

# Flexible Working Policy and Procedure

This Policy describes the types of flexible arrangement available and explains the process for employees to make a request to work flexibly /change their working hours/working pattern.

Key Words:	Flexible Working, Job sharing, flexi time, Homeworking, Part time, Term time, annualised hours	
Version:	9	
Adopted by:	Trust Policy Committee	
Date this version was adopted:	13 January 2021	
Name of Author:	Elaine Wyse, Senior HR Advisor	
Name of responsible committee:	Workforce, Organisation Development and Wellbeing Group	
Please state if there is a reason for not publishing on website:	N/A	
Date issued for publication:	January 2021	
Review date:	June 2023	
Expiry date:	1 January 2024	
Target audience:	LPT Staff	
Type of Policy	Clinical	Non Clinical ✓
Which Relevant CQC Fundamental Standards?	14	

## CONTRIBUTION LIST

Key individuals involved in developing the document

Name	Designation
Elaine Wyse	Senior HR Advisor

### **Circulated to the following individuals for comments**

Name
Directors / Heads of Service and Direct Reports
Operational HR Team
Equalities Team
Staffside
Workforce, Organisation Development and Wellbeing Group

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## Version Control and Summary of Changes

Version number	Date	Comments (description of change and amendments)
1	April 2012	Harmonisation of former LPT, LCCHS and LCR combined flexible working policy. Special Leave was incorporated into the policy previously. Special Leave is now a separate policy.
2	May 2012	Formatted
3	16/07/12	The Annualised Hours calculation was incorrect. Amended version now included with 2 new examples.
4	18/10/13	Updated Appendix 8 –application for flexible working to include specific questions about current and future working arrangements.
5	21/01/14	Appendix 14 added – template letter to confirm acceptance of flexible working request.
6	July 2015	Legislative changes in line with the Children’s and Families Act 2014 – employees are no longer required to have parental responsibility for a child under the age of 17 (or 18 where the child is disabled) or caring responsibilities for an adult aged 18 or over to make a request to work flexibly.
		Flexible Working Flowchart amended
		Updated Appendix 7 - Flexible working application form updated to reflect new changes
		Section 13 added for timescales
		Team Based Self Rostering has been removed as superseded by E-Rostering
		The Annualised Hours calculation was incorrect so has been removed until new calculation has been devised
7	August 2018	Paragraph 5.5 added – Managers to read policy in conjunction with LPT Carers Policy
		Training requirement updated as flexible working procedure is delivered as part of ‘HR in a day’ training
		Privacy Impact Assessment included as Appendix 16
8	March 2019	Section 5.0 Employees Right to Request Flexible Working updated to include process when flexible working arrangements are agreed upon commencement.
9	November 2020	Revised section 3.2 bullet point 2 to include dialogue around partially accommodating requests.
		Revised point 8.2 to include discussion around consideration of trial periods.
		Section 5.0 Employees Right to Request Flexible Working updated to include that the Trust is open to consider requests for flexible working from all employees regardless of how long they have worked for the Trust. Also updated to include reference to the Special Leave Policy.
		Section 4 and Appendix 7 updated - Flowchart and application

	<p>form updated to reflect above.</p> <p>Section 7.0 Requests for flexible working updated to include paragraph about referring to Reasonable Adjustment Policy if flexible working is a reasonable adjustment under the Equality Act 2010.</p> <p>Section 1.19 – Job Share Q&amp;A updated.</p>
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**All LPT Policies can be provided in large print or Braille formats, if requested, and an interpreting service is available to individuals of different nationalities who require them.**

**For further information contact: Elaine Wyse, Senior HR Advisor**

### Definitions that apply to this Policy

<b>Part Time</b>	Works less than full time hours on a permanent basis
<b>Temporary reduction in hours</b>	Works reduced hours for an agreed period of time – usually up to one year
<b>Flexi time</b>	Works same hours each week/period, but with flexible daily start and end times
<b>Job share</b>	A full time job split between two employees
<b>Term time</b>	Works only during school terms, does not work school holidays. Pay averaged over the year
<b>Annualised hours</b>	Flexing the working year, with the number of hours averaged over the year, normally paid in equal monthly instalments
<b>Home working</b>	Working from home within flexible times
<b>Due Regard</b>	<p>Having <b>due regard</b> for advancing equality involves:</p> <ul style="list-style-type: none"> <li>• Removing or minimising disadvantages suffered by people due to their protected characteristics.</li> <li>• Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.</li> <li>• Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low</li> </ul>

## **Equality Statement**

Leicestershire Partnership NHS Trust (LPT) aims to design and implement policy documents that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others.

It takes into account the provisions of the Equality Act 2010 and promotes equal opportunities for all.

This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

In carrying out its functions, LPT must have due regard to the different needs of different protected equality groups in their area.

This applies to all the activities for which LPT is responsible, including policy development and review.

## **Due Regard**

The Trusts commitment to equality means that this policy has been screened in relation to paying due regard to the Public Sector Equality Duty as set out in the Equality Act 2010 to eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity and foster good relations.

Please refer to Appendix 13 which provides a detailed overview of the due regard undertaken in support of this activity.

## **Summary**

The Flexible Working Policy and Procedure applies to all staff employed by Leicestershire Partnership NHS Trust (hereafter referred to as the Trust) and is available to all staff to support them in achieving an appropriate balance between work and home life.

### **1.0 Introduction**

- 1.1 As part of LPT's Health and Wellbeing agenda, the Trust is committed to ensuring that staff are able to achieve a balance between the demands of work and their domestic, personal and family circumstances in order to maintain work performance. The Trust also recognises that the emphasis will shift as individual circumstances change and careers develop.
- 1.2 Work Life balance is about how we combine the demands of work with the demands of other personal interests and responsibilities. The Trust is committed to improving the working lives of staff and believes that supporting and valuing staff, in turn, support the delivery of patient care. Work Life balance is not just about families, childcare or the eldercare it is about having

reasonable influence and flexibility over when, where and how you work. It's about having the energy to enjoy both work and home life.

- 1.3 The Trust recognises the benefits to staff, and the Trust, of work-life balance initiatives and flexible working arrangements, such as;
- Recruitment and retention of staff
  - More satisfied and more motivated staff
  - Reduction of absenteeism
  - Potential for staffing over a wide range of hours
- 1.4 The Trust acknowledges its responsibility to put in place a range of practical arrangements that support staff to achieve a work life balance that meets service needs, and supports personal circumstances wherever possible, acknowledge that this will lead to positive staff morale, improved staff retention, and thus have a positive effect on the patient experience.
- 1.5 The Trust is committed to giving reasonable consideration to any requests from staff to change their current working pattern to enable them to combine their work and personal life optimum effect, while ensuring that a high quality service is maintained. This can be achieved by working together with employees to develop imaginative and creative solutions to support both service provision and individual needs.

## **2.0 Purpose and Scope**

The purpose of the policy is to give information and guidance to employees and managers about the types of flexible working arrangements this includes Job Sharing, Flexi time, Working from Home, Part-time and Term-Time working, annualised hours and short term reduction in hours. The policy explains the process for employees and managers when employees make a formal request to change in their working hours/working pattern.

## **3.0 Duties within the Organisation**

### **3.1 Trust Board**

- The Trust Board has a legal responsibility for Trust policies and for ensuring that they are carried out effectively.
- The Strategic Workforce Group (SWG) has the responsibility for adopting this policy.

### **3.2 Line Managers will be responsible for;**

- Ensuring that staff are aware of this policy and the guidance to support work life balance and apply this policy in an effective, fair and consistent manner.
- Considering employees requests for flexible working and making decisions about such requests in line with the needs of the service. Line managers need to think creatively about how they can accommodate requests for flexible working. If the request cannot be accommodated in its entirety, it may be able

