



FLEXIBLE WORKING POLICY

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FLEXIBLE WORKING POLICY AND PROCEDURE

1. Introduction

The Federation is committed to equality of opportunity and to the continued development of a working environment which encourages all staff to give their best within an arrangement which allows them to balance both work and personal commitments.

Research suggests that providing flexible working options for employees can have a positive impact on staff turnover, productivity, commitment (engagement) and costs due to lower levels of absenteeism. Flexibility can be seen to form part of a wider range of employee benefits and may make the organisation more attractive to potential employees. Given these recognised benefits of flexibility, the Flexible Working Policy & Procedure was developed.

2. Purpose & Key Aims

This policy sets out the Federation/FSU's commitment to creating a more flexible workplace to enable the recruitment and retention of staff and to facilitate a healthy work-life balance that is essential to the health and wellbeing of our workforce.

The purpose of the policy and procedure is to advise staff of their rights in respect of flexible working and how to make a flexible working request seeking a permanent change to their contractual hours of work or working pattern.

3. Principles

The right to make a flexible working request is open to staff employed by the Federation/FSU i.e., are not bank staff or agency workers and applies from the first day of employment.

Each application will be considered on its individual merits, taking into account the needs of the service.

4. Definition of Flexible Working

Flexible Working is any arrangement which supports an individual to have greater choice in when, where and how they work. This may include changes to their working pattern and hours.

Examples of Flexible working arrangements may include:

- Part time working
- Compressed working hours
- Staggered hours
- Job sharing

However, this list is not exhaustive and other working arrangements that may suit service needs and individual requirements will be considered.

Whilst there is no automatic entitlement to any flexible working arrangements, the Federation/FSU are keen to support staff in balancing their work and home commitments, recognising that individuals have a wide range of varying personal circumstances.

To this end, the Federation/FSU will give consider any request for flexibility, provided it does not adversely affect the organisational goals/objectives, or the service provided and does not contravene any legislation, particularly around health & safety and the Working Time Directive.

It will be a condition of any agreement that an employee who works flexibly will not unreasonably refuse any request to attend work outside the agreed working hours in exceptional circumstances or for training purposes.

5. Impact on Terms & Conditions of Employment

Any request that is made and accepted under the Flexible Working Policy will be a permanent change to the employee's contractual terms and conditions unless otherwise agreed- **See Requests for Temporary Flexible working arrangements section 7**. The employee has no right to revert to the previous working pattern.

For example, if an employee's new flexible working pattern involves working reduced hours, he or she has no right to revert to working the hours he or she previously worked without making a further flexible working request.

6. Alternatives to Flexible Working Requests

Requests for special working arrangements to deal with short term issues arising such as taking care of a sick child or relative for a time limited period are not dealt with under this policy & procedure.

Examples of such arrangements may include:

- Requests to swap sessions from one day to another
- Taking Time off in lieu (TOIL)
- Agreeing a temporary change to start, finish and lunch/break times which doesn't reduce weekly contractual working hours.
- Taking Carers leave or unpaid leave

Such requests that do not result in a change to the contract of employment may be dealt with via the Special Leave policy.

7. Requests for Temporary Flexible working arrangements

Circumstances may arise where staff may find that their normal working hours become difficult to sustain in the short-term and cannot be addressed through the Special Leave Policy. Staff may not wish to make a permanent change to their working hours, so that they can return to their normal hours after the immediate need has passed.

Where it is operationally possible to do so, a temporary period of flexible working could be considered. For example, a period of shorter hours, may allow staff to continue to be professionally effective and engaged, whilst dealing effectively with their domestic responsibilities

The employee should discuss their request with their line manager and apply in writing to their lead/ line manager using the Temporary Flexible Working Request Form - TWR1-**Appendix B.**

When a request can be granted, the line manager / lead should enter the temporary change to contract on the Cascade HR system. HR will then issue a formal letter confirming the temporary change to the contract of employment and timeframe agreed to the employee as appropriate. HR will also inform payroll of the change.

8. Roles & Responsibilities

Employee

- To provide a carefully thought-out flexible working application for consideration
- To ensure their application is valid by checking that the eligibility criteria are met.
- To ensure the application is made well in advance of when they want it to take effect.
- To arrive at meetings on time and to be prepared to discuss their application in an open and constructive manner.
- If necessary, to be prepared to be flexible themselves and be open to the possibility of a flexible / compromise solution to reach an agreement with the lead/line manager.

Line Manager/Leads

- To discuss and consider requests properly in accordance with the set procedure, including consulting as appropriate, with the GP Practice/s where the employee making the flexible working is based.
- To ensure they adhere to the time limits contained within the procedure.
- To provide the employee with appropriate support and information during the application.
- To be open to the possibility of a flexible / compromise solution to reach an agreement with the employee where practicable.
- To decline a request only where there is a specified business ground and to explain to the employee in writing why it applies.

Human Resources

- Provide advice or guidance to staff and managers as requested on the Flexible working policy & procedure
- To record changes to terms & conditions resulting from Flexible Working arrangements and communicate these to staff.

