease of recruitment to the remaining hours when agreeing working arrangements. Some working patterns are unlikely to attract applicants should part of the post need to be advertised at any time and thus it is in the interests of both managers and employees to agree sensible arrangements.

6.3 Care should also be exercised in splitting the duties of a post to ensure an equitable share of responsibilities and duties. It is important that one person is not given more complex areas of work as this has implications in terms of job evaluation and undermines the principles of job sharing.

6.4 Wherever possible, employees should make themselves available for important meetings involving all staff.

6.5 Overlap Period
Some jobs will require an overlap period when both sharers are present to discuss issues and pass on information. The length of overlap time needed will vary depending on the requirements of the job and should be determined by managers in consultation with the job sharers. In some instances an overlap period may not be necessary at all.

Overlap periods should be carried out within contracted hours and be contained within the working week.

6.6 Cover for the Working Partner
Employees who are job sharing may be requested to cover for their partner in the event of absence, but only if this is acceptable to the manager and the employee. Managers should be aware that it will often not be possible for job sharers to change their personal arrangements to accommodate such cover and pressure should not be exerted on the employee to do so. Furthermore any additional hours worked will incur additional expenses and this provision needs to be available within the departmental budget allocation.

6.7 If One Sharer Leaves
If one half of the partnership leaves then the remaining sharer should always be offered the position on a full time basis in the first instance. The remaining employee is under no obligation to accept.

If the offer is refused a replacement will be sought through the normal recruitment processes. If a suitable sharer is not found after all reasonable and practical steps have been taken, and the employee still does not wish to continue on a full time basis, the Trust may have no other alternative than to redeploy the post holder under
the Trust’s redeployment processes – This option will only be taken as a last resort and all other options will be considered.

6.8 Sharing More Than One Post
In general the job share scheme exists to provide more work opportunities for those who cannot work full time. The Trust appreciates that there may be circumstances when it is appropriate to allow an individual to share more than one post. Thus the Trust will consider any such application on its own merits. Certain working arrangements however will not be permitted. These are:

- Where the sharing of more than one job exceeds the working week of 37½ hours.
- If an existing job share conflicts with or impedes the ability of the applicant to undertake the duties of the existing job share post.

6.9 Flexitime
Where a system of flexible working hours is in operation, the application of the system to a job share arrangement is subject to the requirements of the job and needs to be discussed and agreed between managers and job sharers.

6.10 Training
Each job sharer’s needs should be addressed individually. Attendance at training courses may therefore be required outside normal contracted hours. Payment in the above circumstances should be at plain rate or time in lieu granted (refer to Agenda for Change Handbook for full details). For qualification training the facilities will in general be allocated pro rata to the hours worked.

6.11 Returning To Full Time Work
There will be no right of return to a post on a full time basis since the Trust has an obligation to the other job sharer. Job sharers wishing to return to full time work can apply for full time vacancies within the Trust in the normal manner. Alternatively they may be able to apply for a job share or part time position elsewhere in the Trust subject to the constraints outlined in paragraph 6.8.

6.12 Saturation Level
The Trust recognises that in many work areas a core number of full time workers are necessary for effective performance of the unit. Sections comprising a high level of job sharers may face some operational difficulties that result in a loss of efficiency. Managers should therefore review the existing number of job sharers in their area when considering future job share applications.

7.0 TERMS AND CONDITIONS

7.1 Salary
Salary will be paid on a pro rata basis according to the hours worked and the grade of the post. It is possible that two sharers will be paid at different rates within the same grade depending upon their date of entry to the grade and their experience. Any additional allowances that apply to the post will be apportioned pro rata.
7.2 Overtime
Payments will always be at plain time if contracted hours are exceeded up to 37½ hours per week. Thereafter appropriate overtime rates would be payable. If appropriate, time off in lieu may be granted instead at the manager’s discretion.

7.3 Pension
All job sharers may contribute to the NHS Pension Scheme. A current employee considering working less than full time should be encouraged to consult the pensions agency direct before committing themselves since pension rights and benefits may be affected.

7.4 Car Schemes and Allowances
The Trust operates several schemes and allowances, the Human Resources department should be contacted for further details.

