

MEETING DATE:	8 August 2013	 North Lincolnshire Clinical Commissioning Group REPORT TO THE CLINICAL COMMISSIONING GROUP GOVERNING BODY
AGENDA ITEM NUMBER:	Item 7.3.2	
AUTHOR:	Kerry Ryan	
JOB TITLE:	Workforce Manager (CSU)	
DEPARTMENT:	Workforce (CSU)	

FLEXIBLE WORKING POLICY

PURPOSE/ACTION REQUIRED:	Decisions for Approval
CONSULTATION AND/OR INVOLVEMENT PROCESS:	Staff Meetings, Audit Group and Quality Group as appropriate. Joint Trade Union Partnership Forum is part of the ratification process.
FREEDOM OF INFORMATION:	<p><i>Is this document releasable under FOI at this time? If not why not? (decision making guide being developed)</i></p> <p>Public</p>

1. PURPOSE OF THE REPORT:			
To present the CCG's Flexible Working Policy for the approval of the Governing Body.			
2. STRATEGIC OBJECTIVES SUPPORTED BY THIS REPORT:			
Continue to improve the quality of services			x
Reduce unwarranted variations in services			
Deliver the best outcomes for every patient			
Improve patient experience			
Reduce the inequalities gap in North Lincolnshire			
3. IMPACT ON RISK ASSURANCE FRAMEWORK:			
		Yes	No
		x	
4. IMPACT ON THE ENVIRONMENT – SUSTAINABILITY:			
		Yes	No
		x	

5. LEGAL IMPLICATIONS:

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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The Flexible Working Policy incorporates and implements the Employment Rights Act (2003/2007)

6. RESOURCE IMPLICATIONS:

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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7. EQUALITY IMPACT ASSESSMENT:

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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A generic EIA has been undertaken for each- these are not CCG specific. CCG specific EIA are due to be completed in September 2013.

8. PROPOSED PUBLIC & PATIENT INVOLVEMENT AND COMMUNICATIONS:

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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9. RECOMMENDATIONS:

Flexible Working Policy

The Governing Body is asked to review and approve this policy.

Flexible Working Policy

July 2013

Authorship:	CSU Transition HR Policy Lead- adapted for local use by North Yorkshire and Humber Commissioning Support Unit on behalf of North Lincolnshire CCG.
Committee Approved:	Joint Trade Union Partnership Forum –date tbc North Lincolnshire CCG Governing Body- date tbc
Approved date:	TBC
Review Date:	3 years following implementation
Equality Impact Assessment	TBC Completed - Full/Completed - Screening [<i>delete as required</i>]
Sustainability Impact Assessment	All Staff
Target Audience:	
Policy Reference No:	NL 02
Version Number:	TBC

The intranet version is the only version that is maintained. Any printed copies should, therefore, be viewed as ‘uncontrolled’ and as such may not necessarily contain the latest updates and amendments.

POLICY AMENDMENTS

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

New Version Number	Issued by	Nature of Amendment	Approved by & Date	Date on Intranet

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1. POLICY STATEMENT

- 1.1 The CCG is committed to providing a range of flexible working options for employees in order to maintain a committed and skilled workforce, able to deliver high quality, cost effective services in an environment which maximises opportunities for employees to balance work and personal commitments.
- 1.2 This policy sets out the flexible working arrangements that are available within the CCG.
- 1.3 The resources section of the procedure provides further guidance in information to support this policy and procedure.

2. PRINCIPLES

- 2.1 The CCG has an overriding responsibility to deliver timely services. It also has the right to seek ways of developing the capacity of its services, improving the capabilities of its employees and improving effectiveness.
- 2.2 This policy allows any employee, not just those with a statutory entitlement, from their first day of employment onwards, the right to apply for a change in their contracted hours of work but does not guarantee a change will be made.
- 2.3 The statutory right to apply for flexible working applies to employees with parental responsibility for a child aged 16 and under, or a disabled child under 18, and to those caring for an adult who have 26 weeks continuous employment with North Lincolnshire CCG.
- 2.4 All requests will be given full consideration and no reasonable request will be refused. However, in certain circumstances the needs of the business may not allow for the request to be granted. If a request is denied, a full and detailed reason for the refusal will be given in writing to the employee.
- 2.5 Managers will ensure that staff who request a flexible working arrangement are aware of the implications (if any) on their terms and conditions of employment e.g. salary, annual leave, pension. Managers should seek the assistance of a Workforce Team Representative where necessary.
- 2.6 As far as practicable the CCG will consider flexible working arrangements such as:
 - Part-Time Working –This is where an employee is contracted to a number of hours that are less than the normal hours of work of a comparable full-time employee.
 - Job Share – This is normally where two people share the duties and responsibilities of one full-time post in a partnership arrangement.
 - Term-Time Working – This is where there is agreement to allow an employee to take extended unpaid leave to coincide with the school holidays.
 - Term-Time Only Working – This is where people work during the school term but not during school holidays.
 - Staggered hours- Allows employees to vary their actual working hours. This means that employees can vary their start and finish times to better fit their domestic responsibilities, travel arrangements or for work purposes.

