



## Flexible working and special leave policy

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Type of document	Policy	
Target audience	All CWP staff	
Document purpose	To outline the options open to employees in relation to leave and flexible working in order to support CWP's approach to Improving Working Lives	

Document consultation	Consultation & Negotiation Partnership Committee; Medical Local Negotiating Committee	
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Review date	Mar-17	

CWP documents to be read in conjunction with	<a href="#">HR6</a>	Trust-wide learning and development requirements including the training needs analysis (TNA)
	<a href="#">HR2.6</a>	Annual leave policy
	<a href="#">HR3.5</a>	Management of attendance policy and procedure
	<a href="#">HR3.4</a>	Grievance policy and procedure
	<a href="#">HR3.3</a>	Trust disciplinary policy and procedure
	<a href="#">HR3.1</a>	Partnership agreement

Training requirements	There <b>are no</b> specific training requirements for this document.
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Financial resource implications	No
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### Equality Impact Assessment (EIA)

Initial assessment	Yes/No	Comments
Does this document affect one group less or more favourably than another on the basis of:		
• Race	No	
• Ethnic origins (including gypsies and travellers)	No	
• Nationality	No	
• Gender	No	
• Culture	No	
• Religion or belief	No	
• Sexual orientation including lesbian, gay and bisexual people	No	
• Age	No	
• Disability - learning disabilities, physical disability, sensory impairment and mental health problems	No	
Is there any evidence that some groups are affected differently?	No	
If you have identified potential discrimination, are there any exceptions valid, legal and/or justifiable? N/A		
Is the impact of the document likely to be negative?	No	

• If so can the impact be avoided?	N/A	
• What alternatives are there to achieving the document without the impact?	N/A	
• Can we reduce the impact by taking different action?	N/A	
Where an adverse or negative impact on equality group(s) has been identified during the initial screening process a full EIA assessment should be conducted.		

If you have identified a potential discriminatory impact of this procedural document, please refer it to the human resource department together with any suggestions as to the action required to avoid / reduce this impact.

For advice in respect of answering the above questions, please contact the human resource department.

Was a full impact assessment required?	No	
What is the level of impact?	Low	

### Monitoring compliance with the processes outlined within this document

Is this document linked to the NHS litigation authority (NHSLA) risk management standards assessment?	No  NB - The standards in bold above are those standards which are assessed at the level 2 and 3 NHSLA accreditation.
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<b>Who</b> is responsible for undertaking the monitoring?	Head of Human Resources
<b>How</b> are they going to monitor the document?	Staff survey results
<b>What</b> are they going to monitor within the document?	Up take of flexible working
<b>Where</b> will the results be reviewed?	Workforce and Organisational Development Sub Committee
<b>When</b> will this be monitored and how often?	As and when required
If deficiencies are identified how will these be dealt with?	Action plan will be formulated
Who and where will the findings be communicated to?	Workforce and Organisational Development Sub Committee
How does learning occur?	Analysis of results of Staff Survey
How are the board of directors assured?	via minutes of the Workforce and Organisational Sub Committee

### Document change history

Changes made with rationale and impact on practice
1. Issue 1 -Update and transfer into new template June 2010 - May 2011

### External references

References
1. Flexible Working Regulations
2. Employment Rights Act 1996

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## 1. Introduction

Cheshire and Wirral Partnership NHS Foundation Trust (the Trust) believes that flexible and supportive family friendly practices have benefits for the staff, the service users and the Trust. As part of its approach to **Improving Working Lives** and flexible working, the Trust recognises the need for a clear policy relating to balancing home and work life. The Trust also recognises its responsibilities under the Employment Relations Act 1999. Key benefits are:

- Helping staff to balance the competing demands of work and life away from work;
- Assisting with recruitment and retention;
- Improving staff motivation;
- Improving attendance rates;
- Extending working careers.

Staff are encouraged to utilise the provisions within this policy rather than masking their need for time off by taking sick leave or using their annual leave. Managers are encouraged to facilitate adjustments in working arrangements to enable staff to balance home and work commitments.

The policy is divided into two sections: one for leave and one for flexible working.

## 2. Application

By the very nature of individual work/life experiences, it is certain that the application of these provisions, other than those defined by statutory entitlement, will be different in every case. In light of this, it is inappropriate to attempt to be prescriptive in determining what provision should apply in every circumstance.

It follows that application of the provisions may be different in individual circumstances but the Trust will approach each situation sensitively.

Human Resources will be available to give advice and support to managers regarding assessment of appropriate time-off arrangements. This will help to ensure a consistency of approach without detracting from the manager's ability to make the final decision.

## 3. Duties and responsibilities

### 3.1 Responsibilities of line managers

- Seriously consider any request for time off under all of the provisions within this policy;
- Assist in providing a culture of work/life balance;
- Approach the application of these provisions co-operatively and in partnership with the individual members of staff;
- Be capable of providing justification as to the reason for any decision made;
- Ensure that the principles of fairness, consistency and reasonableness are applied in every case;
- Record and monitor individual staff absences for audit and pay purposes (see record of 'other leave' form contained in the [annual leave policy](#));
- Ensure that the needs of the service are met;
- Notify payroll of the amount of leave granted whether paid or unpaid.

### 3.2 Responsibilities of staff

- Approach the application for time off co-operatively, reasonably and in partnership with managers;
- Assist in providing a culture of positive work- life balance;
- Provide completed documentation as detailed within the policy;
- Ensure that the needs of the service are met.

### 3.3 Responsibilities of human resources

- Ensure the policy and procedures are reviewed regularly and are consistent and up to date with current employment legislation;

- Ensure the policy is interpreted and implemented consistently;
- Monitor and evaluate the effectiveness of the policy.

## Section 1 special leave - Part 1

### 4. Special leave for domestic, personal and family reasons

The objective of special leave is to help staff balance the demands of domestic and work responsibilities through the provision of paid or unpaid leave.

Occasions when special leave may be granted to employees fall into two categories, these are:

- Special leave for domestic, personal and family reasons;
- Special leave to undertake civic and public duties.