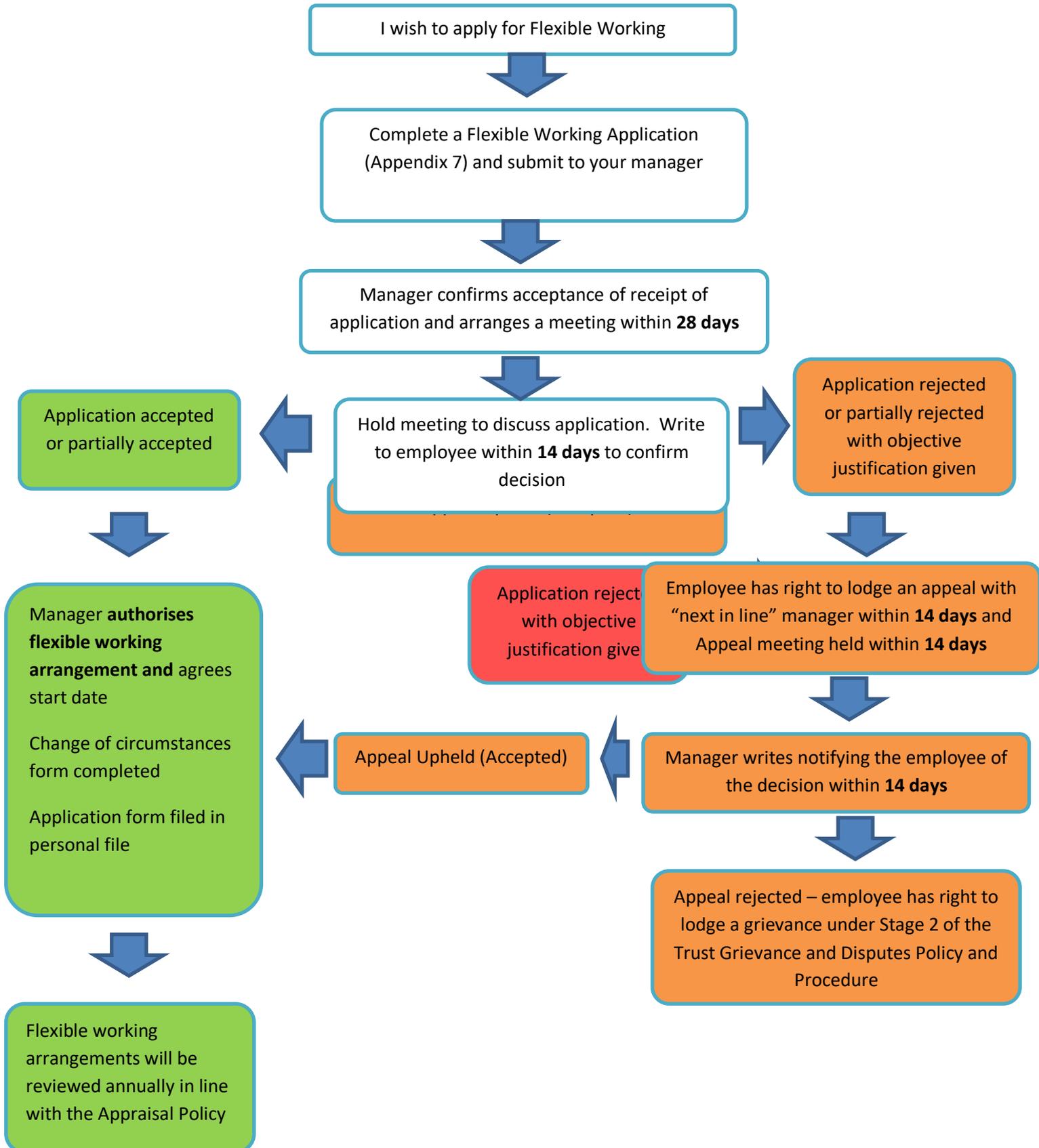
to be partially met and managers will need to ensure that a constructive dialogue takes place.

- Reviewing the flexible working arrangements as part of the annual Appraisal process.
- Ensuring that all relevant paperwork is completed and sent to payroll/human resources when an employee's request for flexible working is made.
- Ensuring confidentiality is maintained.

### **3.3 Responsibility of Staff**

- To follow Trust procedures when making a request to change their working hours/working patterns.
- To raise with their manager any concerns they have about being able to effectively manage the balance between their work commitments and home circumstances.
- To attend regular reviews with their manager on an annual basis and keep them informed of any changes in circumstances.
- To demonstrate flexibility in order to be able to attend mandatory training.
- To be as flexible as they are able to be in order to meet the needs of the service.

#### 4.0 Flow chart showing Guidance on dealing with Flexible Working Requests



## **5.0 Employees Right to Request Flexible Working**

- 5.1 All employees who have a minimum of 26 weeks' continuous service with the Trust have a statutory right to request flexible working. An employee can only make a statutory request once in any 12 month period. The Trust as an employer however recognises the importance of a healthy work-life balance and is open to consider requests for flexible working from all employees regardless of how long they have worked for the Trust. A flexible working request may also be agreed during the recruitment process. In this instance new employees will need to complete an Application for Flexible Working (Appendix 7) which will be reviewed after 12 months. Managers should ensure the preferred candidate is made aware of this at the point the post is offered to them.
- 5.3 Managers must give full and serious consideration to requests to vary working hours or work pattern. It is important that staff feel able to make a request, know how to make a request and are confident that such request will be given serious consideration.
- 5.4 The Trust accepts that not all such requests can be granted, and undertakes that employees will receive a full reasoned response to any such request within the required timescales.
- 5.5 These guidelines do not entitle any employee to demand a particular system of working. Flexibility will only succeed when it is introduced following detailed discussion and by taking into account the needs of the service and other staff. Therefore managers and staff have a responsibility to work together in an open, flexible and consultative manner to facilitate working arrangements that support patient centred care.
- 5.6 The Trust is committed to supporting staff who have caring responsibilities outside of the workplace. Managers should read this policy in conjunction with the Carers Procedure and ensure that staff who need flexibility due to caring responsibilities are given appropriate support.
- 5.7 The Trust recognises there may be occasions when urgent domestic, personal and family matters compete with work responsibilities. The Trusts Special Leave Policy covers emergency arrangements.

## **6.0 Legislation**

- 6.1 To make a request to work flexibly, employees are no longer required to have parental responsibility for a child under the age of 17 (or 18 where the child is disabled) or caring responsibilities for an adult aged 18 or over. This was following changes to the Children and Families Act which came into effect on 30 June 2014.
- 6.2 Access to flexible working arrangements should be available equally to male and female employees. Part time workers must not be subjected to any detriment in comparison to their full time equivalents.

In line with legislation employees may request any of the following;

- Change their hours of work
- Change their working times
- Work from home
- Change other terms and conditions that may be specified in the regulations

6.3 When looking at how to accommodate a request, the Trust may need to consider some or all of the following areas;

**a. Additional Cost**

Is there a cost attached to the request? Is it a significant cost when compared to both the financial cost, and lost skills and experience, if the individual left the Trust?

**b. Impact on service delivery**

Will this change impact on service delivery? Is this an opportunity to expand the times that the service is offered? Could it improve the quality of the service? Is this an opportunity to look at different ways of working? Could a skill mix review take place or new roles be introduced? Could work be re-organised amongst existing staff? Could a trial period establish if the change was manageable?

**c. Retention of staff**

Would this change help to retain the individual? If the request cannot be accommodated in one area, is there a different area where it would work? If the request cannot be accommodated now could it be re-considered in the near future?

6.4 The legislation does not provide employees with an **automatic** right to work flexibly as there may be circumstances when the Trust is unable to accommodate the employee's desired work pattern. The right is designed to meet the needs of both employees and employers and aims to facilitate discussion and encourage both the employee and the employer to consider flexible working patterns and to find a solution that suits both. The employee has a responsibility to think carefully about their desired working pattern when making an application and the employer is required to follow this procedure to ensure requests are considered seriously.

The guidance applies to all requests made by eligible employees to work flexibly for any reason. A flow chart detailing this guidance can be found in Section 4.

All working patterns must comply with the European Working Time Directive.

## 7.0 Requests for flexible working

7.1 All requests for changes to working hours, arrangements or patterns must be made in writing by completing an Application for Flexible Working (Appendix 7) and must include the following information;

- The date of the application, the change to working conditions the employee is seeking and when they would like the change to come into effect.

- What effect, if any, they think the requested change would have on the organisation and how, in their opinion, any such effect might be dealt with.
- A statement that it is a statutory request and if and when they have made a previous application for flexible working.

If the request does not contain the required information, the line manager should advise the employee what additional information is required and ask them to resubmit the request.

- 7.2 If a flexible working request relates to a reasonable adjustment for a disability covered by the Equality Act 2010, managers should refer to the Trust's Reasonable Adjustment Policy and contact their HR representative for support.

## **8.0 Meeting to discuss a flexible working request**

- 8.1 Once the completed application form has been received, it should be dealt with as soon as possible, but no later than the timescales set out in Section 12 below.

- 8.2 A meeting will be held to discuss the flexible working request. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and organisation. A meeting also allows any compromise to be offered which may include a trial period. The employee will have the option to bring a union representative or a work colleague to the meeting,

- 8.3 Where a request can be approved without further discussion, a meeting will not be necessary.

- 8.4 If an employee fails to attend a meeting, and then fails to attend a rearranged meeting without good reason, his/her application will be deemed to have been withdrawn.

## **9.0 Outcome of a flexible working request**

- 9.1 After the meeting, the proposed flexible working arrangements will be carefully considered, with potential benefits to the employee and to the organisation weighed up against any adverse impact of implementing the changes.

- 9.2 Each request will be considered on a case by case basis.

- 9.3 If managers need support from a Human Resources representative in considering requests, they should contact them as early as possible.

- 9.4 The manager should inform the employee in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the timescales set out in Section 12 below.

The request may be granted in full or in part e.g. the manager may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period.

The letter confirming the decision should either;

- a. accept the request, detail the exact nature of the change, establish a start date and confirm a review or end date if applicable (Appendix 8), or
- b. confirm a compromise reached at the meeting, establish a start date and confirm a review or end date if applicable (Appendix 8), or
- c. reject the request, giving a clear explanation of the reasons why, and informing them of their right to appeal (Appendix 9).

9.5 If the manager has been able to agree at this stage, they should complete a change of circumstances form and send it to [hrinputting@leicspart.nhs.uk](mailto:hrinputting@leicspart.nhs.uk). A copy of the flexible working agreement should also be sent to [hradvisory@leicspart.nhs.uk](mailto:hradvisory@leicspart.nhs.uk)

9.6 Where a permanent reduction in hours has been agreed, the employee should be advised that the hours may not be available in the future if their circumstances change.

## **10.0 Reasons for turning down a flexible working request**

10.1 If the request is rejected, it must be for one or more of the following business reasons as set out in the legislation;

- additional costs
- an inability to reorganise work among existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to the business.

## **11.0 Appeal Process**

11.1 Employees can appeal the outcome of the original decision by writing to their 'next in line manager'.

11.2 The 'next in line manager' with support from HR if necessary, will arrange a meeting with the employee. The meeting needs to take place as soon as is reasonably practicable, but no later than the timescales set out in Section 12 below. The employee should be sent a letter confirming the date and purpose of the meeting, and giving them the option to bring a colleague or staffside representative.

11.3 For the meeting, the 'next in line manager' hearing the appeal should have reviewed both the request, and the line manager's response, and be sure that they have everything they need to make an informed decision.

