

# **Flexible Working Policy**

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## AMENDMENT HISTORY

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D1	Apr 13	New policy
V1	Aug 13	Policy approved by Rem Com
RC/XX/032/V1	Sept 16	Addition of unique reference number
RC/XX/032/V1	Sept 16	Review of content and sent to staff for consultation
RC/XX/032/V2	Oct 16	Discussed at Staff Away Day and comments incorporated

## REVIEWERS

This document has been reviewed by:

NAME	DATE	TITLE/RESPONSIBILITY	VERSION
CCG Staff	Sept 16	Discussion held with all CCG Staff at Development Session	V1
Steph Cartwright	Sept 16	HR Lead	V1
Alice McGee	Sept 16	HR specialist	V1
Joe Cahill	Sept 16	Staff Side Lead	V1

## APPROVALS

This document has been approved by:

VERSION	WHERE	DATE
V1	Remuneration Committee	August 2013
V2	Remuneration & HR Committee	October 2016

N.B: the version of this policy posted on the intranet must be a PDF copy of the approved version.

## DOCUMENT STATUS

This is a controlled document. Whilst this document may be printed, the electronic version posted on the intranet is the controlled copy. Any printed copies of the document are not controlled.

## RELATED DOCUMENTS

These documents will provide additional information.

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## **1.0 POLICY OVERVIEW**

### **1.1 Purpose**

The organisation encourages a flexible approach to its workforce and expects flexibility in return. This policy outlines the principles and types of flexible working on offer to staff.

### **1.2 Who this policy applies to**

The policy applies to all staff that are employees of the organisation in either a permanent, fixed term or temporary post. Whilst agency staff are not entitled to formal flexible working arrangements until they have completed 12 weeks with the organisation consideration may be given to a flexible working arrangement where this suits the needs of the service

### **1.3 Key principles**

The organisation will offer a range of flexible employment options to help managers and staff consider changes to working practices and flexible employment.

This policy will provide a procedure to promote a fair and consistent way for dealing with requests and ensures that the organisation complies with Employment legislation.

Flexible working is not a right to have and each request should be considered alongside the needs of the business.

### **1.4 Legal considerations**

There are numerous pieces of legislation that define the entitlements of employees in relation to flexible working and parental leave.

The main significant pieces of legislation relating to flexible working and the right to request it are covered in the Employment Act 2002, especially section 47; and the Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2009.

Employees rights to parental leave are outlined in The Employment Rights Act 1996, as amended; Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations 2006 (SI 2006/2014) and The Parental Leave (EU Directive) Regulations 2013 (SI 2013/283)

Family friendly provisions generally are covered in the Work and Families Act 2006.

## 2.0 SUPPORTING PRINCIPLES

- The organisation will offer a range of flexible employment options to help managers and staff consider changes to working practices and flexible employment to enable a healthy work and life balance for employees
- Flexible working is approved by the line manager and the Director of the department.
- The Director of Organisational Development and Human Resources is made aware of all approved flexible working arrangements to ensure consistency.
- The employee and line manager will agree collectively how the job role will be covered therefore provide assurance about how the duties will be covered when agreeing a flexible working arrangement.
- This policy will provide a procedure to promote a fair and consistent way for dealing with requests and ensures that the organisation complies with Employment legislation.
- The policy will provide a framework to ensure that business needs are not compromised by flexible working.
- The policy will provide broad principles of working flexibly for managers to manage and individuals to access.
- Flexible working will be enabled where possible and appropriate, but it is not a right to have and each request should be considered alongside the needs of the business in relation to business hours of 9am – 5pm and the core hours of 10am – 2pm.
- Each arrangement should be reviewed regularly with the individual (6-12 months) and the business needs should be considered at these reviews. At these reviews the agreement can be withdrawn with reasonable notice. It is anticipated that 4 weeks' notice would be reasonable for any arrangement to be withdrawn.
- There is an opportunity for staff to appeal a refusal of a flexible working request
- Flexible working should encourage a flexible approach by both the organisation and the individual. Managers are encouraged to take a sensible approach to supporting a work life balance using the principles detailed within the policy.
- The CCG recognises that some staff work beyond contracted hours to deliver including attending evening meetings and weekend events. Managers are encouraged to plan for these out of hours meetings and to allow staggered hours to balance work and home commitments.

