



Flexible Working Arrangements Policy

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The Trust will not tolerate unlawful discrimination on the grounds of the protected characteristics of: age, disability, race, nationality, ethnic or national origin, gender, pregnancy or maternity, marriage or civil partnership, religion, beliefs, sexual orientation and gender reassignment. The Trust will not tolerate unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership, HIV status, political affiliation, domestic circumstances and social and employment status. In addition, the Trust will have due regard to advancing equality of opportunity between people from different groups and foster good relations between people from different groups.

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1. Policy Statement

- 1.1 This document outlines the Flexible Working Arrangements Policy and Procedure for the East of England Ambulance Service NHS Trust (the Trust). The Trust acknowledges the importance for employees of achieving a balance between work and family commitments.
- 1.2 All flexible working requests will be given due consideration. However, the Trust reserves the right to place restrictions on the operation of flexible working, where necessary, to ensure the effective operation of the service and in accordance with the permitted statutory grounds for refusal.
- 1.3 The Trust will consider flexible working options as part of their duty to make reasonable adjustments for disabled staff and job applicants under the Disability Discrimination Act 1995 and the Equality Act 2010.
- 1.4 In consideration of flexible working requests, managers will be mindful that individual circumstances vary. Previous decisions will not set a precedent for future decisions. All applications for flexible working will be considered on an individual basis.
- 1.5 This procedure meets the requirements of the Employment Act 2002 (As amended 2008) and Flexible Working regulations 2014 and has been written in partnership by management and staff side.

2. Scope

- 2.1 This policy applies to all eligible staff employed by the Trust.

3. Access To The Procedure

- 3.1 All employees are entitled to access to this policy which is located in the HR Policies and Procedures Folders and/or on the Trust's Intranet. However, if you require this Policy in any other format please seek guidance from the Human Resources Department, your line management or trade union representative.
- 3.2 Employees and Managers may also wish to consult related Trust policies such as Special Leave, Grievance, Internal Transfer, Dignity at Work, Shared Parental Leave, Maternity Leave and Pay, Adoption Leave and Pay, Disability and section 34 of the NHS Terms and Conditions of Service Handbook.
- 3.3 The Department for Business, Innovation and Skills (BIS), formerly Department of Business, Enterprise and Regulatory Reform, website <http://www.bis.gov.uk> provides useful general guidance in relation to Flexible Working Requests.

4. Roles And Responsibilities

- 4.1 The Human Resources Department is responsible for keeping the provisions

within this policy in line with employment legislation, best practice people management principles and NHS guidelines.

- 4.2 Managers, HR staff and trade union representatives are responsible for providing advice and guidance to employees on the application of this policy and procedure.
- 4.3 Management and trade union representatives are responsible for bringing any mutually beneficial improvements to this policy to the attention of the Trust
- 4.4 Employees are responsible for obtaining information and advice and for providing such information and documentation as is necessary in order to secure these entitlements.

5. Eligibility

- 5.1 The Trust will consider flexible working requests from any employees.
- 5.2 Where an employee has made a flexible working request, the Trust will give serious consideration to it but this does not mean employees have an automatic entitlement to the request being accepted.
- 5.3 Although there is only generally a statutory right for one request in each 12 month period, the Trust will consider further applications within that period if circumstances have changed.

6. Types Of Flexible Working Request

- 6.1 There are many different types of flexible working arrangements, which may include:
 - Reduction/increase in working hours;
 - Staggered hours;
 - Tele-working;
 - Flexi-time/flexible rostering;
 - Part-time working;
 - Job Sharing;
 - Home working;
 - Working term-time only;
 - School time contacts
 - Compressed working hours;
 - Annualised hours.
 - Fixed working patterns

NB This is not an exhaustive list.

- 6.2 Where an employee has a request agreed to increase their working hours to full time hours through this Policy, they would then become eligible to add their name to the Trust's Internal Transfer list, in line with the Internal Transfer Policy. Where any increase in hours to full time hours results from a

flexible working application, the change in hours will commence on the agreed effective date, irrespective of where the employee sits on the Internal Transfer list.

7. The Application Procedure

- 7.1 Before formally applying it may well be beneficial for the employee to have an informal discussion with their line manager regarding the application procedure itself, the options available and the pattern of working being considered. Having this informal discussion may improve the chances of reaching an early agreement.
- 7.2 The application process and timescales are shown as a flowchart in Appendix 1. Where the Trust is reasonably unable to meet these timescales, the employee will be advised of this together with the reason for it and the revised timescale that will apply.
- 7.3 Applications to request flexible working must be submitted to your line manager for consideration using the Flexible Working Application Form (Appendix 2). Applicants should ensure that the application is completed in full, as any omissions could cause delay to the process. Your line manager will confirm the date of receipt of your application and notify the Human Resources Department.
- 7.4 The proposed date for any new working pattern to commence must be no greater than 6 months from the date of application, with the exception of those members of staff on maternity leave who are able to request new working patterns which would be effective from the date of return to work.
- 7.5 Within 28 calendar days of receiving your application for flexible working, your manager will consider your request and may either:
 - agree to the changes and notify you accordingly; or
 - hold a meeting with you to discuss the application.

