



Wandsworth Clinical Commissioning Group

## **FLEXIBLE WORKING POLICY**

**v1.0**

## FLEXIBLE WORKING POLICY

**THIS POLICY WILL BE APPROVED BY Wandsworth CCG, AND WILL HAVE EFFECT AS OF 8<sup>TH</sup> October 2014**

<b>Target Audience</b>	Governing Body members, committee members and all staff working for, or on behalf of, the CCG
<b>Brief Description (max 50 words)</b>	This policy sets out the principles by which the CCG will <ul style="list-style-type: none"><li>• Provide a range of flexible working options for employees in order to maintain a committed and skilled workforce</li><li>• give full consideration to all flexible working requests</li><li>• Implement a fair and consistent process.</li></ul>
<b>Action Required</b>	<p>Following approval at the CCG Governing Body, The Chief Officer will ensure that the requirements of this policy will be raised at all team meetings, and confirm the requirements with the chairs of each committee, and with CCG executives.</p> <p>Chairs of committees will identify the programme of review with the Accountable Executive for each policy within their committee remit.</p> <p>Accountable Executives will identify policy owners for each policy within their remit.</p> <p>The Corporate Business Manager will establish and maintain a corporate register of all policies and their status, and will ensure that these are appropriately reflected on the website.</p>

Approved:                      October 2014  
Review date:                 October 2017

<b>Document Control</b>	
Title:	Flexible Working Policy
Original Author(s):	
Owner:	Chief Officer
Reviewed by:	CCG Chief Officer / Director Lead
Quality Assured by:	
File Location:	
Approval Body:	Wandsworth CCG Governing Meeting
Approval Date:	8 <sup>th</sup> October 2014

Document Review Control Information

<b>Version</b>	<b>Date</b>	<b>Reviewer Name(s)</b>	<b>Comments</b>
1.0	8/10/14	WCCG Governing Body	Policy approved

**Document Information:**

<b>Title /Version Number/(Date)</b>	Flexible Working Policy
<b>Document Status (for information/ action etc.) and timescale</b>	For implementation
<b>Accountable Executive</b>	Chief Officer
<b>Responsible Post holder/Policy Owner</b>	Director of Corporate Affairs, Performance and Quality
<b>Date Approved</b>	8 <sup>th</sup> October 2014
<b>Approved By</b>	CCG Governing Body
<b>Publication Date</b>	
<b>Review Date</b>	October 2017
<b>Author</b>	
<b>Stakeholders engaged in development or review</b>	Workforce Committee
<b>Equality Analysis</b>	<p><b>Equality Analysis</b></p> <p>This document has been assessed for equality impact on the protected groups, as set out in the Equality Act 2010. This document demonstrates Wandsworth CCG's commitment to create a positive culture of respect for all individuals, including staff, patients, their families and carers as well as community partners.</p> <p>The intention is, as required by the Equality Act 2010, to identify, remove or minimise discriminatory practice in the nine named protected characteristics of age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is also intended to use the Human Rights Act 1998 and to promote positive practice and value the diversity of all individuals and communities.</p>
<b>Contact details for further information</b>	

**This policy progresses the following Authorisation Domains and Equality Delivery System (tick all relevant boxes).**

Clear and Credible Plan	<input type="checkbox"/>	Commissioning processes	<input type="checkbox"/>
Collaborative Arrangements	<input type="checkbox"/>	Leadership Capacity and Capability	<input type="checkbox"/>
Clinical Focus and Added Value	<input type="checkbox"/>	Equality Delivery System	<input type="checkbox"/>
Engagement with Patients/Communities	<input type="checkbox"/>	NHS Constitution Ref:	<input type="checkbox"/>

**Associated Policy Documents**

Reference	Title
	CCG Constitution V*.*

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### **Glossary**

<b>Term</b>	<b>Definition</b>
Accountable Executive	CCG Executive accountable for development, implementation and review of the policy
Policy Owner	Post holder responsible for the development, implementation and review of the policy
Document definitions	These are provided in Section 1