Once the meeting has taken place, the decision should be confirmed in writing as soon as is reasonably practicable after the meeting, but no later than the timescales set out in Section 12 below. It will either;

- uphold the appeal, specify the exact nature of the agreed change, establish a start date and a review or end date if applicable, or
- reject the appeal, using the letter in Appendix 10, state the grounds for the decision, and inform them of their right to lodge a grievance under Stage 2 of the Trust's Grievance and Disputes Policy and Procedure.

11.4 If you have been able to agree at this stage, you should complete a change of circumstances form and send it to [hrintputting@leicspart.nhs.uk](mailto:hrintputting@leicspart.nhs.uk) A copy of the flexible working agreement should also be sent to [hradvisory@leicspart.nhs.uk](mailto:hradvisory@leicspart.nhs.uk)

## **12.0 Timescales**

12.1 The law requires that all requests must be considered and decided on within a period of **3 months** from first receipt to notification of the decision on appeal.

12.2 The line manager should hold the meeting within 28 days of receiving the request and notify the employee of the decision in writing within 14 days of the meeting.

12.3 Employees who are dissatisfied with the outcome of their request are entitled to lodge an appeal within 14 days of the notification, with the appeal to be heard within 14 days.

12.4 The employee will be informed of the outcome of their appeal within 14 days of the appeal meeting.

12.5 These time limits may be extended where both the employee and line manager are in agreement.

## **13.0 Recording, Monitoring and Review of new arrangements**

13.1 Once a decision has been made, you should retain the request form and all associated correspondence in the individual's personal file.

Annual reviews will be undertaken as part of the Appraisal process between the line manager and the employee to ensure that the working pattern is not detrimental to service delivery or the team and other colleagues. Annual reviews also avoid the continuation of historical flexible working arrangements, when they are no longer required by the staff member.

It is anticipated that the new arrangements will meet both personal and service needs, however this may not always be the case. Where flexible working arrangements are not working for either the individual or the service they may be reviewed earlier than the individual's appraisal.

13.2 If the employee or their manager finds that the new working arrangements are unworkable or there is a change in the employee's circumstances then a notice period of 4 weeks may be given on either side to revert to the existing working pattern or an alternative working pattern. Alternatively if the line manager gives notice he/she will try to seek a service/team elsewhere which may be able to accommodate the alternative ways of working.

## 14.0 Types of Flexible Working

The Trust supports a number of flexible working options, described below but not necessarily limited to these below;

- Job Sharing (Appendix 1)
- Flexitime (Appendix 2)
- Working from home (Appendix 3)
- Part time and term time working (Appendix 4)
- Annualised hours (Appendix 5)
- Short term reduction in hours (Appendix 6)
- Parental Leave - please refer to the Trust's Maternity, Paternity, Adoption and Parental Leave policy
- Flexible Retirement – please refer to the Trust's Retirement Procedure

## 15.0 Stakeholders and Consultation

Workforce and Wellbeing Policies are subject to joint monitoring and review between management and staffside in the JSNCC. Guidance for this policy has also been received by the Policy group and the Integrated Equality and Human Rights Services with regards demonstrating due regard in context of requirements under the Equality Act 2010.

## 16.0 Monitoring Compliance and Effectiveness

Criteria	Measurable	Frequency	Reporting to	Action Plan/Monitoring
Application of this policy to be consistently applied to all staff (new and existing)	Number of grievances	Monthly	Workforce and Wellbeing Group	Director of HR and OD
Number of approved applications for flexible working formally made in accordance with the procedure	Monitor the increase in successful applications	Annual	Workforce and Wellbeing Group	Director of HR and OD
Number of non-approved applications for flexible working formally made in accordance with the procedure	Monitor the number of appeals	Annual	Workforce and Wellbeing Group	Director of HR and OD
Employee uptake of flexible working arrangements	Staff Opinion survey	Annual	Workforce and Wellbeing Group	Director of HR and OD

## 17.0 Dissemination and Implementation

The policy is approved by the Leicestershire Partnership NHS Trust Workforce and Wellbeing Group and is accepted as a Trust wide policy. This policy will be disseminated immediately throughout the Trust following ratification.

The dissemination and implementation process is:

- Line-Managers will convey the contents of this policy to their staff

- Staff will be made aware of this policy using existing staff newsletters and team briefings
- The policy will be published and made available on the Intranet.

### 18.0 Links to other policies (available on Staffnet)

- Maternity, Paternity, Adoption and Parental Leave combined Policy
- Retirement Procedure
- Management of Annual Leave and Public Holidays
- Carers Procedure
- Special Leave Policy

### 19.0 Links to Standards/Performance Indicators

TARGET/STANDARDS	KEY PERFORMANCE INDICATOR
Care Quality Commission registration standards (outcome 14) <i>Supporting Workers</i> (21) of the Health & Social Care Act (2008) (Regulated Activities Regulations 2010 <a href="#">CQC essential standards</a> )	That the trust maintains compliance with CQC registration standards, this policy supports outcome standards 14

### 20.0 References and Associated Documentation

This policy was drafted with reference to the following:

- Leicestershire Partnership NHS Trust, Maintaining the Balance between Work and Life Policy and Procedure
- NHSLA template for An Organisation-wide Policy for the Policy for the Development and Management of Procedural Documents (2007) [www.nhsla.com](http://www.nhsla.com)
- Promoting Equality and Human Rights in the NHS, A Guide for Non Executive Directors of NHS Boards (2005), Department of Health
- Equality analysis and the equality duty: A guide for public authorities Vol.2 of 5 Equality Act 2010 guidance for English public bodies (and non-devolved bodies in Scotland and Wales), Equality and Human Rights Commission
- ACAS advisory booklet – Flexible Working and Work Life Balance – September 2010. Available at [www.acas.org.uk](http://www.acas.org.uk)
- Chartered Institute of Personnel Development (CIPD), Flexible Working factsheet, revised 2010. Available at [www.cipd.co.uk](http://www.cipd.co.uk)
- NHS Oxfordshire Flexible Working Policy, March 2011
- Sheffield Health & Social Care NHS Foundation Trust, Flexible Working Policy and Procedure
- ACAS guide – Code of Practice on handling in a reasonable manner requests to work flexibly. Available at [www.acas.org.uk](http://www.acas.org.uk)

## Job Sharing

1.1 The Trust supports the principles of job sharing and recognises that job sharing offers a range of career opportunities to those who, through choice or necessity, cannot work full-time. The advantage of job share is that it enables two people to share a job, providing the opportunity for flexibility in working arrangements and the opportunity for cross-cover in times of annual/sick leave. Job sharing is essentially one job with a single job description, the duties of which are shared between two employees. The job could revert to full-time if required.

1.2 All posts within the Trust are open to job share unless it can clearly, justifiably and objectively be demonstrated that job sharing is not possible, in which case, it will be necessary to exempt the job from job sharing arrangements. However, any decision taken to exempt a job from job sharing must be undertaken in consultation with the Human Resources Department and fully documented.

### 1.3 Definition

Job sharing occurs when an arrangement is made to divide or share all the duties of an established full-time post, benefits and hours, between two or more people according to the amount of time they each work. The sharers accept joint responsibility for the whole job and there is a high level of interaction, communication and co-operation.

Managers should consider the possibilities of job sharing within their departments, in the knowledge that any post is suitable for job sharing unless it can be objectively demonstrated otherwise.

### 1.4 Practical Arrangement for Job Sharing

The exact working arrangements should be determined between the Manager, and the job share partners. Advice should also be obtained from the Human Resources. The agreed arrangements will be included in each job share contract of employment.

### 1.5 Job Description and Person Specification

The job description will cover the duties of the job as if it is one job. It will specify the arrangements to allow job sharers to communicate. The person specification will cover the job as a whole and applicants must be able to meet essential criteria in full.

### 1.6 Hours of Work

The most common arrangement is for two job share partners to work half the hours, although it can be an uneven split and the hours may be arranged in a variety of ways, for example:

- 3 days/2 days
- alternate weeks
- alternate days
- morning/afternoon
- 2 x ½ days each

Overlap time is essential to provide job sharers with the opportunity to pass on information and update each other. Where a high degree of managerial activity is involved, a structured overlap period will be necessary.

## **1.7 Communication**

Overlap between the job sharers is the most effective way of ensuring good communication whilst helping continuity and avoiding any isolation. In addition to the overlap periods, other methods of maintaining strong communication links should be established to ensure continuity.

## **1.8 Cover of Absence**

There is no requirement that a job share partner covers the other partner's short-term absence due to sickness or annual leave, although if possible, this should be arranged. Should the individual agree to work the additional hours, then any hours worked above those specified in the individual's personal contract will be paid at the appropriate rate. Overtime payments will only be made when the hours worked in any week exceed that of the full-time hours of the post.

## **1.9 Training and Promotion**

Job sharers should be given equal access to training, career development and promotion in exactly the same way as full-time staff.

## **1.10 Job Sharing Recruitment**

The job sharing scheme is open to all employees and prospective employees no matter what level in the Organisation. Job sharers do not need to state their reasons for wishing to job share.

## **1.11 Requests from Existing Staff**

Employees must submit requests to job share in writing to their Manager (Appendix 11). The employee should include details of how they see the job share working, which the Manager will consider. A formal reply to the proposal must be made in writing.

If the request is rejected the reason for refusal must be stated. Employees whose request is rejected can appeal the decision through the Trust's Grievance Procedure.

If the request is approved the recruitment process will begin;

- The post will be advertised as a vacancy for job share partner
- Applicants should receive the usual and appropriate information
- Shortlisted applicants will be made aware of the interview arrangements for job sharers
- The existing employee will meet prospective candidates informally prior to the interview. The existing post-holder may also be involved in the final selection discussions.

