

CONTROLLED DOCUMENT

Flexible Working Procedure

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Version Control

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3.2	Flexible Working Procedure	04/10/2024

1. Procedure Statement

- 1.1 University Hospitals Birmingham NHS Foundation Trust (UHB) is committed to improving the quality of working lives of our people. This procedure aims to support our colleagues to balance their personal life and responsibilities alongside work by improving choice in where, when, and how they work. We know many of our colleagues value having this choice; and that for some, it is necessary to be able to work.
- 1.2 All colleagues are entitled to request flexible working from their first day of employment at UHB.
- 1.3 If specific hours or mode of working are agreed on appointment to a new role, this will not require a flexible working application.
- 1.4 This procedure provides a framework to support managers and colleagues to have positive discussions regarding flexible working, and ensure that requests are handled fairly, constructively, consistently, and in a timely manner.
- 1.5 The needs of our people change over time and therefore we want to build a culture in which talking about our needs is normal, and conversations span the length of our careers and our personal milestones.

2. Creating the Culture for Flexible Working at UHB

- 2.1 Flexible working does not happen by accident. To be successful it needs to be approached with a thoughtful, creative, and inclusive approach regardless of role, level, or the reasons for wanting to work flexibly. Teams will include colleagues at different stages of their career, and each will have their own unique needs dependent on their personal circumstances. These may change over time and will be reactive to situations that occur, whether they are planned or unplanned.
- 2.2 At UHB our approach to flexible working is to start from a place of 'why can't we say yes?' to a flexible working request. This will involve working collaboratively, connecting with others in the Trust and across the team to think creatively and boldly about flexible working

solutions and to trial different options to identify what works best. Ideas about flexible working arrangements might develop over time.

- 2.3 Everyone is expected to treat colleagues who would like to work flexibly with kindness and understanding.
- 2.4 Managers will build a culture where conversations regularly take place with everyone in the team about their needs, including flexible working.
- 2.5 Managers will discuss and consider requests for flexible working in line with the timescales set out in this procedure. They will always respond with kindness and with an open mind, aiming to say 'yes' to flexible working and exploring alternatives and options where necessary.
- 2.6 Managers will work with you to support flexible working to be successful. This will include reviewing methods for support, communication, team building and access to training, development, and promotions, to help individuals and the service to remain effective after flexible working is agreed.
- 2.7 We want UHB to be a place where talking about flexible working is easy and where these conversations take place throughout our careers, not just at times of specific need.
- 2.8 This procedure is for everyone, including those who work in clinical or patient-facing roles and those who might have found it difficult to work flexibly in the past. Although not every role will be suitable for every type of flexible working arrangement, it is important to proactively discuss flexible working with our current and future colleagues.
- 2.9 We seek to support people who are thinking about working in the NHS by encouraging managers to plan flexible working into vacancies and teams.
- 2.10 This procedure aims to inspire everyone to think differently about what is possible in relation to where, when and how we work, and challenges negative and obstructive attitudes towards flexible working.
- 2.11 In line with our values-led behavioral framework, colleagues and managers will approach flexible working conversations in the following ways:

- Listening deeply to what the other person is saying and considering our response;
- Involving each other in ideas and plans on how flexible working could be achieved;
- Being open to changing our minds about what type of flexible working is practicable;
- Removing barriers to flexible working and service effectiveness;
- Challenging outdated views on flexible working and exploring updated ways of working for the greater good.

3. What is flexible working?

3.1 UHB defines flexible working as an arrangement which supports our colleagues to have greater choice in when, where and how they work. This may include changes to working patterns, hours and role designs, and/or the location in which work takes place.

3.2 Flexible working can be for a short period of time to support a specific need, or it could be longer term. There are many different types of arrangements, which include but are not limited to:

- Job Share;
- Part Time Working;
- Term Time Working;
- Flexitime;
- Compressed Hours;
- Annualised Hours;
- Home Working;
- Career Break;
- Set Days/Shifts.

3.3 For more information on each type of flexible working please visit the People Directorate's HR Website and the [flexible working options](#) section.

4. How to ask for Flexible Working

4.1 All of our colleagues have the right to:

- Request flexible working from day one of employment;
- Make as many flexible working requests as they would like;
- Make a request and it be fully considered, regardless of the reason.

4.2 More information can be found on the HR Website under [principles of flexible working](#).

4.3 Informal Discussions

4.3.1 To create a culture where flexible working becomes the norm, UHB encourages discussions to take place informally during one-to-one meetings with line managers.

4.3.2 Where an agreement can be reached informally, the manager must send a letter outlining the agreed changes, including any specific details such as days/hours/length of the flexible working pattern. This is particularly important where there are changes that will impact pay or other terms and conditions (i.e. annual leave entitlement) but should in any event happen in all circumstances.

4.4 Formal Discussions

4.4.1 It is recognised that discussions regarding flexible working requests may not always be possible to be achieved informally and sometimes a formal request might be the right solution for our colleagues. Additionally, where an informal discussion has not been successful, a formal request is the next suitable step to take. Within the culture of UHB we are all striving to create, we expect any need for formal requests to be the exception rather than the norm, and never to be the manager's default position.

4.4.2 To formally request flexible working, the flexible working request form must be completed and given to the line manager to review. A link to this form can be found [here](#) or on the [HR Website](#).

