

Flexible Working Policy

Policy Folder & Policy Number	HR
Version:	1.0
Ratified by:	Integrated Care Board
Date ratified:	August 2024
Name of originator/author:	NHSE National Policy
Name of responsible committee/individual:	People, Culture & Inclusion Committee
Date approved by Committee/individual	See inside cover
Date issued:	August 2024
Review date:	August 2027
Date of first issue	August 2024
Target audience:	All ICB employees including non-executive directors, contractors and temporary staff Website

CONSULTATION SCHEDULE		
Name and Title of Individual	Groups consulted	Date Consulted
Staff Engagement Group		July 2024

APPROVALS & RATIFICATION SCHEDULE	
Name of Committee approving Policy	Date
ICB People, Culture and Inclusion Committee	09/08/2024

VERSION CONTROL			
Version	Version/Description of amendments	Date	Author/amended by
1	New policy	09/08/2024	NHSE/MLCSU

IMPACT ASSESSMENTS – AVAILABLE ON REQUEST			
	Stage	Complete	Comments
Equality Impact Assessment			
Quality Impact Assessment			
Privacy Impact Assessment			

Document Owner: CSU HR Business Partner	Approval date: August 2024	First published: August 2024
	Next review date: August 2027	Version: 1

Contents

1. What is a people policy	1
2. Why we have this policy	1
3. What this policy covers.....	1
4. What is flexible working.....	1
5. Responsibilities	2
Our expectation of you, our colleagues	2
How you'll be supported.....	2
People Professionals	3
6. How this policy promotes a kind and caring culture	3
7. How do we know that this policy treats people fairly?	3
8. Preparing to discuss your needs	4
9. Supporting your health	4
10. Different types of flexible working request	4
11. Discussions about flexible working	5
12. Making a formal request.....	5
13. What will happen after a formal request is made	5
14. Getting help and advice	5
15. Receiving the outcome from a formal request	6
16. Appeals	6

Document Owner: CSU HR Business Partner	Approval date: August 2024	First published: August 2024
	Next review date: August 2027	Version: 1

1. What is a people policy

A people policy provides support, advice and guidance on what is expected from you, how you can expect to be treated, and how you can access help and guidance.

2. Why we have this policy

The NHS People Promise is a promise we must all make to each other – to work together to improve the experience of working in the NHS for everyone. It says:

“We can work flexibly, doing whatever work pattern fits our needs, regardless of the type of role we’re in. As a modern and model employer, flexible and less than full-time working isn’t a barrier to progress in the NHS – it is commonplace.”

This policy brings this part of the People Promise to life. It will provide you with the information you need, support you to have conversations and take steps towards working in a way that suits you best.

Click here for more information about [‘Our NHS People Promise’](#).

3. What this policy covers

The NHS Terms and Conditions set out that you could work flexibly from your first day of employment and how this should be achieved. More information can be found in Section 33: Balancing work and personal life, of the Agenda For Change Terms and Conditions handbook.

This policy will help you to understand what is available to you and it provides information about:

- How you can make a request to work flexibly. You will find a simple overview in the flow chart contained within the toolkit
- What you can expect, where to get help, and how agreements should be reviewed
- Examples of flexible working that might be available
- Rostering, career breaks and options if you are thinking about flexibility later in your career and/or nearing retirement.

If you would like to read more about flexible working, our toolkit provides helpful links, practical information and tools as well as request documentation.

4. What is flexible working

In the NHS everyone has the right to request flexible working from day one of employment and there is a limit on two flexible working requests per year.. You do not need to provide a reason for requesting to work flexibly.

We define flexible working as an arrangement which supports you to have a greater choice of where, when and how you work. This could include working patterns, hours, location and how your role is designed.

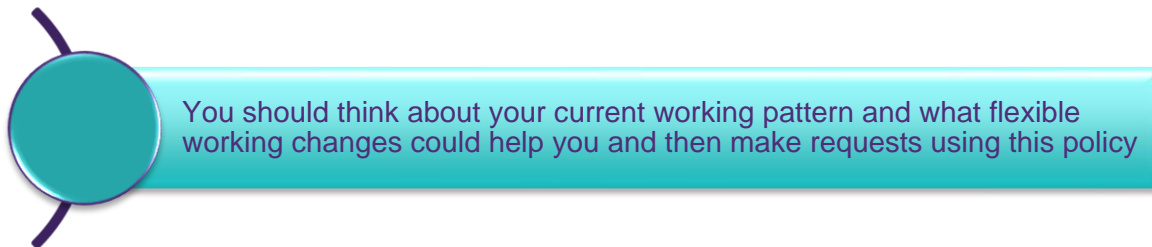
Flexible working can be for a short period of time to support a specific need, or it could be longer-term. There are many different types of arrangements that could support your needs. These could be agreed informally with your line manager or through a formal flexible working request.