Approval of special leave will be delegated to relevant managers in each service area. The General Manager / Head of Service or Director will identify the level of management authorised to approve special leave in their service area. All leave should be recorded and in circumstance where leave is not approved this should also be recorded.

The purpose of this leave is to provide a response to immediate needs. The leave will be short term and normally with pay. The needs covered will be those arising from the many and varied domestic situations which arise from time to time, e.g. illness of a child, close relative or dependent; breakdown of normal carer arrangements, making arrangements for long term coping with a care problem or an unexpected domestic crisis.

Paid leave in cases of urgent need will normally be granted for up to six working days and on an unpaid basis thereafter. It is recognised that in extenuating circumstances an employee may require time off for more than one period in any year. There is, therefore, no fixed entitlement to leave under this heading and it is for the manager to determine what is appropriate with advice from the HR Department.

#### 4.1 Leave for personal commitments/ healthcare appointments

Many of the provisions covered in this policy are centred on the arrangements of care for families; however, it is recognised that all staff have commitments outside of their work such as:

- Dentist appointments;
- Hospital appointments;
- GP appointments;
- Physiotherapy appointments.

Although such commitments are not covered by the entitlement to paid leave, managers are encouraged to be flexible in their approach to accommodating such commitments by considering temporary adjustments to the working hours of their staff. Although this policy aims to be very flexible in relation to time off for health care appointments, it is important that staff meet their contractual obligations, the needs of the service and are sensitive to the impact on colleagues by not seeking time off for such personal commitments at times of peak workload. Approaches to accommodating time off for healthcare appointments are as follows:

#### Options:

- Postponing start times, extending lunch breaks and allowing staff to finish work earlier than usual with the understanding that this time will be made up at a later date;
- Allowing staff to take time off in lieu, or to make this time up at a later date;
- Allowing staff to take unpaid time off;
- Allowing staff to take the required number of hours of annual leave to address the issue.

The following examples might prove helpful in considering whether paid time off is the only option:

- A part-time employee who works mornings only would be expected to arrange appointments in the afternoon;

- A full-time employee, working Monday to Friday, but has a “flexitime system” would be expected to arrange appointments to outside of “core time”;
- An employee who is given a fixed time hospital appointment and for whom the above options are not possible, may be given paid time off.

In cases of doubt, the manager should consult with a HR Advisor.

In the situation where an emergency appointment is required and the time to attend cannot be accommodated through the above options, the manager will be authorised to grant paid time off to allow the employee to attend such appointments. This should not be the default option and managers must exhaust all the above options before considering paid time off.

#### **4.2 Unpaid leave for general commitments**

In some circumstances unpaid time off may be provided for non-urgent personal circumstances, paid time off is **not** provided in this instance and managers are advised to refer to the options provided above.

Below is a list of general commitments that can affect all staff occasionally, however this list is not exhaustive and is provided as an example only:

- Appointments with the bank / solicitors;
- Accepting delivery of household goods;
- Arranging for repairs to central heating;
- Taking the car for a service etc.

#### **4.3 Bereavement / compassionate leave**

The bereavement of a close relative, partner, or dependant affects every individual differently. Employees will be entitled up to a maximum of 5 days pro rata paid leave in the event of bereavement. Bereavement leave entitlement is in addition to other leave entitlement. The circumstances surrounding such an event must be taken into account when considering the amount of leave to be granted including:

- The relationship with the deceased and resultant degree of stress to the employee;
- Responsibility for funeral arrangements and any executory duties;
- Attendance at and location of funeral.

Additional time off, without pay, will be considered favourably where appropriate.

#### **4.4 Leave for adverse conditions**

Adverse weather conditions may make it difficult for staff to attend work as normal due to school closures, poor driving conditions etc. In the event of adverse weather conditions, the following provisions should be adhered to:

- Staff should make contact with their ward/department as soon as possible if they are experiencing difficulty;
- Staff who are delayed or need to leave earlier than normal will be required to make up lost time as agreed with their line managers;
- Staff who are unable to attend work at all may take annual leave, accrued flexi leave or unpaid leave;
- Where appropriate staff may agree with their manager to work from home or report to an alternative work location;
- Staff who are delayed from leaving their shift will be given time owing as soon as possible;
- Staff who live within a reasonable and safe walking distance to their work base are expected to make their journey into work on foot;
- Staff should only leave their shift early with the agreement of their manager, after a handover has taken place to ensure patient care is not compromised;

All staff and managers are requested to be as flexible as possible in order to ensure that essential services are delivered and maintained during such unusual circumstances.

#### **4.5 Leave to attend job interviews**

Staff will normally be granted Special Leave with pay to attend job interviews within the Trust. Unpaid leave may also be granted at the Manager's discretion, for interviews external to the Trust.

#### **4.6 Leave for religious holidays**

The Trust recognises that staff may wish to take leave for religious holidays and, where appropriate, unpaid leave may be granted for this purpose provided that the needs of the service are met.

#### **4.7 Leave for voluntary activities**

In general the Trust is supportive of a reasonable amount of health related voluntary/charitable activity but such activity should be undertaken without detriment to the services provided to patients.

Managers must therefore take into account the exigencies of the service, i.e. activity, quality and financial targets must be maintained. Leave is unpaid. Permission must be sought from the Head of Department/ Service Manager/ Director as appropriate.

Major Initiatives – where Trust Board support is sought, for example where a major link is proposed with another institution whether in this country or overseas, then Trust Board approval must be obtained.

Subsequently the Trust may then decide to support the initiative through the use of publicity and public relations and/or payroll giving, or other means of support.

#### **4.8 Leave for carers**

To support carers, management should consider all of the options detailed in this policy.

The Trust also understands that the process of caring may place great strain on an employee, management support should be provided by the line manager who must draw to the attention of the carer the possibility of having access to:

- The Trust's counselling service;
- Allowing reasonable personal phone calls during working time to enable them to check at intervals in the working day on the person being cared for;
- Training and development opportunities which are planned to respect their commitments.

