

Policy Interim Arrangements

Policy Arrangements agreed in Partnership

We are required as an organisation to collect data on uptake of Flexible Working arrangements among the Workforce. A new Flexible Working Application form has been developed in order to modernise the method of application and management of outcomes, but also to allow the applications and outcomes to be recorded. It is necessary to provide details of the new application form, as the old one will no longer be available. Details are as below:

No amendments to the policy terms or entitlements etc at this stage, as the whole policy is being reviewed in partnership in the normal way, to take effect likely Autumn 2023.

This cover sheet simply provides details of the new Application Form, so that colleagues will be clear that this is the method that must be used from now on.

The sentence “You will need to complete, sign and date the Flexible Working Request Form.” under “How to make your application” on Page 2 of the Policy will no longer be applicable, as the link is to the old form.

The new application form can be found on [People First](#)

This new form uses the ServiceNow system and is very similar in appearance to other forms currently in use, such as Buy/Sell Annual Leave.

The old Excel-based application form has been removed. Please do not use any old copies of that form to submit an application.

Once an application has been submitted on the new form, the line manager is notified via email and is also given information on what to do next in considering the application.

The process for considering the request remains the same, as do the entitlements to a meeting, to an outcome in writing and to the right of appeal.

NOTE: Applications to be a Home-based worker (i.e. changing your base location to be your home address) will still need to be made on an old-style Excel form, available in the same place on People First.

1. Policy Statement

NHSBT ensures that career and job structures can be flexible and can adapt to your changing needs while considering operational requirements. We encourage and value the option of working flexibly for our employees. We will promote flexible options at the point of recruitment and through regular engagement in one-to-ones, health and well-being conversations, PDPR's and team discussions. Flexible working arrangements are important for us to recruit and retain our best people.

Additionally, our commitment to inclusion across race, gender, age, religion, identity, and experience drives us forward every day and this is reflected in this Policy.

In accordance with current legislation and [Section 33 of NHS terms and Conditions](#), every employee has the **statutory** right to make an application to work flexibly. Flexible working means you can request to vary your working hours, working pattern or place of work. This policy makes you aware of our process for requesting Flexible Working. As with all of our [NHS Terms and Conditions](#), it is important to read those sections that may vary in the devolved administrations.

Managers are encouraged to think broadly and creatively and be open to considering how to support employees to work flexibly. All **flexible working** applications will be considered on a case-by-case basis. This will be achieved by starting from a presumption that the **flexible working** request can be accepted, and full consideration will be given to how the proposal could work. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

When making your request, you are advised that you ensure you have obtained the necessary information about the impact your requested changes may have on your salary, annual leave, pension, and benefits etc. To help you with this, you may wish to:

- Check NHS Terms and Conditions
- Look at [People First](#) (e.g. Pension and Pay pages)
- Speak to your Manager
- Contact HR Direct
- Speak to you Union Representative

*this is list is not exhaustive

You should also be prepared to provide information on how your request could be implemented i.e. your thoughts around how work can be managed, or changes made to support your request.

There are various types of flexible working that can be considered including:

- Job Splitting an existing full-time post
- Reducing your hours
- Staggered Hours
- Compressed hours
- Changes to working pattern
- Flexitime
- Annualised hours
- Self-Rostering
- Home based working
- Term time working
- Additional Employment

When using this policy, you will also need to refer to the FAQs supporting it.

2. The Process

Talk to your Manager

As soon as you start to have thoughts about any personal situations that may impact your work or think about any changes that may need to happen to support you, you need to talk with your manager. This will allow you to explore, informally, some of your thoughts and options ahead of your formal application. Your manager should encourage and not discourage you from making an application, regardless of their views during an informal conversation. The formal process ensures that a fair process is followed; that a compromise should be reached wherever possible; clear reasons are given for any decline; and that you are able to appeal an outcome.

Some short-term requests may be dealt with in an informal way with your manager. This may be appropriate in circumstances of (for example) health issues where a permanent change is not required. You should approach your manager, with the reasons for your request and how you would like this to be accommodated by the operation. This should be confirmed in writing (a letter, e mail etc). Short term arrangements should be **no longer than three months**. If you require the change to be continued, you should make a formal request for a permanent change.

Should you wish to make a change to your working conditions because of a health issue, please discuss this with your manager prior to making a request. Please refer to the [Attendance Policy](#). Although the Flexible Working process will be followed, the Attendance Policy and process will provide details and opportunity to discuss reasonable adjustments etc.

Additional Employment

Should you wish to work for more than one employer, you must tell your manager who will discuss the details of your request. They will ensure that your request does not have a detrimental impact on your ability to carry out your duties. The process for your request will be treated as a Flexible Working Request and will follow the same process.

Additional employment includes paid employment within or outside NHSBT.

