



Berkshire Healthcare
NHS Foundation Trust

ORG021

FLEXIBLE WORKING

Policy & Procedures

Berkshire Healthcare NHS Foundation Trust



Did you print this document yourself?

Please be advised that Berkshire Healthcare discourages the retention of hard copies of policies and can only guarantee that the policy on the intranet is the most up-to-date version.

Re-issued:	April 2024
Review Date:	April 2026
Version:	12



Policy Number:	ORG021
Title of Policy:	FLEXIBLE WORKING
Category:	Organisational
Distribution Areas:	All Berkshire Healthcare Departments
Index:	Page 4
Total number of pages:	12
Ratified by:	Strategic People Group – April 2024 Joint Staff Consultative Committee – March 2024
Re-issued:	April 2024
Review Date:	April 2026
Replaces Policy:	Version 11
Designated Lead:	Deputy Director of People
Policy Manager:	Director of People
For policy information:	HR Administration Team 7-9 Cremyll Road Reading Berkshire RG1 8NQ

POLICY DEVELOPMENT

ORG021 - FLEXIBLE WORKING

History:

Version 12: updated to include hybrid working and flexible retirement

Version 11: Flexible working request process reviewed to introduce centralised recording and oversight of requests and the option for requests to be considered by another team or service.

Version 10: Scheduled for review

Version 9: Reviewed and ratified by the NCRM on 5th September 2019 and JSCC on 14th August 2019.

Version 8: Re-issued December 2016.

Version 7: Re-issued September 2015, minor amendments in line with Equality & Diversity Act

Version 6: Reviewed and updated July 2014.

Version 5: Reviewed and updated in July 2013

Version 4:
Replaces ORG021 BHFT
Replaces HR014 BWPCT
Replaces HR012 BEPCT
An amalgamation of two Community Health policies and existing Trust policy post transfer.

Designated Lead: Deputy Director of People

Distributed for comments: Senior Leadership Team
Human Resources
Staff Network
Joint Staff Consultative Committee
Local Negotiating Committee

INDEX

Section	Content	Page
1.	Policy statement	5
2.	Scope	5
3.	What is flexible working?	5
4.	Hybrid working	6
5.	Flexible Retirement	6
6.	Benefits of flexible working	7
7.	Procedure for making a flexible working request	7
Appendix 1	Flexible Working Request Form	10
	Equality Impact Assessment	16

1. POLICY STATEMENT

Promoting a range of flexible working options not only supports you with work life balance but also with other aspects of your life. Having the choice of when and how to work, in a flexible and agile organisation, is key to our health, wellbeing, engagement and motivation levels.

When we feel valued and trusted to work flexibly, we give our best and therefore we treat each other better and importantly, we go the extra mile for our patients.

This policy has been designed to provide a framework for making a request for flexible working and for facilitating discussions which seek to find solutions for the person making the request and their service. We aim, wherever possible, to support people with balancing their responsibilities at work with their personal commitments.

Where flexible working arrangements are indicated as a reasonable adjustment for someone with a disability, this will be agreed in line with the reasonable adjustments policy (ORG111).

2. SCOPE

This policy applies to everyone employed by us.

We make sure that our policy documents meet the diverse needs of our service, population and workforce, and that no one is placed at a disadvantage over others. We take into account the provisions of the Equality Act 2010 and advance equal opportunities for all. This policy has been assessed to make sure that no one receives less favourable treatment or discrimination on the protected characteristics of their age, disability, transitioning at work, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, sexual orientation, gender identity or gender expression.

In carrying out our functions, we will have due regard to the different needs of different protected equality groups in the area. This applies to all the activities for which we are responsible, including policy development, review and implementation.

This policy will also support our staff who are parents, guardians or unpaid carers to balance their caring responsibilities. A carer is someone who provides unpaid care and support to a family member or friend due to their disability, health condition, frailty, mental health problems, addiction or other health and care need. This includes looking after a child, including your own child, who has physical or mental health support needs.

3. WHAT IS FLEXIBLE WORKING?

Flexible working can include a variety of different working practices which enable people to vary their working pattern, i.e. the days and hours that they work. Flexible working options include part-time working, compressed hours, term time only working and job sharing. Further information about these and other flexible working options can be found on Nexus.

We are committed to the principles of flexible working and aim to encourage flexible working across the Trust regardless of role, team or grade. A person can request flexible working from day one of their employment with us and up to two requests can be made each year, regardless of the reason.

You should be aware that any changes to your working hours may impact on your pay, annual leave entitlement and your NHS Pension contributions.

It is important that all working environments are assessed for safety and any risks identified. This is particularly important when flexible working arrangements include working outside of normal working hours or lone working.