Provision needs to be made for circumstances where an employee is the sole carer and produces a medical certificate indicating he/she is required to take an extended period of leave to care for someone. In these circumstances, the certificate should be regarded as supporting a request for unpaid leave. However in cases where it is to provide terminal care a period of paid special leave may be appropriate. Each situation will be unique and should be considered on an individual basis and advice should be sought from a Human Resources. If the employee is unhappy with the decision, the usual right of appeal will be available.

There may be circumstances where as a result of their caring responsibilities, the health of the employee is affected and they are certified as sick. In this situation, the employee will be supported by their manager in accordance with the [managing attendance policy and procedure](#). A referral to occupational health should be considered according to the specific circumstances of the case. Advice in such situations will be available either from occupational health or human resources.

#### **4.9 Other leave**

Special paid or unpaid leave may be granted for other purposes where appropriate and after discussion with a human resource advisor.

**Any period of unpaid leave may affect your annual leave entitlement and may affect your pension.**

## Section 1 special leave - Part 2

### 5. Special leave for essential civic and public duties

The Trust recognises that its employees may require time off to undertake civic and public duties of the kind listed in Section 50(1) and (2) of the Employment Rights Act 1996 and in other specific circumstances. To support employees and to enable them to balance the demands of work responsibilities and make a contribution to the local community, paid or unpaid leave may be granted. This policy does not cover time off for trade union duties; this is dealt with under the Trust's [partnership agreement](#).

#### 5.1 Special leave - paid

Any employee requiring paid special leave should apply in writing to his/her manager detailing the nature and duration of leave required. The manager may authorise leave in accordance with the limits detailed at [appendix 1](#). Where necessary advice may be sought from Human Resources. When approved the employee will receive written confirmation which will detail the extent of the approval and any conditions attached to it.

#### 5.2 Special leave – unpaid

Any employee requiring unpaid special leave should apply in writing to his/her manager detailing the nature of the leave required.

In deciding whether or not an application for unpaid special leave should be approved the following should be considered:

- The reason that the leave is required;
- The effect of the employee's absence on the running of the service;
- The ease with which the duties can be covered;
- The cost of covering the duties.

The manager may authorise unpaid special leave taking advice from Human Resources where necessary, when approved the employee will receive written confirmation which will detail the extent of the approval and any conditions attached to it.

**Any period of unpaid leave may affect your annual leave entitlement and may affect your pension.**

#### 5.3 Applications not approved – paid and unpaid leave

If an application is not approved, employees have a right of appeal to the next in line manager within 14 days of the date of the rejection. The appeal should be in writing and set out the grounds for the appeal. The appeal should be addressed to the line manager and copied to Human Resources. The appeal should be heard within 14 days of receiving the appeal and the outcome issued within 14 days. The employee may be accompanied at the meeting by a trade union representative or workplace colleague. This is the end of the appeal process.

## Section 1 special leave - Part 3

### 6. Right to request time off for training

As a result of new piece of employment legislation from 6 April 2010 it is necessary for the Trust to have a formalised protocol in place which will allow employees the right to request time off for training and for managers to consider these requests. Managers will have a duty to consider requests from their employees for time away from their normal duties to undertake any training that they believe will improve their performance and that of the business.

#### 6.1 Eligibility

Employees who have worked continuously for CWP for at least 26 weeks will be eligible to make a request. The scheme does not apply to agency workers.

## **6.2 Requesting time off to attend training**

There are a wide range of ways in which the individual employee might identify they have a training need. This could be through a discussion with a colleague, their line manager, a union learning representative, or by contacting learning and development services.

Once an employee has identified the training they believe will help them improve their skills, and help them become more productive and effective in work, they will be able to submit a request for time off for training to their line manager.

The request should show that the training is being undertaken for a sound business reason, aimed at improving the employee's effectiveness or performance within CWP, and be learning other than that as identified as part of the Mandatory Training framework. Employees making a request may apply for training that leads to an award or qualification. Alternatively, an employee could undertake unaccredited or shorter training that will help them develop particular skills.

The employee's request should be submitted in writing and include the following:

- Exactly what training it is they want to undertake, taking full account of their training needs at that time;
- What – if any – qualification (s) they would receive as a result of successfully completing their training;
- The amount of time they are requesting, how much time it would take, and when it would start;
- Where and how they would like to undertake the training;
- How they believe the training is related to their work, how it would help them to be more effective and productive at work, and how it would help CWP or service line improve business performance and productivity.

## **6.3 Considering the request**

The Trust has a legal duty to consider each request and the guiding principles for managers to consider a request are:

- Relevance of training to business productivity and performance;
- Suitable training is not available;
- Burden of additional costs;
- Detrimental affect on ability to meet service 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.

Managers should be able to judge each individual request for time off for training on its own merits.

A manager will have up to 28 days to consider a request. After this period the manager must either accept the request on the basis of the information provided by the employee or request to meet with the employee to discuss it further. A manager does not have to accept or refuse the request in full. The request for training may be accepted, but, for example, stating a preference for the employee to complete an alternative qualification. Again if this is the case the manager should meet with the employee to discuss request further and inform them of the decision in writing.

## **6.4 Meeting to discuss the request**

If an application requesting time off for training is received a formal meeting may be convened with the manager to discuss and consider the request. The employee is entitled to be accompanied at this meeting by a trade union representative or workplace colleague of their choice. Within 14 days of this meeting the manager must inform the employee of the final decision in writing.

## 6.5 Accepting the request

If a manager accepts the request for training they should inform the employee in writing and include a response to each specific element of the individual's request (see requesting time off for training section).

## 6.6 Refusing the request

If a manager refuses a request for training they need to inform the employee in writing and include the following:

- The business reason for turning down the request;
- Why this reason applies in the circumstances;
- The appeal procedure;
- The date of the notice.

## 6.7 Funding the cost of training and salary

There is no statutory obligation for CWP to cover both the cost of the training or the salary of employees attending training.