Leaving Work and claiming your NHS Pension and returning to NHSBT (Flexible Retirement)

If you are in an NHS pension scheme, you may wish to explore what options you have to claim your pension and request to return to work for us. This may be the same or a different role that you do currently. For more information, see the 'Flexible Retirement Policy and supporting FAQs.

How to make your application

You will need to complete, sign and date the [Flexible Working Request Form](#). You must be clear about the change you are requesting and when you would like it to start. To ensure that proper consideration is given to your application, and operational requirements, you must not have two applications running concurrently. This will ensure that each application has the maximum time allowed for consideration including any appeal process. You will need to say how your request will impact operationally on your department and/or team and include your suggested solutions. The more information your manager has, the easier it is for a fair and informed decision to be made. However, you do not have to share confidential information should you prefer not to.

If accepted, your flexible working changes are considered to be permanent, and you will have no right to return to your original working pattern. To ensure that multiple applications are kept to a minimum, and that the arrangements are still fit for purpose, it is suggested that both parties review the new arrangements on a regular basis, at least once a year.

Once you have made your Flexible Working request

Deciding on your request

Your manager will make their decision fairly and objectively and will consider your request as soon as possible. They may need to ask you for additional information to allow them to fully consider your request. If your request can be accommodated, there may be no need for a formal meeting on

agreement between you both and therefore your manager will write to you to confirm details of the change and start date.

However, in most cases, it is likely your manager will meet with you to discuss the detail of your request. This should be in an appropriate and confidential place, and agreeable to you both or it may be done via telephone conference if your manager is not based in your place of work.

After discussing your availability, you will be invited to a meeting to discuss your request. You have the right to be represented by a representative of a Trade Union you belong to or be accompanied by an NHSBT employee.

Should you not respond to a request for further information or fail to attend the meeting or appeal meeting without good reason, your manager is entitled to consider your application as withdrawn.

Your manager must consider applications from all employees regardless of full or part time. Requests will be responded to in a timely manner. It is a legal requirement under law that the process **including any appeal** is completed within 3 months of the request date. If this cannot be accommodated your manager must agree with you an extension to this date.

Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

Agreement to your request

Your manager will confirm the outcome in writing within 7 calendar days of the meeting to you.

They will complete the process to action a contractual change where appropriate, to ensure there are not any over or under payments, and advise any other employees who need to be aware of the changes

Once accepted, your flexible working changes are permanent unless agreed for a fixed period of time. If permanent changes are made and you wish to change your arrangements again then you will need to submit another request. You should agree with your manager a start date for the new pattern or working arrangements. Sometimes it is helpful to put in place review dates to ensure that they are working as expected by both parties.

If you are approved as a home-based worker, through the flexible working process, you will be paid business mileage from your home base less a nominal 10 miles each way. This will be automatically calculated in expenses.

Application declined

Should your request not be accepted. The reason for this will be given in writing to you by your manager. They must detail their reasons clearly and should only be for a business / operational reason such as:

- Burden of additional costs to the department
- Our inability to reorganise and redistribute your work
- Our inability or not to recruit additional employees
- Impact on quality, performance, or the ability to meet customer demand
- Not enough work for the times you propose to work, or
- Planned structural changes to the business

Sometimes although your request cannot be agreed in full, there may be a compromise position or other alternative options that could be offered. Your manager will discuss these with you as part of the process. In addition, sometimes a trial period might be necessary to test whether the new arrangements will be appropriate for both parties. Trial periods can be for any length of time but normally up to 3 months in the first instance. This will be discussed and agreed with your manager before any agreed trial starts.

Appeal

If your request is not accepted, your manager will explain and discuss this with you. They will need to provide full details as to why they think that your application is not workable or where a compromise cannot be reached. Should you feel that your manager has not given full consideration to your application or has not followed process, you will have the right to appeal their decision.

Your appeal must be in writing to your manager's manager, stating your full reasons for appeal within 14 calendar days of receiving the written outcome of the meeting.

The manager receiving an appeal should contact [HR Direct](#) to report the appeal and to seek appropriate advice and support.

An appeal meeting will be held without reasonable delay. It is a legal requirement under law that the process **including any appeal** is completed within 3 months of the request date. If this cannot be accommodated your manager must agree with you an extension to this date. A manager not previously involved with your request and with working knowledge of your current working arrangements, will review your request. You and your manager may attend this meeting and you have the right to representation by a representative of a Trade Union you belong to, not acting in a legal capacity, or to be accompanied by an NHSBT employee. The appeal manager will decide if the policy has been followed and your request was appropriately considered. They will listen to any information you and your manager wish to present. You will receive the outcome of the meeting in writing within 7 calendar days. There is no further appeal stage after this.