## **3.0 THE POLICY**

### **3.1 Flexible Employment Options**

Flexible working can incorporate a number of changes to working arrangements and the CCG recognises the benefits of many flexible working arrangements. The CCG will consider the following flexible working arrangements as part of this policy:

- TOIL (Time off in Lieu)
- Overtime
- Compressed Hours
- Staggered Working Hours (Core hours)
- Working from Home
- Career Break
- Parental and Carer Leave

With the exception of parental and carer leave (which is defined later in this policy) the options are available to all staff in the CCG. However, depending on the needs of each department and function, different business needs will need to be considered for each request.

All requests for flexible working will be made in writing to the Line Manager giving clear reasons for the request and detail any impact on their team and CCG.

The Line Manager will discuss the request with the staff member and refer to the Director for that department for support of their decision. The decision should be confirmed in writing to the individual with the reasons for not supporting if applicable and any review date. The letter of the outcome should also be sent to the Director of Organisational Development and Human Resources to ensure an overview of flexible working across the organisation, consistency of decisions and identify any trends.

### **3.2 TOIL (Time Off in Lieu) or Flexi-Time**

TOIL is available to all staff in bands 1 - 7. TOIL is commonly referred to as Flexi-time or Time Off in Lieu however they all mean the same thing for the purposes of this policy.

Time sheets must be completed for all staff who wish to use TOIL in order show accrual of hours. The CCG timesheet is available from the CCG Business Support Manager.

Flexi-time is an arrangement which can provide flexibility in working times for both the employees and the service to be covered. It allows the employee to work longer or shorter periods of time to suit their circumstances at a particular time, and allows the service hours to be extended if required. TOIL should be pre-agreed with a Line Manager however due to the nature of TOIL this may not always be achievable. The principles of TOIL should therefore be agreed in advance via email with a line manager wherever possible. The core hours of 10am – 2pm must be covered unless specifically agreed with Line Manager.

A maximum of 7.5 hours can be accrued each month and taken within 1 month of accrual. Any additional hours credited will be lost, unless under exceptional circumstances which are agreed with your Line Manager in advance. For example if you agreed 7.5 hours on 1<sup>5th</sup> September these must then be taken by 15<sup>th</sup> October

Before accruing the time in lieu, agreement needs to be sought from the Manager in writing. An email is sufficient however it should not be considered the 'norm' to accrue hours.

When taking TOIL hours back this must be in agreement with your Line Manager and not cause disruption to the service.

### **3.3 Overtime**

There may be exceptional occasions where the demand on the service requires staff to work significantly over their contracted hours for a limited period of time where the arrangements for TOIL or other flexible working options would not be viable. It is the expectation that this is in very exceptional circumstances and can only be approved, in advance, by the Chief Finance and Operating Officer and the Director of Organisational Development and Human Resources.

Overtime will be paid at normal salary rate.

### **3.4 Compressed Hours**

The CCG have agreed that contractual hours cannot exceed 8 hours per day therefore any agreements for flexible working need to consider this.

### **3.5 Staggered Working Hours (Core Hours)**

This allows normal working hours/days to be varied to suit an individual's needs, whilst working the full-time contracted hours for the post over the week. An example may include working from 10.00 am – 6.00 pm, rather than 9.00 am – 5.00 pm, or 9am – 2pm and then 4pm-6pm. Agreement to the actual timings must be reached to ensure that service needs are met and health and safety and security issues will need to be considered if working outside normal working hours.

It operates by providing a split of the normal working day into two parts. The first part being 'core time' when the employees are expected to be present, the second being 'flexible time' when the employees are able to vary their start/finish time.

Agreement needs to be reached as to the exact hours/days to be worked with the Line Manager and consideration needs to be given to core service hours of 10am – 2pm.

### **3.6 Working from home**

Where an employee meets their contractual obligations working from home on an occasional basis (as agreed with the line manager) will be considered a suitable arrangement.

Home working is not an automatic right and consideration will be given dependent on the situation and the reason for the request.

