

Applying for Flexible Work Arrangements Policy

1 Introduction

1.1 The following outlines the Trust's Policy on employees applying for flexible work arrangements.

2 Aim

- 2.1 This Policy outlines the facility for employees to apply for flexible work arrangements, how they should make this request, and managers' responsibilities in considering and responding to such requests.
- 2.2 It should be noted that certain employees will have a statutory right to apply for flexible working. Management responsibilities in relation to these specific cases are addressed within the Policy.
- 2.3 Whilst the Policy presents a formal staged approach to considering applications for a flexible work pattern, its broader aim is to facilitate dialogue on flexible working options between a manager and member of the staff with a view to deciding whether there are any mutually beneficial arrangements.
- 2.4 The vision of the LAS is to provide a 'world class ambulance service for London'. To achieve this vision, consideration will be given to some jobs to be carried out in a more flexible way than others. The policy is aimed at giving general guidance to managers and staff but judgements will need to be made in individual circumstances and in different working environments.
- 2.5 Operational effectiveness will always be the key factor in the consideration of flexible work arrangements.
- 2.6 The Trust may review some or all work patterns from time to time depending on operational need or changes in terms and conditions of service.
- 2.7 It should be that by following the outlined procedure that the employee will be satisfied that her/his request has been dealt with fairly and objectively. An overview of the procedure is attached as a flowchart (Appendix 3).

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3 Legal / Statutory position

3.1 The Policy takes into account the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 and the Flexible Working (Procedural Requirements) Regulations 2002. The Policy also reflects the General Whitley Council equal opportunities agreement and NHS Improving Working Lives programme.

4 Who is eligible to apply for flexible working?

4.1 Everyone is eligible to apply for flexible working, however there are certain employees who have a statutory right to apply.

4.2 The statutory right

4.3 The statutory right applies to those who have responsibility for the upbringing of a child under six (or under 18 if disabled) and are making the application to enable them to care for the child. The latest that a request may be made is at least 2 weeks before the sixth or eighteenth birthday (if the child is disabled).

4.4 The statutory right to request flexible working applies to a parent, guardian, adopter or foster parent or someone who is married to or is the partner of the child's mother, father, adopter, guardian or foster parent.

4.5 To qualify under the statutory right the employee should have worked continuously for the Trust (or another NHS employer) for 26 weeks or more at the date that the application is made.

4.6 Applications from all employees

4.7 The Trust will, however, consider requests from all employees to work flexibly. These requests may be based on a range of reasons that may or may not be related to either the statutory right or to an individual's caring responsibilities.

4.8 Prioritisation of requests

4.9 If demand exceeds capacity in terms of what flexible working arrangements can be accommodated then priority consideration will be given firstly to those who apply under the statutory rights and secondly to those with caring responsibilities.

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4.10 Other than in exceptional circumstances, the employee should not have made a formal request under this policy to work flexibly in the past 12 months.

5 What kinds of flexible working arrangements may be available?

5.1 The kinds of flexible working that are available will depend on the individual employee's role. Depending on the circumstances the following may be available;

- Part-time working
- Flexible rostering
- Job sharing (see appendix 1)
- Term-time working
- Working at home (not applicable to certain staff groups including operational and Central Ambulance Control staff)
- Permanent nights or other fixed shifts
- Individual support rosters (ISR's)

5.2 It should be noted that some office-based employees already have the option of working flexi-time hours as part of their contract of employment.

5.3 Working from home on an occasional basis may be agreed between a manager and employee on an ad hoc basis outside of the requirements of this policy.

5.4 These flexible working practices, including the specific requirements around job share arrangements, are described in more detail in appendix 1.

5.5 Employees should be aware that shift or unsocial hours payments etc may be affected by choosing an alternative work pattern,

5.6 Consultation with Resource Centres

5.7 A & E managers are encouraged to consult with their Resource Centre throughout the process of considering a request to help assess what shift patterns/changes in hours may be accommodated.

5.8 The Resource Centre may specifically be consulted in circumstances when the reduced hours that someone wishes to work do not appear viable.

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5.9 Temporary or permanent arrangements

5.10 Any request that is made and accepted under the statutory right will be a permanent change to the employee's terms and conditions (unless otherwise agreed). The employee may subsequently request to revert to the old working pattern however the Trust has the right to refuse such a request.

