

Document title:	FLEXIBLE WORKING POLICY		
Document reference number:	HR39	Version number:	3
Document type: (Policy/ Guideline/ SOP)	Policy	To be followed by: (Target Staff)	All staff
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Professionally approved by: (Director)	Debbie Prentice – Associate Director of Employee Relations		
Executive Director:	Marcus Riddell - Interim Chief People Officer		
Approval group/ committee(s):	Policy Sub-Group, Joint Partnership Committee – Chair’s Action	15 February 2024	
Ratification group(s):	Policy Oversight and Ratification Group (PORG)	06 March 2024	
CQC			
Key word(s) to search for document on Intranet / TAGs:	Flexible working, part time, hours	Distribution method:	<input checked="" type="checkbox"/> Intranet

Initial issue date:	01 April 2018	Last Review date:	06 March 2024	Next Review date:	06 December 2026	Expiry Date:	06 March 2027
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Related Trust documents (to be read in conjunction with)

Flexible working toolkit

CG22 – Rostering Policy

CP24 – Equality, Inclusion & Human Rights Policy

HR2 – Dignity, Respect & Grievance Policy

HR9 – Retirement Policy

HR18 - Training & Study Leave Policy

HR24 – Leave Policy

HR26 – Employee Wellbeing, Sickness & Ill-Health Policy

HR48 – 1:1 Support & Appraisal Policy

HR57 – Recruitment & Retention Policy

Document review history:			
Version No:	Authored/Reviewer:	Summary of amendments/ record documents superseded by:	Issue date:
1	Head of Business Engagement, HR Business Partners	Original Document Note – version numbering was given as '6', as a continuation of the old SEPT system. One Policy & Two Procedures (A&B)	01 March 2018
1.1	Head of Business Engagement, HR Business Partners	Extended to April 2021 (3 months)	01 January 2021
1.2	Head of Business Engagement, HR Business Partners	3 month extension	01 May 2021
1.3	Head of Business Engagement, HR Business Partners	3 month extension	01 August 2021
1.4	Head of Business Engagement, HR Business Partners	1 month extension	October 2021
2	Senior HR Advisor	Three year review Updates to reflect changes to NHS T&Cs Section 33	01 November 2021
3	Senior HR Advisor	Three year Review; mapped to new template; Procedure content merged into Policy; Procedure rescinded Amended to comply with revised NHS Terms & Conditions s33 (Flexible Working) and s35 (Home & Hybrid Working) Old Appendix 1 [Flexible Working Flow Chart] Rescinded – replaced by link at 6.17 Old Appendix 2 [Flexible Working Application Form] moved to Appendix 1	14 March 2024

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		Old Appendix 3 [Flexible Working Options] – Rescinded New Appendix 3 [Hybrid Working Guidance] – Created	
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POLICY AT A GLANCE

This is a summary of the Policy for Flexible Working

		<p>To ensure the Trust has a policy on flexible working which is in accordance with legislation and NHS Terms and Conditions of Service.</p>
<p>All employees have a right to request flexible working from day one of employment.</p>		
		<p>Managers should approach requests for flexible working from a point of 'yes' to explore what is possible.</p>
<p>Flexible working is proven to improve talent and attraction, retention and motivation, inclusion and diversity, performance, productivity and efficiency as well as reduce costs.</p>		
		<p>Managers are expected to explore what the employee's needs are, what the service needs are and to identify options where they can both be met.</p>
<p>Employees can make more than one flexible working request per year and can do so regardless of the reasons for them.</p>		
		<p>The Employment Relations (Flexible Working) Act will come into force in 2024 – the Trust's Flexible Working Policy will be reviewed in light of legislative changes.</p> <p>A failure to consider a flexible working request in accordance with legislation may result in a claim at an Employment Tribunal.</p>

POLICY AT A GLANCE

This is a summary of the Policy for Flexible Working



What managers need to know and understand:

- ✓ Be aware that employees have a legal right to request flexible working from the first day of their employment.
- ✓ The benefits that flexible working brings to individuals, teams and the organisation
- ✓ Be aware of the policies and different flexible working options within the Trust, including agile / hybrid working
- ✓ How to balance the needs of the individual with those of patients, colleagues and the service.

What managers need to do:

- ✓ Encourage and advocate flexible ways of working to benefit individuals, teams and services.
- ✓ Respond to requests for flexible working promptly and in line with the Trust's policy.
- ✓ Signpost individuals and teams to flexible working resources available within the Trust.
- ✓ Consider whether additional support is required, which could include a referral to occupational health.

Key manager behaviour expectations:

- ✓ Demonstrate behaviours which encourage colleagues to feel safe and confident to talk to you about flexible working.
- ✓ Act responsibly and compassionately and in line with legislation and policy when making decisions that impact people.
- ✓ Consider any flexible working requests in a confidential, non-judgemental and inclusive manner avoiding unconscious bias.

What People & Culture will do to support this:

- ✓ Ensure there is a flexible working policy (including an appeal process) which is up to date and in line with legislation and best practice.
- ✓ Provide training and advice to managers on applying the flexible working policy consistently.
- ✓ Promote the flexible working policy and benefits of flexible working for both the organisation and the employee.
- ✓ Advise on different flexible working approaches.
- ✓ Review data on the update of flexible working to ensure equity.

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1 Introduction

- 1.1 The flexible working policy and procedure has been developed in accordance with the requirements of NHS Terms & Conditions of Service (Section 33 [Flexible Working] and Section 35 [Home and agile / hybrid working]).
- 1.2 The flexible working procedure has been developed in partnership with staff side representatives to ensure that all applications for flexible working are considered in a fair and consistent manner.
- 1.3 This policy covers all requests made for flexible working, including timescales set out in statutory requirements. Applicants for flexible working are encouraged to identify if their request is to facilitate a reasonable adjustment for a disability as set out in the Equality Act 2010 using the Reasonable Adjustments Passport (HRPG26G).
- 1.4 Managers are responsible for ensuring that all requests received are treated with due consideration, including any equality implications, and with an emphasis on exploring and mutually agreeing solutions.
- 1.5 Individual working needs are variable, where possible we need working practices which ensure employees can work in a manner that best suits their personal needs and preferences.
- 1.6 Having appropriate working arrangements which are adaptable and flexible both to employees and the Trust will ensure that we continue to have the workforce we need to deliver excellent patient care for the future.
- 1.7 All timescales set out in this procedure refer to working days unless otherwise stated.