7.5 Contracts of Employment
Job sharers will have individual contracts of employment but will share the same post allocation.

7.6 Sick/Maternity/Paternity/Parental/Adoption Leave and Pay
The amount of leave and pay allowed will vary depending on the employees’ length of service and will be calculated on an individual basis. Payments shall be made on a proportional basis according to the number of hours worked.

8.0 ANNUAL LEAVE AND BANK HOLIDAYS

8.1 Annual Leave
Annual leave will be applied pro rata in line with standard conditions of service. This may result in sharers having different entitlements depending on their length of service.

8.2 Bank Holidays and Extra Statutory Days
In order to comply with the Working Time Directive, and equity between staff, Public/extra statutory holidays should be divided between job sharers to ensure they are treated equally. Where working arrangements are on a mornings/afternoon basis over a whole 5 day week, then no action needs to be taken since both employees will benefit equally. Where working arrangements result in a disproportionate share, however, alternative arrangements should be made between managers and job sharers to reach mutually acceptable pro rata entitlement as the following examples:

If either or both job sharers do not normally work on a day on which a bank holiday/statutory day falls, they should be given the proportionate time off in lieu. This can be achieved in several ways.

- Suggested annual leave calculation for job sharer who would not normally work on days on which bank holiday/statutory days fall:
  At the start of the leave period determine the number of bank holidays/statutory days are not worked by the job sharer(s) taking into account that Christmas Day, Boxing Day and New Year’s Day fall on different days each year.
No of Bank Holidays/Statutory Days not worked \( \frac{5}{1} \) x No (or part of days) per week on job sharer normally works \( \frac{1}{1} \) 

= Total compensatory entitlement in full year for bank holidays/statutory days not worked.

This could then be added to the annual leave entitlement. Care needs to be taken with this overall approach however to ensure that the bank holidays/statutory days are not double-counted when they actually occur, as working patterns may have changed in the meantime.

- A further example would be that where a Bank Holiday/Statutory Day falls on a day when neither job sharer normally works then both job sharers should cover the remainder of the working week on a proportionate basis, i.e. instead of jointly working their normal hours over 4 days, they only work 80% of their normal hours. In this way they are treated the same as full time employees. This example could also be applied to only one of the job sharers if they do not normally work on a bank holiday/statutory day.

In this instance a member of staff would not have the Bank holiday/Statutory days added to their annual leave entitlement as in the above calculation.

These are only examples of how bank holidays/statutory days can be shared. Fair application of any such arrangements is the responsibility of managers, and it may be that an alternative approach to the above is preferred. Further advice and guidance can be obtained from the Human Resources Department.

### 9.0 APPEALS PROCEDURE

9.1 Any employee who feels they have been treated unfairly in respect of this scheme has the right of appeal under the Trust Grievance Procedure.

### 10.0 FURTHER INFORMATION AND GUIDANCE

10.1 Further advice and guidance on any aspect of this policy can be obtained from the Human Resources Department.

END
PROCEDURE SUMMARY

This procedure sets out the processes for considering requests for flexible working. There is no guarantee that a request will be approved but these procedures are set out in a way that ensures good full consideration is given to all staff requests – taking into account the need to retain staff and allow them to manage their work-life balance. EPUT strongly encourages modern and innovative ways of flexible working through the use of these procedures.

The Trust monitors the implementation of and compliance with this procedure in the following ways:

- Annual Staff Survey Key Findings on Flexible Working
- Flexible Working Requests HR Monitoring
- Numbers of staff accessing these documents and the Flexible working guide.

The Director responsible for monitoring and reviewing this procedure is Executive Director of Corporate Governance.
ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

FLEXIBLE WORKING PROCEDURE

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FLEXIBLE WORKING PROCEDURE – HRPG39A

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

FLEXIBLE WORKING PROCEDURE

Assurance Statement

This Procedure aims to ensure that the Trust has a systematic and planned approach to encouraging, promoting and supporting flexible working practices. This is part of a wider commitment to retaining staff and increasing the recruitment pool to those with the need to balance their work and life commitments. This Procedure demonstrates the Trust’s commitment to our values of open, compassionate and empowering.

Considerations will always be in the context of our patients and services and those must always come first.