If you need to work flexibly to support a disability you might have additional rights to reasonable adjustments; more information is available under the 'Supporting your health' section.

5. Responsibilities

Everyone is expected to treat someone who would like to work flexibly with kindness and understanding.

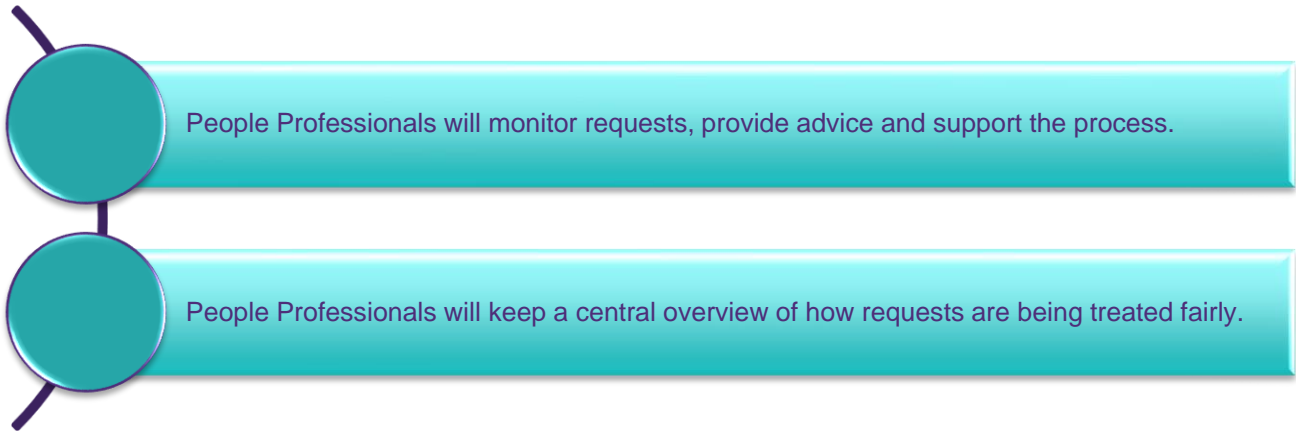
Our expectation of you, our colleagues



How you'll be supported



People Professionals



6. How this policy promotes a kind and caring culture

We want the NHS to be a place where talking about flexible working is easy and where these conversations take place throughout our careers, not just at times of specific need.

This policy is for everyone, including those who work in clinical or patient-facing roles and those who might have found it difficult to work flexibly in the past. It seeks to support people who are thinking about working in the NHS by encouraging managers to plan flexible working into vacancies and teams.

It inspires everyone to think differently about what is possible in relation to where, when and how we work, and challenges negative attitudes towards flexible working. Please also see the ICB's Agile Working Framework.

This policy will help you and your manager balance your needs with the needs of your colleagues and of patients/service users. Ensuring the service is safe and efficient.



7. How do we know that this policy treats people fairly?

Whenever we write a policy, we always do an 'Equality Impact Assessment' (EIA) to ensure it treats everyone fairly, does not disadvantage anyone, or discriminate against any protected group.

We also review our policies regularly to see how we are doing, which includes listening to colleagues' views and reviewing information about how the policy works in practice.

8. Preparing to discuss your needs

Preparing to talk about flexible working will ensure you are clear about what you need, and the effects that a change could have.

For example, reducing your hours could mean your pay, pension, benefits and possibly your work visa are affected. Always get advice to ensure you have all the information you need.

Your manager will need to think about what would work for patients, service users and your colleagues to keep the service safe and of high-quality. They will use the following factors, so it may help you to think about this too:

- **WHEN** the work needs to be done
- **WHERE** the work needs to be done
- **HOW** work is planned and undertaken

The [‘Flexible Working in the NHS Toolkit’ for individuals](#) includes a document to help you get the most from your preparation and conversations.