2 Principles

- 2.1 This policy and associated procedures aim to provide employees and managers with guidance on all aspects of Flexible Working which values and support employees as well as promoting health, wellbeing and retention.
- 2.2 The Trust is committed to the development of different working patterns, which enable a better work-life balance.
- 2.3 When advertising any job, the Trust will promote the right to request flexibility from day one of employment and the availability of flexible working options.
- 2.4 To support a culture of flexible working, the Trust will support and encourage open conversations to enable flexible working.
- 2.5 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.

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- 2.6 This policy is not intended to apply to any flexible working arrangements outside the United Kingdom.
- 2.7 Employees have the right to be accompanied by an accredited trade union / professional association representative or work colleague at any meeting in the flexible working procedure.
- 2.8 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.
- 2.9 Flexible working may also be agreed as a reasonable adjustment for a disabled worker, as part of a wider consideration of how to reduce barriers experienced in the workplace. The Trust's Reasonable Adjustments Procedure (HRPG26G) should be referred to in these circumstances.

3 Scope

The purpose of this document is to:

- Employees, including temporary workers and medical staffing, have a contractual right to request flexible working from day one of employment. The Trust extends this right to applicants in receipt of a confirmed offer of employment.
- Employees can make more than one flexible working request per year and can do so regardless of the reasons for them.

4 Definitions / Glossary

Term	Definition / Meaning
Flexible working	A type of working arrangement which gives a degree of flexibility on how long, where, when or at what times employees work
Contractual Home working	An agreement an individual performs the majority of duties from their home. They may need to travel to a work base or attend events on an ad hoc basis. Their home is designated as their contractual base.
Agile / Hybrid working	An agreement where an individual performs their duties across more than one location, which may include their home address. They may be required to attend events or travel to other bases or locations on a more regular or ad hoc basis. Their designated contractual base will be at one of the Trust's sites. Additional guidance for Hybrid Working is attached to this Policy at Appendix 3.
Part time working	Work is generally considered part-time when employees are contracted to work anything less than full-time hours (37.5 hours per week is a standard full-time Agenda for Change contract)
Term time working	An employee remains on a substantive contract but can take paid/unpaid leave during school holidays

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Job sharing	A form of part-time working where two (or occasionally more) people share the responsibility for a job between them.
Flexitime	Allows employees to choose, within certain set limits and specified core hours, when to begin and end work
Compressed hours	Compressed working weeks (or fortnights) do not necessarily involve a reduction in total hours. The central feature is reallocation of work into fewer and longer blocks during the week
Annualised hours	The total number of hours to be worked over the year is fixed but there is variation over the year in the length of the working day and week
Career Break	Unpaid leave from a minimum of 3 months to a maximum of 5 years
Unpaid Leave	An employee may request to take a break from work for between one and three months without pay
Companion	A trade union representative or workplace colleague who accompanies an employee to provide support during any formal stages of a management process
Days	Where days are referred to these are calendar days, unless otherwise stated.

5 Duties

- 5.1 The Executive Director of People & Culture has responsibility for co-ordinating the development, approval and distribution of this policy and its associated procedures.
- 5.2 The Executive Director of People & Culture has responsibility for ensuring the oversight, monitoring and reporting processes of this policy and associated procedures as required.
- 5.3 All managers have a responsibility for ensuring that all requests are treated with due consideration, including any equality implications, and with an emphasis on exploring and mutually agreeing solutions.
- 5.4 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.
- 5.5 The Trust and staff side representatives will work in partnership to agree arrangements for considering applications for flexible working in a fair and consistent manner.
- 5.6 The Trust and staff side representatives are responsible for monitoring data relating to flexible working and outcomes of decisions to review and revise policies and procedures to ensure their continuing effectiveness and equity of access.
- 5.7 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.

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST**6 Flexible Working Procedure – Application Stage**Exploratory (Informal) Stage

6.1 Before the formal procedure is instigated, employees are encouraged to have a discussion with their line manager about the possibility of flexible working. Discussions about flexible working should take place during 1:1 Support Meetings and recorded in individual Wellness Plans [HRPG48A – Appendix 3].

Where flexible working arrangements can be mutually agreed during the exploratory (informal) stage these should be recorded on the Flexible Working Application Form (Appendix 1).

Exploratory (Formal) Stage 1

6.2 Employees must complete the application form for all formal requests for flexible working using Appendix 1, Flexible Working Application Form.

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

6.3 Options of flexible working include, but are not limited to, the following:

- Fixed working patterns to give certainty over days or hours worked and/or location.
- Part time working (any number of hours under 37.5).
- Flexi-time around core hours including staggered start and finish times.
- Compressed / elongated hours to allow work to be condensed or stretched in a regular pattern or over a specific time period, such as seasonal working.
- Average hours working patterns to allow a set number of hours to be averaged out over an agreed reference period (e.g. annualised, bi-annualised, quarterly, monthly).
- Term-time working.
- Job share
- Flexible retirement.
- Team self-rostering.
- Homeworking for some or all of the working pattern.
- Remote working
- Hybrid working

Further details of these options are set out in Appendix 2 and 3.

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- 6.4 Managers are to confirm receipt of the completed application using the confirmation slip within 7 days.
- 6.5 Managers must respond to the request for flexible working within a reasonable timescale of no more than 28 days after the day a fully completed application is received. They must either agree to the request or the manager will be required to arrange a meeting with the employee to discuss the request. Managers should not reject a formal flexible working request without a meeting first with the employee.
- 6.6 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.
- 6.7 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.
- 6.8 Employees are entitled to be accompanied to any meeting in the flexible working process by either a recognised Trade Union representative or current work colleague.
- 6.9 The meeting should be arranged within 14 days 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.
- 6.10 If the employee fails to attend the meeting, and a subsequent re-arranged meeting, without good reason the flexible working application will be considered to have been withdrawn and written confirmation provided to the employee.
- 6.11 Where flexible working arrangements can be mutually agreed during the exploratory (formal) stage these should be recorded on the Flexible Working Application Form (Appendix 1).

Escalation Stage (2)

- 6.12 Where, following full exploration, requests have not been agreed an escalation stage should be instigated to see if there are any options beyond the immediate team within the organisation that could be mutually agreed.
- 6.13 Where flexible working arrangements can be mutually agreed during the escalation stage these should be recorded on the Flexible Working Application Form (Appendix 1).

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Final Stage (3)

- 6.14 Where flexible working solutions are agreed the manager will write to the employee to confirm and document the implementation arrangements to include timeframe and duration or permanence of the change and any review dates if applicable.
- 6.15 Where flexible working requests have not been agreed the manager will provide objectively justified and specific written reasons, including alternatives considered, together with details of the appeals process.
- 6.16 Once the Appendix 1, Flexible Working Application Form process is completed a copy must be sent to the HR Business Support Team at epunft.businesssupport@nhs.net for recording on the Electronic Staff Record (ESR).
- 6.17 For additional guidance on making a flexible working request, you can visit [NHSE Flexible Flowchart .pdf \(nhsemployers.org\)](https://www.nhsemployers.org/nhse-flexible-flowchart.pdf) for further assistance.

