



**National Flexible Working People Policy Framework**

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**Statement from the NHS Social Partnership Forum**

*This people policy framework has been developed with input from the national Workforce Issues Group of the NHS Social Partnership Forum.*

*Employers are still expected to follow their local procedures for collective negotiation and agreement on*

*policies. For most employers this would be through the employer’s Joint Negotiating Committee.*

*The people policy frameworks can also be added to, or improved upon, through local discussion and agreement. Nothing in the national people policy frameworks automatically overrides local terms unless*

*agreed at local level.*

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Contents

**What is a people policy**

A people policy provides support, advice and guidance on what is expected from you, how you can expect to be treated, and how you can access help and guidance.

This policy brings this part of the People Promise to life. It will provide you with the information you need, support you to have conversations and take steps towards working in a way that suits you best.

**Click here for more information about ‘**[**Our NHS People Promise**](https://www.england.nhs.uk/publication/our-nhs-people-promise/)**’.**

**What this policy covers**

The NHS Terms and Conditions set out that you could work flexibly from your first day of employment and how this should be achieved. More information can be found in Section 33: Balancing work and personal life, of the Agenda For Change Terms and Conditions handbook. A link to this is included in Appendix 5.

This policy will help you to understand what is available to you and it provides information about:

* How you can make a request to work flexibly. You will find a simple overview in the flow chart in Appendix 4.
* What you can expect, where to get help, and how agreements should be reviewed.
* Examples of flexible working that might be available.
* Rostering, career breaks and options if you are thinking about flexibility later in your career and/or nearing retirement. These can be found in Appendices 1, 2 and 3.

If you would like to read more about flexible working, Appendix 5 provides helpful links and related documents.

**Terms used in this policy**

This policy uses the term the People Professional to refer to people who work in human resources (HR), organisational development (OD) and workforce departments including recruitment, temporary staffing, learning and development teams, who work alongside managers and trade unions to contribute to, and improve, our NHS people’s working experiences.

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**Why we have this policy**

The NHS People Promise is a promise we must all make to each other – to work together to improve the experience of working in the NHS for everyone. It says:

*“We can work flexibly, doing whatever work pattern fits our needs, regardless of the type of role we’re in. As a modern and model employer, flexible and less than full-time working isn’t a barrier to progress in the NHS – it is commonplace.”*

We work

**flexibly**

We do not have to sacrifice our family, our friends or our interests for work.

We have predictable and flexible working patterns – and, if we do need to take time off, we are supported to do so.

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**What is flexible working**

In the NHS everyone has the right to request flexible working from day one of employment and there is no limit on the number of requests you can make. You do not need to provide a reason for requesting to work flexibly.

**Responsibilities**

Everyone is expected to treat someone who would like to work flexibly with kindness and understanding.

You should think about your current working pattern and what flexible working changes could help you. You should make requests using this policy.

Managers will build a culture where conversations regularly take place with everyone in the team about their needs, including flexible working.

Managers will discuss and consider requests for flexible working in line with the timescales set out in this policy. They will always

respond with kindness and with an open mind, aiming to say ‘yes’ to flexible working and exploring alternatives and options.

Managers will work with you to support flexible working to be successful. This will include reviewing methods for support, communication, team building and access to training, development, and promotions, to help them remain effective after flexible working is agreed.

People Professionals will monitor requests, provide advice and support the process.

People Professionals will keep a central overview of how requests are managed to ensure everyone is being treated fairly.

We define flexible working as an arrangement which supports you to have a greater choice of where, when and how you work. This could include working patterns, hours, location and how your role is designed.

Flexible working can be for a short period of time to support a specific need, or it could be longer-term. There are many different types of arrangements that could support your needs. These could be agreed informally with your line manager or through a formal flexible working request.

If you need to work flexibly to support a disability you might have additional rights to reasonable adjustments; turn to page 6 for more information.

Appendix 1 includes examples of flexible working; this will provide ideas for you and your manager to begin to consider and discuss.

Appendix 5 provides links to guidance, practical information and tools to support you to request flexible working, and how to make it a success.

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**How this policy promotes a kind and caring culture**

We want the NHS to be a place where talking about flexible working is easy and where these conversations take place throughout our careers, not just at times of specific need.

This policy is for everyone, including those who work in clinical or patient-facing roles and those who might have found it difficult to work flexibly in the past. It seeks to support people who are thinking about working in the NHS by encouraging managers to plan flexible working into vacancies and teams.

It inspires everyone to think differently about what is possible in relation to where, when and how we work, and challenges negative attitudes towards flexible working.

