

FLEXIBLE WORKING AND FLEXI TIME POLICY

March 2018

Authorship:	eMBED Health Consortium (eMBED) Human Resources (HR) Policy Lead			
Committee Approved:	Senior Management Team			
Approved date:	April 2017			
Review Date:	April 2021			
	Relevant	Screening	Full / Completed	Outcome
Equality Impact Assessment	Yes	Yes	No	<i>No Issues Identified</i>
Sustainability Impact Assessment	Yes		Yes	<i>No Issues Identified</i>
Privacy Impact Assessment	Yes/No	Yes/No	Yes/No	<i>Issues Identified / No Issues Identified</i>
Bribery Checklist	Yes		Yes	<i>No Issues Identified</i>
Target Audience:	Staff			
Policy Reference No:	SCRCCG P607			
Version Number:	V.3.1			
Publication/Distribution	Website	Email Staff		Others (i.e. SBC)
	Yes	Yes		Yes

The on-line version is the only version that is maintained. Any printed copies should, therefore, be viewed as 'uncontrolled' and as such may not necessarily contain the latest updates and amendments.

POLICY AMENDMENTS

Amendments to the Policy will be issued from time to time. A new amendment history will be issued with each change.

New Version Number	Issued by	Nature of Amendment	Approved by & Date	Date on website
0.1	CCG	Draft Policy for consideration	SMT – 05/02/14 JTUPF – 26/03/14	
1	CCG	Approved	26/03/14	03/14
2	CCG	Legislative update and new template letters for managers use	JTUPF – 26/03/14	
3	CCG	Legislative update and new template letters for managers use.	SMT – 24/04/17 JTUPF – 20/10/17	10/17
3	CCG	All references to Commissioning Support Unit or 'CSU' replaced with eMBED Health Consortium or eMBED.p.15 Appendix 1 revised.	SMT – 24/04/17	10/17
3	CCG	3.3 – Bribery Act Wording updated;	JTUPF – 20/10/17	10/17
3	CCG	Part 3 – Former Flexi Time policy amalgamated into this policy	SMT – 24/04/17	10/17
3	CCG	p. 14 – Revised Appendices list	JTUPF – 20/10/17	10/17
3	CCG	p.15 Appendix 1 revised;	SMT – 24/04/17	10/17
3.1	CCG	General Data Protection Regulations wording	SPF 10/01/18 SMT 12/03/18	29/03/18

Approval Record

Applicable <input checked="" type="checkbox"/>	Committee / Group	Consultation / Information/ Ratification	Date taken to group	Date last Approved
<input type="checkbox"/>	Audit and Governance Committee	Choose an item.		
<input type="checkbox"/>	Business Committee	Choose an item.		
<input type="checkbox"/>	Communications and Engagement Committee	Choose an item.		
<input type="checkbox"/>	Council of Clinical Representatives	Choose an item.		
<input type="checkbox"/>	Finance and Contracting Committee	Choose an item.		
<input type="checkbox"/>	Governing Body	Choose an item.		
<input type="checkbox"/>	Primary Care Co-Commissioning	Choose an item.		
<input type="checkbox"/>	Quality and Performance Committee	Choose an item.		
<input type="checkbox"/>	Remuneration Committee	Choose an item.		
<input checked="" type="checkbox"/>	Senior Management Team	Ratification	Apr 17	Apr 17
<input checked="" type="checkbox"/>	All Employees	Consultation	Sep 17	Sep 17
<input checked="" type="checkbox"/>	Yorkshire and Humber Social Partnership Forum	Consultation	Oct 17	Oct 17
<input type="checkbox"/>	Other	Choose an item.		

Note: A new policy only needs to be ratified by the appropriate Committee (and the Governing Body if new) and for information only to the other committees after consultation.

Policies should follow the following ratification process. The delegated committee for ratification is specified in Section 13.

Version control should also be managed as outlined below where x = current version number and y = the new version number.