After the interview if no suitable job sharer is found, the post should be re-advertised. If the post is re-advertised twice and remains unfilled the following shall apply:

- Employees remain in their existing post; and
- Managers should give sympathetic considerations to alternatives e.g. other flexible working arrangements, redeployment into a suitable

alternative post. Alternative options must be of a commensurate grade and status unless the employee agrees to different terms; and

- Inform the employee that a new application for a job share may be considered at a future date.

In normal circumstances this process will take 6 months.

### **1.12 When One Job Share Partner Leaves**

The remaining sharer should be offered the combined hours and if the remaining sharer does not want to work full-time, or increase their hours, their vacant hours will be advertised as job share.

If it is impossible for objective service reasons for the post to continue on a less than full-time basis and no sharer can be found in a period of not less than six months and after at least two advertisements, the existing sharer may be required to work the same hours on a part-time basis or be transferred to the equivalent hours in a commensurate post. Only after all the above options have been exhausted will the termination of the employment of the existing job sharer be considered and the Management of Change Policy will apply.

### **1.13 Recruiting New Staff**

All positions should be advertised as open to job share candidates unless it can be positively demonstrated that this is inappropriate.

Candidates will be asked to indicate on their application whether they wish to job share.

Two candidates may submit a joint application or a candidate may be matched during the recruitment process.

Applicants should receive relevant recruitment information and shortlisted candidates will be made aware of the interview procedure for job sharers.

### **1.14 Selection**

The interview procedure should be the same as for all selection interviews, but should be adapted to include:

- interviewing applicants separately to assess ability
- interview applicants together to assess the feasibility of the proposed job share arrangements
- compatibility of the partners in a job share can be critical to the success of the arrangement and should be considered during the selection procedure.

### **1.15 Trial Period**

There is nothing to prevent management jointly agreeing to a job share contract on a trial basis. An appropriate review mechanism would need to be Included. The terms of the temporary contract should be clearly agreed.

### **1.16 Monitoring Requirement**

All job share arrangements must be monitored and regularly reviewed by the Manager particularly during the first 3-6 months of a job share agreement. This will ensure that the partnership remains effective and gives the opportunity to resolve any issues.

## 1.17 Terms and Conditions of Employment

**Contract** - Each partner in a job share should be given their own contract specifying the job sharing conditions, subject to the terms and conditions of the Trust.

**Salary** - The full-time pay for a shared job is also shared on a pro-rata basis. It is possible that one job sharer may be paid a higher salary than the other job sharer due to the incremental nature of Agenda for Change Terms and Conditions of Service.

**Overtime** - If a job sharer undertakes to work additional hours, overtime rates do not apply until the total number of hours worked exceed the standard working week, of the whole-time post.

**Annual Leave** - The standard annual leave entitlement will apply pro-rata to the number of days or hours worked. Where possible Job sharers should avoid attempts to have the same time off.

**Statutory Sick Pay** - Job sharers will be entitled to occupational sick pay in accordance with the employer's sick pay scheme, which is based upon length of service.

**Pension** - If an existing full-time employee changes to a job share post this may have an effect on their pension. Advice should be sought from the Pension Officer in the Payroll Department.

**On-call Arrangements** - Where there is an on-call requirement, this should be shared equally between the job sharers with on-call payments paid pro-rata. Call-outs should be remunerated in accordance with terms and conditions applicable to the post.

**Other Requirements of the Post** - It may be necessary to consider what resources are needed for the post e.g. transport, as there will be duplication.

## 1.18 Examples of clauses which can be included into the organisation's Statement of Terms and Conditions of Service:

- i. This is a job shared post sharing the duties and responsibilities of one full-time post with (insert name). Job sharers are required to co-operate in making the partnership effective in meeting the objectives of the post.
- ii. The working hours arrangement are as follows: (following is only an example)
- iii. 'X' will normally work 18.75 hours per week (excluding meal breaks) two and a half days a week, Monday, Tuesday and Friday.
- iv. There will be an overlap of 1 hour on Wednesday for detailed communication purposes.
- v. You will not normally be expected to cover the absence of your job share partner (annual leave, sickness, training absence etc.). Any additional hours required will be arranged by agreement with you and you will be remunerated accordingly to Agenda for Change Terms and Conditions.

- vi. All requests for annual leave must be approved by your Manager in accordance with the Trust's Management of Annual Leave and Public Holidays Policy.
- vii. If your job share partner leaves your manager will review the situation to determine whether the need for a full-time post remains. If this is required you will be offered the post on a full-time basis. If this is unacceptable to you the Trust will advertise the second partner post internally and/or externally. If no appointment is made we may require the post to revert to full-time and the job sharing arrangements would be discontinued. We would try to offer you alternative employment but this cannot be guaranteed. There will be full consultation with you on redeployment options in accordance with Trust policy.

### 1.19 Questions and Answers

Question	Answer
How will it affect all pay and benefits?	Salary and all pay related benefits are reduced pro-rata e.g. Salary increases, Pension, Redundancy Pay, Annual Leave, Sick and Maternity Pay.
If I want to work a job share can the Trust find me a job share partner?	It is the responsibility of the individual to find a job share partner. The Trust can help by contacting any other person who has expressed an interest in job sharing or working part time and by placing an advertisement.
Do job sharers have to work on an equal split of time and responsibilities?	Not necessarily. This will depend on the job and the particular skills of the job sharers.
How is job sharing different from part time working?	Job sharers are interdependent partners. When one job sharer leaves employment, the manager will review the situation to determine whether the need for a full-time post remains. Each job sharer is responsible for the satisfactory performance of their duties individually.
What happens when one job sharer is on sick leave?	There is no requirement for one job sharer to cover sick leave for the other. However the remaining job sharer may agree to work extra hours.
What if a new job share partner can't work the same hours as the previous partner?	If one job sharers leaves the split of hours may have to be renegotiated in order to accommodate the needs of the new partner.
If another sharer can't be found, am I entitled to a redundancy payment?	No, but the Trust would help the remaining job sharer seek an alternative role and follow the principle under the Trust Management of Change policy.

## **Flexi-Time and TOIL (Time off in Lieu)**

- 2.0 Flexi-time working arrangements enable employees to fit jobs around family or carer demands and enable the Health Service to retain skills and expertise in the workforce.
- 2.1 Flexi-time is an arrangement whereby with the agreement of their Manager, employees may choose their starting and finishing times to suit their personal needs and those of their job. Flexi-time will be more suitable for staff who would otherwise be working a conventional "9-5" working day. In more complex situations where staffing levels, skill mix or other considerations require a rigorous organisation of hours, flexi-time is unlikely to be suitable. In such circumstances flexi-time may be replaced by other arrangements such as staggered hours.
- 2.2 Flexible working is where the manager and their employees agree variable working times to meet either individual or service needs.
- 2.3 Flexi-time should be agreed in advance as part of the formal flexi time arrangements. Employees should not be working flexibly without the prior agreement of their line manager.
- 2.4 The build up of Time off in Lieu (TOIL) should be agreed with the line manager in advance of the employee commencing any additional hours of work and should only be in used in order to meet the needs of the service.

### **2.5 Responsibilities of Managers**

Managers have a general responsibility to observe the flexi-time policy, to communicate details to their staff and to ensure that employees work within the guidelines.

Managers are responsible for ensuring that the arrangements are appropriate to the demands of the job. Within this provision and the rules of the flexi-time system, efforts should be made to accommodate employee preferences.

Flexi-time arrangements form one of the components of the employment contract and should be included in the statement of terms and conditions.

Managers should ensure that they regularly review the flexi-time arrangements to ensure that the needs of the section/department continue to be met.

### **2.6 Responsibilities of Employees**

Employees have a general responsibility to observe the flexi-time policy and to work within the guidelines. Changes from normal arrangements (for example, arrival and finishing times, flexi-leave) must also be agreed with Managers and/or colleagues if cover is required. Within reasonable limits, employees should respond flexibly to requests for changes to normal arrangements when workloads or timescales demand.

### **2.7 Eligibility**

It is the intention that the flexi-time scheme will be accessible to a wide range of staff both full and part-time. The nature of the flexi-time scheme is that it will be more applicable to staff who have a conventional '9 - 5' type working

day. However, this should not be taken as precluding staff with other working patterns. The need to ensure that the service is provided safely and effectively will be the governing consideration that Manager and staff are expected to adhere to. As a guide the following types of job may not be appropriate for flexi-time:-

- posts in areas where staffing levels are low or there are skill shortages;
- posts tied to specific work patterns (for example, shift or on-call arrangements);
- posts providing services to the public at specific times.

Employees at Band 8a and above are not included in the flexi-time scheme. However, this should not prevent a Senior Manager agreeing alternative working arrangements to assist personal commitments wherever possible.

## **2.8 Recruitment and Letters of Appointment**

In reviewing job descriptions and terms and conditions when posts fall vacant or new posts are created, Managers should determine whether or not flexi-time is appropriate.

If flexi-time is appropriate, this should be included as a benefit in the advertisement and recruitment material. If flexi-time is not appropriate this should be made clear to shortlisted candidates. Flexi-time should also be included in the offer of appointment letter under the terms relating to hours of work.

## **2.9 Basic Principles and Rules**

**Total Hours** - The basis of the flexi-time system is that employees work an average number of contracted hours per week but may, with the agreement of their Manager, vary the time worked on a particular day or week. This may be to suit the needs of the Trust or the individual.

**Core Time** - Core-time is the period of the day when employees must be at work. For a '9-5' working day this could be: 10.00 - 12.00 hours: 14.00 - 16.00 hours.