The policy does not provide an automatic right to work in a specific flexible way but all requests will be given full consideration. There may be circumstances where your request cannot be accommodated within your team or service and if this is the case, we will work with you to seek to identify an alternative solution, for example opportunities to work in the flexible way you have requested in another team or service.

All flexible working requests will be dealt with on a case-by-case basis and agreeing a request does not set a precedent for any future similar requests. This is because your manager will need to consider each request in line with the service needs at the time the request is made.

It may be possible to trial a flexible working arrangement for a short period if you or your manager are not sure whether it is workable and all flexible working arrangements should be reviewed on an annual basis.

4. HYBRID WORKING

Hybrid working is an arrangement between an individual and their manager which allows for them to work across more than one location, including their home address, for a proportion of their working week, whilst retaining a Trust site as their work base.

Hybrid working is distinct from having a flexible working arrangement because your working hours and working pattern will be unchanged by any agreement you have to work in a hybrid way. However, any requests for a hybrid working arrangement should be agreed via the process set out in this policy. Further information about hybrid working can be found in the hybrid working policy (ORG112).

Whilst hybrid working may improve the work life balance of some people, it should not be a substitute for having childcare or other care arrangements in place during the hours that you are expected to be working.

5. FLEXIBLE RETIREMENT

Flexible retirement options such as 'retire and return', 'step down' and partial retirement can support people to achieve a balance between their work and home life as they transition to retirement, whilst enabling us to retain their skills, experience and knowledge.

If you are considering making a flexible retirement request, it is important to consider your options in advance and make your request with as much notice as possible, as it can take up to four months for the NHS Pensions Agency to process your pension. We recommend making your request at least five months before your intended retirement date.

Where a flexible retirement request is agreed, you should refer to the [Flexible Retirement Guidance](#) to make sure you complete the relevant supplementary paperwork. Further information about flexible retirement options can also be found on the [NHS Pensions](#) website.

6. BENEFITS OF FLEXIBLE WORKING

We recognise that flexible working will mean different things to different people – for some it might mean being able to flex their working hours whilst for others it might mean more predictability in their working pattern to help them manage their personal commitments. Flexible working options that can be changed as people's lives and circumstances change, help to develop a motivated and committed workforce and support our aim of making Berkshire Healthcare a great place to work.

Flexible working brings a number of specific benefits for you and the Trust.

Benefits for you:

- Ability to balance work with childcare, caring responsibilities and other commitments
- Improve wellbeing
- Support you to manage long terms conditions or a disability
- Support you to participate in private prayers and celebrations, or other religious practices
- More time to focus on life away from work and a better work-life balance
- More control and ownership over working life, leading to greater job satisfaction
- Reduce stress

Benefits for the Trust:

- Reduces turnover and retains our skilled and experienced people
- Attract people who may not be able to find the flexibility they are seeking elsewhere
- Attract a more diverse workforce
- Improve morale and motivation
- Increase productivity
- Reduce sickness and other absence
- Centralised information about flexible working arrangements

7. PROCEDURE FOR MAKING A FLEXIBLE WORKING REQUEST

We recognise that some flexible working arrangements may start on an informal basis. We would encourage people to use the steps outlined below to formalise and confirm their request. This will enable us to make sure that the policy is being applied fairly and equitably.

7.1 Application Process

Step 1

To make an application for flexible working (including hybrid working) you should complete part 1 of the request form in Appendix 1.

This will provide you with an opportunity to outline the flexible working change you would like to make, whether you would like this to be temporary or permanent and when you would like the change to start.

You can make a flexible working request for any reason and the decision regarding whether to approve your request will not be based on the reason for the request, as all reasons are acceptable and legitimate.

Once you have completed your request, you should send it to your manager with a copy to flexibleworkingrequest@berkshire.nhs.uk. This inbox is monitored by the HR team who will

log your request. This central record will be used to monitor and analyse the requests we receive and ensure that the policy is being applied fairly.

A copy of your request will be shared with your People Business Partner (PBP), and you can contact your PBP if you need any support with completing the form or have any queries about the form or the process.

Step 2

Your manager will arrange to meet with you to discuss your request as soon as possible and ideally within 10 working days of receiving your request.

You can bring a trade union representative or workplace colleague with you to any meeting arranged to discuss your flexible working request and a member of the HR team may also be present.

The meeting will provide you both with an opportunity to discuss the request in more detail and consider the impact of the flexible working arrangement you have requested. All flexible working requests will be considered on an individual basis, taking into account the needs of the service, and every effort will be made to accommodate your request.