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## 1. Introduction

- 1.1 Wandsworth CCG is committed to providing a range of flexible working options for employees in order to maintain a committed and skilled workforce, able to deliver high quality, cost effective services in an environment which maximises opportunities for employees to balance work and personal commitments.
- 1.2 The CCG is committed to providing the widest possible range of working patterns for its workforce, however, both management and employees need to be realistic and to recognise that a full range of flexible working options will not be appropriate for all jobs across all areas of the CCG.
- 1.3 All requests will be given full consideration. However, the service needs of the CCG are of paramount importance and must always be considered first before allowing a request to be granted. If a request is denied, a full and detailed reason for the refusal will be given in writing to the employee.
- 1.4 The CCG will review flexible working arrangements every 12 months to determine whether they still meet service needs, or if the arrangements need to be amended or revoked. If the CCG does need to revoke the arrangements due to business needs, the CCG will ensure that adequate notice is given to the member of staff to make any alternative arrangements.
- 1.5 This policy allows any employee, from their first day of employment onwards, the right to apply for a change in their contracted hours of work but does not guarantee a change will be made.
- 1.6 **Scope**  
This policy applies to all staff employed by Wandsworth CCG, including those employed on temporary and fixed term contracts. It does not apply to agency workers, consultants or self-employed contractors.

## 2. THE FLEXIBLE WORKING OPTIONS

**Job Sharing** is an arrangement whereby two part-time employees share the responsibility of one position. In a 'shared responsibility' arrangement the individuals both carry out all the duties of the job, simply picking up the work where the other has left off, while in a 'divided responsibility' arrangement the duties of the position are divided between the two individuals, with each being able to provide cover for the other where necessary.

**Part-time working** is a system whereby the employee is contracted to work fewer than the standard number of contractual hours per year for the type of contract in question. There are enormous variations to part-time working. Examples are later start or earlier finish times, afternoons or mornings only and working fewer days in the week.

**Annualised Hours** is a system whereby the employee's contractual hours are expressed as a total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout this period.

**Compressed hours** allow employees to work their total number of contractual hours over fewer working days. Usually a five day week is compressed into four days or four and a half days, or a 10 day fortnight into nine days.

**Term-Time Working** is a system whereby the employee works under a permanent contract, but can take unpaid leave of absence during the school holidays. Salary is usually paid in 12 equal monthly installments and the contract usually specifies that no annual holiday should be taken during term time.

**Voluntary Reduced Working Time** is a system whereby it is agreed that the employee will work reduced hours for a certain period of time with a return to full-time hours at the end of this period.

**Working from home** is a system whereby the employee carries out a proportion of their duties from home rather than on the CCG premises. Managers, at their discretion, may agree to an employee working from home to coincide with a domestic requirement. Or, in a limited number of posts, managers may agree a contractual arrangement for working from home for an agreed period. To ensure the principles of Information Governance are adhered to, managers and staff are required to make the necessary arrangements to ensure all confidential information remains secure at all times during this arrangement

### **3. FLEXIBLE WORKING PROCEDURE**

3.1 Employees who wish to request flexible working should complete the Flexible Working Request Form (Appendix 1). Your written and dated application should be submitted to your line manager and in order to meet the requirements of the procedure and to help your line manager consider your request, should:

- state the reason for your request
- provide as much information as you can about your current 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; detailing the flexibility required and the impact upon the service.
- 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;
- state whether you have made a previous formal request for flexible working and, if so, when
- submit the request in good time, ideally at least two months before you wish the changes you are requesting to take effect.

3.2 The employee's line manager will respond within 14 calendar days and will arrange to meet with the employee no later than 28 calendar days after the request was received.

3.3 The CCG might be able to agree a flexible working 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, within 14 calendar days of receipt of the request, confirming the decision and explaining the changes that will be made to your contract of employment.



- 3.4 If your proposal cannot be accommodated, discussion between you and your line manager may result in an alternative working pattern that can assist you.

#### **4. FORMAL PROCEDURE – MEETING**

- 4.1 Where possible, your line manager will attempt to arrange to meet with you within 14 calendar days of your application being submitted, however, this meeting will take place no later than 28 calendar days after receipt of your application.

#### **4.2 Representation**

Employees will be entitled to be accompanied by a work colleague or trade union representative, not acting in a legal capacity, during any hearings, formal meetings or appeals relating to the procedure. The work colleague or trade union representative will be allowed to confer with the employee during the meeting and to address the meeting on his/her behalf. The work colleague or trade union representative however, does not have the right to answer questions on behalf of the employee. It is the employee's responsibility to arrange this representation.