Changes from core-time must be with the Manager's agreement. For some departments or individuals (for example, part-time staff) these core times may not be appropriate and may be varied by agreement between the Manager and the employees.

**Flexi Time** - Around the core-time, bands of flexible hours are provided during which employees may normally vary starting and finishing times. For a '9-5' working day these could be: 07.30 - 10.00 hours / 12.00 - 14.00 hours (with a minimum lunch break of half an hour) / 16.00 - 18.00 hours.

It is expected that employees will agree their normal everyday starting and finishing times with their Manager. Every effort will be made to accommodate individual preferences taking into account the need of other colleagues as appropriate. Where employees are required to work before 07.30, after 18.00, or at weekends, this will be credited in full.

**Non '9-5' Working Patterns** - It will be for Managers to determine core-time and flexible work bands for jobs with non '9-5' working patterns. Managers will be expected to attempt to accommodate the needs of staff who wish to work flexi-time, however service needs must prevail.

Where flexi-time is not appropriate other possibilities for meeting staff needs, e.g. staggered hours may be considered.

#### **2.10 Credit of Absence**

All authorised absence (sickness, study leave, annual leave, special leave) is credited in accordance with the normal hours of work for a working day/shift. In the department for a '9-5' 37 ½ hour week type job this would typically be for example: Monday to Friday - 7 hours 30 minutes per full day 3 hours 45 minutes per half day

#### **2.11 Medical and Dental Appointment**

Routine medical and dental appointments should be arranged, as far as possible, outside core hours and normally will not be credited as absence.

Please refer to the Trust's Management of Ill Health Policy and Procedure for Time off to attend a course of treatment or medical appointments that is linked to sick leave or disability. Please refer to the Trust's Maternity, Paternity, Adoption and Parental Leave Policy for time off to attend ante-natal appointments.

#### **2.12 Carry Forward and Time Off**

The maximum carry forward hours is 10 hours **DEBIT** or **CREDIT** at the end of a month. Employees may carry over 10 hours in debit or credit at the end of a month. Time-off arrangements must be agreed between an employee and their Manager, together with mechanisms for identifying excess credit or debit for resolution.

##### **a. Dealing with Debit or Credit on Termination of Employment**

On termination of employment where staff are in **DEBIT**, the appropriate number of hours not worked during the month will be deducted from their final monthly salary/weekly wage.

Where staff are in **CREDIT** at the date of termination, payment will be made for the number of additional hours worked during the month.

##### **b. Dealing with Excess Credit**

Both Manager and employees have a responsibility to ensure that credit in excess of ten hours is not accumulated. Where employees are required by Managers to work excess hours to meet unusual circumstances, options will include:-

- Payment for hours worked overtime where this is in excess of 37.5 hours per week.
- enhanced payments for weekend and public holiday working.

#### **2.13 Recording Arrangements**

A flexi-time sheet should be completed on a daily basis and forwarded to the appropriate Manager for checking at the end of each month.

#### **2.14 Review Arrangements**

The flexi-time arrangements will be kept under review and appropriate amendments made to ensure flexible work arrangements continue to fit in with the needs of individuals and the developing Trust.

## **Working from Home**

3.0 With the advance of office technology it has become possible to perform certain kinds of work at home rather than in the office. This policy covers the issues that need to be considered for both the employee and employer. The action that should be taken if it is agreed that an employee may work at home is identified.

### **3.1 Definitions**

Home workers fall into two categories:

- Employees who spend the majority of their time in the office but, with their Manager's agreement, are allowed to work at home occasionally for example to prepare a report.
- Employees who routinely work at home

### **3.2 Advantages and Disadvantages**

<b>Advantages of Home Working</b>	
<b>For the employee</b>	<b>For the Employer</b>
<ul style="list-style-type: none"> <li>• Increased responsibility in that the employee can manage their own time</li> <li>• Freedom to arrange working hours to suit any domestic commitments</li> <li>• A saving on travelling time and costs</li> <li>• The ability to work without distraction, in order for example to complete a written report</li> </ul>	<ul style="list-style-type: none"> <li>• Retention of valued and skilled employees who have domestic commitments</li> <li>• Well-motivated employees who feel that they work for a Trust that is prepared to be flexible and trusts them</li> <li>• A possible saving in accommodation costs</li> <li>• A method of alleviating the problem of shared offices</li> <li>• Increased output as fewer distractions</li> </ul>

### **Disadvantages of Home Working**

The disadvantages also need to be considered and overcome, namely;

- Increased demands on employees covering work whilst others work at home
- Management/supervision of work undertaken at home
- Availability of key personnel at the workplace
- Confidentiality may be difficult to maintain
- Social isolation- loss of contact with the Trust and difficulties with keeping up-to-date

### **3.3 Occasional Home Workers**

Work, such as writing reports, preparation of lectures, papers and projects may be carried out more easily in a quiet location and without disruption. In cases where the office facilities are shared or the employee will continually be interrupted, a Manager may agree that an employee can work at home.

A Manager should ensure, before agreeing that an employee can work from home, that the advantages are weighed against the disadvantages. For example, one individual's absence from the workplace may create problems for others who will have to deal with their calls and queries. Managerial staff may be unable to fulfil many of the Managerial aspects of their role unless they are "on site"

When an employee occasionally works at home they should make their home/mobile telephone number available and should ensure that they can be contacted.

### **3.4 Staff Who Work Routinely at Home – The Issues**

Equipment could include such items as a laptop, computer, fax, telephone and furniture. Ownership of the equipment necessary in the home would need to be identified by the employer, along with responsibility for purchase and installation, maintenance, insurance and running costs. Security issues involving computer software and checking for viruses will require verification and encryption through HIS.

The Health and Safety at Work Act, 1974, states that an employer shall ensure, so far as it is reasonably practicable, the health, safety and welfare at work of all employees - this also extends to home workers. The control that can be exercised over an employee working from home is limited. The main responsibility will be with the home worker under Section 3(2) of the Act. This places obligations on home workers themselves to do their work in such a way as to ensure that they and other persons, who may be affected, including other members of the household as well as the public, will not be exposed to risks to their health and safety.

Equipment used by home workers (whether NHS or that provided by the home worker) must be safe to use and not give rise to any risks to health and safety. It should be maintained in an efficient state, in efficient working order and in good repair.

Legislation concerning the use of display screen equipment also applies to employees at home. Policy to ensure the health and safety of those undertaking display screen equipment work should be followed at home as well as at work. For further information please refer to the following documents which are available on Staffnet:

- Display Screen Equipment (DSE) policy
- DSE - A manager's Toolkit
- DSE - Portable Laptop (including Toughbook) User Guidance

Employees will need to inform their Home Insurance Company if they intend to work at home and if they are using equipment owned by the employer.

Any home working would normally make part of the property subject to a business rate if the work materially distracted from the use of the dwelling for domestic purposes. The employee involved should check their individual circumstances with the local District or Town Council.

Any employee who chooses to work at home would not be entitled to any tax relief on additional outgoings. The position changes if there is a requirement to work from home where there could be tax relief on a proportion of the costs for heating, lighting and rent on a room used for business purposes (Inland Revenue Leaflet IR104). Tax relief is not available on any given portion of the council tax.

The employer would need to ensure that the employee is able to retain security and confidentiality of documents within the home in accordance with the Health Informatics Policies and Procedures and the Data Protection Act, 1998. Managers must ensure they seek further guidance on compliance.

Employees working at home would need to inform their Manager if they are sick or unable to work in accordance with normal procedures.

The Manager would need to clarify at the outset the hours the employee should work and to clear whether these are required at specific times of the day.

The conditions under which expenses such as postage, e-mails or telephone calls should be paid should be agreed at the outset.

### **3.5 Selection of Home Workers**

The following points should be considered when selecting home workers who work routinely at home.

#### **The Individual**

Individuals should complete a Home worker Health & Safety questionnaire - Appendix 12. Individuals who are occasional home workers or who are working routinely from home should

- Be self-motivated and be able to set their own agenda of work
- Be independent and not feel isolated away from work colleagues.

#### **Nature of the Job**

- The work should be conveniently carried out and capable of being managed at a remote location
- The advantage to the employer and employee should outweigh the disadvantages
- The employee's output should be clearly measurable in terms of quality and quantity.

#### **The Place of Work**

- Should be adequate in terms of space, lighting and able to take the equipment required.
- Should be conducive to work
- If leased, the terms of the lease should allow the employee to work at home.

### **3.6 Action required to employ a Home Worker who Routinely Works at Home**

If a Manager is satisfied that they wish an existing employee to work at home they should carry out a risk assessment. Documentation can be downloaded from the Health and Safety pages on Staffnet.

**Contractual Variations** - Arrange to issue a contract variation which states:

- That the contract allows them to work at home;
- that the individual is required under Section 3(2) of the Health and Safety at Work Act to do their work in such a way that they and other persons who may be affected, including other members of the household, as well as the public, will not be exposed to risks to their health and safety;
- the ownership and maintenance arrangements for the equipment to be used;
- the individual's own responsibility in terms of equipment insurance, for notifying the institution who have arranged the mortgage on the property, notifying the landlord, checking with the Local Authority their position in terms of business rate or council tax;
- that the individual is responsible for ensuring that they are able to fulfil the confidentiality clause within their contract of employment.

### **3.7 Practical Considerations**

- Set up the contract and communication system required to enable them to manage the home worker
- Develop methods of keeping the employee in touch with the Organisation and colleagues so that they avoid isolation and maintain reporting arrangements
- Consider special training required, e.g. health and safety, management of time, maintenance of equipment.