9. Procedure for applying for Flexible Working

Staff who wish to be considered for flexible working arrangements are advised to discuss this in the first instance with their line manager/lead.

The employee should then apply in writing to their lead/ line manager using the **Flexible Working Request Form - FWR1 (Appendix A)**, normally where possible at least fourteen weeks before they wish the proposed arrangements to commence.

The FWR1 provides the employee with the opportunity to set out the reasons why their proposed flexible working arrangement is compatible with the needs of the Federation/FSU, as far as they can tell.

An explanation of what effect, if any, the employee thinks the proposed change would have on the employer and service and how they feel any such effect might be dealt with must be provided on the form.

Where the application is incomplete the lead/line manager should request further information from the member of staff and ask them to re-submit their application. Where this occurs the date of re-submission will constitute the formal date of application.

9.1 Considering an application

When considering a request for flexible working arrangements leads/ line managers will evaluate the potential benefits of the proposal to the Federation and the employee. Where appropriate, the Lead/Line Manager will consult with the GP Practice/s where the employee making the flexible working is based.

All applications will be considered on their merits, considering the needs of the Federation, service provision and the benefits to the employee. Each request will be considered on an individual basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

Where circumstances result in several applications from the same Federation being submitted at the same time, preference will initially be given based on the order the request was received, unless exceptional circumstances would indicate otherwise.

Where appropriate the possibility of some adjustment or compromise by both the employees may be explored to enable both requests to be accommodated.

If following evaluation, difficulties are foreseen, and a refusal is considered then it **must** be on one of the following business grounds:

- The burden of additional costs

- A detrimental effect on ability to meet patient/client/customer demand
- An inability to reorganise work among existing staff
- An inability to recruit additional staff
- A detrimental impact on quality
- A detrimental impact on performance/service delivery
- Insufficiency of work during the periods the employee proposes to work or
- Planned structural changes

On receiving a request, the lead/line manager will acknowledge receipt of form FWR1 by email within 7 working days and will give due consideration to the request.

9.2 Flexible Working Request meeting

The lead/line manager should arrange to meet with the employee to discuss their request. The employee may be accompanied by a work colleague or a recognised trade union representative if desired. The meeting should take place without undue delay and within 28 days of receipt of the request.

If the line manager/lead feels the requested working pattern cannot be accommodated, the meeting provides an opportunity to see if an alternative working arrangement may be appropriate and if compromise can be achieved where practicable.

Within 14 days of the meeting the line manager/lead will write to the employee to either agree to the request and give a start date or to refuse the request and specify the reason for the refusal. The request may be granted in full, in part or refused. A refusal must be for one of the reasons detailed at 8.1.

When a request can be granted, the line manager / lead should enter the change to contract on the Cascade HR system. HR will then issue a formal letter or new contract of employment to the employee as appropriate. HR will also inform payroll of the change.

If the request is not granted HR will issue a letter confirming this with details of the appeal process.

9.3 Timescales

The timescales in this procedure may be extended by agreement, for example where annual leave or sick leave occurs, or where the person chosen to accompany the employee(s) is not available, or to enable the Federation to consider the request further before notifying the member(s) of staff of the final decision. However, a decision will not be unduly delayed.

9.4 Trial Periods

There may be a trial period of new flexible working arrangements during which the lead/line manager will monitor any issues that arise and do their best to resolve the issue. This may also involve consultation with the practice/s as appropriate.

Any discussions that take place during a trial period for flexible working arrangements should be noted and shared between the line manager/lead and employee by email. A trial period

should not normally last more than 12 weeks but the timescale maybe extended by agreement.

Where the trial proves satisfactory, agreement to the arrangements will be given in writing. However, there may be occasions where issues arise during a trial period that are impossible to resolve and of such a nature that the line manager/ lead concludes the arrangements cannot continue.

The outcome of the trial period should be communicated to the employee by email and a copy of the email should be sent to HR.

HR will then issue a formal letter or new contract of employment to the employee as appropriate if successful or confirm by letter that the employee will revert to their contractual hours and pattern if unsuccessful.

10. Appeals Procedure

Employee(s) may submit an appeal to Human Resources if they believe that their request for flexible working arrangements:

- has not been considered using the correct procedure or
- has been refused for reasons other than business reasons outlined within this policy
- has been refused based on incorrect facts

An appeal should be in writing, should be submitted within 5 working days of the date of the letter detailing the outcome of the request) and should give the grounds for appeal.

Human Resources will arrange for an appropriate lead/ manager (not previously involved in the case) to convene a meeting with the employee within 14 days of the date of the appeal. The member of staff may be accompanied at the meeting by a work colleague or recognised trade union representative.

The designated manager will provide the employee(s) with written notification of the outcome of the appeal within 10 working days. The letter will be dated and will include the reasons for the decision in the event of a refusal, or an implementation date where the appeal is successful.

The appeal decision is final.