Consultation and Ratification Process	Version Number
Reviewed policies should be circulated to staff for comment prior to ratification	V x.1
HR policies and policy changes directly impacting on staff should be sent to the Social Partnership Forum for Union consultation prior to ratification	V x.2
Reviews and minor amends should be ratified by the delegated Committee	V x.3
All new policies and policies where significant changes have been made should be ratified by the delegated Committee and Governing Body	V x.4
Ratified policy is circulated and published (if appropriate) on the website	V y.0

Contents

1	INTRODUCTION.....	5
2	ENGAGEMENT.....	5
3	IMPACT ANALYSES	5
	Bribery Act 2010.....	5
4	SCOPE.....	6
5	POLICY PURPOSE AND AIMS.....	6
	Flexible Working	6
	Flexi Time	8
6	ROLES, RESPONSIBILITIES AND DUTIES.....	8
7	PROCEDURES.....	8
	Flexible Working	8
	Flexi Time	10
8	APPEAL PROCEDURE	12
9	PROCEDURES FOR WORK OUTSIDE OF REGULAR HOURS.....	12
10	IMPLEMENTATION	13
11	TRAINING AND AWARENESS	13
12	MONITORING AND AUDIT	14
13	POLICY REVIEW	14
14	APPENDICES.....	14
15	ASSOCIATED DOCUMENTATION.....	14
16	REFERENCES.....	14

1 INTRODUCTION

- 1.1** The 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. This policy is part of that commitment.
- 1.2** Flexitime and Flexible working is a system which enables staff some latitude in deciding their starting and finishing times at work subject to workloads and needs of the service and as such offers staff particular benefits in deciding their working day.
- 1.3** The CCG expects managers to encourage open discussion among their team(s) to determine the most appropriate and preferred options for both managers and team members to be able to benefit from the use of flexible working and flexi time. Managers are strongly encouraged to facilitate arrangements to work flexibly wherever reasonably practicable. For further information on flexible working please see the Flexible Working Policy.
- 1.4** The needs of the department must take priority and continuity of service (e.g. covering lunch breaks) must be maintained.
- 1.5** Heads of Service will retain the right to insist that his/her staff work particular set hours when required.
- 1.6** The CCG is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the CCGs Data Protection and Confidentiality and related policies and procedures.

2 ENGAGEMENT

- Social Partnership Forum/Policy Subgroup.
- CCG Staff via Team meetings, Staff newsletter.
- CCG Senior Management Team

3 IMPACT ANALYSES

- 3.1** The following impact assessments have been completed in respect of this policy:
 - Data Protection Impact Assessment – No issues identified
 - Equality Impact Assessment – No issues identified
 - Sustainability Impact Assessment.- No issues identified
- 3.2** These assessments are recorded in the relevant registers and available to view on the CCG website.

Bribery Act 2010

- 3.3** The Bribery Act is relevant to this policy. Under the Bribery Act it is a criminal offence to:

- Bribe another person by offering, promising or giving a financial or other advantage to induce them to perform improperly a relevant function or activity, or as a reward for already having done so; and
- Be bribed by another person by requesting, agreeing to receive or accepting a financial or other advantage with the intention that a relevant function or activity would then be performed improperly, or as a reward for having already done so.

3.4 These offences can be committed directly or by and through a third person and other related policies and documentation (as detailed on the CCG website) when considering whether to offer or accept gifts and hospitality and/or other incentives.

3.5 Anyone with concerns or reasonably held suspicions about potentially fraudulent activity or practice should refer to the Local Anti-Fraud and Corruption Policy and contact the Local Counter Fraud Specialist.

3.6 The CCG follows good NHS business practice as outlined in the Business Conduct Policy and has robust controls in place to prevent bribery. Due consideration has been given to the Bribery Act 2010 in the development (or review, as appropriate) of this policy document and no specific risks were identified.

4 SCOPE

4.1 This policy applies to:-

- All employees of the CCG
- CCG Governing Body
- Contracted third parties (including eMBED and agency staff)
- Students and trainees
- Staff on secondment and other staff on placement with the CCG.

5 POLICY PURPOSE AND AIMS

5.1 The purpose and objectives of this policy are to protect the CCG along with its customers, service users, staff and other stakeholders, as well as the assets of the CCG, whilst ensuring delivery of its strategic and corporate objectives which are:

- To commission high quality services
- To engage patients, carers and other organisations in our planning and decision process
- To ensure value for money
- To be open and honest in our transactions, and accountable to our communities
- To respect our staff and promote a learning environment
- To improve health outcomes.