If your manager approves your request, they will complete part 2 of the request form confirming your new working arrangements and when they will start. If you request a permanent change to your working pattern, this will usually be agreed on a temporary basis initially, and should be reviewed on a regular basis to ensure that the arrangement continues to meet your needs and those of the service. A copy of the completed form will be sent to flexibleworkingrequest@berkshire.nhs.uk.

Step 3

If your manager is not able to accommodate the specific request you have made, they will complete part 3 of the request form to explain why your request cannot be accommodated.

They will then work with you to identify and fully consider any alternative or compromise options. You may agree to adjourn the meeting to give you both the opportunity to identify and/or consider alternatives. If this is the case, you should agree when you will meet again to conclude the process.

If an alternative option is identified and agreed, your manager will confirm your new working arrangements on part 3 of the request form and send a copy to flexibleworkingrequest@berkshire.nhs.uk.

If an alternative option cannot be identified or agreed, your manager will ask you whether you would like to explore your flexible working request within another team or service. If this is not something that you wish to consider, your manager will confirm in writing that they have been unable to accommodate your request and will explain your right of appeal (see Step 5 below).

Step 4

If you do wish to explore your flexible working request in another team or service, your manager will liaise with your PBP to identify any other services that may be able to accommodate your flexible working request.

Your manager may arrange to meet with you again to discuss any alternative options that have been identified. The outcome of this step will be recorded on part 4 of the request form and concludes the application process.

7.2 Conclusion of application process

You will receive a letter from your line manager confirming the outcome of your request. This will either confirm your new working arrangement or will explain why it has not been possible to accommodate your request, either in your current team or in another team (if applicable).

You will receive a separate letter from the HR administration team confirming any changes to your terms and conditions, if applicable.

Your line manager will notify the eRoster team of your new working pattern so that your revised working arrangements can be set up on the roster and complete a variation 'V' form.

If it has not been possible to accommodate your request you will be asked whether you would like your details to be recorded on our Flexible Working Register so that you can be contacted if an opportunity later arises which would support the flexible working arrangement you are seeking.

You will also be advised of your right to appeal against the decision if you do not feel that all options were fully considered or the policy was not followed.

7.3 Step 5 – Appeal

If you wish to appeal, you should complete part 5 of the request form, explaining your reasons for appealing. You should send the completed form to your line manager's manager within ten days of receiving the letter confirming the outcome of your request. You should also send a copy of your appeal to flexibleworkingrequest@berkshire.nhs.uk.

Your line manager's manager will arrange to meet with you to discuss your appeal, usually within 14 days of receipt. You can bring a trade union representative or workplace colleague with you to this meeting and a member of the HR team will also be present.

The outcome of your appeal will be confirmed in writing within five working days of the meeting.

The flexible working process, including any appeal, must be concluded within two months of the original request being received.

If you are unhappy with the way that the policy has been applied, then you can raise your concerns through the early resolution policy (ORG022).

Flexible Working Request Form

Part 1: Making an application <i>To be completed by applicant</i>			
Full Name			
Assignment Number			
Date of request			
Department			
Job Title			
Name of Line Manager			
Date of any previous request(s)			
What type of change are you requesting? (Please tick all that apply)			
Working Pattern			
Number of Hours Worked	<input type="checkbox"/>	Flexitime	<input type="checkbox"/>
Times of Hours Worked	<input type="checkbox"/>	Compressed Hours	<input type="checkbox"/>
Days Worked	<input type="checkbox"/>	Term Time Only	<input type="checkbox"/>
Annualised Hours	<input type="checkbox"/>	Fixed working/shift pattern	<input type="checkbox"/>
Flexible Retirement			
Retire and return	<input type="checkbox"/>	'Step down' into a lower band	<input type="checkbox"/>
Reduction in hours for drawdown/partial retirement	<input type="checkbox"/>		
Hybrid Working			
Flexible hybrid arrangement	<input type="checkbox"/>	Fixed hybrid arrangement	<input type="checkbox"/>
Please outline your current working arrangement.			
Please describe below the change(s) you would like to make in more detail.			
Date you would like the change to commence			
Are you requesting a permanent or temporary change?			
If temporary, please specify expected end date			
<p><i>Please note that permanent requests for changes to working pattern will usually be agreed on a temporary basis initially, and will be subject to ongoing review to ensure the arrangement continues to meet your needs and those of the service. Where the pattern does not work for you and/or the service you will be asked to return to your previous working pattern with 4 weeks' notice.</i></p>			
Please explain the reason for your request below (optional)			
Please provide any further information that you consider to be relevant to your request.			