7 Notifying the Employee

- 7.1 Managers must write to the employee within 7 days following the meeting with their decision. Managers should record the decision on the Flexible Working Application Form (Appendix 1) and send a copy to the employee and the Human Resources Department (see 6.16 above)
- 7.2 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 epunft.esrstaffformsessex@nhs.net for action. An amendment to a contract will only be necessary if there is a fundamental change to the working practices.
- 7.3 Managers can only 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
- 7.4 The Human Resources Department will monitor applications for flexible working and outcomes of decisions and shall ensure that all requests are dealt with in a fair, consistent and reasonable manner.
- 7.5 Managers should review the new flexible working arrangement on a yearly basis as part of 1:1 Support Meetings and Wellness Plans to ensure it is still working for both parties.

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- 7.6 Where there have been changes, which may affect a decision regarding flexible working on one of the statutory grounds set out in 7.3, managers, should consult with the Human Resources Department before any changes to working arrangements are made.
- 7.7 Where there have been changes, which may affect the reason for a previous application to be refused, this should be discussed with the employee during their 1:1 Support Meeting and the employee advised that they are able to resubmit the application for further consideration.

8 Extensions to time limits and withdrawals

- 8.1 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:
- Through mutual agreement between the manager and the employee. It may be necessary to extend time limits where, for example, the meeting has been adjourned and cannot be reconvened within the 28 day period or a trial period is agreed to check the suitability of the proposed working arrangement. Any such extensions need to be mutually agreed in writing.
 - Through absence, an extension may be applied of no more than 14 days where the manager who normally deals with the request is absent from work due to leave or illness. In these circumstances, the Flexible Working Application will be forwarded to the next line of management for consideration.
 - There are no other circumstances where an automatic extension to any period applies.
- 8.2 The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt, unless an extension of timescales has been mutually agreed with the employee.
- 8.3 There are also two circumstances where the Trust may treat the employee's application as withdrawn.
- The employee twice fails to attend a meeting to discuss a request (or a meeting to discuss an appeal) without reasonable cause. The manager should take into account circumstances where the employee reports that they are unable to attend due to unforeseen circumstances. The manager should confirm in writing the withdrawal of the application.
 - The employee decides to withdraw the application. They should notify their manager as soon as possible for this purpose using Flexible Working Application Form (Appendix 1). If a manager only receives verbal confirmation, they should write to the employee and confirm the conversation in writing.

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST**9 Appeal Process**

- 9.1 Employees have the right to appeal if:
- They do not get a formal response within the agreed timeframe(s).
 - They believe that the procedure has not been appropriately followed.
 - They believe that not all appropriate options to accommodate flexible working have been fully considered.
 - They believe the refusal or outcome of their request is unreasonable and / or unfair.
- 9.2 Employees must write to their next in line manager within 14 days after receiving written notice of the decision using Flexible Working Application Form (Appendix 1).
- 9.3 An independent manager, more senior than the final stage manager, will be appointed as Appeal Hearing Manager.
- 9.4 The Appeal Hearing Manager must arrange a meeting with the employee to discuss the appeal within 14 days after receiving the appeal notification. An HR Adviser will support the Appeal Hearing Manager at the Appeal meeting.
- The employee has the right to be accompanied by an accredited representative of their Trade Union / Professional Body or a work colleague.
- 9.5 After the appeal meeting has been held, the Appeal Hearing Manager must write to the employee, within 14 days, to notify them of the outcome of the appeal. The Flexible Working Application Form (Appendix 1) should be used. This notice amounts to the final decision and ends the formal right-to-request procedure.
- 9.6 Once the Appendix 1, Flexible Working Application Form process is completed a copy must be sent to the HR Business Support Team at epunft.businesssupport@nhs.net for recording on the Electronic Staff Record (ESR).
- 9.7 Should the appeal be upheld, a meeting between the employee and the manager will be held to consider what arrangements are to be made to accommodate the agreed new working arrangements.

10 Monitoring and audit

- 10.1 All applications and decisions for flexible working should be recorded by managers and sent to the Human Resource department for recording on the Employee Staff Record [ESR] system.
- 10.2 Flexible Working data relating to applications and outcomes of decisions are recorded, reported regularly to Joint Partnership Committee and published in annual statutory public sector duty reports.

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11 Approval and implementation

11.1 All HR policies will be approved by the Joint Partnership Committee, which is the specialist group with the authority to approve. These will then be forwarded to the Policy team for submission and ratification by the Policy Oversight and Ratification Group.

11.2 It is the author's responsibility to inform the Policy team of the approved documents when they are uploaded to the Trust's Intranet.

12 Preliminary equality analysis

The Trust is committed to the provision of a service that is fair, accessible and meets the needs of all individuals.

(Refer to Appendix 4)

13 References

Equality Act 2010, c. 15. Available at:
<https://www.legislation.gov.uk/ukpga/2010/15/contents>

NHS Terms and Conditions of Service Handbook
<https://www.nhsemployers.org/publications/tchandbook> [in particular s33 & s35]

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Appendix 1: Flexible working application form

[Click here](#)

FLEXIBLE WORKING APPLICATION FORM

Note to the employee

You can use this form to make an application to work flexibly under the right provided in law. Before completing this form, you should first read the Flexible Working Policy.

You should note that under the right it may take up to 28 days to consider a request before it can be implemented and possibly longer where difficulties arise. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your manager to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. Once you have completed the form, you should immediately forward it to your manager (you should keep a copy for your own records). Your manager will then have 14 days after the day your application is received to arrange a meeting with you to discuss your request and have a response by no later than 28 days.

Note to the Manager

This is a formal application made under the legal right to apply for flexible working and the duty on the Trust to consider applications seriously. You have 5 days in which to notify the employee of the receipt of the application. You should confirm receipt of this application using the attached confirmation slip.

From date of receipt, you must convene a meeting with the employee within 14 days to discuss their request. The final decision should be made within 28 days.

Before completing this form, you should first read the Flexible Working Policy.

Forms accompanying the guidance have been provided for you to respond to this application.