The timescales in the appeal procedure may be extended by written agreement, for example where annual leave occurs, or where the person chosen to accompany the employee(s) is not available, or to enable the Federation to investigate further before notifying the member of staff of the final decision. However, a decision will not be unduly delayed. Extensions and the relevant dates should be recorded in writing and sent to the employee.

11. Withdrawal of an application

The employee may withdraw an application for flexible working at any time during the process up to the point that written approval has been given and a start date notified to them. The intention to withdraw the application may be notified to the line manager orally or in writing and will be confirmed in writing by the line manager.

A line manager may consider an application to have been withdrawn if the employee(s) without good cause:

- fails to provide them with information that has been appropriately requested.
- fails to attend two meetings that have been appropriately arranged to discuss the request.

In these circumstances the line manager should write to the employee confirming that the application has been considered to be withdrawn.

Where a request for flexible retirement is made which is subsequently determined as invalid under the relevant pension scheme rule, the employee may resubmit the application as soon as practicable after the original submission, the twelve-month rule defined in paragraph 4.3 not being applicable to any such resubmission.

12. Promotion/Career Development

An employee accessing any form of flexible working arrangement is free to apply for any Federation/FSU posts in the usual manner. There will not be an automatic right to retain the flexible working arrangement in the new post. Movement to a new post will require consideration of the potential to work flexibly.

13. Training & Development

All staff availing of flexible working arrangements will be afforded the same opportunities to participate in training and development as other staff.

14. Superannuation

Entitlement to continue in the HSC Pension Scheme remains unchanged. However, staff should be aware that any reduction in salary will impact on pension benefits. Further information can be obtained from the HSC Pensions, Waterside House, Londonderry, Telephone 028 7131 9111 or email hscpensions@hscni.net.

15. Employment Rights

Employment rights such as continuity of employment and employment protection remain the same.

16. Data Protection / GDPR

In applying this policy, the organisation will have due regard for the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Personal Confidential Data of data subjects will be processed fairly and lawfully and in accordance with the six data protection principles.

Data Subject's Rights and freedoms will be respected, and measures will be in place to enable employees (data subjects) to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal confidential data.

Appendix A – Flexible Working Request Form

Flexible Working Request Form - FWR1

You should submit this form to your line manager/lead.

Before completing the form, please read the Federation/FSU Flexible Working Policy & Procedure.

It will help your line manager/lead to consider your request if you provide as much information as you can about your desired working arrangements.

About you

Name

Job title

Federation/FSU

Your flexible working request:

Date of request

In accordance with the Flexible Working policy, you need to confirm the following:

	Yes	No
Have you submitted this at least 12 weeks before the intended change date?	<input type="checkbox"/>	<input type="checkbox"/>

I am applying for the following reason:

Your current working arrangements

Describe your current working arrangements (days / hours etc)

Describe your desired working arrangements (days / hours etc)

Describe how you think any change in working pattern will affect the Practice/s /Federation/FSU with respect to the service and/or your colleagues

How could these be addressed?

--

Intended start date of new working arrangements

--

Signature

Date

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PLEASE SUBMIT THIS FORM TO YOUR LINE MANAGER FOR CONSIDERATION

TO BE COMPLETED BY: AUTHORISED SENIOR MANAGER OR DIRECTOR

Please consider whether this request can be met without adversely affecting service requirements and confirm your approval or otherwise below:

Name: _____ **Designation:** _____

Signed: _____ **Date:** _____

NB. If the request is rejected, the employee must be provided with a written explanation of your decision, a copy of which should be forwarded to Human Resources along with a copy of this form.

PLEASE FORWARD ALL FORMS AND ANNUAL LEAVE CARD (IF APPROPRIATE) TO THE HUMAN RESOURCES DIRECTORATE FOR PROCESSING

Appendix B- Temporary Flexible Working Request Form

Temporary Flexible Working Request Form - TWR1

You should submit this form to your line manager/lead.

Before completing the form, please read the Federation/FSU Flexible Working Policy & Procedure.

It will help your line manager/lead to consider your request if you provide as much information as you can about your desired working arrangements.

About you

Name

Job title

Federation/FSU

Your temporary flexible working request

Date of request

--

I am applying for the following reason:

--

Your current working arrangements

Describe your current working arrangements (days / hours etc)

--

Describe your desired working arrangements (days / hours etc)

Describe how you think any change in working pattern will affect the Practice/s /Federation/FSU with respect to the service and/or your colleagues

How could these be addressed?

Intended start and anticipated end date of new working arrangements

--

Signature

Date

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PLEASE SUBMIT THIS FORM TO YOUR LINE MANAGER FOR CONSIDERATION

TO BE COMPLETED BY: AUTHORISED SENIOR MANAGER OR DIRECTOR

Please consider whether this request can be met without adversely affecting service requirements and confirm your approval or otherwise below:

Name: _____ **Designation:** _____

Signed: _____ **Date:** _____

NB. If the request is rejected, the employee must be provided with a written explanation of your decision, a copy of which should be forwarded to Human Resources along with a copy of this form.

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