## 7. Appeal

If an application is not approved, employees have a right of appeal to the next in line manager within 14 days of the date of the rejection. The appeal should be in writing and set out the grounds for the appeal. The appeal should be addressed to the line manager and copied to Human Resources. The appeal should be heard within 14 days of receiving the appeal and the outcome issued within 14 days. The employee may be accompanied at the meeting by a trade union representative or workplace colleague. This is the end of the appeal process.

## Section 1 special leave - Part 4

## 8. Employment break scheme

The aim of the employment break scheme is to provide an opportunity, in certain circumstances for an employee to leave employment on a long term basis. Such leave will not damage employment prospects and allows staff to return to work within an agreed timescale.

### 8.1 Qualifying circumstances

The scheme is open to all staff with over 12 months service with the Trust. Applications for an employment break will be considered on the grounds of:

- Caring for a child;
- Caring for a dependant;
- Training / study leave;
- Working abroad.

Applications for other circumstances may be considered on an individual basis.

### 8.2 Length of break

The total length of the employment break should not normally exceed five years.

- Leave will be unpaid;
- Breaks may be taken as either a single period or as more than one period;
- The minimum length of a break should be three months.

The period of unpaid leave will not be regarded as a break in service (this service will be regarded as continuous employment for statutory purposes) but it will not itself be reckonable for the purposes of calculating entitlement to sick leave, maternity leave, annual leave or redundancy payment. It will also not be reckonable for superannuation purposes (SD Letter (90)21 refers).

### 8.3 Terms and conditions

Staff on an employment break are required to keep up to date with their relevant professional registration needs, including attendance at specified training courses and conferences.

Whilst on an employment break the individual remains an employee of the Trust and must remain on the Trust payroll.

On re-commencing work with the Trust, staff will be required to undergo an induction process, tailored to their needs.

#### **8.4 Keeping in touch**

The key to a successful employment break is maintaining regular and effective communication between the manager and the employee. The manager will send to the employee copies of:

- The trust newsletter – CWP essential;
- Any other information relevant at the time, either relating to the whole organisation or the individual department.

On at least a quarterly basis, the employee should contact his/her manager either by telephone, e-mail, or in person.

It must be recognised and understood by both parties that an employment break will only work with mutual commitment to these objectives.

#### **8.5 Returning to work**

For breaks of **up to one year**, the employee is required to give **six weeks** notice of their return to work. It is expected that the employee will return to the same post as previously held.

For breaks of **over one year**, the employee is required to give **three months** notice of their return to work. The employee will return to a post of broadly similar duties and equivalent salary.

#### **8.6 Application process**

An employee wishing to apply for an employment break should do so by writing to his/her manager, indicating the reasons for the application. Such an application should normally be submitted at least **two months** in advance of the proposed start date and the manager will be required to discuss the application with the employee within **14 calendar days** of receipt of the application.

The employee should be notified in writing within **7 calendar days** of the discussion, whether or not this application has been approved.

If a manager is considering rejecting an application for an employment break, this should first be discussed with a Human Resource Officer/Advisor.

#### **8.7 Appeal**

If an application is not approved, employees have a right of appeal to the next in line manager within 14 days of the date of the rejection. The appeal should be in writing and set out the grounds for the appeal. The appeal should be addressed to the line manager and copied to Human Resources. The appeal should be heard within 14 days of receiving the appeal and the outcome issued within 14 days. The employee may be accompanied at the meeting by a trade union representative or workplace colleague. This is the end of the appeal process.

## Section 2 flexible working – Part 1

### 9. Types of flexible working

Flexible working can take many forms; some examples are listed below:

- Team-based self-rostering;
- Annual hours;
- Reduced hours;
- Flexi-time;
- Job share;
- Home working;
- Term time working;
- Flexible retirement (see [retirement policy](#)).

For flexible working to succeed, managers and employees will need to think innovatively and be willing to challenge traditional ways of working. Managers will need to use their discretion and decision making will need to be transparent and consistent. Where the Trust introduces a new/revised work pattern which results in an adverse impact on an individual employee, the normal pay protection arrangements may apply.

#### 9.1 The procedure

Where an employee makes a request for a permanent change to their working arrangements, this must be made in writing to their immediate line manager who will consider the request and arrange to meet with him/her within **28 calendar days**. The applicant will have the right to be accompanied by a work colleague or trade union representative at this meeting if they so wish.

It may also be decided at this stage that the new working pattern will take place for an agreed trial period in order to see how it would suit both the employee and the service. In this case, the parties could agree to extend the time for a final decision to be given by management until the end of the trial period. To do so management will specify the period of extension and its end date in writing to the employee. Management's final decision can then be given once they have tried out the new pattern.

Within **14 calendar days** after the meeting the manager considering the request must confirm their decision in writing.

The individual will be able to make only one application in a **12 month** period under the procedure; therefore it is important that the employee gives careful consideration to the requested working pattern.

For a flow diagram of the application process see [appendix 2](#).

#### 9.2 Refusal of the application

Where the manager decides to refuse the application, they must set out the grounds for such refusal, by indicating a main reason from the following categories:

- Planned structural changes;
- The burden of additional costs;
- A detrimental impact on quality;
- The inability to recruit additional staff;
- A detrimental impact on performance/service delivery;
- The inability to reorganise work among existing staff;
- A detrimental effect on ability to meet customer demand;
- Lack of work during the periods the employee proposes to work.

In a written refusal of a flexible working request, the manager must explain why the business ground applies in the circumstances. The refusal must clearly indicate the appeals procedure and be dated.

### **9.3 Appeal**

If an application is not approved, employees have a right of appeal to the next in line manager within 14 days of the date of the rejection. The appeal should be in writing and set out the grounds for the appeal. The appeal should be addressed to the line manager and copied to Human Resources. The appeal should be heard within 14 days of receiving the appeal and the outcome issued within 14 days. The employee may be accompanied at the meeting by a trade union representative or workplace colleague. This is the end of the appeal process.

### **9.4 E-Rostering**

Staff based on inpatient units can book their shifts on MAPS Healthroster, the Trust's e-rostering system. This enables rosters to be produced at least 3 weeks in advance taking account of several factors such as staffing levels, skill mix, and annual leave. For full details of e-rostering please refer to the Trust [e-rostering policy](#).