Handling requests to work flexibly in a fair way

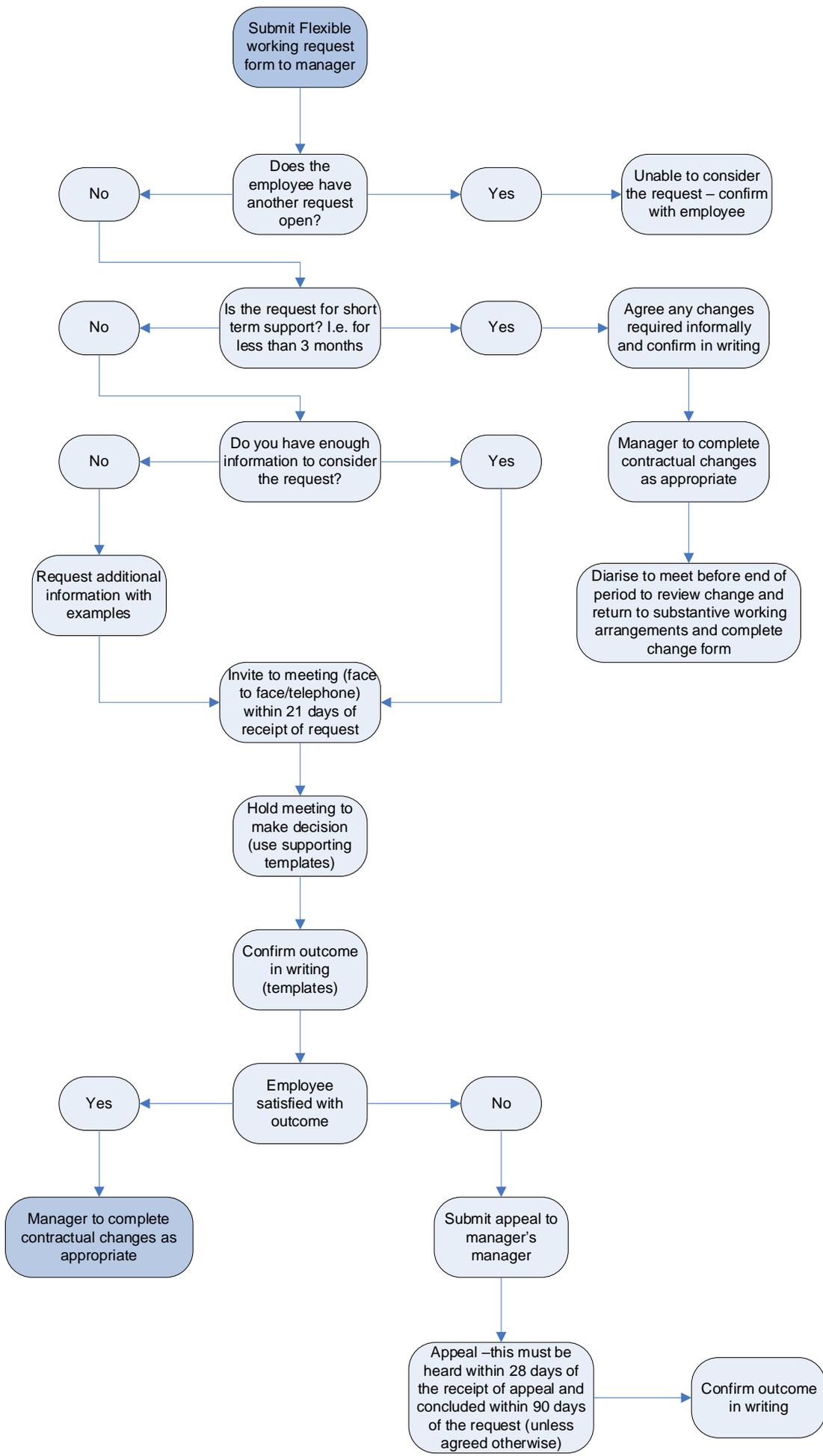
If your manager receives more than one request to work flexibly close together, they will be considered in the order they are received. Having considered and approved the first request your manager will consider its impact on the business and can take that into account when considering the second request.

If your manager receives more than one request at the same time, each business case should be considered on its own merits. In this situation, your manager must have a discussion with all of the employees making requests to see if there is any room for adjustment or compromise, prior to reaching their decision. In addition, your manager may consider asking for volunteers to alter their working patterns, if this helps to accommodate the request.

Confidentiality

All conversations must be kept confidential by all parties involved. We appreciate that this can sometimes be difficult when working in a small team or close environment; however, so that the issues raised can be brought to a swift conclusion and everyone feels able to move on, confidentiality must be maintained.

3. Flowchart



4. Policy Approval and Review

Policy version	UCD/People/FlexibleWorking010v3.1
Title	Flexible Working Policy
Approved by SPC	21 st October 2021(Policy Interim Arrangements PSG 13.06.2023)
Equality Impact Assessment completed	17 th December 2021
Counter Fraud check	18 th November 2021
This document replaces	UCD/People/FlexibleWorking010v3.0
Effective Release Date	June 2023
Review Date	June 2023
Author	Daryl Hall
Filepath	G/HR/HR/Everyone/Policies
Distribution	Available on People First