

## 1. Policy Statement

NHSBT ensures that career and job structures can be flexible and can adapt to your changing needs while considering operational requirements.

Every employee with 26 continuous weeks' employment 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.

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. 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
- Flexi-time
- 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.

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](#).

### 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.

### 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. You can only make one formal written request each year, so the form will ask you to confirm that you have not made a request in the previous 52 weeks. 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 permanent and you will have no right to return to your original working pattern.

### 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 representation by an NHSBT employee or representative of a Trade Union you belong to.

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, and as such you will not be able to make another for 52 weeks from the date of your original application.

Your manager must consider applications from all employees regardless of full or part time. If you have not made a formal written request in the previous 52 weeks, 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. Following this decision, you will not be able to make another request for 52 weeks.

They will complete the process to action a contractual change where appropriate, to ensure there are no 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, however you will not be able to do this for another 52 weeks from the agreed change. 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 and you will have the right to appeal their decision. Your appeal should be based on your belief that your manager:

- Has either not been reasonable when handling your request OR
- Has not followed this policy

You cannot appeal just because you do not agree with the outcome. Your appeal must be in writing to your manager's manager, stating your full reasons within 14 calendar days of receiving the written outcome of the meeting.

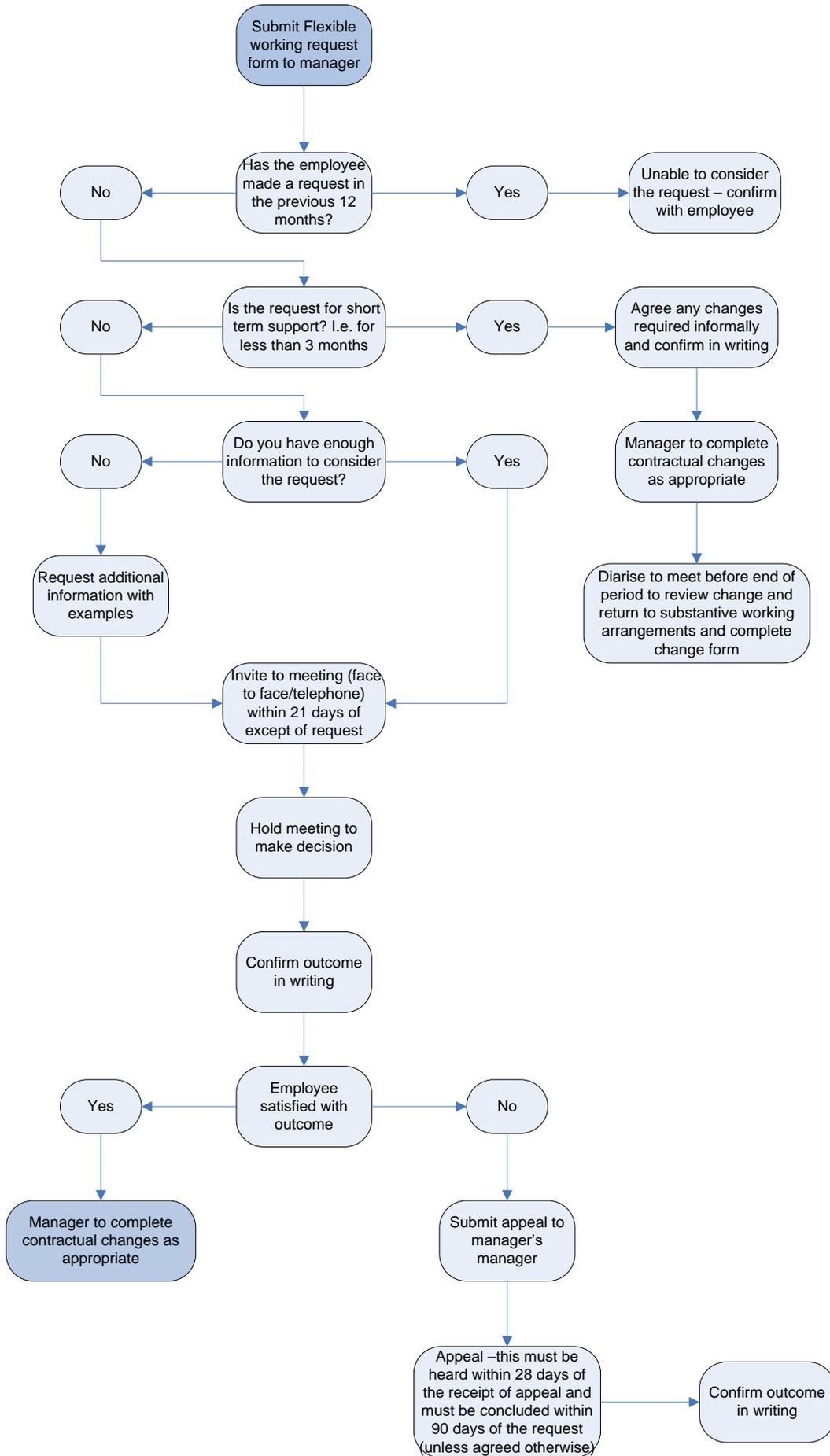
An appeal meeting will be held without reasonable delay. It is a legal requirement under law that the process **including any appeal** is completed within 3 months of the request date. If this cannot be accommodated your manager must agree with you an extension to this date. A manager not previously 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 an NHSBT employee or representative of a Trade Union you belong to. 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.

### 3. Flowchart



## 4. Policy Approval and Review

Policy version	UCD/People/FlexibleWorking010v2.2
Title	Flexible Working Policy
Approved by SPC	January 2020
Equality Impact Assessment completed	18 <sup>th</sup> February 2020
Counter Fraud check	10 <sup>th</sup> February 2020
This document replaces	UCD/Workforce/Flexible Working010v2.1
Effective Release Date	January 2020
Review Date	June 2021
Author	Wendy Baker
Filepath	G/HR/HR/Everyone/Policies
Distribution	Available on People First