

Nene Clinical Commissioning Group

FLEXIBLE WORKING POLICY

NENE CCG: HR:07

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Name of responsible committee/individual:	CCG Corporate Services
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ASSISTANCE WITH THE APPLICATION OF THIS POLICY AND UPDATES

This policy has been prepared so as to reflect the law as at 1 June 2013. The policy will require periodic review to reflect subsequent changes to the law. Changes to employment law have generally been made on 1 February, 1 April and 1 October in any given year.

For advice and assistance in relation to the application of this policy and to obtain updates please contact:

Your line manager in the first instance or Corporate Services,
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VERSION CONTROL SHEET

VERSION No.	DATE	WHO	STATUS	COMMENT
1	09.07.13	Stephen Wright	Draft	
2	14.08.13	Julie Fitzpatrick	Draft	
3	30.12.13	Julie Fitzpatrick	Final	Post Union Consultation
4	04.02.14	Julie Fitzpatrick	Final	Post equality review

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1. INTRODUCTION

- 1.1 This Flexible Working Policy gives eligible employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests.
- 1.2 It allows any employee to make such a request informally without following the statutory procedure.
- 1.3 Managers are encouraged to facilitate requests unless they cannot be accommodated for business or operational reasons.
- 1.4 No-one who makes a request for flexible working will be discriminated against or suffer any detriment for changing their work pattern in accordance with this policy.
- 1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time.
- 1.6 Further information is available from your Line Manager.

2. DEFINITIONS

- 2.1 "Partner" means someone you live with as if you were married or in a civil partnership.

3. SCOPE

- 3.1 This policy applies to all employees It does not apply to agency workers, consultants or self-employed contractors.
- 3.2 Employees with at least 26 weeks' continuous service who have caring responsibilities for children under 17, disabled children and adults in need of care have a statutory right to request flexible working. That right is recognised by the formal procedure in this policy. The criteria for deciding who is eligible to follow the formal procedure is set out at paragraph 5.
- 3.3 Employees who do not meet the eligibility criteria for the formal procedure, but who want to make changes to their working arrangements, may make an informal request under paragraphs 11 to 15 to their Line Manager, who will consider the request according to the CCG's business and operational requirements.
- 3.4 Employees can only make one request to work flexibly in a 12 month period. Therefore, any employee who has made a request to work flexibly during the 12

months preceding the date of their most recent application will not be eligible to apply.

- 3.5 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the CCG's Equality, Inclusion and Human Rights Policy.

4. TYPES OF FLEXIBLE WORKING

- 4.1 The following are examples of flexible working patterns which the CCG will support although any other proposals will be considered:

4.1.1 Variable time working / Compressed working hours;

4.1.2 Home-working;

4.1.3 Part time working;

4.1.4 Job share;

4.1.5 Annual hours;

4.1.6 Term time working;

4.1.7 Flexible working time;

4.1.8 Flexible location/Touchdown sites;

4.1.9 Career Breaks;

4.1.10 Flexible Retirement; and

- 4.2 This policy is not to be implemented where there is a need for an immediate period of leave. This is to be covered in the "Special Leave" policy.

5. ELIGIBILITY FOR THE FORMAL RIGHT TO REQUEST PROCEDURE

- 5.1 Requests under the formal procedure set out in paragraphs 6 to 9 of this policy can only be made by employees who meet the criteria set out below.

- 5.2 To be eligible to make a request under the formal procedure, you must:

5.2.1 be an employee;

5.2.2 have worked for us continuously for 26 weeks at the date your request is made;

- 5.2.3 be making the request because of your caring responsibilities; and
 - 5.2.4 not have made a formal request to work flexibly during the last 12 months.
- 5.3 You can make a flexible working request to care for a child if:
- 5.3.1 the child is under 17 or is under 18 and in receipt of disability living allowance;
 - 5.3.2 you are responsible for bringing up the child; and
 - 5.3.3 either:
 - 5.3.3.1 you are the mother, father, adopter, guardian, special guardian, foster parent or private foster carer of the child; or
 - 5.3.3.2 you are married to, or the civil partner or partner of, the child's mother, father, adopter, guardian or foster parent. ; or
 - 5.3.3.3 you or your spouse, partner or civil partner have a residence order in force in your favour in respect of the child.
- 5.4 You can make a flexible working request to care for an adult who is in need of care if you are (or expect to be) the person who cares for that adult, and they are either:
- 5.4.1 your spouse, partner or civil partner;
 - 5.4.2 your relative; or
 - 5.4.3 neither of the above, but living at the same address.