Experience

**How do we know that this policy treats people fairly**

Whenever we write a policy, we always do an ‘Equality & Health Impact Assessment’ (EHIA) to ensure it treats everyone fairly, does not disadvantage anyone, or discriminate against any protected group.

We also review our policies regularly to see how we are doing, which includes listening to colleagues’ views and reviewing information about how the policy works in practice.

Appendix 7 outlines the way in which this policy will be monitored to ensure it treats everyone fairly.

This policy will help you and your manager balance your

needs with the needs of your colleagues and of patients/service

of patients, service users, their families and

users. Ensuring the service is safe and efficient, as set out in this diagram:

carers and colleagues

Individual flexible working arrangement

Safe, high quality and

Work-life balance of colleagues

efficient services that are appropriately staffed

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**Preparing to discuss your needs**

Preparing to talk about flexible working will ensure you are clear about what you need, and the effects that a change could have.

For example, reducing your hours could mean your pay, pension, benefits and possibly your work visa are affected. Always get advice to ensure you have all the information you need.

Your manager will need to think about what would work for patients, service users and your colleagues to keep the service safe and of high-quality. They will use the following factors, so it may help you to think about this too:

* **WHEN** the work needs to be done.
* **WHERE** the work needs to be done.
* **HOW** work is planned and undertaken.

The ‘Flexible Working in the NHS Toolkit’ for individuals (a link is provided in Appendix 5) includes a document to help you get the most from your preparation and conversations.

If you need help, or if you do not feel comfortable talking to your manager, find someone else you do feel comfortable talking to. This could be a friend/colleague, a health and wellbeing lead, a staff network colleague, occupational health, trade union representative, Freedom to speak up team, or someone else that you trust.

**Supporting your health**

If you are requesting flexible working to support your health and wellbeing and/or if you are disabled, you should get advice from People Professionals and Occupational Health about reasonable adjustments.

Your manager will normally have been involved. However, if they are not aware it is usually helpful to tell them about the reasons and how the suggestions for flexible working can help your health. This will help them to understand your needs and work with you to provide the best support.

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**Different types of flexible working request**

**Informal flexible working arrangements** are usually made during regular one-to-one meetings, or wellbeing meetings. Informal arrangements mean you can agree flexible working with your manager as and when needed, usually when the changes don’t impact your pay or contract.

You might request and agree flexible working during an informal conversation and realise that changes to your working pattern or availability, contract and/or pay are needed. Where this occurs, get advice from People Professionals.

Your manager will need to record the change formally in a letter and use the correct forms to inform payroll, and ensure ESR and other systems are updated.

**Formal flexible working requests** mean that you are using your contractual and legal right to have your request for flexible working considered by your manager. You might make a formal request if you haven’t been able to agree flexible working informally, sometimes you might feel that a formal conversation would work best for you or you wish to formalise an informal arrangement.

Turn to page 8 for more information about making a formal request.

**Discussions about flexible working**

We hope that you feel able to discuss your needs and ideas for flexible working during your regular one-to-one, wellbeing or other meetings with your manager and that they will be able to meet your needs.

Your manager will listen and work with you to explore and agree options that work for you, the service and your colleagues.

It could take more than one conversation and your manager might speak to their manager, People Professionals or other managers to get advice.

Your manager will always aim to reach a solution as soon as possible.

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**Making a Formal Request**

You should make your request using the formal **Flexible Working Request Form** (this may be electronic e.g. ESR, or paper). People Professionals will be able to help you access this. You will need to include:

**Getting help and advice**

If you are worried or have questions about the formal process you should speak to People Professionals, a health and wellbeing lead, a staff network colleague, occupational health, trade union

representative, the freedom to speak up team or someone else that you trust.

1. The date of your request.
2. Details of what you would like to change.
3. The date on which you would like the change to start.

If your manager is finding it difficult to agree your request, they will escalate by asking for help and advice from others within your organisation.

This **escalation stage** will review the request to see if there is anything more that could be done, including the option of working in other areas of the organisation.

After you have completed the **Flexible Working Request Form**

give it to your manager.

**What will happen after a formal request is made**

Your manager will meet you to discuss your request. Let your manager know if you would like to bring someone to support you at the meeting. You should tell your manager, if they do not already know, that your request is related to your health or a disability and might be a reasonable adjustment.

People Professionals will manage the process and support managers to ensure this works well. This escalation stage will take place before your manager confirms their decision.

It can sometimes take more time to complete the escalation stage.