## Part-Time and Term-Time Working

4.0 The Organisation recognises the important role that part-time and term-time only employees can play in the workforce and will employ part-time and term-time employees in jobs which can be done satisfactorily on this basis. It will also consider requests from employees wishing to;

- increase their hours of work
- decrease their hours of work
- change to term-time working or vice versa

The above requests are subject to the needs and resources of the Trust. This particularly applies to those returning from maternity leave or with carer responsibilities. Reasonable adjustments will be made for employees who are disabled and for whom adjustments may need to be made under the Equality Act 2010. Part-time and term-time only staff will have equal access to training, development and career opportunities as with full-time employees. Employees who are members of a Trade Union/Professional Organisation are reminded that advice can be sought from Staff Representatives.

### 4.1 Definitions

- **Part-Time Working**  
Part-time employees are defined for NHS purposes as those who work less than the normal full-time hours per week for their job
- **Term-Time Working**  
Term-time work arrangements are those which enable employees to arrange their working pattern so that their work is primarily limited to school terms.

### 4.2 Where Part-Time or Term-Time Contracts may be Appropriate

Part-time or term-time contracts may be appropriate in a number of circumstances including:

- insufficient work for the job to be done on a full-time basis
- the nature of the work or working hours are best suited to part-time work
- difficulty in finding suitable full-time employees
- retention of skilled employees
- response to personal circumstances (child or elder care, health reasons etc.)

### 4.3 Guidelines on the Employment of Part-Time or Term-Time Employees

#### Recruitment and Selection

Managers wishing to recruit a part-time employee must:

- assess the viability and desirability of part-time options and the likelihood of finding suitable part-time applicants
- identify the hours to be worked -whether the job holder needs to attend every day ( e.g. mornings only) or whether two or three full days a week would be more appropriate -and the options for term-time working

- term-time working is likely to be more difficult to organise than part-time work patterns. Appointments or variations to contracts on this basis should be considered carefully in the light of the job and individual circumstances.

Full-time employees including those returning from maternity leave, paternity leave, adoption leave, parental leave or carers leave who wish to work part-time or term-time must follow the application process as outlined in this procedure.

Selection arrangements should be the same as full-time appointments for the job. Applications for full-time posts from individuals able to work only part-time or term-time should be considered.

#### 4.4 Contracts of Employment

##### **Timescales**

Part-time and term-time employees must be given a statement of particulars of employment in the same way as full-time employees within one month of starting work in order to comply with employment legislation.

##### **Pay**

The statement must include the pay scale or spine point and that the salary quoted will be pro-rata. Term-time only calculations should normally be paid on the basis of twelve equal monthly payments. Agenda for Change Terms and Conditions of service state that overtime is not paid until part-time or term-time employees have worked more than 37.5 hours per week. Part-time employees are subject to National Insurance and Taxation Regulations.

##### **Hours of work**

Total hours per week should be specified. Term-time work arrangements should be specified and the application of flexi-time.

##### **Holiday Entitlement**

Pro-rata annual leave, bank holiday and statutory day entitlement is to be specified.

#### 4.5 Question and Answers

Question	Answer
How many weeks would I be required to work?	Each term time contract is individually assessed as school terms can vary in length.
What happens to my annual leave and public holidays?	A proportion of annual leave and public holidays is paid every month as part of your regular salary. This arrangement results in individuals not being able to take annual leave or public holidays during term time as their salary has been calculated on the basis that annual leave is taken during the school holidays.
What happens is an urgent situation arises and I need to take leave	Under these circumstances you should speak to your manager who may agree that you can

during term time?	take carer leave, special unpaid leave at their discretion.
Can I work additional hours during school holidays?	Yes, if it is on an ad hoc basis with the agreement of your manager. These hours must be accurately recorded. However if this becomes a regular occurrence the term time contract will need to be reviewed.
What happens when the employee's workload remains the same as an employee working full time?	The Employee and Manager need to review and reflect on the working hour's workload and make any necessary and appropriate adjustments to the workload.

## Annualised Hours

- 5.0 Annualised Hours schemes aim to achieve a more even match between supply and demand for staff by distributing hours worked by staff to coincide with actual levels of need.
- 5.1 They are particularly suitable in situations where there are predictable fluctuations in activity levels for teams of staff over different periods. Annualised hours may also be appropriate for individual staff whose workload is particularly heavy at certain times of year and lighter at others.
- 5.2 Annualised hours can give the Trust and its staff extra flexibility to vary their patterns of work across each year according to service need and individual preference. The total number of hours to be worked in the full year is agreed at the outset. Exactly when these hours are put in each week or month becomes a matter for agreement between Managers and members of the team.
- 5.3 **Advantages and Disadvantages**

Advantages for the organisation	Advantages for the staff
Staffing levels can be more easily matched with fluctuations in workload over the course of each year	The ability to modify working patterns to suit personal circumstances
There is more flexibility in provision for extended shifts and 24 hour services	Level salary payments each month even though hours worked may vary
Absenteeism can be reduced because staff take more responsibility for their own working hours	The opportunity to have blocks of time off in the quieter periods of the year
Use of agency staff is reduced	Working in a more settled team with fewer agency staff
Unforeseen additional staffing costs become less likely	Knowing expected personal rosters well in advance

Difficulties for the organisation	Difficulties for the staff
The potentially de-stabilising effect of change	Possible loss of earnings from extra hours working
Alienating staff through failure to build consensus support for the scheme	Being asked to change rostered hours at short notice
Provoking resentment amongst staff by making repeated roster changes at short notice	Pressure on caring responsibilities or other domestic activities during periods of longer working
Agreeing and calculating special duty payments and sickness pay	

- 5.4 There should be no requirement for all staff to participate in an annualised hour's scheme.

- 5.5 Schemes must take account of Working Time Regulations governing weekly working time and rest breaks. A scheme may be considered discriminatory if it makes it more difficult for parents to make childcare arrangements, or for disabled employees to participate.
- 5.6 Resolution of problems will involve the whole team:
- Team leaders have an important role in avoiding the practice of short notice roster changes and in reading issues of unfairness and competition.
  - Support in the form of training and advice should be provided in the first instance from the Human Resources.
  - Individual members of staff have an obligation to balance their own interests with those of other team members.
- 5.7 Prior to introducing an annualised hours scheme there must be full consultation with staff and union representatives in line with the Trust's Management of Change Policy.
- Issues for discussion and agreement should include:
- Minimum staffing and skill mix requirements throughout the daily cycle and provision for unforeseen events.
  - Minimum and maximum hours to be worked in a week.
  - Guidelines for making roster changes at short notice.
  - Compensating staff for future reductions in extra hours working.
  - Procedures for staff to comment on the scheme and for managers to review progress with staff.
- 5.8 A pilot project with an agreed time limit should be set up before any under scale implementation.
- 5.9 A detailed appraisal of the outcomes of the pilot project should consider:-
- Impact on the service
  - Impact on the staff
  - Impact on patients/users
- 5.10 The appraisal of the pilot should indicate the viability of extending the scheme across other areas of the service. If the extended objectives have not been achieved then the scheme will need to be modified and re-piloted before progressing further.
- 5.11 Where the nature of the post is such that there are fluctuations in workload then individual annualised hour's arrangements may be agreed with staff, at their request. In determining whether such an arrangement is appropriate managers should take account of the:
- Impact on the service
  - Impact on other staff
  - Impact on patient/users.

## Short Term Reduction in Hours

- 6.0 A short term reduction in hour's agreement is intended to enable staff to reduce their work commitment for a defined period, with a corresponding reduction in earnings. This enables the employee to deal with responsibilities outside work without having to leave or change to a part-time contract on a permanent basis.
- 6.1 Normally an individual agreement will have duration of up to 6 months after which the employee will resume their original hours of work. The Trust will consider agreements of a longer duration or extension of a 6 month agreement in the light of individual and Trust needs. Managers should consult Human Resources for advice.
- 6.2 The reduction in contract hours will be a matter for agreement between the Manager and employee having regard to service needs. Normally this would not be expected to exceed a 20% reduction.
- 6.3 Service needs will be the final determinant of whether an application for reduced hours can be accepted.
- 6.4 The form in which an employee takes the reduced time is a matter for agreement between the Manager and employee taking into account service needs. The options are:
- to work a shorter day
  - to take a half-day or day off a week
  - to take short blocks of time off at regular intervals.
- Predictability of the time off is essential so that Managers can make provision accordingly.
- 6.5 Application should be made to the employee's Line Manager who should consult with Human Resources. Applications should normally be made at least one month in advance of the proposed date for implementation of the reduced hours arrangement.
- 6.6 Pay, benefits and holiday entitlements will be reduced pro rata to the reduction in hours. If the employee works over their agreed hours these will be paid at standard rate and only reach enhanced rates if they exceed the normal full-time hours.
- 6.7 On a normal 6 month Reduced Hours Agreement, return to normal contracted hours will be guaranteed for the employee. If the agreement is longer than 1 year or is renewed the reduced hours may be re-assigned on a permanent basis. At the end of this extended period the employee will have prior consideration but no guarantee of return to full-time employment.