5.11 Requests that fall outside the statutory right may be agreed on a permanent or on a temporary basis and may be subject to review.

6 The procedure

6.1 The nature of the request

6.2 Employees can make a request to:

- Increase (subject to the contractual maximum) or decrease the amount of hours they work
- Change their working times
- Work from home (depending on the nature of their duties and not applicable for operational or CAC staff)
- A combination of the above.

6.3 How does the employee apply?

6.4 Applications must be made on the attached form (appendix 2) and should be dated. It should include:

- A statement that the employee is requesting a flexible work pattern.
- A statement stating whether or not the application is being made under the statutory right.
- A statement as to whether the employee has previously made a formal request under this policy and if so when.
- An explanation of what effect, if any, the employee thinks the proposed change would have on the service he or she provides including any effect it might have on patients, health and social care partners and on colleagues, and how this might be managed.
- A description of the working pattern applied for, what date they would like the new arrangements to start and for how long it is likely to continue.

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- 6.5 Informal discussion with colleagues or management
- 6.6 Prior to making the request, employees may wish to informally discuss the options for flexible working with their manager in order to assist them in making their written application. Employees may also wish to discuss the matter with colleagues before making the request. It may be that mutually beneficial options could be explored that would also meet the needs of the Trust.
- 6.7 Withdrawal of application
- 6.8 If at any stage an employee wishes to withdraw their request during the application process then he/she should do so by writing to their manager.
- 6.9 Timescales
- 6.10 The policy sets out timescales for dealing with requests for flexible work arrangements. It is essential that these are met for those applying under the statutory right (except in circumstances of agreed extensions as outlined in the policy).
- 6.11 Timescales for requests that are non-statutory are not mandatory but should be maintained as far as possible to enable the expeditious resolution of requests.
- 6.12 What must the manager do in response to a request for flexible work arrangements?
- 6.13 The manager should acknowledge the request in writing as soon as possible. If the necessary information, as set out above (para 6.4), is not all included then the employee may be asked to provide further information/clarification.
- 6.14 The manager is not obliged to consider the application until it is completed and re-submitted.
- 6.15 Within 28 days of receipt of the application the manager should either agree the request, or should hold a meeting with the employee to consider the request. If there are problems in arranging this within the timescale then the meeting may be held at a later date but this extension to the timescale should be in agreement with the employee.

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- 6.16 Where an application is sent to a manager who will deal with the application and the manager is absent from work due to leave or illness, an automatic extension applies. The period that the manager has to arrange the meeting will commence either on the day of the manager's return or 28 days after the application is made, whichever is sooner. On the manager's return, he or she should acknowledge receipt of the application so the employee is aware that the extension has applied and the matter is being addressed.
- 6.17 The meeting
- 6.18 The purpose of the meeting is to consider the request further and, as appropriate, to explore possible options.
- 6.19 The employee is entitled to bring a trade union representative or colleague to this meeting if they wish. If the companion cannot make the meeting arranged, then the employee may seek another date within seven days of this meeting. If however the companion cannot make this second meeting then the employee should arrange for an alternative companion to attend.
- 6.20 The role of the companion is to support the employee. The companion is able to address the meeting, and to confer with the employee during it, but they may not answer questions on behalf of the employee.
- 6.21 Managers may wish to invite a member of the HR Directorate to attend the meeting in order to provide advice and to ensure that any possible subsequent contractual correspondence reflects any agreement made.
- 6.22 It is essential that at the initial meeting and at any appeal, any decision to reject a request for a flexible work pattern is based on the correct facts and that these facts are clearly and fully explained in any letter rejecting the request.
- 6.23 What happens next?
- 6.24 Following the meeting, the manager, in consultation with HR, should send a dated letter within 14 days to the employee. If the request is accepted the letter should include:
- A description of the new work pattern.
 - The date that the revised work pattern will take effect.
 - The period that the revised work pattern will be in place.
 - Any planned reviews of the work pattern (if applicable).
 - A statement explaining that the employee may be required to return to their previous work pattern (if applicable).

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- Guidance as to what the employee should do if they wish to return to their previous work pattern in the future.