Therefore, if it could help your manager to reach a positive outcome, you might be asked if you would agree to extend the time taken to respond to your request.

Your manager should consider your request as quickly as they can. However this could take several weeks if more conversations need to take place to discuss alternative options that are available, or to help your manager to reach a decision.

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**Receiving the outcome from a formal request**

You will receive a letter from your manager to confirm either:

**Appeals**

If you believe your formal request was not handled correctly, or you feel that the reasons for the request not being agreed are unfair or unjustified, then you could decide to raise an appeal.

**1.** That your request has been agreed; your letter will include information about how long it has been agreed for, and when and how the agreement will be reviewed.

You should follow the instructions included in the outcome letter.

This will ask you to write a letter to outline the reason(s) you wish to appeal. It will also confirm the name of the person you should write to and the date you should you complete this by.

**2.** That your request has not been agreed; the letter will explain the reasons why your manager came to this decision.

You will be asked to attend a meeting with a panel of people who have not been involved in your request before, to discuss your request and the reasons for your appeal. You have the right to be accompanied at this meeting by a trade union representative.

**3.** That your original request has not been agreed; however following conversations with you to discuss and agree, an alternative option is available to support you to work flexibly.

If your request has not been agreed the letter will also tell you how to access support and how you can appeal the decision.

After the meeting, the panel will consider the information and ensure you receive a written outcome within 2 months of the date of your original flexible working request, unless there has been an agreement to extend this timescale.

After agreeing your request, your manager will record the change using the correct forms to inform payroll and ensure ESR and other systems are updated.

The letter will confirm if your appeal has been upheld or not upheld and the reasons for this. It will also provide information about what will happen next. The decision from the appeal panel will be final.

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**Appendix 1: Examples of flexible working**

This Appendix provides information about the most common ways to work flexibly, however there may be other ways in which you can explore working flexibly.

These examples of flexible working arrangements don’t usually mean a change to your contract or pay and so advice isn’t normally required. It’s important to keep a record of the

agreements made:

We encourage everyone to think creatively about flexible working. You might agree to use more than one method at any time and you could also agree to change them at different times to meet specific needs.

* **Swapping shifts/sessions** – where you agree with a colleague to work each other’s shift(s) temporarily.
* **Mixing shifts/sessions** – where you work some long and some short shifts/sessions.
* **Time off in lieu (TOIL)** – where you agree to work more than your contracted hours on some working weeks, the hours are logged and can be taken at another time.
* **Flexi-time/staggered hours** – where start, finish and lunch/ break times can be decided by you, usually within specified core hours.
* **Ad-hoc working from home** – your role will have a defined workplace base, but you can choose to work at home for part of your working week, you should read policies for homeworking for more information.

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**More examples of flexible working**

These examples are likely to mean you are making a formal flexible working request and your contract will change. This can have an impact on pay, pension and/or annual leave calculations. You should also check whether a contractual change will affect your visa and/or right to work.

You and your manager should get advice from People Professionals and the Pensions and/or Payroll team before you agree these.

If you are a doctor in training, you should also speak to your Deanery and Clinical Supervisor to ensure you understand any impact on your training.

* **Reduced hours** - where you decrease the number of hours you work each week.
* **Rotating shift/session work** - where you rotate between different patterns, such as days and nights.
* **Annualised hours** - where an agreed total amount of hours are worked flexibly over a year and pay is averaged each month.
* **Split shift/session schedules** - where your working day is split into two or more parts with a rest period between.
* **Job sharing** - where two or more people work closely together to share a role.
* **Compressed hours** - where full-time hours are worked over less than 5 days.
* **Agile working** - where your role is completed across more than one location, which may include at home, and your contractual base is at one of the work locations.
* **Term-time working/part-year working** - where work is completed during part of the year or during term-time only. Usually, your annual leave is used during the time you aren’t at work and the total hours worked over the year are averaged to give you an equal monthly pay.
* **Home working** - where you work at home and your home is your contractual base. See Appendix 5 for a link to Section 35 of the NHS Terms and Conditions Handbook and refer to the agile/homeworking policy.
* **Fixed shifts/sessions/schedules** - where you agree to working specific days each week.

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**Appendix 2: Career breaks**

You can apply for a career break if you have more than 12 months service.

**How will a career break affect me**

If your career break is agreed, you will receive a written agreement which will outline the following:

* During a career break you won’t be paid and you won’t receive increments, but you will remain employed meaning your service won’t be broken.