4.4.3 Details included in this form are:

- The date of the request;
- Details of what you would like to change;
- The date on which you would like the change to start and for how long, i.e. permanent or temporary change;
- When requesting Homeworking the Trust's Homeworking Checklist and DSE Self-Assessment must also be completed and submitted. Copies of these forms are available on the [HR Website](#).

4.4.4 To enable UHB to be an inclusive employer, colleagues are encouraged to identify if their flexible working request will facilitate a reasonable adjustment as set out in the Equality

Act 2010. For guidance and support, colleagues can contact HR/ Staff side for support with this.

- 4.4.5 Once a flexible working form has been submitted managers will need to arrange a meeting within 14 calendar days to discuss the request, taking into account any leave.
- 4.4.6 If a meeting has not been arranged or a response received within this timescale it is advised to contact the People Advisory Service (First Contact team) who will liaise with the line manager. The People Advisory Service can be contacted on firstcontact@uhb.nhs.uk. You may also wish to contact Staff-side or your trade union.
- 4.4.7 At the flexible working meeting, colleagues can bring a staff side representative or workplace colleague with them for support and advice.
- 4.4.8 Staff do not need to explain the effect, if any, their request would have on the Trust/service as part of their application for flexible working. However, during the meeting, discussions will take place to understand flexibility from both parties, how the request would impact on service delivery where necessary, whether an alternative working arrangement might be more practicable, or the option of trialing the request. For more guidance on this meeting please visit the HR Website [here](#).
- 4.4.9 After this meeting the line manager will decide the outcome of the request and confirm this in writing within 14 calendar days. The outcome will either be:
- That the request has been agreed, including how long the request has been agreed for and when and how the agreement will be reviewed;
 - That the original request has not been agreed but a compromise has been offered. The line manager will confirm whether any parts of the request have been agreed and suggest alternatives for those that cannot be agreed;
 - That a trial has been agreed. Confirmation will include how long the trial period will be for; how often during the trial review meetings will take place to understand how the arrangement is working in practice, and if any changes are needed; and a review date for the end of the trial period to confirm whether the request can be agreed or not.

- That the request has not been agreed and the reasons for refusal. Line managers should refer to section 5 of this Procedure, Refusing a Flexible Working Request, for guidance. If the request has not been agreed, the letter will outline how colleagues can appeal the decision.

4.4.10 Flexible working request forms will be reviewed and monitored by the People Directorate, to ensure consistency in application and approach. The flexible working request form is automatically sent.

5. Refusing a Flexible Working Request

5.1 Managers must discuss and consider all flexible working requests with compassion and an open mind.

5.2 Before refusing a flexible working request, managers must have fully discussed the request with the colleague. They must show that they have approached the discussion with an open mind and explored alternative options on what may be suitable.

5.3 Managers can only refuse a flexible working request on one, or more, of the 8 specific reasons, listed below:

- The burden of additional costs;
- An inability to reorganise work amongst 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 service user demand;
- Insufficient work available for the periods the employee proposes to work;
- A planned structural change to the business.

5.4 The reason(s) for not agreeing a request must be clearly outlined in the outcome letter, and managers are advised that they must provide a clear rationale to support their decision. It is not enough to simply state refusal is for one or more of the reasons set out in 5.3; the reasoning must be carefully explained.

- 5.5 Where a Flexible Working request is refused the member of staff must be advised how they can appeal the decision. See Section 6.
- 5.6 For more information and guidance visit the HR Website, [considering flexible working requests](#) section.

6. Appeals

- 6.1 Where a flexible working request has been refused, colleagues have the right to appeal against this decision. An appeal can also be requested where a trial period has been unsuccessful and the flexible working request has subsequently then been refused.
- 6.2 The appeal form link must be completed within 14 calendar days of receiving the declined outcome notification. You will receive the link to the form as part of your application, if not please contact: HRappeals@uhb.nhs.uk
- 6.3 To encourage informal resolutions, a member of the HR team will discuss the appeal with a senior manager within the area to identify if a resolution can be identified prior to an appeal meeting.
- 6.4 Where an informal discussion has not enabled a resolution to be identified. An appeal meeting will be arranged to formally discuss and consider the appeal by an appropriate senior manager who has not been involved, preferably from another service area. A representative from the People Directorate will support this process.
- 6.5 The appeal meeting will discuss the flexible working request and the reason for the appeal. Line managers will be asked to outline why the flexible working request was not agreed and provide evidence in line with section 5.3.
- 6.6 At the meeting, colleagues can bring a staff side representative or workplace colleague with them for support and advice.
- 6.7 The panel will consider the information presented and confirm the outcome in writing within 14 calendar days of the meeting. The letter will confirm if the appeal has been upheld or not, and the reasons for this.
- 6.8 The outcome of the appeal meeting is final.

7. Reviewing Flexible Working

- 7.1 It is recommended that all flexible working arrangements are reviewed at least every 12 months, for example at the annual appraisal. This helps ensure that the arrangement remains working

for both parties and enables regular opportunity to discuss and make any changes as needed.

7.2 Where a review identifies that a change to the flexible working agreement is required, colleagues and manager should discuss whether a solution can be agreed together. Where an agreement cannot be reached, the manager must contact the People Advisory Service (First Contact) for advice and guidance.

8. **References**

Agenda for Change Handbook (Section 36 Employment Break Scheme)

NHS People Plan

Working Time Regulations

9. **Associate Policy and Procedural Documentation**

Work Life Balance Policy

Special Leave Procedure

Rostering Procedure

Retirement Procedure

Procedure for the Administration of Changes to Pay and Personal Details

Annual Leave Procedure