

**FLEXIBLE WORKING FRAMEWORK**

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**STAFF SIDE SIGNATURE .....**

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## **1 Introduction**

The Trust is a complex organisation that operates 365 days a year, 24 hours a day. The needs of the patients and the requirements of the services we need to deliver will place demands on both individuals, teams and managers alike. If we are to be seen to be successful in meeting these needs and those of our staff then a careful balance will be required.

## **2 What Is Flexible Working?**

Flexible working is any pattern of working that meets the needs of an individual and the service requirements of an organisation and can include:

- Full time.
- Part time (any hours that are less than the standard contracted full time hours for a particular staff group).
- Voluntary reduced working time (an agreed temporary reduction of hours).
- Annualised hours. Rather than agreeing to work a certain number of hours in a week the hours are agreed over the course of a year. This allows for flexibility and an uneven pattern of work throughout the year but the member of staff is usually paid in twelve equal portions. This contract is not suitable unless you are working throughout the year. For example if you only work in the summer months a fixed term contract may be more appropriate.
- Fixed term contract. An agreement to work for a short, fixed period, perhaps to cover maternity leave, a temporary increase in workload or a project. Care needs to be taken when considering a fixed term contract and advice should be sought from Personnel.
- As and when required. (for example bank, agency or locum work).
- Term time only. An annual pattern where the member of staff does not work or has a reduced commitment during school holidays.
- Twilight shifts. Usually worked between 1700 and 2300 although they can be shorter or longer.
- School hours. In order to accommodate taking children to and from school staff work from about 9.00 to 15.00.
- Weekends only.
- Permanent nights.
- Twelve hour shifts or any other flexible shift arrangement.
- Job share. Two people agree to share a full time post. The Trust has a comprehensive Job Share policy on the intranet.

- Flexitime. Staff can be flexible around start and finish times usually with a core time when they have to be at work. Excess hours worked can be carried over from one week to another and used as flexi leave. Similarly a limited number of deficit hours can be made up at a later date. A system of recording needs to be developed along with agreed rules about how much time can be accrued or owed over a given period.

### **3 What is Self Rostering?**

The term is used where rostering and work patterns are managed by staff. This is usually done with the help of software under the supervision of the departmental manager. Ground rules are established defining minimum staffing levels needed at each time of the day and the software can help ensure staff have equity in the allocation of shifts.

### **4 Family Friendly Policies**

The Trust has a number of policies designed to help staff balance their work with their domestic responsibilities. These include Career breaks, temporary care leave, maternity, paternity and adoption leave, special leave and sabbaticals.

### **5 Time Owing System**

The Trust has an agreed time owing policy in place to allow staff to take additional hours worked as time in lieu.

### **6 Flexible Retirement**

There is now the option for individuals approaching retirement to reduce their hours, take a less senior job or retire and return to work, perhaps in a different capacity. The NHS pension scheme is now more flexible to accommodate these options as an alternative to a person simply retiring.

### **7 Legal and Social Overview**

There is no absolute legal right to change your hours or pattern of work. However legislation and employment law are gradually placing more onus on employers to carefully consider requests to work flexibly and to refuse them only for sound and objective reasons. There is an expectation that women returning from maternity leave will be allowed to work flexibly and from April 2003 a new duty will be placed on employers to consider requests from parents to work flexibly. An employee with a child under the age of six (or under eighteen if the child is disabled) have a statutory right to apply to the employer for a change in his/her terms and conditions of employment relating to hours of work, shifts and place of work. Employers may refuse the request but will have to have good reasons for doing so. There is also legislation limiting the number

of hours employers can require staff to work and ensuring that part time staff are treated in the same way as their full time colleagues.

There are a number of important social factors which are changing the way people view work. These include recruitment and retention difficulties, an ageing population, change towards a twenty four hour society, more women returning to work after child birth, increasing numbers of lone parents, increasing numbers of staff with a dependent older relative, new technology and changing patient expectations.

## **8 The Economic Case for Flexible Working**

The Government's NHS plan announced in August 2000, acknowledges that the "biggest constraint the NHS faces today is no longer shortage of financial resources. It is shortage of human resources". It promises "flexible working conditions, challenging traditional working patterns and giving staff more control of their own time". Nationally the NHS is looking to increase staff numbers by 15,000 consultants, 35,000 nurses, 30,000 more therapists and scientists by 2008. As part of this the number of training places for all these professions are being radically increased. In order to attract these staff and retain existing staff the NHS will have to be seen as a flexible and family friendly place to work.

The Trust believes that employee friendly practices improve retention, encourage recruitment, return to practice, productivity and commitment and reduces sickness absence.

## **9 Equal Opportunities**

There is the need to consider the issue of precedent and equitable treatment for all staff. Managers may be concerned that if a flexible arrangement is granted to one individual then many more will come forward and that these requests will have to be met once the precedent has been set. There needs to be equity and fairness for all coupled with an understanding that precedents are not automatically set. The issue centres on equitable consideration not necessarily identical treatment. It is important that all staff who may be affected by the request of an individual to work flexibly are considered and consulted.

## **10 Flexible Working Guide**

Given the wide range of possible flexible working options and the even wider range of staff personal circumstances it is not possible to provide prescriptive guidance on when a request can be accepted. However the following ground rules should be applied:

- The Trust will respond positively to requests that may be received from existing or prospective staff to work flexibly.

- Staff affected by any proposed changes to their working arrangements (whether directly or indirectly) have the right to be consulted but also the responsibility to consider the interests of other team members.
- Communication and openness are critical to dealing with an issue of flexible working whether it is a change to the working pattern of an individual or a whole department. Any decisions will be discussed with all affected staff and confirmed in writing.
- Changes to working arrangements can be made on a temporary or permanent basis.

The assessment criteria will need to be transparent and straightforward for both managers and staff and could include the questions:

- Will the proposed change help to retain staff who might otherwise leave or retire?
- Will it attract staff into areas of shortage?
- Will it help build a more diverse range of skills within the team?
- Will it help balance staffing levels and activity levels more efficiently?
- Will it improve morale for either the team or individual?

If the answer to some or all of the above questions is yes then the next step is to look at how to try to accommodate the request:

- Can the work of the department be organised in a different way?
- What scope do you have within the budget to recruit more staff?
- What impact will the change have on other staff?
- Is it a permanent or temporary change?
- How are you going to monitor the change?

If the request cannot be accommodated using the above criteria is there a compromise that can be reached to meet both the individual and organisations needs? Another option where the impact of a change is uncertain would be to agree to a trial period.

## **11 Evaluation**

The Trust will evaluate the success of introducing flexible working initiatives. This will include using the Staff Opinion Survey, the leavers questionnaire, recruitment, turnover and wastage rates and vacancy rates particularly for those posts that are difficult to fill. Bank and agency rates and the hours worked by each permanent member of staff above their contract would also need to be monitored to see the extent to which cover is rostered in and the degree to which emergency cover is still relied on.

Mike Green

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