A career break is an ideal option if you need between 3 months and 5 years away from work and would like to return. Normally you would not be able to do paid work whilst on a career break.

You should get advice from People Professionals and speak to the Pensions team to understand how a career break will affect your pension before applying.

See Appendix 5 for a link to Section 34 of the NHS Terms and Conditions Handbook: Employment break scheme for more information.

* Your career break will not count as service when calculating annual leave, sick pay, contractual redundancy pay and any other benefits that are based on length of service.
* You won’t be entitled to any benefits such as sick pay during your career break.

**Applying**

You should apply in writing to your manager setting out how long you would like to have a career break and reasons you would like to have a break.

Your manager will meet with you to discuss your request and will confirm the outcome in writing as soon as possible. If you believe the reasons for refusing your career break are unfair, you should speak to People Professionals.

If your role is affected by organisational change while you are on your career break, your manager will contact you to let you know and include you in the consultation process.

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**Returning to work after a career break**

If you return to work within 12 months your manager will aim for you to return to your previous role. If your break is for more than

12 months, you may be asked to return to a similar role but with the same salary.

You should give notice if you want to return to work earlier, or later than the agreed date. You should give 2 months if the career break is less than 12 months and 6 months if the career break is more than

12 months.

You should keep up to date with your professional registration and your manager will agree with you how you will be re-inducted when you return.

If you decide you do not want to return from your career break you must inform your manager in writing, giving the amount of notice in your contract.

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**Appendix 3: Flexible options later in your career**

When you are approaching the end of your career it is important that you can continue to work in a way that supports you. Having regular conversations with your manager about your needs and plans will ensure you can work together to reach solutions ahead of your retirement.

**Partial retirement (draw down)**

If you are a member and over the age of 55, with the agreement of your manager, you can take part or all your pension benefits and continue in NHS employment. You do not need to take break. You can also continue to build up further benefits in the 2015 Scheme if you wish.

Your pensionable pay must be reduced by 10 per cent for at least a year from the date your partial retirement begins. You can do this by reducing your hours, agreeing with your manager which elements of your pay do not need to be pensionable, or stepping down to a

lower paid role. If you decide to reduce your hours, your employment terms and conditions will be changed to reflect this. Both options

will need to be agreed before your partial retirement application is submitted. Speak to People Professionals to ensure you get the right advice.

Flexible retirement allows you to be flexible about:

* the age at which you retire
* the length of time you take to retire
* the nature and pattern of your work in the lead up to final retirement.

You should get advice and guidance from the Pensions team to ensure you fully understand the changes and how they will affect your pension.

Appendix 5 includes links to further information about retirement and pensions. There are four main options available, and these are outlined opposite and on page 15.

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**Step Down**

When you are approaching your retirement, you might wish to

step down to a different role to reduce the level of responsibility and intensity of your work. If you are eligible to have your higher level

of pensionable pay protected, your final salary benefits will not be affected.

**Retire and Return**

Retire and return means that if you are a member of the NHS pension scheme and have reached your retirement age, you can decide to take your pension and return to work in the NHS. You can join the 2015 Scheme if you wish and continue building more pension.

There are requirements about the employment break you need to take before returning to the NHS, so planning and discussing this with your manager is essential.