### **9.5 Annual hours**

Annual hours schemes aim to achieve a more even match between supply and demand for staff, by distributing hours worked by staff to coincide with actual levels of need – flexing the working year. They are particularly suitable in situations where there are predictable fluctuations in activity levels for teams and staff over different periods. Annual hours may also be appropriate for individual staff whose workload is particularly heavy at certain times of year and lighter at others.

### **9.6 Reduced hours**

Reduced working hours can take various forms, and in addition to accepted part-time working may include job sharing and term time working which are covered below. Where an employee wants to voluntarily reduce their working hours this will normally be on a permanent basis and result in a permanent change to terms and conditions of employment. However staff may request a temporary reduction in hours for an agreed period of time, for example to manage personal or caring responsibilities and pay will be reduced proportionately.

Where an employee works less than full time, there will be implications in respect of both annual leave and pension benefits.

It will be essential to ensure that there is continued access to training and development opportunities.

### **9.7 Flexi-time**

Flexi-time allows staff to vary their actual working hours outside certain core times each day. Usually this means staff can vary their start and finish times to suit domestic responsibilities, travel arrangements or for work reasons.

Staff can build up a credit or debit of hours worked within a specific period. This allows staff to consolidate any additional hours worked into taking a day or half day off in lieu of the additional time worked. Limits are set locally for how many debit or credit hours can be accrued. See [appendix 3](#) for a sample flexi-time recording sheet.

In more complex work situations where staffing levels, skill mix and other considerations require a rigorous organisation of hours, flexi-time may be replaced by staggered hours which set specific start and finish times for staff.

### **9.8 Job share**

Job sharing is defined as a way of working where two people share the responsibility of a post which would normally be held by one individual. All posts will be considered for job share upon request. There may be some exclusion, but these will be a small minority. By arrangement, job sharers may work split days, split weeks or work alternate weeks, according to the requirements of the post.

For more information on job sharing see [appendix 4](#).

## 9.9 Home working

Home working will not be available to all employees and will depend on the nature of the work. It will be most suitable for office based staff who have access to technology that may enable them to work away from their normal base for short periods. It may also be an option for clinicians and will give them flexibility in relation to the administrative component of their work.

Home working may become a routine part of an employee's working arrangements or may be agreed as a one off in specific circumstances. In agreeing to home working the manager/supervisor will need to be assured that appropriate arrangements are in place in relation to confidentiality of any patient or staff records.

## 9.10 Term time working

Term time working requires that the calendar of activity, or the composition of the work group, allows for extended periods of unpaid leave, without disrupting the service. Criteria for adopting term time working include:

- School holiday breaks coincide with reduced levels of activity;
- Some of the work can be rescheduled to term times;
- Some school holiday periods coincide with availability with staff from other sources, for example a nurse rotation scheme.

Term time working can help match staffing levels to service requirements and assist with recruitment and retention. There may be times when the absence of an employee for extended periods has an adverse impact on other staff both in terms of the skills being removed from the team as well as reduced manpower; this will be a factor in determining the appropriateness of term time working. Provided all factors are taken into account, term time working may provide a good option for some employees.

For guidance on how to calculate term-time working hours and annual leave for term-time workers see [appendix 5](#).

## Section 2 flexible working - Part 2

### 10. Time off in lieu

It is recognised that from time to time staff may be required to work additional time over their contracted hours to support service delivery objectives.

Where an individual and the line manager or team leader have agreed to work being performed outside of the standard contracted hours, it is important that the additional hours are authorised and properly recorded.

This policy does not cover time off for trade union duties; this is dealt with under the Trust's [partnership agreement](#).

See paragraph 9.7 for formal flexi time arrangements.

### 10.1 Accumulating time off in lieu

The recognition of time worked over an employee's contracted hours must be by agreement with the line manager and should only ever be in response to service delivery needs.

The Trust will only recognise additional hours where such hours are worked in response to a request by the line manager, supervisor, team leader or other employee in a position to make such a request or in response to service needs where an individual is not in a position to make a request and where not working over would or may lead to detriment to service user(s).

An example of this might be where a clinician who works autonomously in the community needs to remain with a client / service user beyond the anticipated end of an appointment, which takes them beyond their usual finishing time.

There are many examples where time off in lieu should not be accrued. These guidelines do not seek to detail an exhaustive list, however, lieu time should not be accrued where an:

- Employee arrives early or leaves late to miss the traffic;
- Employee does not take breaks through their personal choice.

In authorising the accumulation of lieu time, line managers should satisfy themselves that the time claimed has been worked and that the work was in response to a service delivery need.

## 10.2 Recording of time off in lieu

When staff undertake duties outside their normal working hours, a record must be kept and authorised, by the employee's line manager or team leader, this must then be held securely within the department/service area. When an employee takes back time owing this must be approved by their line manager or team leader and recorded on the Time Off in Lieu recording form (see [appendix 6](#)).

Staff on inpatient wards using e-rostering do not need to use the recording sheet as time worked should be recorded on the rosters prior to rota finalisation.

Staff using the e-rostering system need to:

- Adjust start and end times of shifts where hours actually worked differ from the standard shift times;
- Assign duties where extra shifts have been worked beyond contracted hours;
- Track and document where time owing has been taken against a shift, remembering to reset the hours worked and add the "non-effective" to the roster.

Further guidance regards time owing recording and managing staff hours is documented in the [e-rostering policy](#) document.

## 10.3 Taking back time off in lieu

In managing their service, managers should encourage and enable employees who have accrued lieu time to take the time back as quickly as possible and normally within 1 month.

Where for service delivery reasons it is not possible for the time to be taken back within 1 month, Managers should work with their staff to plan when the lieu time can be taken normally within 3 months of its accrual.

Lieu time may not be carried over from one post to another. All lieu time must be taken prior to internal transfer or on leaving the Trust' employment.

All time off in lieu is accrued and taken at plain time rates except in circumstances when the individual has been prevented for operational reasons from taking the time within the agreed period, in which case it will be paid at overtime rates as applicable.