If you need help, or if you do not feel comfortable talking to your manager, find someone else you do feel comfortable talking to. This could be a friend/colleague, a health and wellbeing lead, a staff network colleague, occupational health, trades unions representative, Freedom to Speak Up guardian or Champion, or someone else that you trust.

9. Supporting your health

If you are requesting flexible working to support your health and wellbeing and/or if you are disabled, you should get advice from People Professionals and Occupational Health about reasonable adjustments.

Your manager will normally have been involved. However, if they are not aware it is usually helpful to tell them about the reasons and how the suggestions for flexible working can help your health. This will help them to understand your needs and work with you to provide the best support.

10. Different types of flexible working request

Informal flexible working arrangements are usually made during regular one-to-one meetings, or wellbeing meetings. Informal arrangements mean you can agree flexible working with your manager as and when needed, usually when the changes don’t impact your pay or contract.

You might request and agree flexible working during an informal conversation and realise that changes to your working pattern or availability, contract and/or pay are needed. Where this occurs, get advice from People Professionals.

Your manager will need to record the change formally and use the correct forms to inform payroll and ensure ESR and other systems are updated.

Formal flexible working requests mean that you are using your contractual and legal right to have your request for flexible working considered by your manager. You might make a formal request if you haven’t been able to agree flexible working informally, sometimes you might feel that a formal conversation would work best for you or you wish to formalise an informal arrangement.

11. Discussions about flexible working

We hope that you feel able to discuss your needs and ideas for flexible working during your regular one-to-one, wellbeing or other meetings with your manager and that they will be able to meet your needs.

Your manager will listen and work with you to explore and agree options that work for you, the service and your colleagues.

It could take more than one conversation and your manager might speak to their manager, People Professionals or other managers to get advice. Your manager will always aim to reach a solution as soon as possible.

12. Making a formal request

You should make your request using the formal Flexible Working Request Form contained within the toolkit.

You will need to include:

- The date of your request.
- Details of what you would like to change.
- The date on which you would like the change to start.

After you have completed the Flexible Working Request Form give it to your manager.

13. What will happen after a formal request is made

Your manager will meet you to discuss your request. Let your manager know if you would like to bring someone to support you at the meeting. You should tell your manager, if they do not already know, that your request is related to your health or a disability and might be a reasonable adjustment.

Your manager should consider your request as quickly as they can. However this could take several weeks if more conversations need to take place to discuss alternative options that are available, or to help your manager to reach a decision.

14. Getting help and advice

If you are worried or have questions about the formal process you should speak to People Professionals, a health and wellbeing lead, a staff network colleague, occupational health, trades unions representative, a Freedom to Speak Up guardian or Champion or someone else that you trust.

If your manager is finding it difficult to agree your request, they will escalate by asking for help and advice from others within your organisation.

This **escalation stage** will review the request to see if there is anything more that could be done, including the option of working in other areas of the organisation.

People Professionals will manage the process and support managers to ensure this works well. This escalation stage will take place before your manager confirms their decision.

It can sometimes take more time to complete the escalation stage.

Therefore, if it could help your manager to reach a positive outcome, you might be asked if you would agree to extend the time taken to respond to your request.

15. Receiving the outcome from a formal request

You will receive a letter from your manager to confirm either:

- That your request has been agreed; your letter will include information about how long it has been agreed for, and when and how the agreement will be reviewed.
- That your request has not been agreed; the letter will explain the reasons why your manager came to this decision.
- That your original request has not been agreed; however following conversations with you to discuss and agree, an alternative option is available to support you to work flexibly.

If your request has not been agreed the letter will also tell you how to access support and how you can appeal the decision.

After agreeing your request, your manager will record the change using the correct forms to inform payroll and ensure ESR and other systems are updated.

16. Appeals

If you believe your formal request was not handled correctly, or you feel that the reasons for the request not being agreed are unfair or unjustified, then you could decide to raise an appeal.

You should follow the instructions included in the outcome letter.

This will ask you to outline the reason(s) you wish to appeal. It will also confirm the name of the person you should write to and the date you should complete this by.

You will be asked to attend a meeting with a panel of people who have not been involved in your request before, to discuss your request and the reasons for your appeal. You have the right to be accompanied at this meeting by a trades union representative.

After the meeting, the panel will consider the information and ensure you receive a written outcome within 2 months of the date of your original flexible working request, unless there has been an agreement to extend this timescale.

The letter will confirm if your appeal has been upheld or not upheld and the reasons for this. It will also provide information about what will happen next. The decision from the appeal panel will be final.