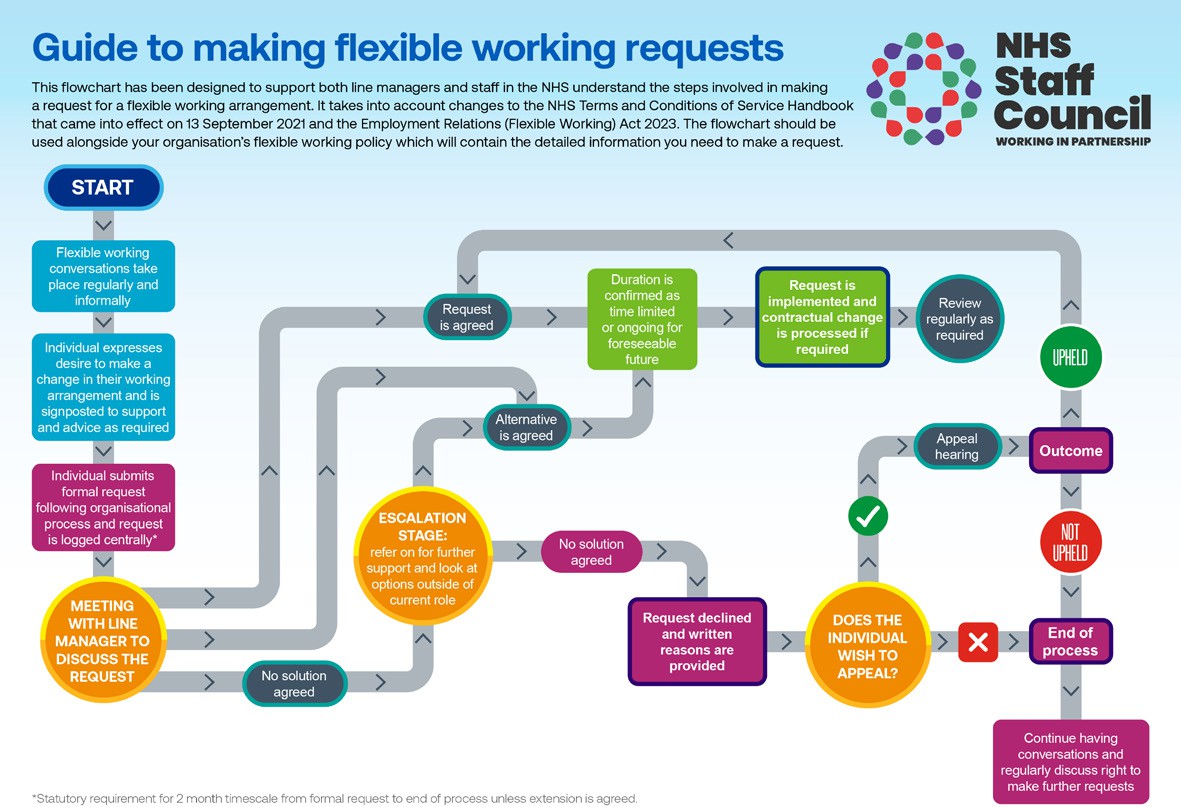
**Wind Down**

You could choose to wind down to retirement by reducing your hours or days of work. You should get advice from the Pensions team about the impact of this on your pension and the options available to you dependant on which scheme you are in.

Speak to People Professionals and the Pensions team to ensure you fully understand the financial and contractual impacts of retiring and returning and get accurate advice about what forms will be required.

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**Appendix 4:**

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**Appendix 5: Links to more help and guidance**

**Flexible working guidance**

[NHS Terms and Conditions of Service Handbook](http://www.nhsemployers.org/publications/tchandbook) [(Sections 33, 35 and 15)](http://www.nhsemployers.org/publications/tchandbook)

[Flexible Working Toolkit for individuals](https://www.england.nhs.uk/publication/flexible-working-toolkit-for-individuals-and-line-managers/) [Flexible working | Acas](https://www.acas.org.uk/flexible-working)

[Flexible working scenario](https://www.nhsemployers.org/articles/flexible-working-scenarios)s [- NHS Employers](https://www.nhsemployers.org/articles/flexible-working-scenarios) [Flexible Working - NHS Employers](https://www.nhsemployers.org/staff-experience/flexible-working)

[Guidance on contractual issues arising from certain forms](https://www.nhsemployers.org/articles/guidance-contractual-issues-arising-certain-forms-flexible-working) [of flexible workin](https://www.nhsemployers.org/articles/guidance-contractual-issues-arising-certain-forms-flexible-working)g [- NHS Employers](https://www.nhsemployers.org/articles/guidance-contractual-issues-arising-certain-forms-flexible-working)

[Flexible working FAQ](https://www.nhsemployers.org/articles/flexible-working-faqs)s [- NHS Employers](https://www.nhsemployers.org/articles/flexible-working-faqs)

[Guidance for joint union-employer partnerships on reviewing](https://www.nhsemployers.org/sites/default/files/2021-07/Joint%20negotiating%20guidance%20-%20reviewing%20flexible%20working%20policies_July2021.pdf) [flexible working policie](https://www.nhsemployers.org/sites/default/files/2021-07/Joint%20negotiating%20guidance%20-%20reviewing%20flexible%20working%20policies_July2021.pdf)s [- NHS Employers](https://www.nhsemployers.org/sites/default/files/2021-07/Joint%20negotiating%20guidance%20-%20reviewing%20flexible%20working%20policies_July2021.pdf)

[NHS England – we work flexibly – the programme and resources](https://www.england.nhs.uk/looking-after-our-people/the-programme-and-resources/we-work-flexibly/)

**Rostering**

[Rostering to enable flexible working resources](https://future.nhs.uk/ClinicalWP/view?objectId=42557968) [E-rostering resources](https://future.nhs.uk/ClinicalWP/view?objectId=41371184), including [toolkits](https://future.nhs.uk/ClinicalWP/view?objectId=41371184)