6.25 Any request that is made under the statutory right will be a permanent change to the employee's terms and conditions (unless otherwise agreed). The employee may subsequently request to revert to the old working pattern, but the Trust has the right to refuse such a request. Requests that fall outside the statutory right may be agreed on a permanent basis or on a temporary basis and may be subject to review.

6.26 If the request is rejected, the letter should include;

- The ground(s) for refusing the application
- A full explanation as to why the ground(s) for refusal apply in these circumstances.
- Details of the employee's right of appeal including to whom the appeal should be made – this should be a more senior manager than the one who made the initial decision.

6.27 Grounds for refusal

The application may be refused on one or more grounds of those identified below:

- Burden of additional costs
- Detrimental effect on the ability to meet customer/client demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

6.28 Extension

6.29 If the manager needs more time to consider the request then an extension of 14 days may be applied. This should be at the agreement of the employee.

6.30 What if the employee wishes to appeal?

6.31 The employee has 14 days to appeal in writing after the date of receiving the manager's decision. This appeal will be to the person identified in the manager's letter (see 6.26) and will usually be to the next in line manager.

6.32 The employee's dated letter should set out the grounds for appeal.

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6.33 The appeal meeting

6.34 An appeal meeting should be held within 14 days of the receipt of the appeal letter. All matters regarding the appeal meeting are as set out for the initial meeting, see paragraphs 6.17 – 6.22.

6.35 A representative of the HR directorate must attend the appeal meeting.

6.36 Following the appeal meeting

6.37 Following the meeting, the manager, in consultation with HR, should send a dated letter within 14 days to the employee. This should state the outcome of the appeal, and, if the request has now been agreed, include the following:

- A description of the new work pattern.
- The date that the revised work pattern will take effect.
- The period that the revised work pattern will be in place.
- Any planned reviews of the work pattern (if applicable).
- A statement explaining that the employee may be required to return to their previous work pattern (if applicable).
- Guidance as to what the employee should do if they wish to return to their previous work pattern in the future.

6.38 Any request that is made under the statutory right will be a permanent change to the employee's terms and conditions (unless otherwise agreed). The employee may subsequently request to revert to the old working pattern, but the Trust has the right to refuse such a request. Requests that fall outside the statutory right may be agreed on a permanent basis or on a temporary basis and may be subject to review.

6.39 If the appeal is rejected then the dated letter should:

- State the grounds for the decision. These will reflect the employee's grounds for making the appeal
- Provide a full explanation as to why the grounds for refusal apply in the circumstances.

6.40 The letter from the manager giving the appeal decision will mark the end of the internal appeal process. No further appeals will be allowed under this policy or under the Trust's grievance procedure.

6.41 External remedies – statutory requests only

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- 6.42 Only those who have a statutory right to request a flexible work pattern (see para 4.2 – 4.5) may make an appeal to an Employment Tribunal or the Advisory and Conciliation Service (ACAS). The grounds for complaint must be that:
- The employer has failed to follow the procedure properly, or
 - The decision by the employer to reject an application was based on incorrect facts.
- 6.41 Further advice is available in the DTI publication 'Flexible working: The Right to Request and the Duty to Consider' (PL520)

7 Managing revised working arrangements

- 7.1 The following points may relate to both the statutory and non-statutory right depending on the nature of the agreement made.
- 7.2 Trial periods
- 7.3 Revised working arrangements can be agreed subject to a trial period. This allows both management and staff, the opportunity to judge whether the revised arrangements are working to mutual benefit.
- 7.4 Homeworking
- 7.5 Arrangements for home working should be subject to ongoing and regular review. This should be reflected in the contract paperwork.
- 7.6 Review of arrangements
- 7.7 Timely review of temporary flexible working arrangements of individuals may be carried out. The timing of these reviews may vary but it is recommended that there be reviews every 3 months during the initial 12 month period followed by further reviews every 12 months.
- 7.8 Ad hoc meetings may be requested by either party should the arrangements appear not to be working.
- 7.9 Return to previous status (management instruction)
- 7.10 Employees subject to temporary flexible working arrangements who are required to return to their previous status will be given two month's notice

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except in cases where there is an urgent service need in which case the notice period may be shorter.