For requests to 'retire and return' only, please tick to confirm you have understood the below:

I understand that if my application for Retire and Return is successful, I will be required to take a break of 24 hours between the date of my retirement and the date I return to work.		
I understand that if my application is successful, any employment that has been taken into consideration for my pension benefits will not count as reckonable service for any future redundancy payment.		
I understand that any future pay protection would only be based on my post-retirement service.		
Name:	Signed:	Date:
Please send your application form via email to your line manager and copy in flexibleworkingrequest@berkshire.nhs.uk .		

Part 2: Meeting to consider the flexible working request

To be completed by the Line Manager

Able to accommodate request:		Yes	No (<i>complete Part 3</i>)	
If yes, please outline the details of what has been confirmed:				
Temporary or permanent:	Temporary	Permanent	Review Date:	
<i>Please note that permanent requests for changes to working pattern should usually be agreed on a temporary basis initially, and be subject to ongoing review to ensure the arrangement continues to meet the needs of the individual and the service.</i>				
Date arrangement will commence:				
Details of agreed arrangement:				
Where the flexible working arrangement has been agreed, please sign to confirm the above is an accurate summary of the conversation and subsequent flexible working arrangement that has been made.				
Staff Member Name:	Staff Member Signature:		Date:	
Manager Name:	Manager Signature:		Date:	
If the flexible working request can be accommodated, this concludes the application process and you do not need to complete Part 3 or 4 of this form.				
Please send a copy of the form via email to the staff member making the request and copy in flexibleworkingrequest@berkshire.nhs.uk .				
A V-form/e-Roster form should be raised to action the changes if applicable.				

Part 3: Meeting to consider the flexible working request where the manager is unable to accommodate the original request

To be completed by the Line Manager

If unable to accommodate the original request, please outline the details of what has been discussed:

Outline why the service cannot accommodate the original request:

Outline possible compromise/alternative option(s):

Please note that you must show due consideration to alternative options and should discuss with your HRBP if you are unable to identify a compromise. If you identify a compromise/alternative which is not an option, please indicate why.

Consider adjourning the meeting to allow all parties to consider the alternative options.

Compromise/alternative option agreed?	Yes (<i>complete details below</i>)	No
If no , would the staff member like to consider exploring their flexible working request within a different team:	Yes (<i>complete part 4</i>)	No

If a compromise has been agreed, please outline the details of what has been confirmed:

Date outcome communicated (if meeting adjourned):			
Temporary or permanent:	Temporary	Permanent	Review Date:

Please note that permanent requests for changes to working pattern should usually be agreed on a temporary basis initially, and be subject to ongoing review to ensure the arrangement continues to meet the needs of the individual and the service.

Date arrangement will commence:	
---------------------------------	--

Details of agreed compromise/alternative arrangement:

Please sign to confirm the above is an accurate summary of the conversation and subsequent flexible working arrangement that has been made.

Staff Member Name:	Staff Member Signature:	Date:
---------------------------	--------------------------------	--------------

Manager Name:	Manager Signature:	Date:
<p>If a compromise or alternative flexible working arrangement has been agreed, this concludes the application process and you do not need to complete Part 4 of this form.</p> <p>Please send a copy of the form via email to the staff member making the request and copy in flexibleworkingrequest@berkshire.nhs.uk.</p> <p>A V-form/e-Roster form should be raised to action the changes if applicable.</p>		
<p>If no alternative/compromise can be agreed and the staff member does not wish to pursue their request within an alternative team, the flexible working request cannot be accommodated and will be refused.</p> <p>Explain right of appeal using Part 5 of this form which should be sent to line manager's manager and copy to flexibleworkingrequest@berkshire.nhs.uk.</p> <p>This must be done within 10 working days of receiving written confirmation that the request has been refused.</p>		

Part 4: Flexible Working in an alternative team within the Trust
To be completed by the Line Manager

Alternative opportunity identified within the Trust and staff member wishes to proceed:

Yes

No

If yes, details of arrangement within alternative team:
Including team, base (HCAS/no HCAS), working pattern and hours

OR
If no, reason flexible working request cannot be accommodated within an alternative team:

Please sign to confirm the above is an accurate summary of the conversation.

Staff Member Name:	Staff Member Signature:	Date:
Manager Name:	Manager Signature:	Date:

If the flexible working arrangement can be agreed within another team/service, this concludes the application process.

Please send a copy of the form via email to the staff member making the request and copy in flexibleworkingrequest@berkshire.nhs.uk.

Please discuss with your divisional HRBP the arrangements to action the changes.

If no alternative/compromise can be agreed and no opportunities are identified within an alternative team, the flexible working request cannot be accommodated and will be refused.