The trade union representative need not be an employee of the CCG, but if he/she is not a fellow worker or an employee of his/her union, the CCG may insist on him/her being certified by the union as being experienced or trained in accompanying employees at formal hearings.

The choice of companion is a matter for the employee, but Wandsworth CCG reserves the right to refuse to accept a companion whose presence would undermine the flexible working process, or where it deems the choice of companion to be unreasonable e.g. someone from a remote geographical location, when there is someone suitable and willing available at the same location. Please note that individual work colleagues are not obliged to agree to accompany employees. Companions will be given appropriate paid time off to allow them to accompany colleagues at a formal hearing.

- 4.3 The meeting will be used to consider the working arrangements you have requested. You will 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.
- 4.4 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. See paragraph 7 below.

## **5. FORMAL PROCEDURE - DECISION**

- 5.1 Following the meeting, your line manager will notify you of the decision in writing within 14 calendar days.
- 5.2 If your request is accepted, or where the CCG proposes 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 any changes to your contract of employment (eg if reducing or increasing contracted hours worked) 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, if applicable, any variation to your terms of employment. There may also be some additional practical matters such as arrangements for handing over work.
- 5.3 Unless otherwise agreed (and subject to any agreed trial period) any changes to your contracted terms of employment (eg increasing or reducing hours worked) will be permanent. You will not be able to make another formal request until 12 months after the date of your most recent request.
- 5.4 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 calendar 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.
- 5.5 There will be circumstances where, due to business and operational requirements, the CCG is unable to agree to a request. In these circumstances your line manager will write to you to outline the business reason(s) for turning down your application; explain why the business reasons apply in your case and set out the appeal procedure.

Some examples of business reasons for which the CCG may reject your request are:

- detrimental effect on ability to meet customer demand;
- inability to reorganise work among existing staff or detrimental impact on the balance of team members
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods that you propose to work
- planned changes

## **6. FORMAL PROCEDURE - APPEAL**

- 6.1 If a flexible working request is rejected an employee has the right to appeal against the decision.
- 6.2 The right of appeal must be exercised by the employee within 10 working days of the receipt of the outcome letter, in writing to the manager above the line manager who made the decision, stating the grounds on which he or she is making the appeal.

- 6.3 A meeting to discuss the appeal will be held within 10 working days of the manager receiving the appeal letter from the employee. The employee should be given a minimum of 5 working days' notice of the meeting.
- 6.4 Appeals will be heard by the senior manager above the line manager who made the decision to reject the flexible working request. The line manager will be required to attend the meeting to explain their decision.
- 6.5 Human Resources must be informed that an appeal has been raised and a member of Human Resources will attend the meeting.
- 6.6 The employee has the right to be accompanied at the meeting by a trade union representative or work colleague.
- 6.7 The senior manager will write to the employees within 5 working days of the meeting to confirm the outcome.
- 6.8 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.
- 6.9 The decision made at the end of this appeal is final and absolute, and there are no other mechanisms open for appeal within the CCG.

## **7. TRIAL PERIODS**

In some circumstances the manager and/or employee may have reservations about the potential success of a new arrangement. In these circumstances, the manager may agree to a trial period of up to 3 months to assess the impact of the arrangement. There should be a midway review to discuss the impact and consider any further adjustments, or the continuation/ending of the arrangement.

## **8. TIME LIMITS**

At each stage the policy sets out maximum time limits. The time limits should be adhered to unless they are extended by mutual agreement. Where stated within the policy 'days' refer to both calendar and working days.

## **9. REVIEW**

This policy will be reviewed every three years.

## APPENDIX 1

### FLEXIBLE WORKING APPLICATION FORM

Name:	Dept:
Manager:	Organisation start date:

I wish to apply to work a flexible working pattern that is different from my current working pattern.

I confirm that I have been employed by the organisation for at least 26 weeks and have not made a request under this right during the past 12 months.

1. My current working pattern is:-
2. The pattern I would like to work is:  <p style="text-align: right;">Please provide details of days/hours/times to be worked</p>
3. I would like this working pattern to commence from:
4. I think this change in my working pattern will affect the CCG and my colleagues as follows:
5. I think the effect on the CCG and my colleagues can be dealt with as follows:

Print name \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

## APPENDIX 2: Flexible Working Request Flowchart