Flexible Working

5.2 The CCG has an overriding responsibility to deliver timely services. It also has the right to seek ways of developing the capacity of its services, improving the capabilities of its employees and improving effectiveness.

- 5.3** 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.
- 5.4** The statutory right to apply for flexible working applies to all employees who have at least 26 weeks continuous employment with the CCG and have not made a request under this right during the past 12 months.
- 5.5** All requests will be given full consideration in a reasonable manner. No reasonable request will be refused. However, in certain circumstances the needs of the business may not allow for the 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. Any flexible working requests will be considered on a case by case basis.
- 5.6** Managers will ensure that staff who request a flexible working arrangement are aware of the implications (if any) on their terms and conditions of employment e.g. salary, annual leave, pension. Managers should seek the assistance of HR Team Representative where necessary.
- 5.7** As far as practicable the CCG will consider flexible working arrangements such as:
- Part-Time Working – this is where an employee is contracted to a number of hours that are less than the normal hours of work of a comparable full-time employee.
 - Job Share – this is normally where two people share the duties and responsibilities of one full-time post in a partnership arrangement.
 - Flexible hours – allows employees to vary their actual working hours. This means that employees can vary their start and finish times to better fit their domestic responsibilities, travel arrangements or for work purposes.
 - Flexible Rostering – using periods of work of differing lengths within an agreed overall period.
 - Tele-working – this is where people work from home for all or part of their hours with a computer or telecommunication link to the CCG.
 - Fixed work patterns – this is where, by agreement, days off can be irregular to enable, for example, access by separated parents to their children and flexible rostering.
 - Compressed Hours – this is where working hours are condensed into lesser days to create an additional day off without a reduction in pay.
 - Flexible Retirement – where someone retires from full time work and resumes their previous role on a part time basis.
 - Working from another base – a member of staff may request to work from another SRCCG/NHS base for personal reasons but travel/mileage expenses will not be paid.
- 5.8** Where a request for a permanent change to an employees working arrangements is requested, the CCG reserves the right to and will usually, impose a trial period, the length of which will be at the director's discretion but will normally be between 3 and 6 months, to establish whether or not the new working arrangements meet service needs and suit the needs of the employee.

- 5.9** Employees are able to apply no more than once per year, unless there has been a significant change in circumstances.
- 5.10** For details of arrangements covering emergency time off for the care of dependants, see the Special Leave Policy.
- 5.11** Support will be provided to all Line Managers in the implementation and application of this policy by the HR Team upon request.

Flexi Time

- 5.12** The scheme applies to all CCG staff on Agenda for Change bands 1 to 6, full time and part-time, where both the individual and their manager agree it is an appropriate way of working. Staff / managers working above this level are required by the nature of their work to manage their hours appropriately and flexibly and may wish to use the flexitime record sheet as a way to record the time worked.
- 5.13** It will not be appropriate for every post, in particular where there are fixed hours, (e.g. opening and closing times) or where individual work depends on the attendance of another colleague. The decision on working patterns will be the responsibility of the appropriate manager.
- 5.14** The needs of the department must take priority and continuity of service (e.g. covering lunch breaks) must be maintained.
- 5.15** Heads of Service will retain the right to insist that his/her staff work particular set hours when required.

6 ROLES, RESPONSIBILITIES AND DUTIES

- 6.1** Each individual employee is responsible for ensuring working times are recorded honestly and accurately. Authorising managers are required to make reasonable checks to satisfy themselves that claims are genuine and authorise and also maintain suitable records incorporating this information.
- 6.2** The success of the system depends, to a large extent, on the individual employees exercising discretion with respect to workloads, peak periods etc, in his or her own department ensuring cover is arranged with colleagues as necessary.
- 6.3** Participation in the scheme is a privilege and as such could be withdrawn from an individual in certain circumstances (e.g. abuse of the system or if there are particular needs for the service etc).

