



North West Ambulance Service



NHS Trust



Delivering the right care, at the right time, in the right place

Flexible Working Procedure

Flexible Working Procedure		Page:	Page 1 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

Recommended by	Executive Management Team
Approved by	Executive Management Team
Approval date	4 September 2014
Version number	2.0
Review date	September 2017
Responsible Director	Director of Organisational Development
Responsible Manager (Sponsor)	Head of Human Resources
For use by	All Trust employees

This procedure is available in alternative formats on request.
 Please contact the Human Resources Department
 on 01204 498400

Flexible Working Procedure		Page:	Page 2 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

Change record form

Version	Date of change	Date of release	Changed by	Reason for change
x.1	15 March 2011	15 March 2011	Lisa Ward	Document creation
x.2	7 October 2011	7 October 2011	Lisa Ward	Amendments from Policy group
1.0	7 November 2011	14 November 2011	Lisa Ward	EMT Approval
1.1	31 March 2014	4 April 2014	Sarah Moss	Minor amendment to Procedure
1.2	27 June 2014	27 June 2014	Julia Thackeray	Amendments following a change in Law
1.3	4 th July 2014	4 th July 2014	Vickie Camfield	Amendments from Policy group
2.0	4 th September 2014	29 th September 2014	Vickie Camfield	Approval from EMT

Flexible Working Procedure		Page:	Page 3 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

Flexible Working Procedure

Contents

1. Introduction.....	5
2. Purpose.....	5
3. Scope	5
4. Definitions	6
5. Eligibility	7
6. Roles and Responsibilities	8
7. Application Procedure.....	10
7.1 Application.....	10
7.2 Flexible Working Request Meeting	11
7.3 Decision	11
7.4 Agreement of Application	12
7.5 Refusal of Application	13
7.6 Withdrawal of Flexible Working Application	13
7.7 Appeal Procedure.....	14
8. Monitoring.....	15
Appendix 1: Flexible Working Application Flowchart	16
Appendix 2: Flexible Working Application Form	17

Flexible Working Procedure		Page:	Page 4 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

1. Introduction

1.1 The Trust recognises that achieving the right balance between work and family or personal commitments can present a major challenge for employees. Through this procedure and other associated provisions, the Trust aims to support employees in creating more flexible working arrangements. The aim of the procedure is to provide a framework which seeks to balance the needs of the service with the needs of the employee. The underlying principle embedded within this procedure is that of flexibility both from the Trust and individual employees, ensuring that services and care to patients are not adversely affected by flexible working arrangements made with employees.

2 Purpose

2.1 The purpose of this procedure is to ensure the Trust is compliant with its legal obligations. This requires that the Trust must consider flexible working requests for all employees.

2.2 The procedure aims to develop understanding amongst managers and employees on the circumstances in which flexible working may be considered and the factors to be taken into account. Through this guidance it is intended to ensure a consistent and equitable approach to the consideration of flexible working requests. However the Trust reserves the right to decline or limit flexible working where it is necessary to ensure the effective operation of the service and in accordance with the permitted statutory grounds for refusal of such requests.

3 Scope

3.1 All employees have a statutory right to request flexible working and this is defined within the section on eligibility below. In all cases there is no automatic entitlement to having that request accepted.

3.1.2 Flexible Working may not always be an appropriate response to an individual's circumstances and this procedure should be read in conjunction with the following policies and procedures:

- Special Leave
- Managing Staff who become Disabled in Employment
- Maternity leave
- Career Break
- Adoption Leave
- Retirement.

Flexible Working Procedure		Page:	Page 5 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

4. Definition

4.1 A flexible working request is one where an employee requests to change their working hours or arrangements from the standard arrangements applicable to the group of employees or location at which they work.

4.2 There are many different types of flexible working arrangements. Not all flexible working requests will be appropriate for the area of service in which employees work, however the following provides an indication of the range and type of working arrangements which may be considered as flexible working.

