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
CONTENTS

1.0 INTRODUCTION
2.0 APPLICATION PROCESS
3.0 TRIAL PERIODS
4.0 NOTIFYING THE EMPLOYEE
5.0 EXTENSIONS TO TIME LIMITS AND WITHDRAWALS
6.0 TREATING AN APPLICATION AS WITHDRAWN
7.0 APPEAL PROCESS
8.0 UNRESOLVED FLEXIBLE WORKING REQUESTS
9.0 FLEXIBLE WORKING OPTIONS

APPENDICES

APPENDIX 1 - FLEXIBLE WORKING FLOW CHART
APPENDIX 2 - FLEXIBLE WORKING APPLICATION FORM
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 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
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.

Page 6 of 10
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.

<table>
<thead>
<tr>
<th>9.0 FLEXIBLE WORKING OPTIONS</th>
</tr>
</thead>
</table>

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.