[E-job planning resources](https://future.nhs.uk/ClinicalWP/view?objectId=42052912), including [toolkits](https://future.nhs.uk/ClinicalWP/view?objectId=42608880)

**Retirement**

[Flexible retirement | NHS Employers](https://www.nhsemployers.org/articles/flexible-retirement)

[Examples of options for flexible retirement: Flexible-retirement](https://www.nhsemployers.org/system/files/2023-04/Flexible-retirement-personas-poster_1.pdf) [personas-poster (nhsemployers.org)](https://www.nhsemployers.org/system/files/2023-04/Flexible-retirement-personas-poster_1.pdf)

[A poster to show Flexible retirement option](https://www.nhsemployers.org/publications/retirement-flexibilities-poster)s [- NHS Employers](https://www.nhsemployers.org/publications/retirement-flexibilities-poster)

[Partial retirement advice from the NHS Pension scheme including a](https://www.nhsbsa.nhs.uk/member-hub/partial-retirement) [link to a Pension member factsheet](https://www.nhsbsa.nhs.uk/member-hub/partial-retirement)

[Partial retirement | NHSBSA](https://www.nhsbsa.nhs.uk/member-hub/partial-retirement)

[Using flexible retirement to support retention | NHS Employers](https://www.nhsemployers.org/publications/using-flexible-retirement-support-retention)

**Managers guidance**

[Flexible Working Toolkit for managers](https://www.england.nhs.uk/publication/flexible-working-toolkit-for-individuals-and-line-managers/)

[Detailed guidance on partial retirement and retire and return](https://gbr01.safelinks.protection.outlook.com/?url=https%3A//www.nhsemployers.org/publications/using-flexible-retirement-support-retention%3Futm_campaign%3D1332750_NHS%20Workforce%20Bulletin%3A%2022%20May%202023&utm_medium=email&utm_source=NHS%20Confederation&dm_i=6OI9%2CSKCU%2C2ALRDX%2C3JG6U%2C1&data=05%7C01%7Ct.manley%40nhs.net%7Ce6c5e88ec0374fe362e008dbc0f95d9d%7C37c354b285b047f5b22207b48d774ee3%7C0%7C1%7C638315949800875222%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=C3%2Bh9M8nIQJCbvI3vMgUKN%2BOIyS1S9G1gYfWQZnbFlg%3D&reserved=0)

[Recording of an NHS Employers webinar on flexible](https://www.nhsemployers.org/events/nhs-pension-scheme-flexible-retirement-options-webinar) [retirement options](https://www.nhsemployers.org/events/nhs-pension-scheme-flexible-retirement-options-webinar)

[Flow chart for making flexible working requests from the](https://www.nhsemployers.org/publications/guide-making-flexible-working-requests-flowchart) [NHS Staff Council](https://www.nhsemployers.org/publications/guide-making-flexible-working-requests-flowchart)

**Agile/Hybrid/Homeworking**

[Guidance to support regularising ad hoc and agile / hybrid working](https://www.nhsemployers.org/articles/guidance-support-regularising-ad-hoc-home-and-agilehybrid-working-arrangements) [arrangement](https://www.nhsemployers.org/articles/guidance-support-regularising-ad-hoc-home-and-agilehybrid-working-arrangements)s [- NHS Employers](https://www.nhsemployers.org/articles/guidance-support-regularising-ad-hoc-home-and-agilehybrid-working-arrangements)

**Career breaks**

[NHS Terms and Conditions of Service Handbook | NHS Employers:](https://www.nhsemployers.org/publications/tchandbook) [Section 34: Employment break scheme:](https://www.nhsemployers.org/publications/tchandbook)

[Career break factsheet from NHS Pensions (NHSBA)](https://www.nhsbsa.nhs.uk/sites/default/files/2020-01/Authorised%20leave%20career%20breaks%20member%20factsheet-20200128-(V5)%20%20%20%20%20%20%20%20.pdf)

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**Appendix 6: Additional guidance for managers**

**Creating the right culture**

Flexible working should be approached with a thoughtful, creative and inclusive attitude. Your team will include colleagues at different stages of their life and career, and each will have their own unique needs that will change over time.

Although not every job will be suitable for every type of flexible working, it’s important to role model a positive and open approach to talking about flexible working. This will develop a safe culture, where people feel they can talk about their needs and trust they will be supported, even if this means their request isn’t fully agreed.