- Annualised Hours – where people work a committed number of hours each year but these may be distributed unevenly throughout the year.
- Part-time Working – where a person works to a pattern and number of hours by mutual agreement.
- Temporary or Voluntary Reduction in Hours – this might be a temporary change to hours of duty and pay to manage a short term work life balance issue.
- Job Sharing - where more than one employee share the duties, responsibilities and pay of one full time post.
- Compressed Hours – where full time hours are worked over less than 5 days.
- Home working.
- Retirement and re-employment – where an individual takes early retirement and is re-employed in a post which may also offer flexible working.
- Team Self Rostering – where a team takes responsibility for the organisation of their own rosters ensuring that service needs and the needs of individuals are met.
- Staggered Hours – where a team agree to cover certain hours of operation but flex or stagger their hours within those times.
- Flexible Rostering – using periods of work of differing length within an agreed period of time.
- Shift Swapping.
- Term-time Working – where an employee works only during school time.
- Flexi-time – where employees can choose their own start and finish times around fixed core hours.
- Tele-working – where people work from home during all or part of their hours with computer or telecommunications links.
- Other Flexible Working Options.

More detailed guidance is provided on the HR Portal.

Flexible Working Procedure		Page:	Page 6 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

5. Eligibility

5.1 To have statutory eligibility to apply for flexible working arrangements, an employee must have at least 26 weeks continuous service at the date that the request for flexible working is made, and meet all of the following criteria:-

- Be an employee (working under a contract of employment but not be an agency worker);
- Not have made an application to work flexibly under the right during the last 12 months.

5.2 In all cases only one flexible working request may be made in any 12 month period. Where an employee has had a request declined but the circumstances in the team change the manager may within 12 months reconsider the original request if it can now be reasonably accommodated.

6. Roles and Responsibilities

6.1 Employees

6.1.1 Reading the Procedure and meeting the requirements in respect of applications and timescales. Ensure that they consider the needs of the service and the impact on colleagues when making a request, including in their application how they will be able to make their role work on a flexible arrangement, either on a temporary or permanent arrangement without compromising service provision or health and safety requirements.

6.1.2 Providing sufficient information on the application and in discussion to enable the Trust to make an appropriate decision.

6.1.3 Employees also need to recognise the demands of service provision and be prepared to constructively discuss alternatives or changes to their request in order to balance their own wishes with the needs of a service.

6.1.4 Recognising that the majority of flexible working changes will result in a permanent change to the Contract of Employment and taking responsibility for the identification and management of any financial implications arising from that change. Even when a permanent change occurs the employee must recognise that the Trust may seek to revisit the arrangements when the circumstances which prompted the request have changed.

6.2 Managers

Flexible Working Procedure		Page:	Page 7 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

6.2.1 Managers are responsible for considering flexible working requests and must consider all requests from all eligible employees (e.g. employees with 26 weeks continuous service) fairly and reasonably.

6.2.2 The manager will ensure that involvement and open communication is maintained between all parties as appropriate during the consideration process. There are 4 main parties to any change in working patterns:

- Applicant
- Applicant's team
- Wider service provision/interface
- Service users.

6.2.3 Managers also need to take into account all of the relevant service and individual factors when reaching a decision, including reviewing vacancies and other recruitment and retention initiatives.

6.2.4 Managers must meet the timescales set out in Appendix 1 of this Procedure.

6.2.5 To complete the relevant documentation to manage any contractual changes effectively through ESR.

6.3 Human Resources

6.3.1 To advise managers and employees on the content of the procedure and the relevant legislation and to support a consistent approach to decision making.

6.3.2 To monitor application of the Procedure.

7 The Procedure for Requesting Flexible Working

7.1 Application Process

7.1.1 For those employees who meet the statutory eligibility criteria as outlined in Section 5 above, the statutory time period of 3 months referred to in Appendix 1 and throughout the Procedure will strictly apply. Where the Trust is reasonably unable to deal with a request within 3 months the employee will be advised of this together with the reason for it and the revised timescales that will apply.