6. MAKING A FORMAL RIGHT TO REQUEST

- 6.1 You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure.
- 6.2 Your written and dated application should be submitted to your Line Manager and, in order to meet the requirements of the formal procedure and to help your Line Manager consider your request, should:
 - 6.2.1 state the reason for your request, whether to care for a child or adult;

- 6.2.2 give details of the demands of your caring responsibilities;
 - 6.2.3 provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;
 - 6.2.4 identify the effect the changes to your working pattern will have on the work that you do, that of your colleagues and on service delivery. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application;
 - 6.2.5 provide information to confirm that you meet the eligibility criteria set out in paragraph 5 of this policy;
 - 6.2.6 state whether you have made a previous formal request for flexible working and, if so, when; and
 - 6.2.7 submit the request in good time and ideally at least two months before you wish the changes you are requesting to take effect.
- 6.3 The CCG might be able to agree your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, your Line Manager will write to you, confirming the decision and explaining the changes that will be made to your contract of employment.
- 6.4 If your proposal cannot be accommodated, discussion between you and your Line Manager may result in an alternative working pattern that can assist you.

7. FORMAL PROCEDURE – MEETING

- 7.1 Where possible, your Line Manager will attempt to arrange to meet with you within 14 days of your application being submitted, however, this meeting will take place no longer than 28 days after receipt of your application. The meeting will also be attended by a Human Resources representative. You may bring a colleague to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.
- 7.2 In most cases, the meeting will be held at your usual place of work. However, the CCG will ensure that the meeting is held at a time and place that is convenient to you.
- 7.3 The meeting will be used to consider the working arrangements you have requested. You will be able to explain how the arrangements will accommodate

your caring responsibilities. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues and of your team or department. If the arrangements you have requested cannot be accommodated, discussion at the meeting will also provide an opportunity to explore possible alternative working arrangements.

- 7.4 Your Line Manager may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team or department.

8. FORMAL PROCEDURE - DECISION

- 8.1 Following the meeting, your Line Manager will notify you of the decision in writing within 14 days.
- 8.2 If your request is accepted, or where the CCG propose an alternative to the arrangements you requested, your Line Manager will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work that your Line Manager will discuss with you.
- 8.3 Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent. You will not be able to make another formal request until 12 months after the date of your most recent request.
- 8.4 If your Line Manager needs more time to make a decision, they will ask for your agreement to delay the decision for up to a further 14 days. A request for an extension is likely to benefit you. For example, your Line Manager may need more time to investigate how your request can be accommodated or to consult several members of staff.
- 8.5 There will be circumstances where, due to business and operational requirements, the CCG are unable to agree to a request.
- 8.6 In these circumstances, your Line Manager will write to you:
- 8.6.1 giving the business reason(s) for turning down your application;
 - 8.6.2 explaining why the business reasons apply in your case; and

- 8.6.3 setting out the appeal procedure.
- 8.7 The eight business reasons for which the CCG may reject your request are:
 - 8.7.1 the burden of additional costs;
 - 8.7.2 detrimental effect on ability to meet customer demand;
 - 8.7.3 inability to reorganise work among existing staff;
 - 8.7.4 inability to recruit additional staff;
 - 8.7.5 detrimental impact on quality;
 - 8.7.6 detrimental impact on performance;
 - 8.7.7 insufficiency of work during the periods that you propose to work; and
 - 8.7.8 planned changes.