Lieu time is accrued and taken in 15 minute blocks.

## Section 3 – Suspected fraud or corruption

### 11. Special leave / flexible working

Any application for special leave / flexible working, which is proven to be misleading or false may result in further action being taken in accordance with the [CWP disciplinary policy and procedure](#) and the [counter fraud policy and response plan](#).

If fraudulent or corrupt activity is suspected in relation to any area of this policy, the Trust's Local Counter Fraud Specialist, must be notified on 01244 364479. Alternatively, any suspicions may be reported via the confidential NHS Fraud & Corruption Reporting Line 0800 028 40 60 (free phone Mon-Fri 8am-6pm), or via the online reporting form [www.reportnhsfraud.nhs.uk](http://www.reportnhsfraud.nhs.uk).

All information provided via any of these reporting lines will be treated in strictest confidence, and can be provided completely anonymously.

The Trust fully endorses the provisions of the Public Interest Disclosure Act 1999, and disclosure by anyone who has reasonable suspicions of fraud or corruption is encouraged. The Trust's [whistleblowing policy and procedure](#) will be rigorously enforced to ensure that no employee should suffer as a result of reporting reasonably held suspicions”

## Appendix 1 - Circumstances in which special leave may be approved

### Public duties

The following are examples of public duties for which special paid leave shall be given under the terms of Section 29, 30 and 32 of the Employment Protection (Consolidation) Act 1978 (as amended).

- Serving as a Justice of the Peace;
- Membership of a Local Authority;
- Membership of the Boards Authority;
- Membership of any Statutory Tribunal;
- Membership of a Board of Prison Visitors;
- Membership of a National Health Service Trust;
- Membership of a Governing Body of any Educational establishment;
- Membership of a Local Education Authority.

An employee must first seek agreement from his/her manager before agreeing to accept any of the roles listed above to ensure no conflict of interest arises.

Once agreement has been reached an employee may be given special leave with pay for not more than **18 days** in any period of twelve months. Such leave may be taken in days or half days and the consent of the employee's immediate manager must be obtained to each absence from duty and a record must be kept of such leave.

Special leave will not normally be granted for involvement with more than one organisation.

### Other circumstances

Special paid leave may be granted in a range of other circumstances including:

- Absence from duty following contact with a case of notifiable disease (see note A);
- Attendance at court as a witness (see notes B and C);
- Jury Service (see note C);
- Attendance as a witness at an appeal hearing or industrial tribunal (see note C);
- Training with the reserve and cadet forces (see note D);
- Membership of the Nurses and Midwives Council or any other professional body (see note E).

**Note A** - In accordance with regulations made under the Social Services Act 1975 employees who are required to be absent from duty following a contact with a case of a notifiable disease shall be regarded as incapable of working and will be entitled to claim SSP. However, such an absence shall not be regarded as sick leave but special leave and subject to deduction of the relevant amount of SSP or sickness benefit.

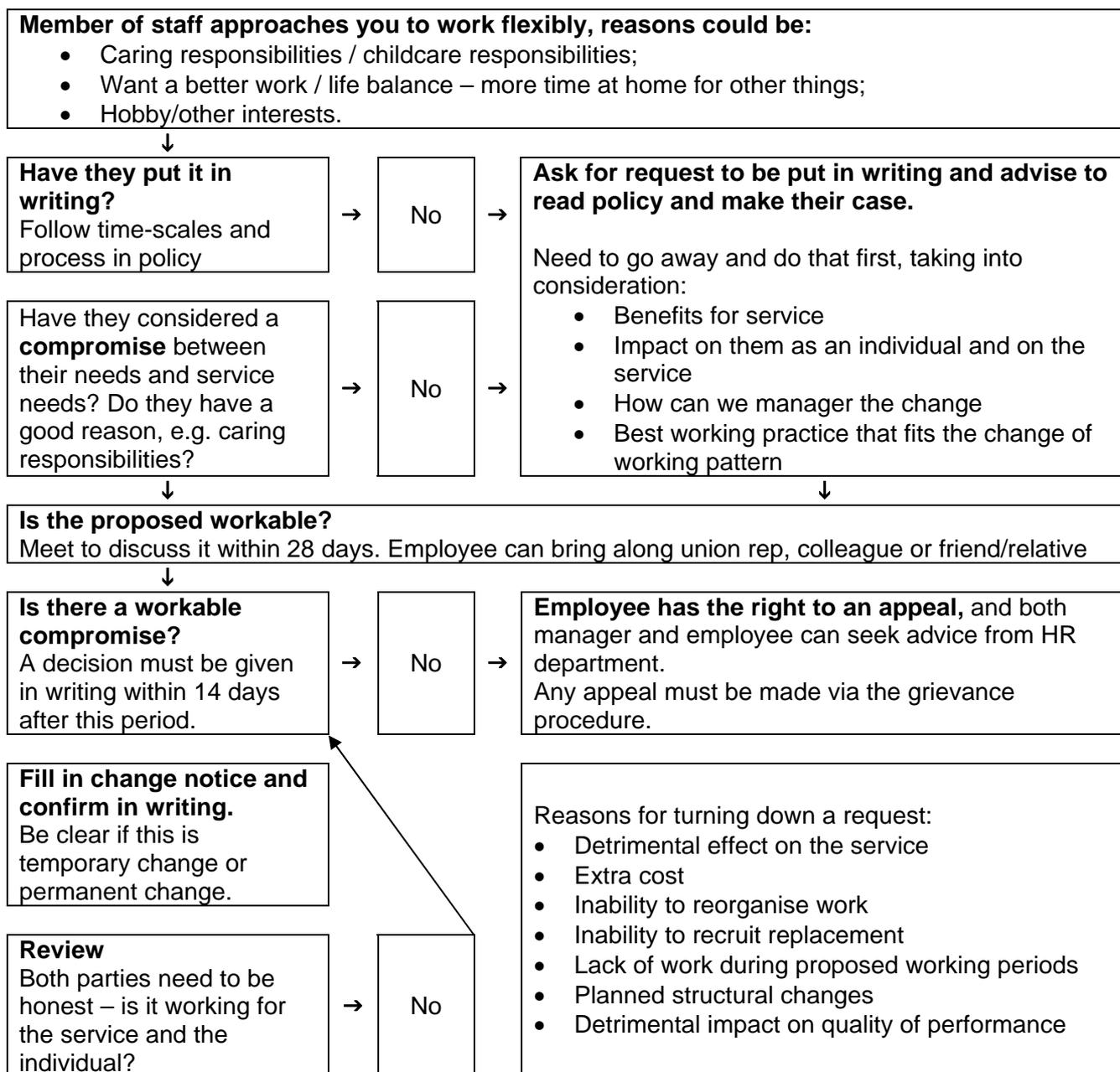
**Note B** - An employee attending court as a witness must hand over to the Trust any witness fee received.