7.11 Return to previous status (employee request)

7.12 The Trust will seek to accommodate employees who wish to return to their previous status. These requests will be subject to operational requirements and whether vacancy/funding is available. A return to the same station/complex/location cannot be guaranteed.

7.13 Applications to return to previous status should follow this procedure as laid out in the Applying for Flexible Work Arrangements Policy.

7.14 Job-share posts

7.15 Different provisions exist for job share arrangements – see appendix 1.

8 Any questions

8.1 Managers and staff are encouraged to speak to their HR Officer if they have any queries in relation to the policy.

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Examples of flexible working arrangements

1 Introduction

- 1.1 The following provides examples of different flexible working arrangements. These should be read in conjunction with the Applying for Flexible Work Arrangements policy.

2. Part-Time Working

- 2.1 A full-time post may be divided to make two or more part-time posts. Such an arrangement is only possible when the job to be undertaken is capable of being performed by a number of equally qualified and experienced staff based at the same location, e.g. A&E and PTS ambulance personnel and Control Assistants, and EMD's in CAC.
- 2.3 All terms and conditions of service remain the same except pay and benefits which are pro-rata.

3. Job Sharing

- 3.1 Job sharing differs from part-time working insofar as two people voluntarily agree to share the work, duties and responsibilities of a single full-time post.
- 3.2 Managers must decide whether a full time post is suitable for job share.
- 3.3 Job-share will normally be available for half a week. Other proportions of a working week will, however, be considered
- 3.4 All terms and conditions of service remain the same except pay and benefits which are pro-rata.
- 3.5 Recruitment Procedures for Job Sharing
- 3.6 Existing staff, including those on maternity leave, who wish to job share their post should make a request at least 3 months before the date they wish to start the job share.

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- 3.7 Those wishing to job-share may suggest a job-share partner – both potential job-share partners should already be working to the same job description at the same grade.
- 3.8 The manager will consider the request. If an arrangement for both job share partners can be agreed with all parties then the employees will start the job share at a date agreed with the manager. It may be that the arrangement cannot start until the post(s) made vacant by the job share has been filled.
- 3.9 If a job share partner is not available, and the request to job share is accepted in principle, then the second half of the job share post will be advertised in line with the Trust's procedures.
- 3.10 Whenever it is considered that a vacant post would be suitable for job share this will be stated in the advertisement. All applicants will receive details of the post and information on the job share arrangements including the hours that the applicant will be required to work.
- 3.11 The final decision on whether to accept the employee's request to job-share will be dependent on a job share partner being recruited. The employee will not be able to change to job-share hours without the full-time duties and responsibilities of that post being covered.
- 3.12 If, following advertisement, no suitable job share partner is recruited then the member of staff will need to continue to work in accordance with her/his original contract.
- 3.13 The Job Share Agreement
- 3.14 Each individual job share post will be subject to a specific agreement which will form part of the employment contract and will contain the following;
- the split of hours between the job share partners
 - arrangements for hand-over time between job share partners
 - communication mechanisms between the partners, their manager and colleagues.
 - any constraints on annual leave arrangements of the partners
 - any specific management arrangements
 - allocation of duties and distribution of work
- 3.15 Each individual agreement will need to be carefully considered by both job

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share partners and the manager responsible for the post. HR will issue the contracts and will assist the manager and job share partners in reaching a satisfactory agreement.

3.16 Action when one job sharer leaves

3.17 When one job sharer leaves, the remaining partner will be offered the additional hours and if he or she accepts will work full time in the post.

3.18 If the remaining job-share partner is not able to take on the full-time post, the vacant job share will be advertised.

3.19 In the event that the post cannot be filled following advertisement, then the remaining job share partner will be considered for re-deployment on a part-time contract. Every effort will be made to re-deploy the employee to a similar post but this cannot be guaranteed. The vacant post will then be recruited to on a full-time basis.

4. Term- time Only Working

4.1 Employees who wish to be at home at the same time as their children are on school holidays may apply for term time only working.

4.3 All terms and conditions of service remain the same except pay and benefits which are pro-rata.

4.4 Payment of salary for term time only working is usually done in equal amounts on a monthly basis. In these circumstances an adjustment to pay may be necessary if an employee leaves the Trust's service.