**Application for Flexible Working  
(Request to change working hours/working pattern)**

**Personal Details:**

<b>Name</b>	
<b>Job Title</b>	
<b>Assignment No.</b>	
<b>Line Manager</b>	

**The information on this form will be used to consider whether your request can be accommodated. You should answer all the questions as fully as possible. If you are unable to answer all the questions, you should discuss them with your manager, and complete them together.**

**1. Why do you want to change your working pattern? (i.e. child/elder care, medical condition/disability, social, any other etc...)**

**2. Impact of the new working pattern**  
I think this change in my working pattern will affect the department and colleagues as follows:

**3. Accommodating the new working pattern**  
I think the effect on the department and colleagues can be dealt with as follows:

**4. Will your request have any direct/indirect effect on patient care?**

**5. When would you like the new working pattern to start?**

<b>Current working pattern</b>									
<b>New Working pattern request</b>									
<b>Is this request for a temporary period (yes/no) Please tick box</b>	<b>Yes</b> Please state end date:				<b>No</b>				
<b>In line with your personal circumstances as stated above, please mark on the table the shifts <u>you cannot</u> work.</b>	<b>Shift</b>	<b>Mon</b>	<b>Tues</b>	<b>Weds</b>	<b>Thurs</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>	
	<b>Early</b>								
	<b>Late</b>								
	<b>Night</b>								
	<b>Y – yes able to work</b> <b>N – No cannot work</b> <b>n/a – if your service is not 24/7 shift work</b>								
<b>Any other comments you would like to help assist your request for flexible working.</b>									
<p>I understand that by completing this form I do not have an automatic right to work flexibly as there may be circumstances when the Trust is unable to accommodate my desired work pattern.</p> <p>Should my working pattern be accommodated, I understand this will be subject to annual review or sooner dependent on the needs of the service.</p>									
<b>Signature</b>					<b>Date</b>				

**Please submit this form to your line manager**

Copy to Human Resources at [HRAdvisoryTeam@leicspart.nhs.uk](mailto:HRAdvisoryTeam@leicspart.nhs.uk) or  
170 Penn Lloyd Building, County Hall, Glenfield, Leicester, LE3 8TH

Dear

**Re: Request to Consider Flexible Working**

I write further to your meeting on (date). The meeting was arranged to discuss your request to work flexibly due to xxxxx ((i.e. child/elder care, medical condition/disability, social, any other etc.)).

Your request entailed the following:

- State details of the request/working pattern

Option 1 - Having carefully considered your request, and its impact on the service delivery, I am writing to inform you that we can accommodate your above request.

**Or**

**Option 2** - Having carefully considered your request, and its impact on the service delivery, I am writing to inform you that we can partially accommodate the above request

- State details of the new request
- State what has not been accommodated

This request has been granted for a period of 12 months (or sooner dependent on the needs of the service or if a trial period has been agreed) when it will be reviewed to consider any impact on service delivery.

The new shift pattern will be operational from (date) when this decision will be implemented in full. Until that time you will need to work with your colleagues to ensure the current rostered is adhered to bearing in mind the provision of staff putting requests for particular shifts or changes occasionally.

If you have any queries in the meantime please do not hesitate to contact me.

Yours sincerely

**Name**  
**Title**

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170 Penn Lloyd Building, County Hall, Glenfield, Leicester, LE3 8TH

STANDARD LETTER TO REJECT A REQUEST

Dear

**Re: Request to (detail their request here)**

I write further to our meeting on ----- . The meeting was arranged to discuss your request to **(give as much detail as necessary)**.

Having carefully considered your request, I am sorry to have to inform you that I cannot accommodate it for the following reasons;

- **give a very clear reason linked to one of the following;**
- additional costs
- effect on delivery of service
- inability to re-organise work
- not enough work at the right level at the right time
- effect on quality of service
  
- **Keep to plain English, and avoid the use of jargon**
- **Only include relevant and accurate facts**
- **Don't make it overly complex or unnecessarily long**

**Give details here of any changes to their request that might mean you can accommodate it e.g.**

*As I indicated at our meeting, if you decide to change the day that you would prefer not to work to one earlier in the week, then I would be happy to reconsider your request.*

You have a right of appeal against this decision. To lodge your appeal, you should write to **(give name, job title and address of your manager)**, within 14 calendar days of receipt of this letter. Your letter should include clear reasons for your appeal.

Should you lodge an appeal, **Name of your manager**, will write to you within 14 calendar days of receipt of your letter, giving you details of a meeting to consider your appeal. You will be given the opportunity to bring a colleague or staffside representative to the meeting.

If you would like to discuss my reasons for rejecting your request, please do not hesitate to contact me.

Yours sincerely

**Name**  
**Title**

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170 Penn Lloyd Building, County Hall, Glenfield, Leicester, LE3 8TH

STANDARD LETTER TO REJECT A REQUEST FOLLOWING APPEAL

Dear

**Re: Appeal**

I write further to our meeting on ----- . The meeting was arranged to consider the decision made to reject your request to **(give as much detail as necessary)**.

Having carefully considered both your request, and your manager's reasons for rejecting it, I am sorry to have to inform you that I cannot accommodate it for the following reasons;

- **give a very clear reason linked to one of the following;**
- additional costs
- effect on delivery of service
- inability to re-organise work
- not enough work at the right level at the right time
- effect on quality of service
  
- **Keep to plain English, and avoid the use of jargon**
- **Only include relevant and accurate facts**
- **Don't make it overly complex or unnecessarily long**

Give details here of any changes to their request that might mean you can accommodate it, or confirm that you have considered the possibility of accommodating the request elsewhere.

If you are unhappy with this decision, you have the opportunity to lodge a grievance under the Trust's Grievance and Disputes Procedure. I enclose a copy of the procedure for your information.

Should you decide to lodge a grievance, this should be put in writing to **(please seek advice from Human Resources for appropriate manager)** and will be heard at Stage Two of the procedure. You have a right to representation at this stage.

If you would like to discuss my reasons for rejecting your appeal, please do not hesitate to contact me.

Yours sincerely

**Name**  
**Title**

Copy to Human Resources at [HRAdvisoryTeam@leicspart.nhs.uk](mailto:HRAdvisoryTeam@leicspart.nhs.uk) or  
170 Penn Lloyd Building, County Hall, Glenfield, Leicester, LE3 8TH

**Application Form to Job Share from Existing Employee**

<b>Name</b>	
<b>Job Title</b>	
<b>Department</b>	
<b>Assignment No</b>	

<b>Section 1 - To be completed by the employee</b>	
<b>1. How do you anticipate sharing the responsibilities of this post</b>	
<b>2. How do you see the hours being split?</b>	
<b>3. How many hours per week do you propose for your personal job share arrangements?</b>	

<b>Section 2 - To be completed by the Manager</b>	
I have examined the proposal to job share as set out on the attached Application Form and,	
<p>a. <input type="checkbox"/> I agree to its implementation as set out</p> <p>b. <input type="checkbox"/> I have discussed the proposal with the employee concerned and have agreed the amendments detailed below. On this basis I agree to the implementation of the proposal and will arrange for the other half of the job to be advertised the normal Organisation procedures.</p> <p>c. <input type="checkbox"/> I have advised the employee that I cannot agree to the proposal for the reasons stated below:</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<b>Name:</b>	
<b>Signature:</b>	
<b>Date:</b>	

Copy to Human Resources at [HRAdvisoryTeam@leicspart.nhs.uk](mailto:HRAdvisoryTeam@leicspart.nhs.uk) or  
 170 Penn Lloyd Building, County Hall, Glenfield, Leicester, LE3 8TH



**Leicestershire Partnership NHS Trust Home Worker Health and Safety**

**Inspection Questionnaire** – this form can also be downloaded from [here](#).

For employees working at or from home - Employees working from home are required to complete a hazard checklist on an annual basis and forward to their line manager. The following questions give a good indication of the areas that should be covered. Note this list is not exhaustive and there may be additional hazards that are unique to the homeworker.

**Home Worker Details**

Name:
Address where homework is to be carried out:
Telephone No:
Job Title:
Line Manager Name:
Telephone No:
Fax No:

Description of homework task(s) - Include any work equipment that will be used:

(Please answer YES/NO or NOT APPLICABLE).

N.B. Orange shaded responses require further exploration/action.

Detail	YES	NO	N/A
<b>1. Work Area</b>			
(a) Is the work area a separate room/building at the Homeworking address?			
(b) Is there sufficient space i.e. 11m <sup>3</sup> (This can mean 3.7m <sup>2</sup> or a space measuring 2m x 1.85m)			
(c) Is there adequate secure storage for work items?			
(d) Is the Homeworking area accessed by loft ladder?			
<b>2. Floors</b>			
(a) Are the floors/floor coverings in the area where the workstation is located, and the access routes to it, sound and free from tripping hazards such as rucks, tears, holes, trailing wires/cables, stored materials etc.?			
<b>3. Lighting</b>			
(a) Is there adequate lighting for all the workstation/work area tasks? Where possible, good natural lighting is preferable.			
(b) Is the access route to the work area sufficiently well-lit to enable the homeworker to see any potential slipping or tripping hazards?			
<b>4. Ventilation</b>			
(a) Is the work area adequately ventilated to enable a supply of fresh air to circulate the work area?			
<b>5. Noise</b>			
Is the noise from work equipment likely to be a distraction? (If you experience difficulty hearing someone speak to you over a distance of two metres when your work equipment is running, then you should draw this to the attention of the line manager).			
<b>6. Temperature</b>			
Is the temperature of the work area maintained at a comfortable level? (Generally speaking, people undertaking sedentary type work feel most comfortable in the temperature range 19 – 23 degrees centigrade).			
<b>7. Equipment</b>			
Is any non-electrical equipment, or tools that may be used, in a state of good repair and			
Is equipment secure and stable (e.g. shelves, cupboards, cabinets)?			
<b>8. Fire Risk</b>			
If a fire should break out, affecting the workstation or work area, have you identified a route of escape?			
Has an alternative route out been considered should the normal route out be blocked?			
<b>9. Electrical Equipment</b>			
(a) If the homeworker has installed their own DSE equipment, have they followed the manufacturer's instructions regarding assembly and connection of equipment?			
(b) Are wires and/or cables safely tucked out of the way, for example,			