Flexible Working Procedure		Page:	Page 8 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

7.1.2 An employee who wishes to make a request for flexible working must do so in writing to his/her line manager. A pro forma for this can be found at Appendix 2. Any request must include the following information:

- That it is a request to change terms and conditions of employment
- Specify the change applied for and the date on which it is proposed the change should become effective
- The times/hours willing to work
- The type of flexible working being requested
- The reasons for the request
- Practicalities of the request, impact on colleagues and the service
- Willingness to consider alternative flexible working patterns

7.1.3 The employee must make sure that the application is completed in full (as any omissions could cause a delay to the process) and then submit this to their line manager for consideration. The line manager will confirm receipt of the application by using the tear off slip at the bottom of the Flexible Working Application Form and returning this to the employee. The line manager will also notify HR of the application and the date of its receipt. For the purpose of this Procedure, the date of receipt will be the date on which the line manager physically receives the request, for example where the manager is absent as a result of sickness or annual leave the timescales will commence from the manager's date of return.

7.1.4 The line manager will consult with the HR Department regarding the application, and will consider the application on an individual basis, taking into account the reasons for the request and the ability to maintain operations within their part of the service if the application was granted. The line manager will then arrange to meet with the employee to discuss the application and explore the options. The meeting must happen within 28 days of the application being received.

7.2 Flexible Working Request Meeting

7.2.1 The time and date of the meeting should be convenient to both the employee and the line manager.

7.2.2 Employees are entitled to bring a trade union representative or a work colleague to support them at this meeting if they wish. They are not permitted to bring along someone acting in a legal capacity.

7.2.3 A member of the HR department may also be present where this is determined to be appropriate.

Flexible Working Procedure		Page:	Page 9 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

7.2.4 The purpose of the meeting will be to explore the flexible working request in more detail. This may include clarifying any issues which are not clear within the application, discussing the practicalities of the proposal, the impact on the service, team and exploring alternatives options where these are practical.

7.2.5 At the meeting the line manager must also ensure that the employee is made aware of the impact that any changes to their contracted hours will have on their pay, annual leave, sickness and maternity leave entitlements. For further advice and guidance on these matters the line manager should contact their local HR department.

7.2.6 Where the flexible working request is made for specific reasons, for example caring responsibilities, the employee should be advised that the Trust reserves the right to discuss a return to normal working arrangements when the circumstances which prompted the original request have changed.

7.3 The Decision

7.3.1 Following the meeting, the line manager will notify the employee in writing within 14 calendar days of the Trust’s decision.

7.3.2 If the employee has a statutory right to make a request for flexible working and the line manager needs more time to come to a decision, they must obtain the written agreement of the employee for an extension to the 14 calendar days in which to inform them of the decision following the meeting.

7.3.3 When reaching a decision regarding flexible working a manager should consider all the relevant issues and in particular the following:

- Impact on service delivery
- Issue faced by the employee and evidence of work life balance issues causing performance or attendance issues
- Health and safety including any lone worker or working time directive issues
- Impact on other employees in the team
- Alternatives options where the request cannot be agreed in its current form
- Should the request be agreed on a temporary or permanent basis. (This will be affected by the reason for the request and whether circumstances will change in the future).
- Collective Agreements

7.4 Agreement of the Application

Flexible Working Procedure		Page:	Page 10 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

- 7.4.1 If the request for Flexible Working is agreed, this should be confirmed in writing to the employee. This must be sent within 14 calendar days of the meeting. It will specify the agreed contract variation and the date on which the new flexible working arrangements are to take effect, along with the end date. Where there is no end date the change to the employee's terms and conditions is permanent and the employee has no legal right to revert to their former contract. The manager will also be responsible for completing relevant ESR documentation to make the necessary changes for payroll purposes.
- 7.4.2 The proposed date for any new working pattern to commence must be no greater than 6 months from the date of the application, with the exception of those employees on maternity or adoption leave who are able to request new working patterns which would be effective from the date of return to work.
- 7.4.3 In respect of retiring and returning to work; For the purpose of continuity of employment rights, there must be a break between retiring and returning to work of no less than seven days and as a minimum period must be from Sunday to Saturday inclusive.
- 7.4.3 The line manager may use their discretion in exceptional circumstances, and where it is reasonably practicable to do so, to agree with the employee a trial period of a requested flexible working arrangement, which should not exceed 3 months in duration. This may be to establish whether a proposed new working pattern is suitable for both parties in the long term. At the end of any such trial period a further flexible working request meeting should be arranged at which a decision should be reached.
- 7.4.4 The undertaking of the trial period does not constitute agreement of the Flexible Working Request.