5. Working at Home

5.1 Employees may request to occasionally work from home from time to time either to carry out particular pieces of work away from interruption or to help manage particular household matters. Managers, depending on service needs and the nature of the work that the employee does, may agree such requests on an ad hoc basis.

5.2 Employees from certain staff groups, provided their role and duties allow, may request to work from their home on a longer term basis. If the manager supports the request the HR officer will arrange for a new Contract of Employment to be issued which will include statements to the effect that;

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- the contract allows them to work from home
- the employee is required to comply with the Health and Safety at Work Act and related regulations.
- the individual is responsible for checking her/his liability for matters such as insurance, notifying the mortgage companies or landlords and checking the revised arrangements with their local authority.
- the individual is responsible for compliance with the confidentiality clause in their contract of employment

5.4 Arrangements will be put in place to ensure effective management of and communication with the homeworker.

5.5 Employees working at home must inform their manager of any sickness which renders them unable to carry out their duties. Normal certification regulations will apply.

5.6 Homeworkers will be expected to visit the office / central work base on a regular basis and/or as necessary at the request of their manager.

5.7 Agreements for homeworking will be reviewed on a regular basis.

Flexible Rostering

6.1 A mutually agreeable rota pattern which may consist of working the same days/times every week or a variable pattern of work over a number of weeks.

6.2 Staff accessing flexible roasting will be required to commence their new roster as part of the relief rota. As with any member of relief staff, the allocation of shifts is led by operational requirements above all else and may require staff to work from alternative ambulance stations from their usual work base.

6.3 If operationally based staff commence flexible working on a trial or temporary basis then their permanent line will be held open for a period of three months. This period may be extended in particular complexes depending on available resources. If the employee wishes to continue flexible working after this time, they will vacate their permanent line.

7. Permanent Nights

7.1 A set rota pattern which covers hours between one day and the next e.g. 1900 to 0700. This would be worked as part of the Relief rota working from any station.

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8. Support Rosters

- 8.1 A permanent pattern of work proposed by an individual for twilight, night or weekend shifts. Support vehicles will commence and finish their shift at their base station. During the shift they will be deployed by Central Ambulance Control to the areas of greatest need.
- 8.2 Skill mix is essential and requests are normally from a Paramedic and a Qualified Ambulance Technician.
- 8.3 If only one person expresses an interest in a particular acceptable rota pattern then the other position will be advertised to identify interest from other employees.
- 8.4 Depending on the success on finding a partner for the rota pattern the process will follow that outlined in Section 3 on job-sharing.

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Appendix 2

Flexible work arrangements – application form

Employees should use this form to apply for flexible work arrangements. Guidance on applying is included in the Applying for Flexible Work Arrangements Policy.

Everyone is eligible to apply for flexible working, however there are certain employees who have a statutory right to apply.

If demand exceeds capacity in terms of what flexible working arrangements can be accommodated, then initial consideration will be given to those who apply under that statutory rights and secondly to those with caring responsibilities.

1. Personal details

Name..... Date.....

2. Circumstances of request

Either

I am applying for flexible work arrangements under the statutory right and confirm that I meet the following criteria:

- I have responsibility for the upbringing of either a child under 6 or a disabled child under 18.
- I am:
 - the mother, father, adopter, guardian or foster parent of the child, or
 - married to or the partner of the child's mother, father, adopter, guardian or foster parent
- I am making this request to help me care for the child
- I am making this request no later than 2 weeks before the child's sixth birthday or eighteenth birthday where disabled.
- I have worked continuously as an employee of the Trust (or other NHS employment) for the last 26 weeks
- I have not made a request to work flexibly under this right during the past 12 months.

Tick

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Or

I am applying for flexible work arrangements under other circumstances.

Tick

The reasons that I am requesting flexible working are as follows:

Managers may request evidence of the circumstances described above.

3. Describe your current working pattern/arrangements.

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4. Describe the working arrangements you would like to work in future (days/hours/times worked)

5 Date from which you would like working pattern to commence

Date.....

6. The length of time would you like the revised working pattern to continue

.....