If people have confidence that they can discuss and agree flexible working informally this usually gets better outcomes. However,

it’s important to bear in mind that some may feel a more formal approach works better for their circumstances.

Use advertisements to showcase your approach to flexible working to appeal to a wide audience with different needs. Having

conversations during interviews or when offering a role to someone, will encourage openness and enable you to agree flexible working from the first day of employment.

**Having positive conversations**

Working together with individuals and teams to explore the options that are/could be available usually gets the best results.

Starting by thinking about how you can support a flexible working request will help you to be curious about the possibilities. Talking to others will help you think creatively about solutions and trial different options to find what works best.

Ideas about flexible working arrangements often develop over time. If an initial idea about flexible working isn’t possible straight away, you should think about what would help it to work and discuss alternatives or variations. This approach will keep a positive focus and reduce the need for repeated applications and the frustration that can accompany a refusal.

**Workforce planning, role design and recruitment**

Including ideas about flexible working when you are planning roles and designing your workforce will ensure it is embedded and could mean people won’t need to ask to work flexibly.

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**I have received a flexible working request**

The flowchart at Appendix 2 outlines the full process that you should follow when you receive a request to work flexibly. The following checklist will help you keep on track:

3 **Read this policy:** more guidance is in Appendix 5.

3 **Hold a meeting to discuss the request:** even if you know you are going to agree.

3 **Get advice:** especially for requests related to health, contractual changes and formal requests.

3 **Encourage support during meetings:** e.g. from a trade union representative or someone else, this can help you to reach

a solution.

3 **Keep communicating:** to ensure they understand what’s happening and when.

3 **Use the escalation stage:** when you need help to overcome barriers.

3 **Work to the timelines:** always respond to formal requests

in writing as soon as you can. The legal requirement is to complete the whole process, including an appeal, within 2 months unless you have agreed to extend this timescale.

3 **Keep agreed notes:** of your conversations including what you have considered, steps you have taken and the advice you have received.

3 **Record agreements:** on the personal file, and ESR or another system used to record flexible working.

3 **Agree a review schedule:** flexible working needs can change over time so plan time to revisit the agreement. More guidance is included on page 19.

3 **Keep talking:** during individual and team meetings highlight the success of flexible working and think together how you can make it a success, this will help to maintain a positive

culture.

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**Flexible working to support health and wellbeing and/or a disability**

You may receive a request to work flexibly to support health and wellbeing, and/or a disability, and sometimes these needs may overlap. During meetings and conversations, listen to understand:

* How their work impacts their health.
* How their health impacts their work.
* What would/could change the impact.

It’s important to get specialist advice and guidance about disabilities and reasonable adjustments from People Professionals and Occupational Health, who will signpost you to other policies and support to ensure you reach the right outcomes.

**Making flexible working successful**

Maintaining a successful flexible work culture requires you as a manager to think about how you support everyone in your team(s).

To ensure everyone can perform at their best they need to feel part of the team, so they are engaged and happy in their work. They should :

* have access to opportunities for training and development,
* be included in meetings and events,
* have easy access to resources,
* receive good communications,
* have opportunities for sharing knowledge and peer/team support.

Listening to feedback about what is working well, and what could be improved, will mean you can use the right support and tools to make flexible working successful.

Views about access to flexible working will be shown in your staff survey feedback so it’s important to spend time reviewing and considering this.

Appendix 5 provides links to helpful scenarios about how to make flexible working successful.

**Escalating for help and advice**

If you are considering a flexible working request, and there are factors that are preventing you from agreeing it, you should speak to People Professionals who will support you through the escalation process.

This escalation process will provide you with independent advice and support to overcome challenges and barriers, it will also ensure a full exploration of what might be possible.

Sometimes, this could mean a potential solution outside the current team/service is found as an alternative. It’s a good idea to check with the individual that they would want to look for options outside their current role/team, perhaps as a trial initially.

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**Reviewing agreements**

Agreeing how and when reviews will take place will help you ensure flexible working continues to be successful.

**Legal reasons for refusing a request**

The law sets out that requests can only be refused if there is a genuine business reason, you should consider these before making your final decision:

1. The burden of additional costs.
2. An inability to reorganise work amongst existing staff.
3. An inability to recruit additional staff.
4. A detrimental impact on quality.
5. A detrimental impact on performance.
6. A detrimental effect on ability to meet customer demand.
7. Insufficient work available for the periods the employee proposes to work.