8. Flexible Working Request Meeting

- 8.1 The time and place of the meeting should be convenient to both the employee and the manager.
- 8.2 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 someone acting in a legal capacity.
- 8.3 A member of the Human Resources Department may also be present at the request of the manager or employee.
- 8.4 Within 14 calendar days of the meeting, the line manager will inform the employee in writing or via email of their decision.
- 8.5 If the manager needs more time to come to a decision, they must obtain the agreement of the employee either in writing or via email for an extension to the 14 days in which to inform them of a decision following the meeting.

8.6 The manager may use their discretion in exceptional circumstances, and where it is reasonably practical to do so, to agree with the employee a trial period of a requested flexible working arrangement. 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, the initial flexible working request meeting should be reconvened to enable a decision to be reached. The undertaking of a trial period does not constitute agreement of the Flexible Working Request. Any trial should be set out in writing or via email and be agreed by both the employer and the employee.

9. Agreement

9.1 If the Trust is able to agree to the flexible working request of an employee, **this will be a permanent contractual change.**

9.2 In exceptional circumstances, a line manager and employee may agree to further changes but neither party would have an automatic right to insist on further changes. The employee has no right to revert back to their previous working pattern as the change is permanent.

9.3 Where the flexible working request is agreed, confirmation in writing will be sent out to the employee within 14 calendar days. It will specify the agreed contract variation and the date on which the new flexible working arrangements are to take effect. A copy of this will be retained on the employee's personnel file.

9.4 A sample agreement letter for use by managers is attached in Appendix 4.

10. Refusal

10.1 The Trust must have a sound business reason for rejecting the request and must provide objectively justifiable reasons for this and give a clear demonstrable operational reason why it is not practical.

10.2 A flexible working request may be refused on one or more of the following grounds:

- Burden of additional costs;
- Detrimental effect on the ability to meet customer demand;
- Inability to reorganise work among existing staff
- Inability to recruit additional staff;
- Detrimental impact on quality;
- Detrimental impact on performance;
- Insufficiency of work during the periods the applicant proposes to work;
- Planned structural changes.

10.3 In considering these business reasons an employer must be careful not to inadvertently discriminate against particular employees because of their protected characteristics such as where flexible working arrangements would be a reasonable adjustment for a disabled employee. Please refer to the Trust's Disability Policy.

10.4 If the Trust refuses the request, the employee will be advised in writing or via email. This will state on which of the permitted grounds the request was refused.

10.5 A sample rejection letter for use by managers is attached in Appendix 5.

11. Withdrawal Of The Application

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

- Where an employee has notified the line manager in writing or via email that they wish to withdraw their request;
- Where an employee has, without reasonable cause, completely disengaged from the process.

11.2 The line manager should confirm the withdrawal of the request to the employee in writing or via email using the sample letter attached as Appendix 7 unless the employee has already provided notice in writing or via email of the withdrawal in which case an acknowledgement should be sent. A copy of this will be retained on the employee's personnel file.

12. Appeal Procedure

12.1 The employee is entitled to appeal against the Trust's decision to refuse a flexible working request. This must be done in writing or via email within 14 calendar days of receipt of the refusal letter using the Appeal Form at Appendix 3.

12.2 The notice of appeal must be made to the Human Resources Department, setting out the grounds for appeal.

12.3 The appeal would normally be heard by the line managers' manager, or as determined by the Staff Partnership Forum (see Section 13 below).

12.4 The manager hearing the appeal will arrange a flexible working request appeal meeting with the employee within 14 calendar days of receipt of the appeal notice.

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

12.6 The manager who hears the appeal will give written, dated notice of their decision within 14 calendar days of the appeal meeting (see Appendix 6).

12.7 Where the Trust upholds the appeal (i.e. the request for flexible working is agreed), the decision notice must specify the contract variation agreed to and the date on which it is to take effect. Section 9 of this policy would then apply.

- 12.8 Where the Trust upholds the decision of the initial meeting (i.e. the request to flexible working continues to be refused), the notice will state the grounds for this refusal and contain sufficient explanation as to why these grounds apply.
- 12.9 Where the appeal hearing has upheld the decision of the initial meeting the notice issued must also be sent to the joint chairs of the Staff Partnership Forum for monitoring and consistency purposes.
- 12.10 A written notice of the appeal outcome constitutes the Trust's final decision.
- 12.11 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.