PART 1 – FOR COMPLETION BY EMPLOYEE

1. Personal Details

Name:

Staff or payroll number:

Manager:

To [NAME]

I would like to apply to work a flexible working pattern that is different to my current working pattern. This is as follows:

I am making this request to help me (please detail reason(s) for request for flexible working)

2a. Describe your current working pattern (days/hours/times worked):

2b. Describe the working pattern you would like to work in future (days/hours/times worked):

NOW PASS THIS APPLICATION TO YOUR MANAGER

PART 2(A) – FOR COMPLETION BY MANAGER – RECEIPT ACKNOWLEDGED

2. *Return this to the employee in order to confirm your receipt of their application*

Employer's Confirmation of Receipt (to be completed and returned to employee within 5 working days of receipt).

Dear:

I confirm that I received your request to change your work pattern on: Date

I shall be arranging a meeting to discuss your application within 14 days following this date. In the meantime, you might want to consider whether you would like a recognised trade union representative or a current Trust worker to accompany you at the meeting.

From:

PART 2(B) - Flexible Working Application Acceptance Form

To be completed by the manager

Note to the Manager

You must write to your employee within 7 working days following the meeting with your decision. This form can be completed by the manager when accepting an application to work flexibly. If you cannot accommodate the requested working pattern you should still arrange a meeting to explore alternatives to find a working pattern suitable to you both.

Dear:

Staff Number:

Following receipt of your application and our meeting on: Date:

I have considered your request for a new flexible working pattern.

I am pleased to confirm that I am able to accommodate your application.

I am unable to accommodate your original request. However, I am able to offer the alternative pattern which we have discussed and you agreed would be suitable to you.

Your new working pattern will be as follows:

Your new working arrangements will begin from: Date:

If you have any questions on the information provided on this form, please contact me to discuss them as soon as possible.

Name:

Date:

NOW RETURN THIS FORM TO YOUR EMPLOYEE and send a copy to
epunft.business.support@nhs.net

PART 2(C) Flexible Working Application Refusal Form

To be completed by the manager

Note to the manager

You must write to your employee within 7 working days following the meeting with your decision. This form can be completed by you when declining an application. Before completing this form you must ensure that a meeting has been arranged and full consideration has been given to the application. You must state the business ground(s) as to why you are unable to agree to a new working pattern and the reasons why the ground(s) applies in the circumstances. The list of the permissible business grounds under which a request may be refused are detailed in the Flexible Working Procedure. Further guidance can be obtained from the Human Resources Department.

Dear:

Staff Number:

Following receipt of your application and our meeting on: Date:
I have considered your request for a new flexible working pattern.

I am sorry but I am unable to accommodate your request for the following business ground(s).

The grounds apply in the circumstances because:

(You should explain why any other work patterns you may have discussed at the meeting are also inappropriate. Please continue on a blank sheet if necessary).

If you are unhappy with the decision, you may appeal against it. Details of the appeal procedure are set out below.

Name:

Date:

The Appeal Process

3. To the Employee

If your manager declines your request for flexible working, you have the right to appeal against the decision. If you wish to appeal, you must write to the manager setting out the grounds for your appeal, within 10 working days after receiving written notice of his decision.

Please use the Flexible Working Application Appeal Form to set out the reasons for appeal.

4. To the Manager

If you refuse your employee's request for flexible working, your employee has the right to appeal against your decision.

If your employee appeals against your decision to decline a request for flexible working, a meeting will be arranged with your employee to discuss the appeal within 10 days after receiving the appeal letter. This meeting will be conducted by an independent and more senior manager.

After the meeting has been held, the employee must be wrote to within 10 days confirming the final decision.

Please use the Flexible Working Policy for guidance and seek Human Resources advice at this stage.

NOW RETURN THIS FORM TO YOUR EMPLOYEE and send a copy to
epunft.business.support@nhs.net

PART 3(A): FLEXIBLE WORKING APPEAL FORM

To be completed by the employee

Dear:

I wish to appeal against your decision to refuse my application for flexible working. I am appealing on the following grounds:

(Please continue on a blank sheet if necessary)

Name:

Date

NOW RETURN THIS FORM TO MANAGER NEXT IN LINE.

PART 3(B): Flexible Working Appeal Reply Form

To be completed by the manager

Note to the Manager

You may complete this form when replying to an appeal where an application to work flexibly has not been properly considered. You must return this form to your employee, giving notice of your decision within 10 working days after the meeting at which you both discussed the appeal if you decide to turn down the appeal, you must state the grounds of your refusal. More information is available in the Flexible Working Policy and Procedure.

Dear:

Staff Number:

Following our meeting on:

Date:

I have considered your appeal against the decision to decline your application to work a flexible working pattern.

I uphold your appeal against the decision. I am therefore able to accommodate your original request to change your working pattern as follows:

Your new working arrangements will begin from: Date:

5. Note to the employee

Please note that IF the change in your working pattern requires a permanent change to your terms and conditions of employment you have no right in law to revert to your previous working pattern.

I am sorry but I cannot uphold your appeal for the following ground(s)

The ground(s) apply because:

(please continue on a separate sheet if necessary).

Name:

Date:

NOW RETURN THIS FORM TO YOUR EMPLOYEE and send a copy to
epunft.business.support@nhs.net

PART 4: Flexible Working Notice of Withdrawal of Application Form

To be completed by the employee

Note to the employee

This form provides notification to your manager that you wish to withdraw your application to work flexibly.

Dear :

I wish to withdraw my application to work flexibly which I submitted to you on:

Name:

Date:

NOW RETURN THIS FORM TO YOUR MANAGER.

Note to the manager

Once your employee has completed this form and returned it to your manager, the application is considered as withdrawn and you are not required to give it any further consideration.

You should complete the slip below and return it to your employee to confirm your receipt of the withdrawal notice.

✂.....
.....

Cut this slip off and return it to your employee in order to confirm your receipt of their withdrawal notice.

Manager's Confirmation of Withdrawal (to be completed and returned to employee)

Dear:

I confirm that I have received notice that you wish to withdraw your application for flexible working which you submitted to me on Date:

From:

Date:

A COPY OF THIS FORM MUST NOW BE SENT TO epunft.business.support@nhs.net

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST**Appendix 2: Flexible working options**

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

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.

Self-Rostering / Team-Rostering

It is essential that plans to introduce self-rostering and team-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.

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.

Amended Working Patterns

This allows for fixed shifts / days of working or fixed days off as well as changes to working patterns (e.g. when rest breaks are taken).

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.

It 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 health conditions.

Permanently Reduced/Increased Hours

An arrangement whereby employees work shorter/longer hours on a permanent basis.

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.

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST**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. A Job Share Trial Report can be found under Appendix 3.

Job Split

Job split differs from job sharing. Job sharing is where more than one employee shares responsibility for all of the job role, job splitting is where an employee has individual responsibility for certain parts of a job role.

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.

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.

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.

Home Working 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.

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST**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.

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.