That the Trust is committed to the fair treatment of its employees and the users of its services in line with the Trust’s Equality and Diversity Policy

1.0 INTRODUCTION

1.1 This procedure should be read in conjunction with the Flexible Working policy.

1.2 It details the options available to staff and managers to enable staff to balance personal interests, family and work.

1.3 Staff do not have an automatic right to change the way they work, nor do employers have an absolute right to impose change. However staff have the right to ask for changes in working patterns and to have them carefully considered.

1.4 Staff affected by flexible working requests of others, have the right to be consulted, where applicable.

1.5 The manager will consider how best to accommodate the request, whilst balancing the needs of the service.

1.6 All timescales set out in this procedure refer to working days.

2.0 APPLICATION PROCESS

2.1 Employees can only make one application for flexible working in any given 12 month period.

2.2 It is hoped that before this procedure is instigated – there has been meaningful discussion about how to make any flexible working request probable and likely to work.
2.3 Staff must complete the application form for all Flexible working requests using Appendix 2, form Flexible Working Application Form.

2.3.1 If the application is incomplete, the manager can ask the employee to resubmit it and inform them that the application will not be considered until it is resubmitted with the required information.

2.4 The other forms used during the process are as follows:

- Flexible Working Application Acceptance Form FW (B)
- Flexible Working Application Rejection Form FW (C)
- Flexible Working Application Appeal Form FW (D)
- Flexible Working Application Appeal Reply Form FW (E)
- Flexible Working Notice of Withdrawal of Application Form FW (F)

2.5 Managers are to confirm receipt of the application using the confirmation slip within 5 days.

2.6 Managers must respond to the request for flexible working within a reasonable timescale of no more than 28 days after the day the application is received. They must either agree to the request or arrange a meeting with the employee to discuss the request. It is not expected that managers will reject a formal flexible working request without meeting the employee.

2.6.1 The purpose of the meeting is to discuss the desired work pattern in depth, and consider how best it might be accommodated. If there are concerns in accommodating the request, the meeting also provides the opportunity to see if alternative working arrangements may be appropriate. All parties should be prepared to consider a range of alternatives.

2.6.2 When alternatives to the proposed working arrangements are suggested, it may be appropriate to adjourn the meeting and reschedule a further meeting in order that both parties can consider the circumstances.

2.6.3 Employees are entitled to be accompanied to any meeting in the Flexible Working process by an accredited representative of a recognised Trade Union / Professional Body or a work colleague.

2.6.4 The initial meeting should be arranged at the earliest opportunity and within the 28 day period of receiving the application. In exceptional circumstances where this is not possible, the manager should write to the employee and seek the employee's agreement to extend the period.
3.0 TRIAL PERIODS

3.1 A manager and an employee can agree to a trial period of between 3 and 6 months for the purpose of assessing the success of the proposed working arrangements and the impact on service provision or other members of the team.

3.1.1 Trial periods can only occur once the employee submits a formal application:

3.1.2 If the employee makes a formal written application, the manager could agree to an extension of time to make a decision and the trial period could happen before reaching a final agreement. In this case the rest of the formal procedure would still be available to the employee.

3.1.3 During the trial period, the changes to the working pattern should be discussed at every managerial supervision meeting. The trial period can be brought forward if both parties agree.

3.2 Before making a final decision on the arrangements for a new working pattern a manager may consult with other staff in the team to assess the impact. The reason for the flexible working request will be confidential unless the employee agrees to the information being released.

4.0 NOTIFYING THE EMPLOYEE

4.1 Managers must write to the employee within 10 working days following the final meeting with their decision. Managers should record the decision on Flexible Working Application Acceptance/Rejection Form (see Appendix 2, Form FW (B) or Form FW(C)) and send a copy to the employee and the Human Resources Department.

4.2 Where a request results in changes to terms and conditions, hours, pay or benefits, a notification of staff change form must accompany the application acceptance form to the Human Resources Department for action. An amendment to a contract will only be necessary if there is a fundamental change to the working practices.

4.2.1 When a permanent change to terms and conditions has resulted from a Flexible Working Application, no further application can be made in the next 12 month period.