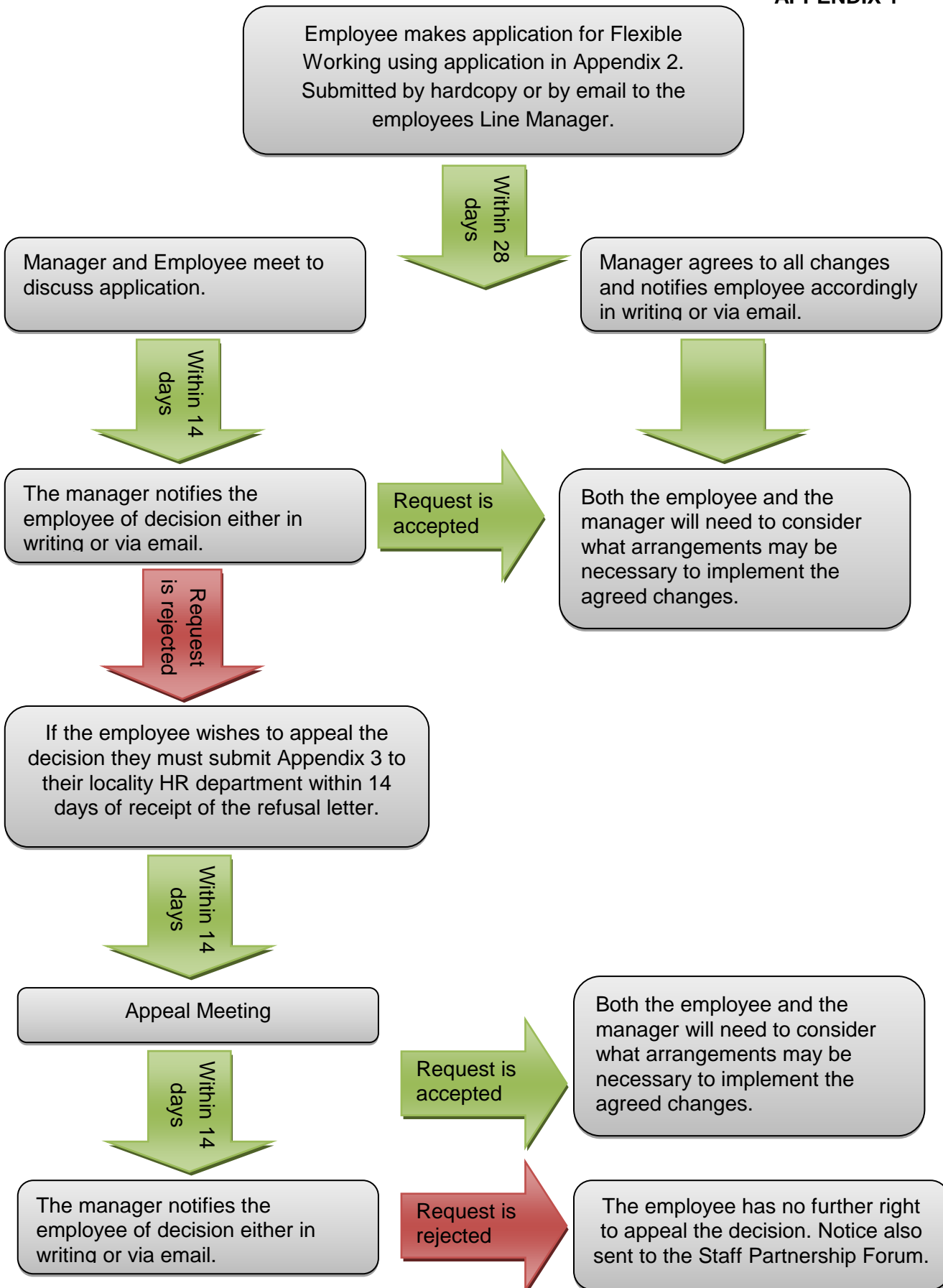
13. Staff Partnership Forum And Appeal Panel Composition

- 13.1 It is the principal of this policy that flexible working request appeals should normally be heard by the line managers' manager, thereby facilitating the resolution and timeliness of the request process. This will also promote ownership of the issue and its resolution by line managers.
- 13.2 Where, for whatever reason, the appeal will not be heard by the line managers' manager the decision on the composition of the flexible working request appeal panel will be made by designated senior members of the Human Resources Department and staff-side members of the Staff Partnership Forum. Any such panel composition decisions will therefore be made in partnership between one member of staff-side and one of the nominated members of the Human Resources Department.