- Annual Hours – This is where a person works a specific number of hours each year, with the hours being unevenly distributed throughout the year.
- Flexible Rostering – Using periods of work of differing lengths within an agreed overall period
- Tele-working – This is where people work from home for all or part of their hours with a computer or telecommunication link to the CCG. As this is a voluntary request the CCG will not normally provide any reimbursement towards costs incurred by the individual.
- Fixed work patterns – This is where, by agreement, days off can be irregular to enable, for example, access by separated parents to their children and flexible rostering.
- Compressed Hours- This is where working hours are condensed into lesser days to create an additional day off without a reduction in pay.
- Flexible Retirement- Where someone retires from full time work and resumes their previous role on a part time basis.

2.7 Where a request for a permanent change to an employees working arrangements is requested, the CCG reserves the right to and will usually, impose a trial period, the length of which will be at the line managers discretion but will normally be between 3 and 6 months, to establish whether or not the new working arrangements meet service needs and suit the needs of the employee.

2.8 Employees are able to apply no more than once per year.

2.9 For details of arrangements covering emergency time off for the care of dependants, see the relevant Workforce policy.

2.10 Support will be provided to all Line Managers in the implementation and application of this policy by the CSU Workforce Team upon request

3. EQUALITY

3.1 In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

4. BRIBERY

4.1 The CCG follows good NHS business practice as outlined in the Business Conduct Policy and has robust controls in place to prevent bribery. Due consideration has been given to

the Bribery Act 2010 in the development (or review, as appropriate) of this policy document and no specific risks were identified.

5. MONITORING & REVIEW

- 5.1 The policy and procedure will be reviewed periodically for the CCG board in conjunction with Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.
- 5.2 The implementation of this policy will be audited on an annual basis by the CCG and reported to CCG board on an annual basis.

PART 2

1. PROCEDURE FOR REQUESTS

- 1.1 An employee has the right to be accompanied by their trade union representative or a work colleague, not acting in a legal requirement, at every stage of this procedure
- 1.2 A request to change the contracted hours of work must be made by the employee in writing, or using the attached form, to their line manager and must:-
 - be dated and submitted allowing sufficient time between the submission of the request and the proposed start date for the application to be considered;
 - state whether a previous application has been made and, if so, the date on which it was made;
 - include the reason the request is being made and whether or not it is being made under the statutory right to apply to work flexibly;
 - if applying under the statutory right to apply for flexible working the request should confirm the employee's relationship to the child or adult;
 - include details of the proposed change, and proposed start date, and an explanation of the employee's view of the effect on the CCG's business and how this may be dealt with;
 - relate to hours, times or place of work;
- 1.3 The line manager will acknowledge the request and will arrange a meeting with the employee to discuss the application, to be held within 14 days if possible but, no later than 28 days after the date of application.
- 1.4 A decision will be made within 14 days of the meeting and the employee notified in writing. The notification will either:-
 - accept the request and establish a start date and any other action or
 - confirm a compromise agreed at the meeting or
 - reject the request, detailing all of the facts and demonstrating the business rationale behind the decision.
 - Include details of the appeals process
- 1.5 Should the application be approved then a contract variation must be completed immediately.
- 1.6 Should a trial period be agreed then a review date must be set.

- 1.7 Applications for flexible working arrangements will be refused only for one or more of the following reasons:
- the burden of additional costs;
 - detrimental effect on ability to meet customer demand;
 - inability to reorganise work among existing staff;
 - inability to recruit additional staff;
 - detrimental impact on quality;
 - detrimental impact on performance;
 - insufficiency of work during the periods the employee proposes to work;
 - planned structural changes.

