

## PROCEDURE ON JOB SHARE ARRANGEMENTS

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<b>PROCEDURE SUMMARY</b>
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
<b>The Trust monitors the implementation of and compliance with this procedure in the following ways:</b>
<ul style="list-style-type: none"> <li>• Annual Staff Survey Key Findings on Flexible Working</li> <li>• Flexible Working Requests HR Monitoring</li> <li>• Numbers of staff accessing these documents and the Flexible working guide.</li> </ul>

Services	Applicable	Comments
Trustwide	✓	
Essex MH&LD		
CHS		

**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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**ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST**

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**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 TRIAL 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.



$$\frac{\text{No of Bank Holidays/Statutory Days not worked}}{5} \times \frac{\text{No (or part of days) per week on job sharer normally works}}{1}$$

= 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**