Flexi-Time

Where staff can choose their start, finish and lunch times around some core fixed working periods set by the employer.

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 Policy HR9.

Condensed Hours

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

Hybrid working

This may involve a mixture of flexible working arrangements, which may be predominantly based upon home working, and would be intended to be flexible and adaptable based upon the individual employees circumstances in conjunction with their role, or it may arise as a result of wider social issues that may necessitate instantly working in a changing way to how the employee usually operates their duties.

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

Appendix 3: Hybrid Working Guidance

[Click here](#)



Essex Partnership University
NHS Foundation Trust

Hybrid Working Guidance

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Introduction

We have been faced with many challenges as a result of the Covid-19 pandemic and one of these has been the changes to the workplace and the way in which we work.

As we move forward from the pandemic, there is now the need to consider how to create the best balance between working at home and in the office and hybrid working is a way in which this can be achieved.

For those who have been able to, or have needed to work from home as a result of the pandemic, there has been a significant increase in the interest of more flexible forms of working, in particular hybrid working.

Whilst there has been the need to consider remote working during these difficult times, it is recognised that although this has provided benefits to employees, it has also highlighted both mental and social needs for staff. There are many benefits from working in an office environment, which includes collaboration, and organisations have found that working in an office for a couple of days each week can help to boost an employee's mood, to connect with their team members and in some cases, can improve productivity.

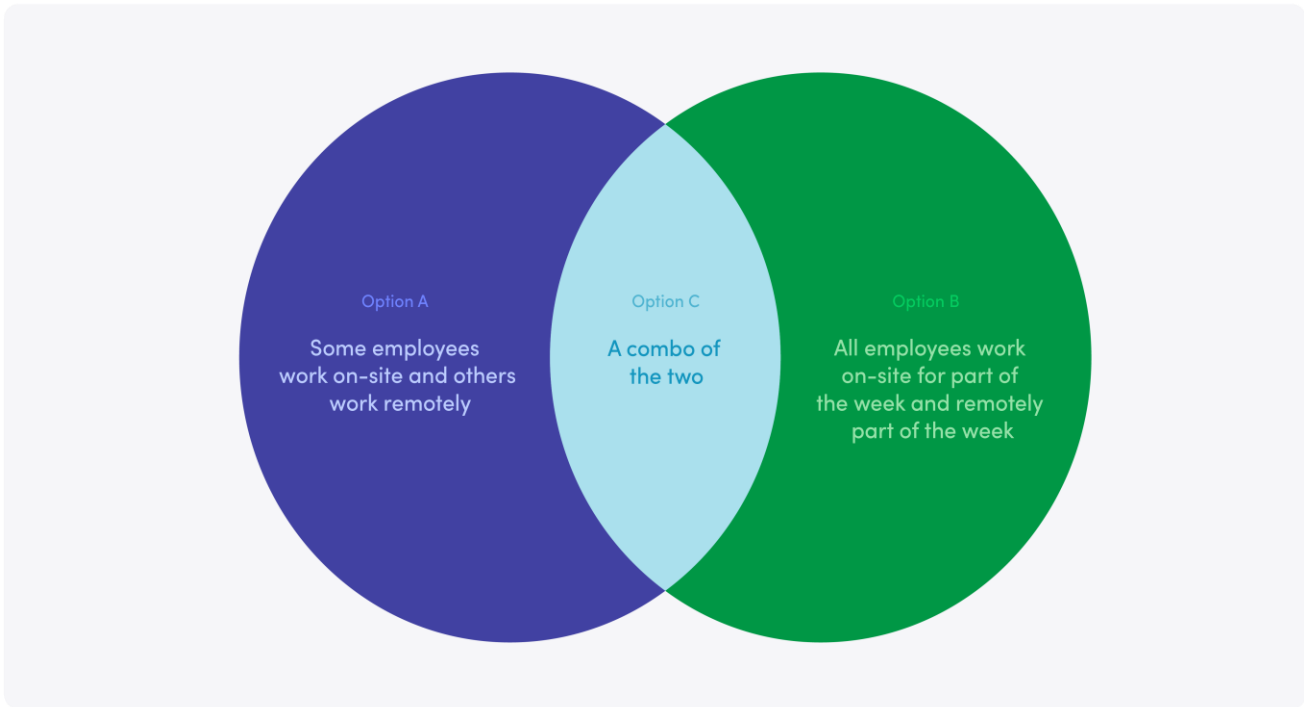
Hybrid working also provides other opportunities in terms of reducing estate and facilities costs and supporting inclusion and diversity.

Where no consideration is given to flexible forms of working, it is recognised that this could lead to an increased risk of employee turnover, reduced employee engagement and limitations on the ability to attract employees in the future.

The Trust champions' flexible working and this guidance should be considered alongside the Trust's Flexible Working Policy (HR39) which can be found on the Intranet.

What is Hybrid working?

Hybrid working is a type of flexible working where an employee is able to split their time between the workplace and remote working, i.e. working from home.



Who is eligible for hybrid working?

- When a role does not exclusively require face to face contact and/or a physical presence
- Where the post holder is able to communicate and collaborate effectively with their team and manager whilst working remotely.
(See Appendix 1 below)

Benefits of hybrid working for both the employer and employee

There can be many benefits for the Trust and employees when considering hybrid working patterns, these will include:

- Better work–life balance
- Greater ability to focus with fewer distractions
- More time for family and friends
- saved commuting time and costs
- IT upskilling and higher levels of motivation.
- Higher levels of employee job satisfaction and reduced absence rates

When moving towards the introduction of hybrid working, there are several points which managers should ensure they consider.

Consider the following:

- Agreeing an overall strategic position on hybrid working for the Service. This may result in different forms of hybrid working depending on the role and its requirements.
- Engaging employees and providing an opportunity for them to ask questions and raise any concerns.
- Development of a communication plan to share plans for future hybrid working with all employees, including information on how to request hybrid working.
- Plan for and respond to the organisational implications of hybrid working on matters such as technology, employee wellbeing, inclusion and facilities.

Arrangements for hybrid working

The Trust does not generally support 'home based' contracts, all staff will have an administrative base identified within the geographical area in which our services are provided. The administration base will be used for the purpose of business travel and expenses entitlements.