4.3 Managers can decline a request if it is considered that one or more of the following grounds apply, in line with statutory regulations:

- burden of additional costs
- detrimental effect on ability to meet patients’ needs and demands
- inability to reorganise work among existing staff
- inability to recruit additional staff
• detrimental impact on quality or performance
• Insufficiency of work during the period the employee proposes to work; this is referring to annualised hours.
• planned structural changes

4.4 The Human Resources Department will monitor take up and shall ensure that all requests are dealt with in a fair, consistent and reasonable manner. Copies of the Flexible Working forms should be sent to Human Resources at appropriate stages of the process.

4.5 The Line Manager should review the new flexible working arrangement on a yearly basis as part of supervision to ensure it is still working for both parties.

5.0 EXTENSIONS TO TIME LIMITS AND WITHDRAWALS

5.1 There may be occasions where it is necessary to allow additional time outside of the timescales set out in this procedure in order to conclude the process. There are two circumstances where the time limits for giving decisions and raising appeals can be extended as follows:

5.1.1 Through agreement by the employer and the employee. It may be necessary to extend time limits where, for example, other staff are consulted with or a trial period is agreed to check the suitability of the proposed working arrangement. Any such extensions need to be agreed in writing.

Form Flexible Working Application Extension of Time Limit Form FW (F) is to be used for this purpose.

5.1.2 Through absence. An automatic extension applies where the individual who normally deals with the request is absent from work due to leave or illness. The extension lasts as long as the period of absence. Where the absence is expected to be more that 10 working days, the Flexible Working Application should be forwarded to the next line of management.

5.1.3 There are no other circumstances where an automatic extension to any period applies.

6.0 TREATING AN APPLICATION AS WITHDRAWN

6.1 There are also three circumstances where the Trust may treat the employee's application as withdrawn.

6.1.1 The employee unreasonably refuses to provide the information management need to consider their application. The manager should confirm in writing the withdrawal of the application as they are unable to proceed.

6.1.2 The employee twice fails to attend a meeting to discuss a request (or a meeting to discuss an appeal) without reasonable cause. Management
should take into account circumstances where the employee reports that they are unable to attend due to unforeseen circumstances. Management should confirm in writing the withdrawal of the application.

6.1.3 The employee decides to withdraw the application. They should notify their manager as soon as possible for this purpose using Flexible Working Notice of Withdrawal of Application Form FW (G). If a manager only receives verbal confirmation, they should write to the employee and confirm the conversation in writing. The employee will not be eligible to make another application for 12 months.

### 7.0 APPEAL PROCESS

7.1 Employees have the right to appeal if:

- they do not get a formal response within the agreed timeframe.
- they believe the refusal or outcome of their request is unreasonable and does not reflect the spirit of the initiative.

7.2 Employees must write to their Manager within 10 days after receiving written notice of the decision using Flexible Working Application Appeal Form FW (D).

7.3 A manager from the next line of management, and from another department, will be appointed as Appeal Hearing Manager.

7.4 The Appeal Hearing Manager must arrange a meeting with the employee to discuss the appeal within 10 days after receiving the appeal notification. The Manager should seek Human Resources advice at this stage.

7.4.1 The employee has the right to be accompanied by an accredited representative of their Trade Union / Professional Body or a work colleague.

7.5 After the appeal meeting has been held, the Appeal Hearing Manager must write to the employee, within 10 days, to notify them of the outcome of the appeal. The form Flexible Working Application Appeal Reply Form FW (E) should be used. This notice amounts to the final decision and ends the formal right-to-request procedure.

7.6 Should the appeal be upheld, a meeting between the employee and the manager will be held to consider what arrangements need to made to accommodate the agreed new working arrangements.
8.0 UNRESOLVED FLEXIBLE WORKING REQUESTS

8.1 Informal resolution
Should an employee feel that their application for flexible working has not been dealt with appropriately, they may ask for an informal meeting with either their manager or the Appeal Hearing Manager. The purpose of this meeting will be to discuss the reasons for the flexible working application being rejected or the process followed.

8.2 Raising a Grievance
If an employee feels that the matter is still not resolved following the informal meeting, they may use the Grievance Policy and Procedure to raise the issue formally.