7 Impact of new working pattern

I think that this change in my working arrangements will affect patients or other clients, my colleagues and /or partner agencies and the service we provide as follows:

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8 Accommodating the new working pattern

I think that the change to my work arrangements could be dealt with as follows:

I have/have not made a request under the Applying for Flexible Work Arrangements Policy (delete as appropriate). I previously made a request on (date - if applicable)

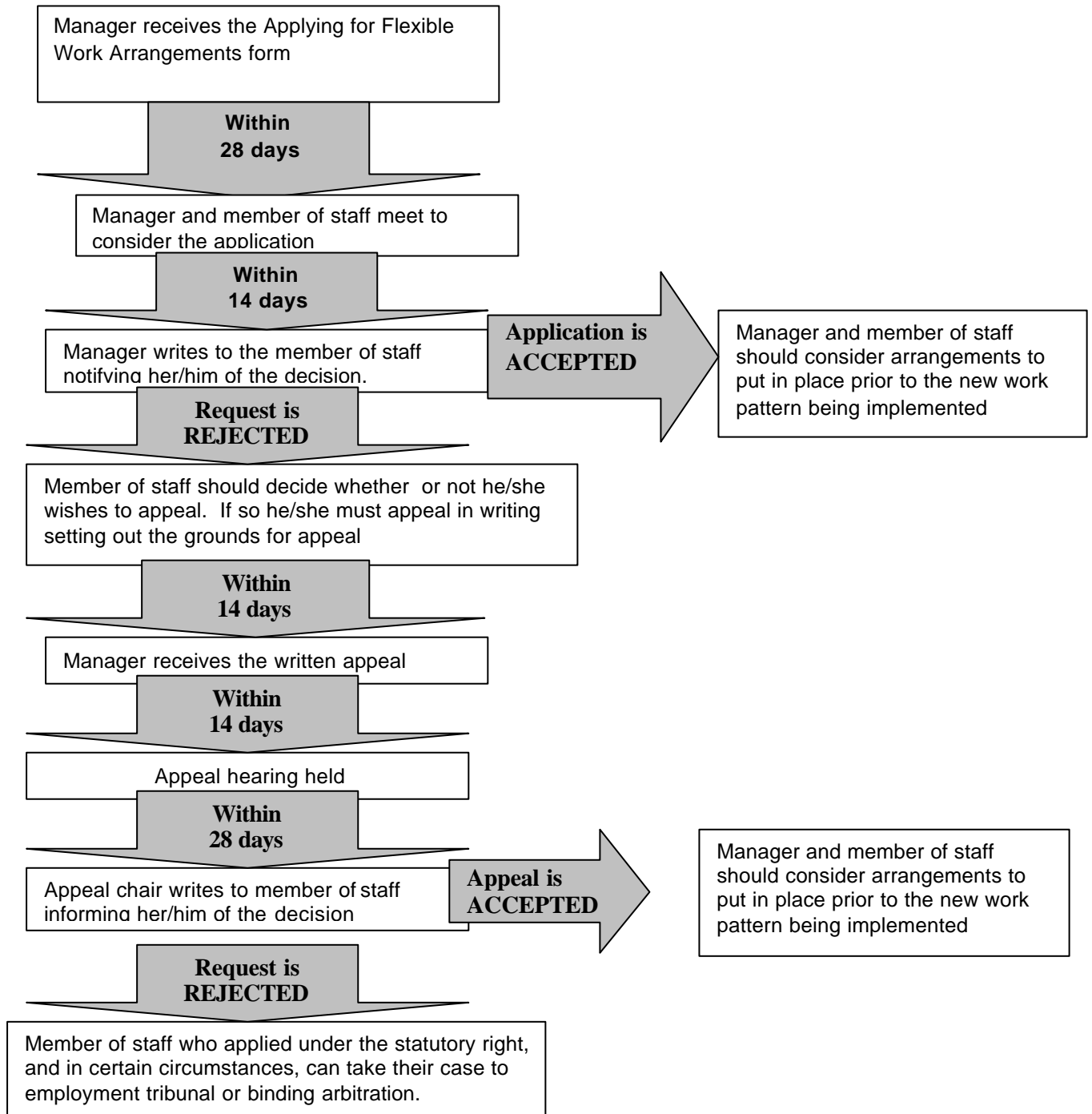
Signed..... Dated.....

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Appendix 3

How does the process work?

(NB timescales are a legal requirement for dealing with applications under the statutory right – for further details see procedure.)



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