A review should be held in the first few weeks after an agreement is made to check things are working as expected and give time to those involved to ask questions or discuss any unexpected issues. It’s also a great time to discuss what is going well and how it is benefiting colleagues.

Arranging a review on a longer-term basis will enable you to check things are still working well, discuss changing circumstances or needs and make plans.

**Legal obligations**

There are several legal obligations surrounding flexible working and often there is a connection to other areas of employment law, for example reasonable adjustments and direct or indirect discrimination because of a protected characteristic.

**8.** A planned structural change to the employer’s business.

You should give careful thought to the reasons why flexible working is being requested, including family commitments, religious or cultural requirements, or disabilities, and take advice from a People Professional before you make a decision.

Follow this policy and associated guidance and listen to advice from People Professionals, and others with a sensitive and curious mindset, to ensure you work within the legal framework.

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**I’m not able to agree a request for flexible working**

If you have fully considered a request, used the escalation process and sought advice from People Professionals to reflect on the reasons and fairness for refusing the request, but are not able to agree a flexible working request, you will need to:

**How rostering can support flexible working**

E-rostering is a key to supporting flexible working, it provides a software solution to ensure the service has enough people, at the right time, with the required skills and in the right place.

Evidence shows that where rostering is used there are many benefits to individuals as well as to the organisation, including reduction in short term sickness, reduction in temporary staffing spend, improved recruitment and retention, and improved staff satisfaction. Rostering software will enable your team to request shifts and time off in addition to automatically recording and calculating hours worked and annual leave entitlement. It will ensure information is correct and can support fairness in time-off and shift allocation.

E-rostering can also enhance flexible working initiatives, for example through team-based (or self) rostering, for any hours or rolling rotas.

For staff who work across multiple clinical areas e.g. specialist nurses, ACP’s, AHP’s and consultants, robust job planning processes can also support flexible working especially when conducted across the multi-professional specialty team and when combined with rostering.

* Meet to discuss the reasons you cannot agree a request with the individual.
* Confirm your decision, including the reason(s), and a reference to a legal reason, in writing as soon as you can after the intial request. The legal requirement is that you need to complete the whole process, including an appeal, within 2 months unless you have agreed an extension. So, you need to plan to meet this timescale.
* Remember to advise them of their right to appeal your decision. This provides them with an opportunity for an objective review and/ or raise any concerns relating to the way their request has been handled. People Professionals will support this process.

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**Appendix 7: Monitoring the effectiveness of this policy**

We will monitor the effectiveness of this policy and Section 33 of the [NHS Terms and Conditions of Service Handbook](http://www.nhsemployers.org/publications/tchandbook), by collecting information to help us understand the impact it is having. Monitoring will be completed in partnership with trade union colleagues and will be included in published annual statutory public sector duty reports. The following table sets out how we will monitor this policy:

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**What element of this policy is to be monitored?**

**What is the method/ Information source**

**e.g. audit/feedback**

**Who will be leading the monitoring?**

**When will the information be reviewed, by who/which group?**

**What are the arrangements for responding to issues and tracking delivery of planned actions**

How many individuals access flexible working?

How many requests are made each year, how many are agreed/ declined.

Dependant on structures, this could be, Head of People Services/EDI/Retention/H&W.

This could be annually/monthly/ quarterly.

Include details of who and how this will be reviewed and discussed.

Is this policy accessed more successfully by different groups and is there any difference to agreed rates?

Agreed/declined rates from Equality demographics, band, staff group.

Dependant on structures, this could be, Head of People Services/EDI/Retention/H&W.

This could be annually/monthly/ quarterly.

Include details of who and how this will be reviewed and discussed.

Feedback on advice, process and ease of use.

Feedback from individuals and trade unions to HR/people services team.

Dependant on structures, this could be, Head of People Services/EDI/Retention/H&W.

This could be annually/monthly/ quarterly.

Include details of who and how this will be reviewed and discussed.

How are requests agreed? formal, escalation, appeal?

What does this tell us about the culture about flexible working?

How many appeals are made each year, how are these resolved? Does this indicate anything?

Dependant on structures, this could be, Head of People Services/EDI/Retention/H&W.

This could be annually/monthly/ quarterly.

Include details of who and how this will be reviewed and discussed.

Monitor unintended impact of flexible working on career development progression.

How many people progress in their careers after working flexibly, feedback from individuals and trade unions to HR/people services team.

Dependant on structures, this could be, Head of People Services/EDI/Retention/H&W.

This could be annually/monthly/ quarterly.

Include details of who and how this will be reviewed and discussed.