7.5 Refusal of an Application

- 7.5.1 The Trust will give serious consideration to an employee's particular preferences for flexible working and in circumstances where an employee's specific preferences cannot be accommodated, efforts will be made to explore alternatives with a view to reaching an agreement on an appropriate working arrangement. However this may not always be possible.
- 7.5.2 If the request for flexible working is denied, a refusal letter will be sent out to the employee within 14 calendar days of the meeting by the line manager and will detail on what grounds the application has been refused.
- 7.5.3 A flexible working request may be refused on one or more of the following grounds:-
- Burden of additional financial costs
 - Detrimental effect on the ability to meet service demands

Flexible Working Procedure		Page:	Page 11 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

- Inability to re-organise existing work amongst current employees or recruit additional employees. There must be no indirect detriment to other employees i.e. by limiting freedom to take leave, by increasing the number of unsociable hours worked by employees without their approval, or by limiting their ability to seek flexible working suitable to their own needs
- Detrimental impact on quality or performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes
- Inability to ensure that essential working times are always covered

7.5.4 It is recognised that the needs of the Trust, including the requirement to maintain job skills, will not always be compatible with the desire to offer flexible working practices. For this reason each request for a change in working arrangements will be considered on its own merit.

7.6 Withdrawal of Flexible Working Application

7.6.1 The Trust will consider that a flexible working request has been withdrawn in the following circumstances:-

- Where an employee has notified their line manager in writing that they wish to withdraw their application;
- Where an employee has without reasonable cause failed more than once to attend a meeting or appeal meeting;
- Where an employee has without reasonable cause, refused to provide the line manager with information required in order to assess whether the request can be accommodated.

7.6.2 The line manager should confirm any withdrawal for flexible working to the employee in writing, unless the employee has already provided written notice of the withdrawal in which case the line manager should then send an acknowledgment.

7.6.3 An employee who withdraws their application for flexible working, or whose application has been withdrawn will not be eligible to make another application for 12 months from the date that their original application was made.

7.7 Appeal Procedure

7.7.1 The employee is entitled to appeal against the Trust's decision to refuse a Flexible Working Request.

7.7.2 If the employee wishes to appeal they must submit their appeal in writing to the line manager within 14 days of receipt of the outcome letter. The appeal should set out the grounds for appeal and must be signed and dated.

Flexible Working Procedure		Page:	Page 12 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