Consider the following:

- Which roles can and cannot be done from home for a majority of the time
- Who may or may not want to work from home for a majority of the time
- Consider working patterns - some roles may need to be based full-time in the workplace. Others may need to split their time between the workplace and working remotely. Others may request to work from home for a majority of the time, coming into the workplace only occasionally.
- Discuss your employee's needs, and consider how you can support them i.e. any reasonable adjustments, their home working environment, any caring responsibilities, other flexible working needs
Consider whether work can continue to be done remotely or if it needs to be done in the workplace and whether technology could help, how teams communicate, if there are any concerns about health and safety and how to address them, why a task needs to be carried out in the workplace
- Whether there are core times when employees need to work together
- How often should teams meet in person
- Whether staff or patient/client meetings are expected to be undertaken virtually or face to face and whether these need to be at specific times
- How you manage the maximum number of hours an employee can work
- How you can encourage and ensure employees take rest breaks

Communication

Hybrid working is based on effective communication and is critical to success. Communication within hybrid teams needs to be more intentional as casual or ad-hoc conversations may be reduced. Effective communication needs to be seen as the responsibility of everyone in the team. Exactly how a hybrid team needs to communicate will vary depending on its size, the nature of the roles in the team and the specific type of hybrid working being undertaken.

Consider the following:

- Meetings should be held online by default. This will help to ensure that each attendee has a consistent experience of the meeting.
- Be aware that when co-located employees have a face to face meeting but colleagues attend remotely this can lead to 'presence disparity', where people experience the meeting differently and communication can be disrupted.
- Teams should be encouraged and supported to establish their own principles for communication. This may include how often to meet physically, what technology to use for meetings and to ensure that communication is inclusive of everyone.
- During the pandemic many employees have reported feeling fatigued by long online meetings. When teams are working in a hybrid way communication can be enhanced considering chat functions in Microsoft Teams meetings and always ensure breaks are included during the meeting time.
- Build in regular social and human connection opportunities to support employee engagement and team building.

IT support

Technology plays a critical role in hybrid working and employees need to be able to work effectively between home and the workplace. So as to ensure that this happens, it is necessary to consider whether technology skills for team members will need further development and whether there is the need for additional technology and equipment.

Consider the following:

- Support employees in fully using available technology, as well as using them in a way that supports health and wellbeing.
- Review systems and equipment available in offices and provided by individuals in order to assess whether it will appropriately support hybrid forms of working.
- Provide a mix of technology to enable hybrid meetings and collaboration.
- Put in place appropriate security measures to ensure system and data integrity.
- In addition to technology, consider what other equipment will support effective and healthy remote working, including the provision of office furniture, mobile devices etc.

Wellbeing

The employee wellbeing implications of the pandemic will require ongoing work for quite some time and may include supporting employees who are experiencing poor mental health and anxieties or addressing specific concerns about a return to the workplace, in addition to cases of Long Covid. Employers have a responsibility to safeguard employees' health and safety, this includes looking after their mental health.

Remote working can lead to some employees having less social interaction and feeling isolated. This is a potential concern with some mental health conditions and line managers should ensure that supportive conversations with employees take place regularly in respect of their mental wellbeing and take steps to provide support where necessary.

However, in the longer term, hybrid working may support improved wellbeing through reducing commuting time, providing employees with more autonomy and flexibility, there for resulting in improved performance and extra time for health and wellbeing activities. Hybrid working may however bring with it specific challenges around work-life balance and managing the boundaries between work and home. Managers will therefore need to revisit hybrid working arrangements on a regular basis within 1:1 support meetings with members of their team.

If it is identified that hybrid working is impacting on the wellbeing of an employee, managers will have the right to amend or withdrawn on a temporary or permanent basis to ensure effective performance management can be carried out and that support processes are provided. Managers should ensure that wellness plans are completed as part of the 1:1 support and are reviewed regularly.

Consider the following:

- Provide training and support to employees on managing work-life balance whilst working in a hybrid way / working from home.
- Offer training and support on digital wellbeing and to have healthy habits in relation to technology use, including helping employees to mindfully disconnect.
- To understand the potential wellbeing implications of hybrid working and encouraging managers and members of their teams to have appropriate and ongoing wellbeing conversations.
- Ongoing mental health support and information for all employees. Wellbeing plans should be regularly reviewed during 1:1 support meetings.
- Be aware of potential signs and symptoms of poor wellbeing or mental health, as these may be weaker whilst employees are working in a remote or hybrid way.

Inclusion and Fairness

In a hybrid workplace, access to development and career conversations for all employees must continue and ensure there is a fair allocation of work and opportunities.

Consider the following:

- Identify areas where inequalities may have developed during the pandemic and set out plans to address these to ensure they not have a long-term detrimental impact on individuals or the organisation.
- Identify where any inclusion risks may arise if employees move to hybrid working and how these can be mitigated.
- Where employees are unable to work in a hybrid way because of the work that they undertake, raise awareness of other forms of flexible working which may be suitable for them.
- Take steps to ensure equality of experience between employees in the office and employees at home.
- Be aware of potential conflict and ensure support is available for these situations to be managed.

Consideration of reasonable adjustments for employees with a disability

A hybrid working model must ensure that all working arrangements are inclusive and that reasonable adjustments are made for any employees with a disability. Such reasonable adjustments can include:

- **Reducing the amount of time attending a workplace**

Managers will set expectations with regards to how much time staff will need to spend in the workplace, however you will need to ensure that their hybrid working model builds in sufficient flexibility to allow individuals' circumstances to be taken into account.

An example could be where an employee has a disability and would benefit from additional time working remotely, i.e. commuting is difficult for them, they have specialist equipment set up at home, they may have a mental health condition that means that they are more productive when working from home (with some workers facing difficulties in a busy/noisy workplace), to work from home all or most of the time.

- **To allow an employee to start/finish outside peak travel hours**

Managers should consider allowing members of their team to amend their start and finish times whilst considering their personal circumstances and travel arrangements. This would include changes for an employee with a disability who may find travelling more challenging at certain times of the day. These arrangements could be on a permanent or temporary basis and can be reviewed at any time.

- **Adjust any hot-desking arrangements**

Hot desking is important when considering hybrid working arrangements. Employers need to be aware that hot desking can put employees with a disability at a substantial disadvantage compared with others where adjustments need to be made. It may be that a permanent workspace is reserved to an employee with a disability who has specific requirements, i.e. specific equipment. It may also be necessary to introduce a 'booking system' for desk space.

- **Provide equipment to allow employee to work remotely**

Any equipment which the employer provides will depend on the nature of the role, the impact of remote working on the specific individual's health and wellbeing and whether the equipment is needed to allow the individual to carry out their work effectively.

Where an employee has a disability and requires special equipment i.e. an ergonomic chair, the manager will need to ensure that equipment used both at home and in the workplace remains the same. It may be necessary to seek guidance from Occupational Health or Access to Work with regards to the most appropriate equipment and for a workplace risk assessment.

- **Adapt communication methods and approach to meetings**

Line managing an employee who has a disability involves actively thinking about how to support them. Managers should consider that their methods of communication are suitable for any disabled employees, hybrid work meetings, where some attendees are there in person and others are joining remotely, do not exclude disabled workers and colleagues are encouraged to support disabled workers.