7 PROCEDURES

Flexible Working

- 7.1** A request to change the contracted hours of work must be made by the employee in writing using the attached form (Appendix 1), to their line manager and must:
- be dated and submitted allowing sufficient time between the submission of the request and the proposed start date for the application to be considered.

- state whether a previous application has been made and, if so, the date on which it was made;
- include the reason the request is being made and whether or not it is being made under the statutory right to apply to work flexibly;
- include details of the proposed change, and proposed start date, and an explanation of the employee's view of the effect on the CCG's business and how this may be dealt with;
- relate to hours, times or place of work.

7.2 The line manager will acknowledge the request and will arrange a meeting with the employee and the responsible director to discuss the application as soon as possible. Consideration will be given to the implications of the request, current working arrangements, including working patterns of staff within the same team and any methods for mitigating and concerns.

7.3 The law requires the consideration process must be completed within three months of first receiving the request, including any appeal. If for some reason the request cannot be dealt within three months then an employer can extend this time limit, provided the employee agrees to the extension.

7.4 A decision will be made as soon as possible within this timeframe. The notification will either:

- accept the request and establish a start date and any other action or
- confirm a compromise agreed at the meeting or
- reject the request, detailing all of the facts and demonstrating the business rationale behind the decision
- include details of the appeals process

7.5 Should the application be approved then a contract variation must be completed immediately.

7.6 Should a trial period be agreed then a review date must be set.

7.7 Applications for flexible working agreements will be refused only for one or more of the following reasons:

- the burden of additional costs;
- detrimental effect on 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 employee proposes to work;
- planned structural changes.

Flexi Time

- 7.8** Staff must complete a flexitime record sheet accurately recording the time they start and finish work and include the time taken at lunch. It is the employee's responsibility to record and total up hours worked and the Manager's responsibility to check the timesheet, certify it is correct and return it to the Employee. An electronic copy of the spreadsheet, which includes formulas for assisting in calculating flexitime, is available on the CCG website.
- 7.9** Intentions to use flexi-time should be recorded within the employees electronic calendar and if appropriate colleagues made aware.
- 7.10** If the employee is absent due to sickness, annual leave, study leave or any other type of paid authorised leave, the standard hours that would normally be worked during that shift should be entered on their timesheet.
- 7.11** The minimum statutory lunch break required is 20 minutes however the CCG expectation is that a minimum of 30 minutes is used if the employee is working more than 6 hours that day, therefore staff must record a minimum of 30 minutes on their timesheet for every continuous period worked that exceeds 6 hours. This is for the health and safety of all staff and managers should not ask staff to forego this break.
- 7.12** At the end of each 4 week period completed timesheets must be passed to Line Managers for authorisation.
- 7.13** Non completion of a sheet or false entries will be regarded as a serious disciplinary offence under the CCG's Disciplinary Policy and could result in the scheme being withdrawn and disciplinary action taken.

Use of Flexi Time

- 7.14** Basic rules of the system:
- Each Flexitime cycle will cover four weeks
 - Earliest Start Time: 8:00am
 - Latest Start Time: 9:30am
 - Earliest Finish Time: 4:00pm
 - Latest Finish Time: 6:30pm
 - Flexible Lunch Period: 12 noon to 2:00pm (minimum lunch break ½ hour unpaid)
- 7.15** NOTE: Where a meeting has been pre-planned and takes place outside of flexi time periods shown above (e.g. evening meetings) then this time should be taken as time in lieu rather than banked as flexi time. Lieu time should be discussed and agreed with your line manager.
- 7.16** Employees are able to have an earlier start time and finish time but are based upon the standard service delivery need of the CCG. Any hours worked outside of these times would need prior line manager agreement.
- 7.17** Organisational Needs – It is an expectation of the CCG that all telephone calls will be answered and visitors to the building welcomed between the hours of 8:30am and 5:00pm. It is therefore the line manager's responsibility to ensure that there is sufficient

and appropriate team cover between these hours. This cover may be shared, at the manager's discretion, across different teams.