under a desk or table to prevent tripping accidents?			
(c) Are electrical leads/connections free from obvious signs of damage and/or wear?			
(d) Are there sufficient plug sockets to accommodate all leads without the need for adaptors?			
(e) Has the organisation provided any electrical equipment for Homeworking purposes?			
(f) If you have answered 'yes' to (e) above, have you been told about the arrangements for inspection and testing?			
<b>10. Handling Loads</b>			
Do the home working tasks require any significant heavy lifting of materials or equipment from one level to another, up or down stairs or over long distances or involve excessive bending, twisting or stooping? (If 'yes', it may be necessary for a separate manual handling risk assessment to be carried out. Discuss with the line manager).			
<b>11. Substances Hazardous to Health</b>			
Will you be using, storing, transporting or disposing of, any substances, materials or chemicals that are hazardous to health? If yes, please indicate below what products or substances are used in relation to the home working tasks:			
<b>12. Visitors/Children</b>			
(a) Is the home working area segregated from more general areas where other people / children may circulate / congregate?			
(b) Does the home worker have an effective strategy for separating young children from the work area whilst working?			
<b>13. First Aid</b>			
Has the home worker been made aware of the first aid arrangements for the homeworking task?			
<b>14. Reporting Accidents and Injuries</b>			
a) Does the home worker know the procedure for reporting accidents that arise out of or in connection with the home working tasks?			
b) Is the home worker a new or expectant mother?			
(c) If no, is the home worker aware that they should inform the line manager if circumstances change?			
<b>15. Communication/Consultation</b>			
(a) Is it possible to contact the line manager / colleagues easily and quickly in the event of problems / queries arising from Home working tasks?			
(b) Is the home working address included on the circulation list for information bulletins / newsletters etc.?			
(c) Does the nature of the home working task enable the individual to keep in touch with 'the office' e.g. through personal visits?			
(d) Has the line manager discussed the problems and pitfalls of homeworking, as well as the advantages?			
(e) Does the Home worker have a copy of the Health and Safety Law leaflet for reference in the home working work area?			
<b>16. Personal Security</b>			
Have any concerns regarding personal safety / security if working alone at the home working address been raised?			

17. Display Screen Equipment (DSE) please refer to policy			
Do you use display screen equipment to carry out our home working activities? If yes, please complete and attach your completed Display Screen Equipment (DSE) Risk Assessment relating to the homeworking area.			

**Home Worker Signed:**

**Date:**

**To be completed by the homeworker employee's line manager.**

I have checked the responses to this homeworking hazard checklist. The following action(s) will need to be taken to reduce/eliminate any identified risks and/or comply with health and safety legislation.

**Signed:**

**Date:**

Copy to be given and discussed with the home worker employee. Original to be retained centrally by line manager.

Date when this assessment will be reviewed: .....

Copy to Human Resources at [HRAdvisoryTeam@leicspart.nhs.uk](mailto:HRAdvisoryTeam@leicspart.nhs.uk) or  
170 Penn Lloyd Building, County Hall, Glenfield, Leicester, LE3 8TH

## Due Regard Screening Template

Section 1			
Name of activity/proposal		Flexible Working Policy and Procedure	
Date Screening commenced		September 2020	
Directorate / Service carrying out the assessment		HR and OD Division	
Name and role of person undertaking this Due Regard (Equality Analysis)		Elaine Wyse – Senior HR Advisor	
<b>Give an overview of the aims, objectives and purpose of the proposal:</b>			
<b>AIMS:</b> The aim of the policy is to provide staff with the opportunity to request flexible working practices that suit their work life balance.			
<b>OBJECTIVES:</b> To ensure that the policy is in line with current legislation such as the new flexible requirements under the Children's and Families Act 2014			
<b>PURPOSE:</b> To bring the policy up to date ensuring it provides clear guidance to staff on what flexible opportunities are available.			
Section 2			
Protected Characteristic	Could the proposal have a positive impact Yes or No (give details)	Could the proposal have a negative impact Yes or No (give details)	
Age	Yes – positive impact on all protected characteristics, as this policy applies to all staff.	Yes, as the Trust may refuse on the requirements for delivering Trust services.	
Disability	As above	As above	
Gender reassignment	As above	As above	
Marriage & Civil Partnership	As above	As above	
Pregnancy & Maternity	As above	As above	
Race	As above	As above	
Religion and Belief	As above	As above	
Sex	As above	As above	
Sexual Orientation	As above	As above	
Other equality groups?	As above	As above	
Section 3			
<b>Does this activity propose major changes in terms of scale or significance for LPT? For example, is there a clear indication that, although the proposal is minor it is likely to have a major affect for people from an equality group/s? Please <u>tick</u> appropriate box below.</b>			
Yes		No	
High risk: Complete a full EIA starting click <a href="#">here</a> to proceed to Part B		Low risk: Go to Section 4.	√

## Section 4

**If this proposal is low risk please give evidence or justification for how you reached this decision:**

The policy and procedure is low risk, as the Trust has enhanced the policy to ensure it is in line with the changes in legislation and supports staff further in their request for work life balance.

*Sign off that this proposal is low risk and does not require a full Equality Analysis:*

**Head of Service Signed:**  
**Date: 8 January 2021**

*Kathy D BA*

# The NHS Constitution

## NHS Core Principles – Checklist

Please tick below those principles that apply to this policy

The NHS will provide a universal service for all based on clinical need, not ability to pay. The NHS will provide a comprehensive range of services

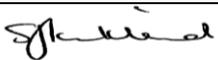
Shape its services around the needs and preferences of individual patients, their families and their carers	<input type="checkbox"/>
Respond to different needs of different sectors of the population	<input type="checkbox"/>
Work continuously to improve quality services and to minimise errors	<input checked="" type="checkbox"/>
Support and value its staff	<input checked="" type="checkbox"/>
Work together with others to ensure a seamless service for patients	<input checked="" type="checkbox"/>
Help keep people healthy and work to reduce health inequalities	<input checked="" type="checkbox"/>
Respect the confidentiality of individual patients and provide open access to information about services, treatment and performance	<input type="checkbox"/>

# Policy Training Requirements

The purpose of this template is to provide assurance that any training implications have been considered

<b>Training topic:</b>	Formal training required.
<b>Type of training:</b>	<input type="checkbox"/> Mandatory (must be on mandatory training register) <input checked="" type="checkbox"/> Role specific <input type="checkbox"/> Personal development
<b>Division(s) to which the training is applicable:</b>	<input checked="" type="checkbox"/> Adult Learning Disability Services <input checked="" type="checkbox"/> Adult Mental Health Services <input checked="" type="checkbox"/> Community Health Services <input checked="" type="checkbox"/> Enabling Services <input checked="" type="checkbox"/> Families Young People Children <input checked="" type="checkbox"/> Hosted Services
<b>Staff groups who require the training:</b>	Managers
<b>Update requirement:</b>	Only for policy changes
<b>Who is responsible for delivery of this training?</b>	HR
<b>Have resources been identified?</b>	Yes
<b>Has a training plan been agreed?</b>	Will be delivered as part of 'HR in a day' training
<b>Where will completion of this training be recorded?</b>	<input checked="" type="checkbox"/> Trust learning management system <input type="checkbox"/> Other (please specify)
<b>How is this training going to be monitored?</b>	

## PRIVACY IMPACT ASSESSMENT SCREENING

<p><b>Privacy impact assessment (PIAs) are a tool which can help organisations identify the most effective way to comply with their data protection obligations and meet individual's expectations of privacy. The first step in the PIA process is identifying the need for an assessment.</b></p> <p><b>The following screening questions will help decide whether a PIA is necessary. Answering 'yes' to any of these questions is an indication that a PIA would be a useful exercise and requires senior management support, at this stage the Head of Data Privacy must be involved.</b></p>			
<b>Name of Document:</b>		<b>Flexible Working Policy</b>	
<b>Completed by:</b>		<b>Elaine Wyse</b>	
<b>Job title</b>	<b>Senior HR Advisor</b>	<b>Date</b>	<b>September 2020</b>
			<b>Yes / No</b>
<p><b>1. Will the process described in the document involve the collection of new information about individuals? This is information in excess of what is required to carry out the process described within the document.</b></p>			<p>Yes – personal circumstances detailed on flexible working application form. Gives holistic view of staff member circumstances in order to consider support required</p>
<p><b>2. Will the process described in the document compel individuals to provide information about themselves? This is information in excess of what is required to carry out the process described within the document.</b></p>			<p>Yes – as above</p>
<p><b>3. Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information as part of the process described in this document?</b></p>			<p>No</p>
<p><b>4. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?</b></p>			<p>No</p>
<p><b>5. Does the process outlined in this document involve the use of new technology which might be perceived as being privacy intrusive? For example, the use of biometrics.</b></p>			<p>No</p>
<p><b>6. Will the process outlined in this document result in decisions being made or action taken against individuals in ways which can have a significant impact on them?</b></p>			<p>No</p>
<p><b>7. As part of the process outlined in this document, is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For examples, health records, criminal records or other information that people would consider to be particularly private.</b></p>			<p>Yes - details of health conditions may be included on flexible working application form</p>
<p><b>8. Will the process require you to contact individuals in ways which they may find intrusive?</b></p>			<p>No</p>
<p><b>If the answer to any of these questions is 'Yes' please contact the Head of Data Privacy Tel: 0116 2950997 Mobile: 07825 947786 <a href="mailto:Lpt-dataprivacy@leicspart.secure.nhs.uk">Lpt-dataprivacy@leicspart.secure.nhs.uk</a> In this case, adoption of a procedural document will not take place until approved by the Head of Data Privacy.</b></p>			
<b>IG Manager approval name:</b>		 Sam Kirkland, Head of Data Privacy	
<b>Date of approval</b>		12.01.2021	

Acknowledgement: Princess Alexandra Hospital NHS Trust