9. FORMAL PROCEDURE - APPEAL

- 9.1 If your request is rejected, you have the right to appeal.
- 9.2 Your appeal must:
 - 9.2.1 be in writing and dated;
 - 9.2.2 set out the grounds on which you are appealing; and
 - 9.2.3 be sent to the person issuing your outcome letter within 14 days of the date on which you received the written rejection of your request.
- 9.3 The person who issued your outcome letter will arrange for a meeting to take place within 14 days of receipt of your appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered your request, you may be accompanied by a colleague.
- 9.4 An Appeal Panel may consist of the originating manager and the Service Head who will hear the appeal.
- 9.5 You will be informed in writing of the Appeal Panel's decision within 14 days of the date of the appeal meeting.
- 9.6 If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, and an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your

personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that your Line Manager will discuss with you.

- 9.7 You should be aware that changes to your terms of employment will be permanent and you will not be able to make another formal request until 12 months after the date of your original application.
- 9.8 If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You will not be able to make another formal request until 12 months after the date of your original application.
- 9.9 The decision made by the Service Head at the end of this appeal is final and absolute, and there are no other mechanisms open for appeal within the CCG.

10. BREACHES OF THE FORMAL PROCEDURE

- 10.1 There will be exceptional occasions when it is not possible to complete a stage of the procedure within the expected time limits. Where an extension of time is agreed with you, your Line Manager will write to you confirming the extension and the date on which it will end.
- 10.2 If you withdraw a formal request for flexible working, you will not be eligible to make another formal request for 12 months from the date of your original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:
 - 10.2.1 you fail to attend two meetings under the formal procedure without reasonable cause; or
 - 10.2.2 you unreasonably refuse to provide information we require to consider your request.
- 10.3 In such circumstances, your Line Manager will write to you confirming that the request has been treated as withdrawn.

11. ELIGIBILITY FOR THE INFORMAL RIGHT TO REQUEST PROCEDURE.

- 11.1 Requests under the informal procedure set out in paragraphs 12 to 15 of this policy can be made by all employees, at all levels and in all areas of work.

12. MAKING AN INFORMAL REQUEST

- 12.1 Employees who wish to make an informal request for flexible working may make a request to their Line Manager, who will consider it according to the CCG's business and operational requirements.
- 12.2 It will help your Line Manager to consider your request if you:
 - 12.2.1 make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent;
 - 12.2.2 provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;
 - 12.2.3 think about what effect the changes to your working pattern will have on the work that you do and on your colleagues, as well as on our service delivery and that of your team or department. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application. Your Line Manager can consider whether they are workable; and
 - 12.2.4 give details of the demands of your caring responsibilities, if you have any.
- 12.3 The CCG may be able to agree your proposal without the need for a meeting. If that is the case, your Line Manager will write to you, confirming the decision.

13. INFORMAL PROCEDURE - MEETING

- 13.1 Your Line Manager will arrange to meet with you within a reasonable time frame to discuss your request should the CCG not be able to agree to your proposal. The meeting will also be attended by a Human Resources representative. You may bring a colleague to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.
- 13.2 The meeting will be used to consider the working arrangements you have requested. You will be able to explain how the arrangements will accommodate your caring responsibilities. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues and of your team or department. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

- 13.3 Your Line Manager may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team or department.

14. INFORMAL PROCEDURE - DECISION

- 14.1 Following the meeting, your Line Manager will notify you of the decision in writing within a reasonable timeframe.
- 14.2 If your request is accepted, or where the CCG propose an alternative to the arrangements you requested, your Line Manager will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that your Line Manager will discuss with you.
- 14.3 Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent.
- 14.4 If your request is rejected, you may make a formal request using the procedure described in this policy.

15. DUE REGARD

This policy has been reviewed in relation to having due regard to the Public Sector Equality Duty (PSED) of the Equality Act 2010 to eliminate discrimination; harassment, victimisation; to advance equality of opportunity; and foster good relations.

16. EQUALITY STATEMENT

Nene Clinical Commissioning Group (CCG) aims to design and implement policy documents that meet the diverse needs of our services, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Hum Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their personal circumstances, i.e. the protected characteristics of their age, disability , sex

(gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.

In carrying out its function, Nene CCG must have due regard to the Public Sector Equality Duty (PSED). This applies to all activities for which Nene CCG is responsible, including policy development, review and implementation.

Appendix 1 – Formal Flexible Working Request Checklist