Facilities required to undertake the job must already be available at the employee's home, i.e. telephone, IT facilities/functionality and the employee must be available at home during agreed working hours via telephone and email. The employee must satisfy the organisation that whilst working from home they will be free from interruptions/distractions etc. that may normally exist within the home environment.

### **3.7 Career Breaks**

An arrangement which enables employees to take a break in their careers for a variety of reasons which may include caring for a dependent, training, study leave or work abroad for periods of 6 months up to 1 year.

The period of leave from work is unpaid, but the Contract of Employment is not terminated. In order for a career break application to be considered the employee must have 12 months NHS service to be eligible for a career break.

During the career break contact must be maintained between the employee and the CCG and the post will be kept 'open' wherever possible for the individual to return to after a maximum of 12 months.

Individuals must recognise that a career break can impact on 'continuous service' as detailed in agenda for change terms and conditions but in summary:

- A career break will not break your continuity of service for employment law purposes, including statutory redundancy provisions.
- A career break will break your continuity of service for contractual purposes, including incremental credit, maternity leave, annual leave, sick pay and contracted redundancy payments.

Unlike other flexible working arrangements each Career Break request must be considered by a panel made up of the Chief Accountable Officer, HR and an independent Senior Manager from the CCG and an agreement must be reached on the regularity of contact during the career break.

Employees on a career break will not normally be allowed to take-up paid employment with another employer, except in exceptional circumstances with written authority from Dudley CCG.

All pay and benefits will be suspended during the career break and re-instated at the end of the break period and retrospective payments can be made in relation to the pension scheme. Further advice should be sought from the Pensions Manager.

### **3.8 Parental Leave**

Parental Leave is a legal entitlement that all employers must offer therefore the criteria for taking the leave is defined within legislation.

If you have a child aged under five, (or under 18 if your child is disabled), you may have the right to parental leave. To qualify you must be an employee and have at least one year's continuous service where you work. You must also either be the parent:

- named on the child's birth certificate
- named on the child's adoption certificate
- with legal parental responsibility for a child under five (under 18 if the child is disabled)

If you are separated and you don't live with your children, you have the right to parental leave if you keep formal parental responsibility for the children. If you are an agency worker you are entitled to request a break in accordance with legislation once you have completed 12 weeks work with the CCG. Contractors, Office Holders and Honorary contract holders are not entitled to this leave under the legislation. Foster parents do not have rights to parental leave but may be able to request a flexible working pattern. Your Line Manager may ask for evidence that you are entitled to parental leave. This could be:

- your child's birth certificate
- papers confirming your child's adoption or the date of placement in adoption cases
- the award of disability living allowance for your child

Each parent can take a total of up to 18 weeks' parental leave for each child up to their fifth birthday. If your child is adopted, each parent can take a total of up to 18 weeks' parental leave. This can be until the fifth anniversary of their placement with you or until their 18th birthday, whichever comes first. If your child is disabled (that is, receiving disability allowance) each parent has the right to take up to 18 weeks' parental leave until their 18th birthday.

Parental leave is an individual right and you cannot transfer the leave between parents. For example a father cannot decide to take only ten weeks and the mother take 8 weeks.

Parental leave is unpaid. The child must be under 5 (or 18 in special circumstances).

Child	Entitlement
For each child	18 weeks up to their 5th birthday
For each adopted child	18 weeks up to their 18th birthday or 5th anniversary of their adoption, whichever comes first
For each child who qualifies for Disability Living Allowance	18 weeks up to their 18th birthday

The limit on how much parental leave each parent can take in a year is 4 weeks for each child and the parental leave must be taken as whole weeks rather than individual days. This allowance does not extend to those staff with Carer's responsibility.

If staff need time off to care for a sick child or relative on an ad hoc basis then they should explore what options are appropriate with their manager. You may wish to take annual leave, flexi time, unpaid leave, or where the situation is appropriate, working from home.

#### 4.0 EQUALITY STATEMENT

In applying this policy, the organisation will have a due regard for the need to eliminate unlawful discrimination, promote equality of opportunity and provide for good relations between people of diverse groups. In particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation, in addition to offending background, trade union membership or any other personal characteristic.