**Note C** - The length of time granted for applicants for special leave in the circumstances described may in some cases be determined by events which the Trust has no control over, e.g. Jury Service.

**Note D** - In respect of training with the reserve and cadet forces an employee with an annual leave entitlement of twenty two days may be granted an additional five days special paid leave and five days special unpaid leave. Other employees will be granted five days special unpaid leave.

**Note E** - In the case of other applications for special leave, paid leave to the same extent as detailed above may be granted.

## Appendix 2 – Procedure for requests to work flexibly



### Appendix 3 – Sample flexi time recording sheet

NAME \_\_\_\_\_

WEEK 1

	~ Week Commencing								
	Hrs	Mins	Hrs	Mins	Hrs	Mins	Hrs	Mins	Hrs
	IN		OUT		IN		OUT		
MON	8		13	0	13	30	16		7.50
TUES	8		13	0	13	30	16		7.50
WED	8		13	0	13	30	16		7.50
THUR	8		13	0	13	30	16		7.50
FRI	8		13	0	13	30	16		7.50
This week									37.50
B/f from last week									
Contract Hours									37.50
C/f to next week									0.00

WEEK 3

	~ Week Commencing								
	Hrs	Mins	Hrs	Mins	Hrs	Mins	Hrs	Mins	Hrs
	IN		OUT		IN		OUT		
MON	8		13	0	13	30	16		7.50
TUES	8		13	0	13	30	16		7.50
WED	8		13	0	13	30	16		7.50
THUR	8		13	0	13	30	16		7.50
FRI	8		13	0	13	30	16		7.50
This week									37.50
B/f from last week									0.00
Contract Hours									37.50
C/f to next week									0.00

WEEK 5

	~ Week Commencing								
	Hrs	Mins	Hrs	Mins	Hrs	Mins	Hrs	Mins	Hrs
	IN		OUT		IN		OUT		
MON	8		13	0	13	30	16		7.50
TUES	8		13	0	13	30	16		7.50
WED	8		13	0	13	30	16		7.50
THUR	8		13	0	13	30	16		7.50
FRI	8		13	0	13	30	16		7.50
This week									37.50
B/f from last week									0.00
Contract Hours									37.50
C/f to next week									0.00

MONTH \_\_\_\_\_

YEAR \_\_\_\_\_

WEEK 2

	~ Week Commencing								
	Hrs	Mins	Hrs	Mins	Hrs	Mins	Hrs	Mins	Hrs
	IN		OUT		IN		OUT		
MON	8		13	0	13	30	16		7.50
TUES	8		13	0	13	30	16		7.50
WED	8		13	0	13	30	16		7.50
THUR	8		13	0	13	30	16		7.50
FRI	8		13	0	13	30	16		7.50
This week									37.50
B/f from last week									0.00
Contract Hours									37.50
C/f to next week									0.00

WEEK 4

	~ Week Commencing								
	Hrs	Mins	Hrs	Mins	Hrs	Mins	Hrs	Mins	Hrs
	IN		OUT		IN		OUT		
MON	8		13	0	13	30	16		7.50
TUES	8		13	0	13	30	16		7.50
WED	8		13	0	13	30	16		7.50
THUR	8		13	0	13	30	16		7.50
FRI	8		13	0	13	30	16		7.50
This week									37.50
B/f from last week									0.00
Contract Hours									37.50
C/f to next week									0.00

SIGNED :

.....

AUTHORISED :

.....

DATE :

.....

## **Appendix 4 - Requests for job sharing**

Applications for job sharing may come from three areas.

### **Existing staff:**

- Two employees currently occupying the same grade of post, who wish to enter into a job share partnership;
- A full time employee who wishes to work for fewer hours on a job share basis.

### **External applicants:**

- Applicants who wish to work on a job share basis and apply for an advertised vacancy.

## **Procedure**

### **Joint requests from existing employees:**

If two employees in the same grade wish to share one of their posts, they should discuss the application with their manager who will discuss, with each employee, the terms and conditions of the scheme. If they wish to proceed with the application, this should be confirmed in writing to the manager.

### **Request from an individual employee**

The employee should discuss the application with his/her manager, who will provide the employee with the terms and conditions of the scheme. If the employee wishes to proceed with the application, this should be confirmed, in writing, to the manager.

The vacant part of the post will be advertised internally in the first instance.

Formal approval to the job share arrangement will only be given if a suitable candidate can be found.

### **Approval of requests**

The manager may approve an application for job share and must consult with a Human Resources before rejecting any application for job share. In the event of an application being rejected, a written reason will be provided.

### **Filling a vacancy on a job share basis**

All jobs, unless identified in the excluded category, will be advertised as suitable for job sharing.

Job applicants will be asked to indicate whether they are applying on a job share basis or for the whole post.

Normal arrangements for selection and interviewing will apply when filling the vacancy.

The interviewing panel is only free to appoint a job share applicant to a job share arrangement if it is possible to appoint suitable job sharers to fill the whole vacancy. If there is no suitable applicant for the whole post or no suitable job share partnership, but one job share applicant has been found suitable, then that person will be advised that his/her application will be carried forward to a re-advertisement of the post. This would not, however, prevent a post being offered to the candidate outside the Job Share arrangement if the interviewing panel so wished.