14. Policy Review

- 14.1 This policy will be reviewed on a three yearly basis or amended in the light of new employment legislation and/or relevant case law.

APPENDIX 1



FLEXIBLE WORKING APPLICATION FORM

Name of employee:	
Job title:	
<p>Your application will be dealt with in the statutory timescales outlined within the Flexible Working Arrangements Policy (or these may be extended by agreement by both parties). Where the Trust is reasonably unable to meet these timescales, the employee will be advised of this together with the reason for it and the revised timescale that will apply.</p>	
All applicants must complete the following sections:	
<p>The reasons for my request to work flexibly are as follows (please continue on a separate sheet if necessary):</p>	
<p>Describe your current working pattern (days/hours/times worked):</p>	
<p>Describe the working pattern you would like to work in the future (days/hours/times worked):</p>	
<p>I think this change in my working pattern will affect my employer and colleagues as follows:</p>	

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

I would like this new working pattern to commence from:

Proposed date must be no greater than 6 months from date of application, with the exception of those members of staff on maternity leave who are able to request new working patterns which would be effective from the date of return to work.

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/shift patterns is at management discretion, in accordance with the needs of the Trust.

I understand that if my request is agreed this will result in a permanent change to my contract of employment, and I have no right in law to return to my previous working pattern.

Signed:

Name (printed):

Dated:

For Line Managers use only:

Signature of Line Manager: _____ **Date received:** _____

For the Human Resources Department use only:

Date received by the HR Department: _____

Date letter issued: _____

Meeting arranged for: _____

------(Cut)

Employer's Confirmation of Receipt (to be completed and returned to employee either in writing or via email)

I confirm receipt of your flexible working application form on:

I will arrange to meet with you within the next 28 days, or accept your request.

Signed (line manager):

Date:

FLEXIBLE WORKING APPEAL FORM

Note to employee: Appeal forms to be submitted within 14 days of receiving written or emailed notification that your application for flexible working has been turned down.

To: _____

I wish to appeal against the decision to refuse/amend my application for flexible working. I am appealing on the following grounds (please be as descriptive as possible):

(Please continue on a separate sheet if necessary).

Further information in support of my appeal is included below (where appropriate):

I understand that the written notice of the appeal outcome constitutes the Trust's final decision.

Signature: _____

Name: _____

Date: _____

FLEXIBLE WORKING - AGREEMENT FORM

Response to Employee: decision to be issued within 14 days following the meeting
NB – Please consult with the Human Resources Department before issuing this decision letter.

To _____

Following receipt of your application and our meeting on _____
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 you 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 commence on: _____

Please note that this change in your working pattern will be a **permanent** change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern.

Signature: _____

Name: _____

Date: _____

FLEXIBLE WORKING - REJECTION FORM

Response to Employee: decision to be issued within 14 days following the NB – Please consult with the Human Resources Department before issuing this decision letter.

To _____

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

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

- Burden of additional cost
- Detrimental effect on the ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the applicant proposes to work
- Planned structural changes

The grounds apply in the circumstances because:

(Please continue on a separate sheet if necessary).

I am also unable to agree to other work patterns discussed at the meeting because:

If you are unhappy with the decision you may appeal against it. If you wish to appeal, you should complete the form at Appendix 3 and return to your locality Human Resources Department in writing or via email, setting out the grounds for your appeal, within 14 days of receiving written notice of this decision. Details of the appeal procedure are set out with the Flexible Working Arrangements Policy.

Signature: _____

Name: _____

Date: _____

FLEXIBLE WORKING FORM - APPEAL REPLY

*Response to Employee: to be issued within 14 days following the appeal meeting.
NB – Please consult with the Human Resources Department before issuing this decision letter.*

To _____

Following our meeting on
 I have considered your appeal against the decision to refuse your flexible working request application.

ACCEPTANCE:

I accept 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:

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

REFUSAL:

I am sorry but I must reject your appeal on the following ground(s):

- Burden of additional cost
- Detrimental effect on the ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the applicant proposes to work
- Planned structural changes

The ground(s) apply because:

(continue on separate sheet if necessary)

Signature: _____

Name: _____

Date: _____

**FLEXIBLE WORKING FORM -
CONFIRMATION OF WITHDRAWAL OF APPLICATION**

To _____

In line with statutory provisions and the Trust's Flexible Working Arrangements Policy, it is considered that your flexible working request has been withdrawn in the following circumstances:

- you have notified your line manager in writing or via email that you wish to withdraw your request.
- you have, without reasonable cause, completely disengaged from the process.

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

Signature: _____

Name: _____

Date: _____