- 7.18** Departmental Needs - The appropriate Director will retain the right to insist that his/her staff work particular set hours when required.
- 7.19** A standard working day is 7 hours and 30 minutes (based upon a 37.5 hour a week contract).
- 7.20** A half day is 3 hours 45 minutes (based on a 37.5 hour a week contract)
- 7.21** Flexitime may be taken to suit staff wishes with the agreement of their line manager. Time can be taken in minutes, hours, half days or full days up to a maximum of one day each four week cycle. This will be pro-rata for part-time staff. Anything in advance of the one day can only be taken with agreement of the manager and is dependent on service needs and demands.
- 7.22** When taking flexitime within core hours, the Employee must arrange this in advance with their line manager. Credit balances are not overtime they are for work that has been completed above your normal working hours and should be taken back at an agreed time with your manager and will not be paid. Overtime may only be worked after agreement with the line manager.
- 7.23** If an employee is due to leave the CCG, flexi hours should be maintained to ensure that no credit or debit is outstanding on the last working day.
- 7.24** Medical appointments should be taken in the employees own time or use flexitime to cover the hours that they are absent from work. Wherever possible the appointment should be made at the start or the end of the day to minimise disruption to service delivery.
- 7.25** Hospital appointments will be accommodated within working time, where prior manager approval has been obtained. Employees should attempt to minimise the time by requesting appointments at the beginning or end of a working day wherever possible.
- 7.26** Flexible working arrangements are intended to make starting and finishing times flexible for staff with the aim of improving service delivery and working lives. It is not intended to be used as a means of accumulating sufficient hours for future leave to be taken.
- 7.27** Full time staff may carry forward up to 7 hours 30 minutes debit or credit from one cycle to another. For Part-time staff this is pro rata. Exceptions to this would need to be agreed by the manager.
- 7.28** Full time staff may take flexi-leave of one day (7 hours 30 minutes) or two half days (3 hours 45 minutes each) in any one Flexitime cycle, subject to the needs of the service. Part time staff may take flexitime pro rata e.g. if you work 20 hours per week over four days you would be able to take one day (5 hours) or two half days (2 hours 30 minutes)
- 7.29** It is not necessary to be in credit before flexi-leave is taken, however, this must not exceed 7 hours 30 minutes (one standard day) or pro rata for part-time staff, at any point.
- 7.30** Managers agreement needs to be obtained prior to the use of any flexi-leave being taken. The employee should record the use of flexitime on their timesheet and calendar and if appropriate make colleagues made aware.

Termination of Flexi Time

- 7.31** Both the employee and their manager have the right to end the flexible working arrangement at the end of the next four week period. If a manager wishes to end the flexible working arrangement they must seek advice from the HR Team prior to any action being taken. If the flexible working arrangement is terminated by either party the flexi hours should be adjusted to ensure that no credit or debit is outstanding on the last day of that four week period.

8 APPEAL PROCEDURE

- 8.1** If an employee believes that a request for flexible working has been unreasonably refused they will have the right of appeal through the CCG's Grievance Procedure. Advice and guidance is available from the HR Team and recognised Trade union representatives.
- 8.2** The employee must submit their appeal in writing within 14 days of them being informed of the decision. If, for some reason, the appeal cannot be dealt with during the above mentioned three month timeframe then an employer can extend this time limit, provided the employee agrees to the extension.
- 8.3** The appeal will be acknowledged in writing and an appeal meeting arranged.
- 8.4** The appeal meeting must take place within 14 days of the notice of the appeal and will be heard by the line manager of the manager who made the original decision, or someone at an equivalent level.
- 8.5** The employee has the right to be accompanied by their trade union representative or a work colleague not acting in a legal capacity at this meeting.
- 8.6** A member of the eMBED HR Team may be present at the appeal meeting.
- 8.7** The decision on the appeal must be given within a further 14 days and is final.
- 8.8** An employee can be accompanied by a work colleague, not acting in a legal requirement, at every stage of this procedure. A work colleague can be their trade union representative or any other co-worker.