Mental health conditions can have an impact on an employee's ability to participate in work-related activities, it may be that consideration is given to allowing an employee to participate in a meeting by telephone, rather than via Teams as a reasonable adjustment to ensure that employees are treated fairly.

Obligations of hybrid workers

Employees who enter into a hybrid working arrangement do not have to change their contract, and their terms and conditions of employment do not change. However, there are expectations:

- That they will attend their contractual place of work on dates and times agreed with their line manager.
- Must make every effort to keep in touch with their team, including using relevant technology and equipment.
- To comply with local and/or team rules for hybrid working, such as attending team meetings or maintaining core working hours
- To ensure that they are available and accessible while working remotely - this may include sharing calendars
- To keep themselves up to date with news, information and events in relation to the Trust
- To maintain all necessary standards of performance and attendance
- To follow all relevant health and safety expectations while working from home.
- When working at home, confidentiality must be maintained at all times. This should include working in a confidential area, ensuring that Laptops are locked when not in use, ensuring documentation is stored securely.

Performance management

When employees are working remotely or more flexibly, their performance may be harder to observe. Managers will need to adjust to assessing performance through outcomes, contribution and value and will not be able to monitor every aspect of an employee's work when they are working remotely, nor should this normally be necessary. If it is identified that hybrid working is impacting on the performance of an employee, managers will have the right to amend or withdrawn on a temporary or permanent basis to ensure effective performance management can be carried out and that support processes are provided.

Consider the following:

- Are current performance management systems and processes fit for purpose in a remote environment?
- Ensuring that 1:1 Support meetings take place on a regular basis to discuss performance and update objectives.
- Having mechanisms to identify and reward great performance, as well as address poor performance with hybrid workers.

Homeworking health and safety risk assessment for hybrid workers

Line Managers will need to ensure that a risk assessment is undertaken with any employee who is working from home, whether they work from home all or some of the time

This assessment should be completed with the employee at least once every twelve months, or sooner if there are any substantial changes to the employee's working environment at home (for example if the employee moves house). The assessment should be completed during a conversation with the employee whilst they are working remotely so that they can describe their working environment at home. The employee should not complete the assessment themselves.

If, following this discussion, you feel that a more detailed discussion with the employee about their health and safety is required, please contact Human Resources. This could be where the employee is pregnant, you think they may have a disability, or you have any concerns about their mental wellbeing.

A copy of the Risk Assessment form can be found on the Intranet.

Requests for Hybrid Working Arrangements

Discussions should take place between the manager and their team to determine the way in which it is envisaged hybrid working can be accommodated and how this would work to be the best experience for all concerned.

Requests for Hybrid Working should be considered in accordance with the Trust's Flexible Working Policy [HR39].

Overseas Working Arrangements

In accordance with NHS Terms and Conditions of Service (Section 35) this guidance is not intended to apply to any hybrid or home-working arrangements outside of the United Kingdom.

There significant legal implications for both the Trust and employees in relation to working whilst overseas. These include (but are not limited to):

- This can be a temporary or permanent arrangement – consideration should be given to everything as you would if an employee was working in the UK, i.e. Health and Safety, working times, etc.
- Key Issues working overseas – Employment rights, Immigration, tax issues. It is recommended that advice is sought from Human Resources for any requests for overseas working.
- Right to work in an overseas country – It will be necessary for the Trust to obtain confirmation of employee's right to work and eligibility to work within another country.
- Employment Rights – Statutory rights will vary depending on where the employee will be based.
- There may be tax implications – Those working overseas will be subject to NI and Tax as with the UK. Employees will need to consider this and seek advice where necessary.
- Expenses – any travel expenses occurred travelling from overseas to UK for work purposes will not be paid by the Trust
- Data protection issues – If the country in which the employee wishes to work is outside of the EEA, they will not be subject to Data Protection Laws.

No overseas working arrangement should be considered without first seeking advice from the Employee Relations service.

Recruitment

Managers will need to ensure that the availability of flexible working is included within any recruitment process where a role can accommodate this. It is also very important that a new recruit with a disability is provided with support.

Once an applicant has accepted an offer of employment, the manager should explore what reasonable adjustments might be necessary to enable them to be fully productive. Reasonable adjustments may include regular catch-ups with them than are necessary with existing staff, providing them with a "buddy" to keep in regular contact with, particularly if they are working remotely a lot of the time and giving them access to any additional training or support that they need to get up to speed in their new role.

Induction processes for any hybrid workers should include building a relationship with other hybrid team members and being clear on all working arrangements and expectations for their own work pattern.

Useful Information and Contacts

Employee Relations Team:

epunft.employeerelations@nhs.net

EPUT – HR Business Support Team

01375 364 508

The Trust's Flexible Working Policy (HR39) is located on the Intranet and should be read in conjunction with these guidelines.

Counselling & Employee Assistance Programme

This is available through Help Employee Assistance Programme please contact:

0800 731 8627 free 24 hours a day

Website: www.eput-help.wellbeingzone.co.uk

Access code = EPUT1

All contact remains confidential.