Once a suitable job share partnership has been identified, agreement should be reached between the manager and the two individuals regarding the allocation of duties and working hours. This should be confirmed in writing.

### **Arrangements when one job sharer leaves**

In the event of one job sharer leaving a job share partnership, the hours of work previously undertaken by that person will be offered to the remaining sharer on a full time basis.

If this is not suitable, another job share partner should be sought using the normal recruitment and selection procedures.

In the event of the options above not being possible, the job sharer will continue to work in the post until suitable alternative employment becomes available. Arrangements will be made for the remaining hours to be covered on a temporary basis.

### **Conditions of service**

Job sharers will be appointed on individual contracts and normally be required to work not less than sixteen hours per week.

Where an existing employee moves into a job share partnership, a new contract will be issued.

Job sharers will be individually responsible to their manager for their own duties and attendance.

Job sharers will be paid the appropriate rate of pay for the post calculated pro-rata to the actual number of hours worked.

Where appropriate, incremental progression will be on an individual basis within the grade for the post.

Irregular hours and shift payments will be calculated as though the post was occupied on a full time basis and will be divided between the job share partners pro-rata to the actual hours worked.

Job sharers who are required to work in excess of contractual hours shall be paid in accordance with the terms and conditions of service relevant to the post.

All entitlements associated with length of service (e.g. sick pay) will be calculated on an individual basis and applied pro-rata to the hours worked.

Annual leave, relevant to the grade of the post and Bank Holidays will be applied pro-rata to the hours worked.

Job share partners will be eligible to contribute to the NHS Pension Scheme.

In the event of short term absence due to sickness or leave, additional hours may be offered to the job share partner in the first instance. There will be no requirement to provide cover, but if the individual agrees to work additional hours, he/she will be paid in accordance with the terms and conditions of service relevant to the post.

The grading of a job share post applies equally to both partners. Any review of the grading of the post will consider the whole post and not the duties of an individual employed against part of the post.

Pending the appointment of a job share partner or during long term absence of a job share partner due to sickness or maternity leave, temporary cover arrangements will be considered as follows:

- The remaining partner will be offered and may agree to work additional hours up to the total established post;
- A temporary job share partner may be appointed to cover the balance of the hours;
- Other arrangements may be made as appropriate.

Any variation to the individual job share agreement must be agreed by the job share partners and the relevant manager.

In order to ensure continuity of service, job sharers will meet on a regular weekly basis. Provision for this overlap will be made within the normal hours allocated to the job. Job sharers will also maintain a job share log in which they will ensure that information relevant to the job is recorded, for the benefit of their job share partner.

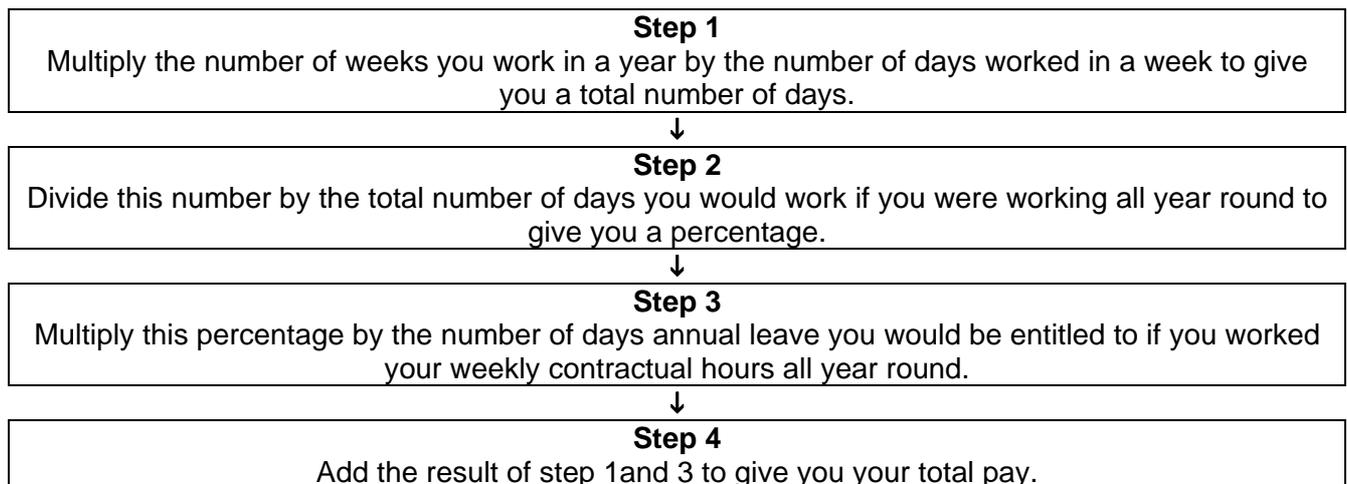
**Training**

Job sharers will receive the same access to training and development opportunities as full time staff.

**Promotion**

Job sharers will be able to apply, either individually or jointly, for promotion on equal terms with full time employees.

## Appendix 5 - How to calculate term-time working



### Example

1	An Individual working 37 weeks per year $37 \times 5 = 185$ days
2	185 days as a proportion of the full-time working year $185/260$ days = 71.15%
3	Therefore leave is worked out based on 71.15% of the full-year allowance $71.15\% \times 35^* = 24.9$ days, rounded up to 25 days
4	Pay is therefore $185$ days + 25 days = 210days

FTE is therefore  $210/260 = 0.8$  fte

\* based on individual with less than 5 years service working full time.

**Appendix 6 - Time off in lieu recording form**

<b>Name</b>		<b>Line manager</b>	
<b>Serviceline</b>		<b>Team / ward</b>	

<b>Date</b>	<b>Reason time accrued / taken</b>	<b>Staff member initials</b>	<b>Duty or line manager signature</b>	<b>Start time</b>	<b>Finish time</b>	<b>Time accrued</b>	<b>Time taken</b>	<b>Balance in hours and minutes (cumulative)</b>
	<b>Balance brought forward</b>							
	<b>Balance carried forward</b>							

**NB. Minimum unit of extra time worked is 15 minutes**