8.3 Third-party conciliation/mediation
If the matter cannot be resolved through the informal meeting or the Grievance procedure, consideration will be given to using an external third party mediator or conciliator.

9.0 FLEXIBLE WORKING OPTIONS

9.1 The Trust has made a number of flexible working options available to employees, and continues to develop new ways of working in.

9.2 The following is a list of flexible working options which the Trust may consider which is not exhaustive or exclusive and we strongly encourage new and innovative ways of working flexibly to be suggested and approved. More detail and examples are given in the Trust's Guide to Flexible Working – available on the Intranet or from the Staff Engagement Department.

9.2.1 Self-Rostering
It is essential that plans to introduce self-rostering are developed with the involvement of staff. The team should comprise the necessary number of staff and mix of skills to cover the needs of the service.

9.2.2 Staggered Working Hours
This allows for working hours to be varied to suit an individual’s needs, whilst working the full-time contracted hours for the post over the week e.g. working from 10am – 6pm rather than 9am –5pm.

9.2.3 Temporary Reduced/Increased Hours
An arrangement whereby employees work shorter/longer hours for a specific period (up to one year) of time to deal with 'special circumstances'. An employee would thus reduce/increase their hours by a daily/weekly amount of time i.e. could work short/long days or a short/long week.

In may also be appropriate for agreement to be reached on a flexible approach to hours over a period of time. For example, where the employee suddenly becomes the carer of an adult with a terminal illness or they have to care for someone with a fluctuating condition like Parkinson's disease.
9.2.4 **Permanently Reduced/Increase Hours**
An arrangement whereby employees work shorter/longer hours on a permanent basis.

9.2.5 **Part Time Working**
A contract in which an employee works less than full time hours on a permanent basis. Salary and all pay-related benefits are reduced pro-rata to the full-time entitlement.

9.2.6 **Job Share**
Job sharing is a form of part-time employment. It means that two people voluntarily share the responsibility of one full-time position. The salary and other benefits are divided between them according to the hours each sharer works. Please refer to HRPG39B for the procedure on job sharing.

9.2.7 **Term-Time**
Employees work just 39 weeks per year. Their salary is calculated over 12 months and an equal monthly salary is paid every month. The contract includes a recovery clause for any overpayment if an individual leaves the organisation.

9.2.8 **Annualised Hours**
Hours of work are spread unevenly through the year. The majority of hours are agreed with the employee, with the balance being held in reserve. The employer can ask the employee to work in line with the needs of the service often at short notice, e.g. during school holiday periods.

9.2.9 **Phased Return To Work**
Phased return to work after a period of extended leave, e.g. maternity leave, career break or prolonged sick leave. Normal hours of work are reduced initially on a temporary basis before returning to work full-time or light duties within another department if applicable.

9.2.10 **Home Working or 'Work Smart' arrangements**
An arrangement whereby the employee works at home for an agreed period of time. People working from home must be clear about exactly what is expected of them and how performance will be assessed. The confidential aspect will need to be investigated thoroughly. The ‘Work Smart’ guidelines should be considered during the application process.

9.2.11 **Religious Observance**
Employees may make an application using the Flexible Working Procedure to request time for religious observance. The Flexible Working Procedure is most suited to regular observance occurring, for example, weekly. Managers should give serious consideration to these requests and may also consider the use of Time Off in Lieu (TOIL) if this would be more appropriate for the service needs.
9.2.12 **Flexi-Time**
Where staff can chose their start, finish and lunch times around some core fixed working periods set by the employer.

9.2.13 **Flexible Retirement**
An employee achieves a mix of retirement and continuation of work. They reduce their hours of work and take benefits from their pension. Financial advice is recommended for this option. Further information is available in the Retirement and Flexible Retirement Policy HR9.

9.2.14 **Condensed Hours**
An employee extends their daily hours of work and then works fewer shifts per week/fortnight/defined period.

Note: Religious festivals/holidays are covered by the annual leave procedure. Employees can also discuss with their manager a request for the use of TOIL or an alteration to their normal shift pattern to accommodate the festival/holiday. It is expected that employees will give adequate notice to ensure that appropriate arrangements can be made.

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