Here For You

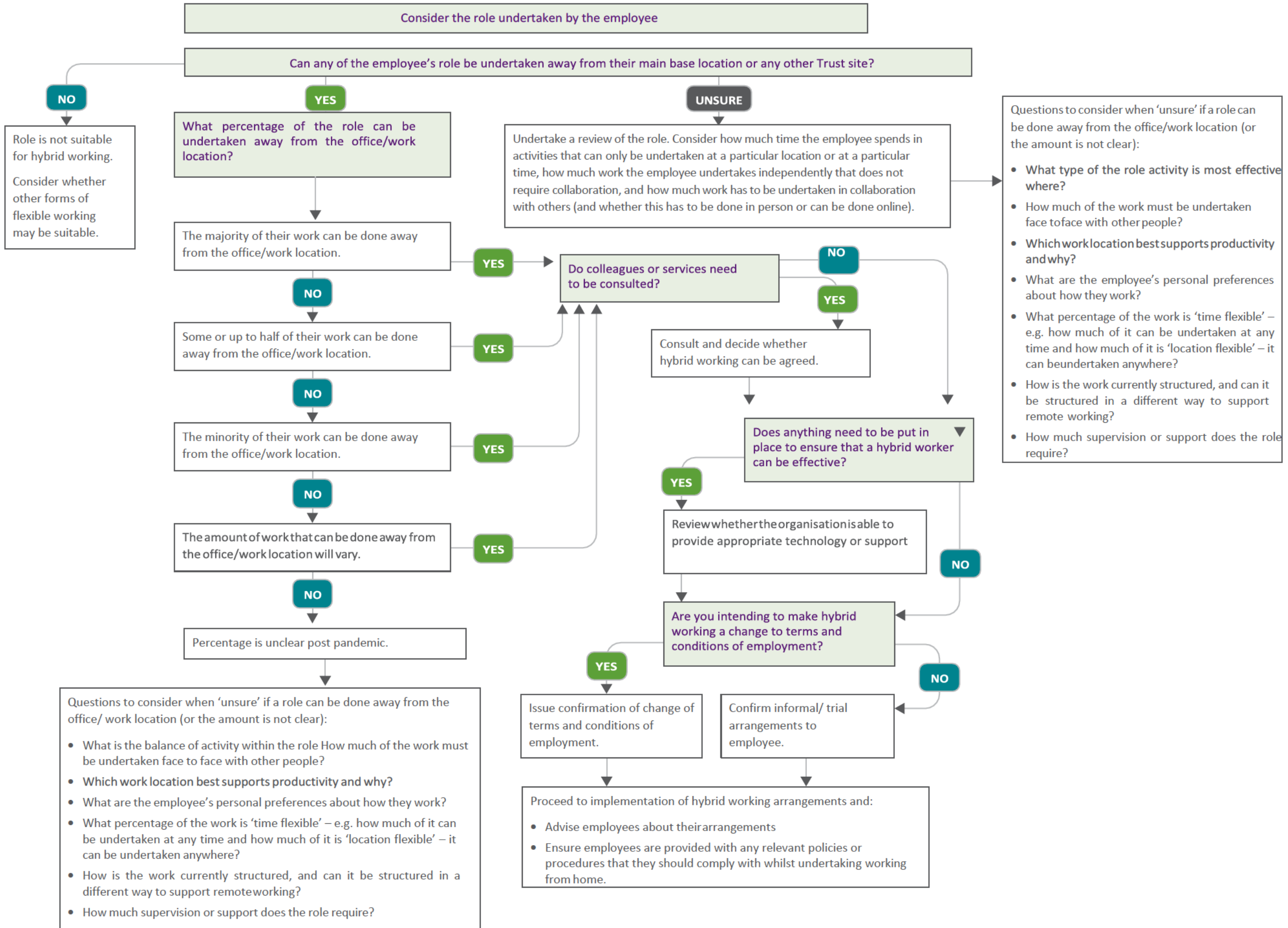
Staff Psychological Support Service

0344 257 3960

Available free 24 hours a day, 7 days per week

Staff Support Information

<https://input.eput.nhs.uk/Staff/support/wellbeing/Pages/Home.aspx>



Questions to consider when 'unsure' if a role can be done away from the office/work location (or the amount is not clear):

- What type of the role activity is most effective where?
- How much of the work must be undertaken face to face with other people?
- Which work location best supports productivity and why?
- What are the employee's personal preferences about how they work?
- What percentage of the work is 'time flexible' – e.g. how much of it can be undertaken at any time and how much of it is 'location flexible' – it can be undertaken anywhere?
- How is the work currently structured, and can it be structured in a different way to support remote working?
- How much supervision or support does the role require?

Questions to consider when 'unsure' if a role can be done away from the office/ work location (or the amount is not clear):

- What is the balance of activity within the role How much of the work must be undertaken face to face with other people?
- Which work location best supports productivity and why?
- What are the employee's personal preferences about how they work?
- What percentage of the work is 'time flexible' – e.g. how much of it can be undertaken at any time and how much of it is 'location flexible' – it can be undertaken anywhere?
- How is the work currently structured, and can it be structured in a different way to support remoteworking?
- How much supervision or support does the role require?

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Appendix 4: Initial Equality Impact Assessment analysis

This assessment relates to: HR39 - Flexible Working Policy

(Please tick all that apply)

Link to Full Equality Impact Assessment can be found in InPut [Here](#):

Does this Policy/Service/Function effect one group less or more favourably than another on the basis of:	Yes / No	What / where is the evidence / reasoning to suggest this?
Race, Ethnic Origins, Nationality (including traveling communities)	No	
Sex (Based on Biological Sex; Male, Female or Intersex)	No	
Age	No	
Sexual Orientation Including the LGBTQ+ Community	No	
People who are Married or are in a Civil Partnership	No	
People who are Pregnant or are on Maternity / Paternity Leave	No	
People who are Transgender / who have had gender reassignment treatments As well as gender minority groups	No	
Religion, Belief or Culture Including an absence of belief	No	

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Does this Policy/Service/Function effect one group less or more favourably than another on the basis of:	Yes / No	What / where is the evidence / reasoning to suggest this?
Disability / Mental, Neurological or Physical health conditions Including Learning Disabilities	No	
Other Marginalised or Minority Groups Carers, Low Income Families, people without a fixed abode or currently living in sheltered accommodation.	No	

Guidance on Completing this Document

This screening tool asks for evidence to ensure that these considerations are done in collaboration with groups that may be affected. Listed below are the ways that this evidence can be gathered to support this decision:

- Reviews with Staff who may be impacted by these changes
- Service User / Carer feedback or focus groups
- Guidance from national organisations (CQC / NHS Employers)
- The Equality and Inclusion Hub (on the Staff Intranet)
- Input from Staff Equality Networks or the Equality Advisor
- Reviewing this against good practice in other NHS Trust

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Initial Screening Question	Response
If you have identified no negative impacts, then please explain how you reached that decision. please provide / attach reference to any reasoning or evidence that supports this: (Nature of policy, service or function, reviews, surveys, feedback, service user or staff data)	This Policy and Procedure is available to all Staff to utilise. Flexible working applications can be submitted by any staff member from the first day of employment.
Is there a need for additional consultation? (Such as with external organisations, operational leads, patients, carers or voluntary sector)	No, not required.
Can we reduce any negative impacts by taking different actions or by making accommodations to this proposed Policy / Service / Function?	N/a
Is there any way any positive impacts to certain communities could be built upon or improved to benefit all protected characteristic groups?	N/a
If you have identified any negative impacts, are there reasons why these are valid, legal and/or justifiable?	N/a

Please complete this document and send a copy to EPUT's Compliance, Assurance & Risk Assistant / Trust Policy Controller) at epunft.risk@nhs.net as part of the Approval Process, if this proposal / policy etc. has no positive or negative impacts on protected characteristic groups, a Full Equality Impact Assessment will not need to be completed

To be completed by the Trust Policy Controller					
Is a Full Equality Impact Assessment Required for this Policy, Service or Function?			Yes	No	X
Name:	Amy Keen				
Date:	06.11.2023				