2. APPEAL PROCEDURE

- 2.1 The employee must submit their appeal in writing within 14 days of them being informed of the decision
- 2.2 The appeal will be acknowledged in writing and an appeal meeting arranged
- 2.3 The appeal meeting must take place within 14 days of the notice of the appeal and will be heard by the line manager of the manager who made the original decision, or someone at an equivalent level.
- 2.4 The employee has the right to be accompanied by their trade union representative or a work colleague not acting in a legal capacity at this meeting.
- 2.5 a member of the CSU Workforce Team may be present at the appeal meeting.
- 2.6 The decision on the appeal must be given within a further 14 days and is final.

3. PROCEDURE FOR WORK OUTSIDE OF REGULAR HOURS

- 3.1 It is acknowledged that from time to time employees may be required to work outside of their set regular hours. Such a requirement may arise due to an evening meeting being arranged or a peak in workload.
- 3.2 Where there is a requirement for an individual to work outside of their set regular hours this will initially be discussed between the individual and their line manager. The discussion will be initiated by the individual who identifies the need. Where practicable work will be redistributed or altered so that the individual does not need to work outside of their regular hours. If this is not possible an agreement should be reached to clarify what work should be done and when it should be done. The manager must stipulate the maximum amount of time that should be required. An agreement should also be reached to clarify when these additional hours that have been accrued should be taken back. Where possible, these hours should be taken within 4 weeks but in exceptional circumstances they may be carried forward and used within 3 months.
- 3.3 Where it is not possible to take the hours back within 3 months then payment will be made for the additional hours worked. Approval for a payment must be granted by the Chief Officer and the Chief Officer must be alerted as soon as it is foreseeable that this may be necessary.
- 3.4 Additional hours that are accrued should be taken back in the same manner as they are accrued, i.e. if an individual works an hour longer one day it should be taken back as an

hour deducted from another day. This procedure is not designed as a method of accruing additional leave days.

- 3.5 Records must be kept of additional hours accrued and when these hours are taken back. Individuals and their line managers must agree how these hours will be recorded.

4.0 RESOURCES

- 4.1 For further information please refer to the following reference sources

- <https://www.gov.uk/flexible-working/overview>
- <http://www.acas.org.uk/media/pdf/o/0/Right-to-apply-for-flexible-working-a-short-guide.pdf>

HR POLICIES FLEXIBLE WORKING

FLEXIBLE WORKING APPLICATION FORM

Name:	Dept:
Manager:	Organisation start date:

I wish to apply to work a flexible working pattern that is different from my current working pattern.

Either

I wish to apply under the provisions of the CCG's Flexible Working Policy (Go to Section 2 overleaf) []

Or

I wish to apply under my right provided by the Employment Rights Act 1996 as outlined in the Flexible Working Policy []

I confirm that I have been employed by the CCG for at least 26 weeks and have not made a request under this right during the past 12 months. I meet the eligibility criteria as follows:

EITHER	<p>I have responsibility for the upbringing of either:</p> <p>[] a child aged 16 or under; or [] a disabled child under 18.</p> <p>I am:</p> <p>[] the mother, father, adopter, guardian, special guardian or foster parent of the child; or [] married to, or the partner or civil partner of, the child's mother, father, adopter, guardian, special guardian or foster parent.</p> <p>I am making this request to help me care for the child.</p>
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OR	<p>I am, or expect to be, caring for an adult.</p> <p>I am:</p> <p><input type="checkbox"/> the spouse, partner, civil partner or relative of the adult in need of care; or</p> <p><input type="checkbox"/> not the spouse, partner, civil partner or relative of that adult but live at the same address.</p> <p>I am making this request to help me care for the adult in need of care.</p>
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All sections must be completed

4.	My current working pattern is:	Please provide details of days/hours/times to be
5.	The pattern I would like to work is:	Please provide details of days/hours/times to be
4.	I would like this working pattern to commence from:	
5.	I think this change in my working pattern will affect the CCG and my colleagues as follows:	
6.	I think the effect on the CCG and my colleagues can be dealt with as follows:	

Signed: _____ Date: _____

FLEXIBLE WORKING

Confirmation of receipt of application (Line manager to complete and return to employee)

Dear

I confirm that I received your request to change your work pattern on _____.