Explain right of appeal using Part 5 of this form which should be sent to line manager's manager and copy to flexibleworkingrequest@berkshire.nhs.uk.

This must be done within 10 working days of receiving written confirmation that the request has been refused.

Part 5: Appeal

To be completed and submitted by applicant within 10 working days of receiving the decision to refuse their flexible working request.

Date of request to appeal:

Please tick to indicate the grounds of your appeal:

I do not feel all options were fully considered

I do not feel the policy was correctly followed

Please provide additional detail:

Staff Member Name:

Staff Member Signature:

Date:

Please send your complete application form, including this appeal section, via email to your manager's line manager and copy in flexibleworkingrequest@berkshire.nhs.uk.

You will be contacted in due course about the arrangements for your appeal meeting.

Equality Impact Assessment

Introduction

An Equality Impact Assessment (or EIA) is a tool to help us demonstrate that we have considered the needs of our people and communities when writing or revising our policies. The process also involves making sure that implementing a policy will not lead to discrimination and addresses health inequalities. We want to make sure that we look at everyone's human rights as part of this assessment.

As a Public Authority, we have a legal requirement to promote equality and set out how we plan to meet the 'general' and specific duties' specified in the Public Sector Equality Duty. The Act makes it unlawful to discriminate (treat less favourably) either directly or indirectly because of a protected characteristic in relation to employment; supply of goods and services including education, etc.

The aim of the EIA is to identify positive and negative impacts on equality and to mitigate or remove any negative impacts. If one or more negative impacts cannot be mitigated or removed we will need to justify how it/they are proportionate to achieve the legitimate aim of the policy.

To complete the EIA and summarise any actions needed, we have worked through the following questions:

- What are we proposing to do?
- Why are we doing it?
- Who is intended to benefit from this proposal?
- What evidence is available about the needs of the relevant equality groups?
- What equality issues or impacts have we identified?
- What do we propose to do to manage the impacts?
- What potential mitigating actions can we take?

Title of policy/programme/service change being assessed:	Flexible working policy
Date of Assessment:	29 February 2024
Assessment Author:	Joanne Evans
1. Briefly describe the aims, objectives and purpose of the policy/programme/service change.	
Promoting a range flexible working options not only supports you with work life balance but also with other aspects of your lives. Having the choice of when and how to work, in a flexible and agile organisation, is key to our health, wellbeing, engagement and motivation levels. When we feel valued and trusted to work flexibly, we give our best and therefore we treat each other better and importantly, we go the extra mile for our patients. This policy has been designed to provide a framework for considering applications for flexible working, considering the needs of the individual and the service.	
2. Who is likely to be affected by the policy/programme/service change?	
All staff	

3. Analysis of Impact - what impact will the policy/programme/service change have on protected groups. Indicate below whether the impact on each protected group will be positive, neutral or negative and give a reason for your assessment.

Protected Characteristic	Nature of any Impact			Reason for Impact Identified
	Positive	Neutral	Negative	
Sex	√			The policy provides a framework for requesting flexible working to balance work and childcare/caring responsibilities which may have a positive impact on our female workforce, which makes up 83% of our total workforce.
Age	√			Supports those who wish to take flexible retirement
Disability	√			Supports those with a long term condition or disability to better manage this where needed
Race/Ethnicity		√		No particular impact identified
Religion/Belief	√			Supports those who wish to apply for flexible working to participate in private prayers or other religious practices.
Sexual Orientation		√		No particular impact identified
Gender Reassignment		√		No particular impact identified
Maternity & Pregnancy	√			The policy provides a framework for requesting flexible working to balance work and childcare/caring responsibilities which may have a positive impact on those returning from maternity leave
Marriage & Civil Partnership		√		No particular impact identified
Carers	√			The policy will support staff who are unpaid carers to balance their caring responsibilities.
Other Group(s) (please specify)	√			Supports parents and guardians to balance home and work life

4. Action Plan - for any negative impact(s) identified above, complete the action plan below to identify the actions needed to reduce the negative impact on specified protected groups (where no negative impact has been identified, please move to summary section 5 below)

Negative Impact	Action needed to reduce negative impact, including changes, options and alternatives to be considered	Lead	Timescale

5. Summary – please indicate below which of the following impact statements best describes the overall impact of the policy/programme/service change on equality

Highly likely to have an adverse effect on equality High Risk	May have an adverse effect of equality Moderate Risk	Unlikely to have an adverse effect on equality Low Risk
Highly likely to promote equality of opportunity and good relations High Potential	May promote equality of opportunity and good relations Moderate Potential	Unlikely to promote equality of opportunity or good relations Low Potential