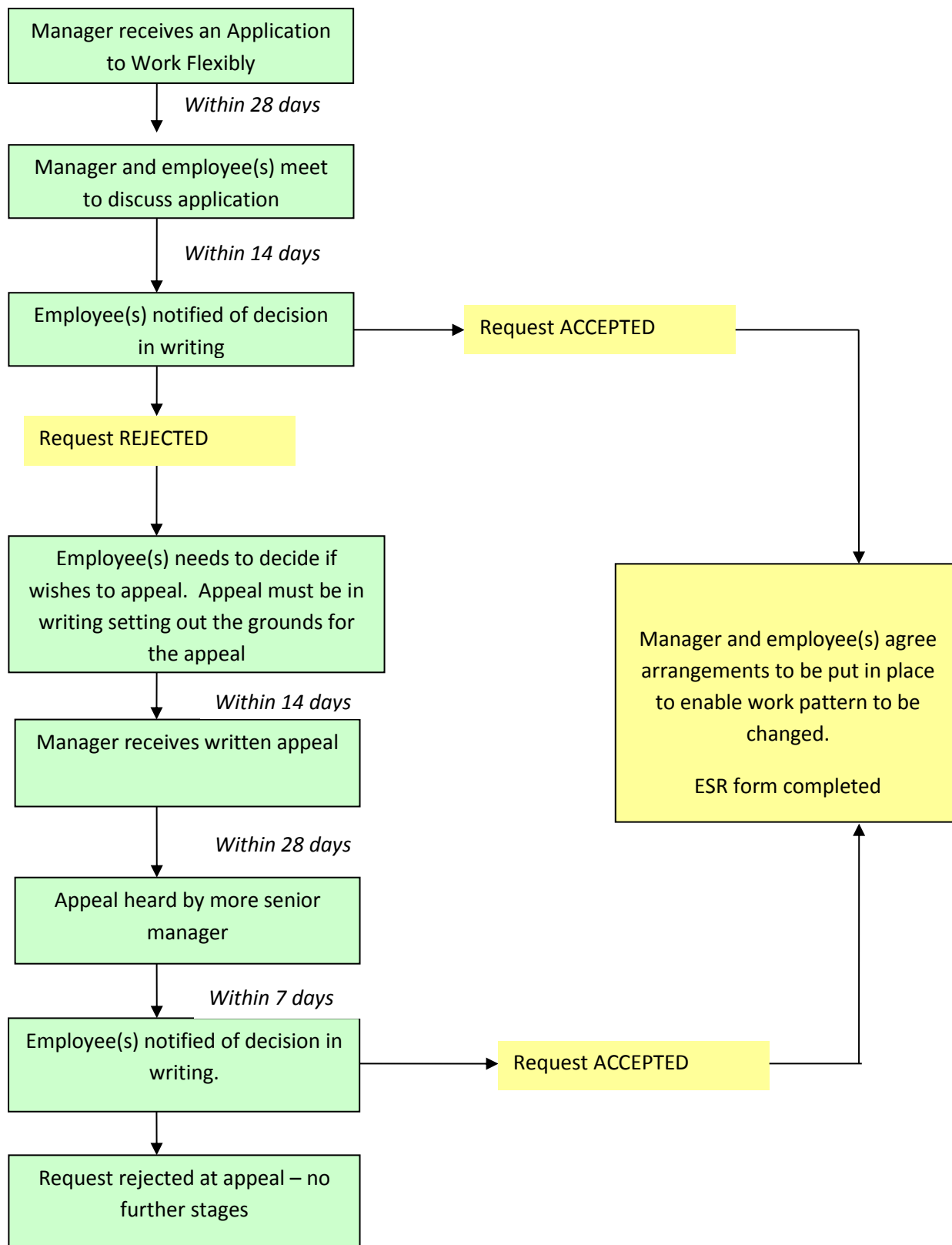
- 7.7.3 The appeal would then be heard by the line manager's manager and a member of the HR department
- 7.7.4 The manager hearing the appeal will arrange a flexible working request appeal meeting with the employee within 28 calendar days of receipt of the appeal.
- 7.7.5 Employees are entitled to bring a trade union representative or a work colleague to support them at this meeting if they wish. They are not permitted to bring along someone acting in a legal capacity.
- 7.7.6 The manager who hears the appeal will issue the employee with written confirmation of their decision within 7 calendar days of the appeal meeting.
- 7.7.7 Where the Trust allows the appeal (i.e. the flexible working request is agreed) the confirmation of the decision must specify the agreed contract variation and the date on which the new flexible working arrangements are to take effect. The change to the employee's terms and conditions is permanent and the employee has no legal right to revert to their former contract.
- 7.7.8 Where the Trust upholds the decision of the initial meeting (i.e. the flexible working request continues to be refused), the confirmation letter will state the grounds for this refusal and will provide a sufficient explanation as to why these grounds apply.
- 7.7.9 A written notice of the outcome constitutes the Trust's final decision.
- 7.7.10 The Grievance procedure will not be open to an employee who disagrees with the Trust's decision on a flexible working request or appeal decision. The Grievance procedure may however, be invoked in relation to procedural issues.
- 7.7.11 It is the principle of this procedure that the flexible working request appeals should be heard at the lowest appropriate level of the Trust management structure by a manager within the employee's directorate or functional area, thereby facilitating the resolution and timeliness of the request process. This will also promote ownership of the issue and the resolution by line managers.