9 PROCEDURES FOR WORK OUTSIDE OF REGULAR HOURS

- 9.1** The usual working hours of staff will have already have been determined, either at the time of appointment or by subsequent agreement. These working hours will have been agreed in line with Working Time regulations and to reflect service needs, i.e. to ensure there is office cover at specific times. The will be in accordance with Section 3 of the NHS Terms and Conditions of Service Handbook where applicable.
- 9.2** Where personal circumstances mean that an individual needs to vary their start and finish times on an ad hoc basis- i.e. to attend an appointment this should be agreed following discussion with their line manager.
- 9.3** There is an expectation that staff in Band 7 and above may occasionally need to vary their working hours to accommodate meetings and work load. Each individual is

responsible for maintaining accurate records of their working hours and should manage their working hours sensibly themselves to fulfil the needs of their role. This daily individual management of work should not lead to accruing hours that need to be taken back later. Staff in Band 6 and below will follow the CCG Flexitime Policy.

- 9.4** It is acknowledged that from time to time employees at any grade may be required to work outside of their set regular hours. For bands 7 and above this requirement is more significant than the daily time managements set on in 3.3. Such a requirement may arise due to an evening meeting being arranged or a peak in workload at the end of the financial year.
- 9.5** Where there is a requirement for an individual to work outside of their set regular hours at set out in 3.4, this will initially be discussed between the individual and their line manager. The discussion will be initiated by the individual who identifies the need. Where practicable work will be redistributed or altered so that the individual does not need to work outside of their regular hours. If this is not possible an agreement should be reached to clarify what work should be done and when it should be done. The manager must stipulate the maximum amount of time that should be required. An agreement should also be reached to clarify when these additional hours that have been accrued should be taken back. Where possible, these hours should be taken within 10 working days but in exceptional circumstances they may be carried forward and used within 3 months.
- 9.6** Where it is not possible to take the hours back hours accrued under 3.5 within 3 months then payment will be made for the additional hours worked. Approval for a payment must be granted by the Chief Officer and the Chief Officer must be alerted as soon as it is foreseeable that this may be necessary.
- 9.7** Additional hours that are accrued under 3.5 should be taken back in the same manner as they are accrued, i.e. if an individual works an hour longer one day it should be taken back as an hour deducted from another day. This procedure is not designed as a method of accruing additional leave days.
- 9.8** Records must be kept of additional hours accrued and when these hours are taken back. Staff in Band 6 and below will record their working hours on the flexitime recording sheet.

10 IMPLEMENTATION

- 10.1** This policy will be communicated to all staff via team meetings, Staff Newsletter and available on the CCG website.
- 10.2** Failure to comply with this policy would be considered to be a breach of the terms and conditions of employment and may result in the matter being treated as a disciplinary offence under the CCG's disciplinary procedure.

11 TRAINING AND AWARENESS

- 11.1** A copy of this policy is available on the CCG website. Training needs will be identified via the annual appraisal process and training needs analysis.

12 MONITORING AND AUDIT

- 12.1** Line managers are responsible for monitoring individual's compliance with this policy.
- 12.2** The implementation of this policy will be reviewed on an annual basis by the Senior Management Team and reported to the Governing Body.

13 POLICY REVIEW

- 13.1** The policy and procedure will be reviewed at least every three years by the CCG in conjunction with managers, staff and Trade Union representatives if appropriate, with changes made as required and the outcome published. Where review is necessary due to legislative change, this will happen immediately.
- 13.2** The Senior Management Team has delegated responsibility for monitoring and reviewing the policy and will report any concerns to the Governing Body.

14 APPENDICES

- Appendix 1 Flexible Working Application Form
- Appendix 2 Draft Letter Acknowledging Receipt of Flexible Working Application
- Appendix 3 Draft Letter Confirming Outcome of Flexible Working Application
- Appendix 4 Draft Letter Confirming Outcome of Trial Period
- Appendix 5 Draft Letter Confirming Unable to Continue Flexible Working

15 ASSOCIATED DOCUMENTATION

- Equality Impact Analysis
- Sustainability Impact Analysis

16 REFERENCES

- 16.1** For further information please refer to the following reference sources:

<https://www.gov.uk/flexible-working/overview> <http://www.acas.org.uk/media/pdf/1/a/The-right-to-request-flexible-working-the-Acas-guide.pdf>