I will be arranging a meeting to discuss your application within 28 days. In the meantime, you may wish to consider whether you would like a colleague to accompany you to the meeting.

From

EQUALITY IMPACT ASSESSMENT

1. Equality Impact Analysis	
Policy / Project / Function:	
Date of Analysis:	
This Equality Impact Analysis was completed by: (Name and Department)	
What are the aims and intended effects of this policy, project or function ?	
Please list any other policies that are related to or referred to as part of this analysis?	
Who does the policy, project or function affect ? Please Tick ✓	Employees <input type="checkbox"/> Service Users <input type="checkbox"/> Members of the Public <input type="checkbox"/> Other (List Below) <input type="checkbox"/>

2. Equality Impact Analysis: Screening

	Could this policy have a positive impact on...		Could this policy have a negative impact on...		Is there any evidence which already exists from previous (e.g. from previous engagement) to evidence this impact
	Yes	No	Yes	No	
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Disabled People	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Transgender People	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pregnancy and Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marital Status	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Religion and Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Reasoning					

If there is no positive or negative impact on any of the Nine Protected Characteristics go to Section 7

3. Equality Impact Analysis: Local Profile Data

Local Profile/Demography of the Groups affected (population figures)	
General	
Age	
Race	
Sex	
Gender reassignment	
Disability	
Sexual Orientation	
Religion, faith and belief	
Marriage and civil partnership	
Pregnancy and maternity	

4. Equality Impact Analysis: Equality Data Available

<p>Is any Equality Data available relating to the use or implementation of this policy, project or function?</p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1. Application success rates <i>Equality Groups</i> 2. Complaints by <i>Equality Groups</i> 3. Service usage and withdrawal of services by <i>Equality Groups</i> 4. Grievances or decisions upheld and dismissed by <i>Equality Groups</i> 5. <i>Previous EIAs</i> 	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document).</p>
<p>List any Consultation e.g. with employees, service users, Unions or members of the public that has taken place in the development or implementation of this policy, project or function</p>	
<p>Promoting Inclusivity How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation</p>	

5. Equality Impact Analysis: Assessment Test

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by The Equality Act 2010 ?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a Genuine Determining Reason exists
Gender (Men and Women)				
Race (All Racial Groups)				
Disability (Mental and Physical)				
Religion or Belief				
Sexual Orientation (Heterosexual, Homosexual and Bisexual)				

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by The Equality Act 2010 ?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a Genuine Determining Reason exists
Pregnancy and Maternity				
Transgender				
Marital Status				
Age				

6. Action Planning

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:

7. Equality Impact Analysis Findings

Analysis Rating:	<input type="checkbox"/> Red	<input type="checkbox"/> Red/Amber	<input type="checkbox"/> Amber	<input type="checkbox"/> Green
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SUSTAINABILITY IMPACT ASSESSMENT

Staff preparing a Policy / Board Report / Committee Report / Service Plan / Project are required to complete a Sustainability Impact Assessment. Sustainability is one of the Trust's key Strategies and the Trust has made a corporate commitment to address the environmental effects of activities across Trust services. The purpose of this Sustainability Impact Assessment is to record any positive or negative impacts that this activity is likely to have on each of the Trust's Sustainability Themes. For assistance with completing the Sustainability Impact Assessment, please refer to the instructions below.

Policy / Report / Service Plan / Project Title:				
Theme (Potential impacts of the activity)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Reduce Carbon Emission from buildings by 12.5% by 2010-11 then 30% by 2020			x	
New builds and refurbishments over £2million (capital costs) comply with BREEAM Healthcare requirements.			x	
Reduce the risk of pollution and avoid any breaches in legislation.			x	
Goods and services are procured more sustainability.			x	
Reduce carbon emissions from road vehicles.			x	May reduce travel
Reduce water consumption by 25% by 2020.			x	
Ensure legal compliance with waste legislation.			x	
Reduce the amount of waste produced by 5% by 2010 and by 25% by 2020			x	
Increase the amount of waste being recycled to 40%.			x	
Sustainability training and communications for employees.			x	
Partnership working with local groups and organisations to support sustainable development.			x	
Financial aspects of sustainable development are considered in line with policy requirements and commitments.			x	