8. Monitoring

- 8.1 The Director of Organisational Development is responsible for monitoring overall compliance with this Procedure.
- 8.2 Individual Heads of Human Resources will monitor compliance with the procedure through review of individual applications. Any concerns noted by the Heads of HR will be reported to the Director of Organisational Development.

Flexible Working Procedure		Page:	Page 13 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

Appendix 1: Flexible Working Application Flowchart



Flexible Working Procedure		Page:	Page 14 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

Appendix 2: Flexible Working Application Form

This application must be completed and submitted to your line manager. Please provide as much detail and advanced notice as possible prior to the proposed start date.

Name	Job Title
Work base and address	
Contact number	Email
Number of contracted hours	Contracted hours start date
Have you applied to work flexibly before? <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No	
Application Type <input type="checkbox"/> Individual <input type="checkbox"/> Group (please provide or attach details)	

Date prefer change to be effective from _____	
I / we wish to apply for a	<input type="checkbox"/> Permanent change
	<input type="checkbox"/> Temporary change <i>from:</i> _____ <i>to</i> _____ <i>inclusive</i>
NB: Please note that any agreed change must start within 6 months of the date of application.	

Section A (Statement)

I would like to apply to work a flexible working pattern that is different to my current working pattern, under my right provided by law and in line with the Trust's Flexible Working Procedure.

All applicants must complete the following sections:

1) The reasons for my request to work flexibly are as follows:

(please continue on a separate sheet if necessary)

Flexible Working Procedure		Page:	Page 15 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

2) Describe your current working pattern (days/hours/time worked):

Current weekly contracted hours:

Working days p/week (*please detail current work pattern i.e. Mon – Fri, any 5 in 7 etc*)

For employees working part-time please provide details of which days worked and the hours per day each week / fortnight

- Monday Tuesday Wednesday Thursday Friday
 Saturday Sunday

3) Describe the working pattern you would like to work in the future (days/hours/time worked):

4) I think this change in my working pattern will affect my employer and colleagues as follows:

5) I think the effect on my employer and colleagues can be dealt with as follows:

6) I would like this new working pattern to commence from:

NB: The proposed date must be no greater than 6 months from the date of application, with the exception of those employees on maternity leave who are able to request new working patterns which would be effective from their date of return to work

Declaration

I am making this application to work a flexible working pattern that is different to my current working pattern, under my right provided by law and in line with the Trust’s Flexible Working Procedure.

I understand that the right of application for flexible working does not imply a right to vary my hours and that variation of days/hours/shifts is at management discretion in accordance with the needs of the Trust.

Flexible Working Procedure		Page:	Page 16 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017

Signed: _____ Name: (printed) _____

Dated: _____

Name of Line Manager (printed): _____ Job Title: _____

Signature of Line Manager: _____ Date received: _____

Section D For Line Manager use only

Employers Confirmation of Receipt of Application (to be completed and returned to the employee)

I confirm receipt of your Flexible Working Application Form on _____

I will contact you within the next 28 calendar days to arrange a meeting to discuss this application. You will be entitled to bring a trade union representative or a work colleague to support you at this meeting if you wish. You are not permitted to bring along someone acting in a legal capacity.

Signed _____ (Line Manager)

Date: _____

Flexible Working Procedure		Page:	Page 17 of 17
Author:	Head of Human Resources	Version:	2.0
Date of Approval:	4 September 2014	Status:	Final
Date of Issue:	29 September 2014	Date of Review	September 2017