

## FLEXIBLE WORKING AND EMPLOYMENT BREAK POLICY

### Summary

This policy sets out the guiding principles for ensuring that requests for flexible working and employment breaks are dealt with in a fair, timely and consistent way across the Trust. To accompany this policy there is a separate flexible working and employment break procedure and guidelines on flexible working options. Both these documents are available on the Intranet.

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### 1. INTRODUCTION AND POLICY STATEMENT

- 1.1 The Royal Marsden NHS Foundation Trust (hereinafter called the Trust) is committed to improving the working lives of its employees, and will put mechanisms in place to support a healthy work-life balance. The Trust recognises that quality healthcare can only be delivered through a highly skilled and committed workforce and that it is essential to attract, develop and retain high calibre employees. To achieve this, the Trust supports the principle of flexible working and employment breaks as an important means of improving work-life balance and improving recruitment and retention.
- 1.2 Additional benefits of flexible working include an increase in staff motivation, reduced absence, attraction of new talent, retention of staff with valued skills and experience, and improvement in overall business efficiency and performance.
- 1.3 The Trust acknowledges that at different stages in their lives employees will have varying responsibilities outside of work. People work best when they are able to successfully balance work and other aspects of their lives. Flexible working and employment breaks aims to help employees achieve this balance. The Trust requires its managers to take a creative and innovative approach to working patterns. It also expects employees to behave responsibly when making requests, recognising service needs, and the needs of other members of the team.
- 1.4 This policy sets out the guiding principles for ensuring that requests for flexible working and employment breaks are dealt with in a fair, timely and consistent way across the Trust.
- 1.5 While the Trust supports the principles of flexible working, service and patient needs must always take priority. Therefore, employees must be aware that the full range of flexible working options will not be appropriate for all jobs across all areas

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of the Trust, so it is likely that not all requests for flexible working or employment breaks will be approved. Requests will not be approved if they have an adverse impact on the service, other members of the team, or incur additional cost.

- 1.6 Although it is recognised that not all of the flexible working patterns considered will be suitable for all sections of the Trust's workforce, there should be no arbitrary barriers. Employees in all areas and levels of the Trust will be considered for flexible working regardless of their age, sex, sexual orientation, race, religion or belief, gender reassignment, marriage/civil partnership, or pregnancy/maternity, or whether they have a disability (known as protected characteristics), their level of seniority, their current working pattern, or whether they are employed on a permanent or fixed-term basis. However, there is no automatic right for employees to change to any of the flexible working patterns - each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on individual, team or business performance.
- 1.7 The Flexible Working Regulations 2014 introduced the right for employees with 26 weeks continuous employment with the Trust to request a change to their work pattern. It is the Trust's policy to seriously consider all applications for flexible working and any request which is not granted must be based on the business reasons outlined in the Regulations.
- 1.8 Employees may apply for an employment break if they have at least 12 months continuous service with the Trust.
- 1.9 The Trust expects factual information contained in completed applications to be correct and to be made in good faith. Decisions on whether to grant requests will be made fairly and objectively taking business needs into account.
- 1.10 Flexible arrangements must comply with the Working Time Regulations<sup>1</sup> on working time, working hours, rest breaks and the working week.

## 2. PURPOSE AND SCOPE

- 2.1 The purpose of the Flexible Working and Employment Break Policy and Procedure is to set out arrangements for handling flexible working and employment break requests. The policy and procedure also details the responsibilities of managers and employees.
- 2.2 The Policy and Procedure applies to all employees of the Trust.
- 2.3 The Trust believes in providing equity in its services, in treating people fairly with respect and dignity and in valuing diversity both as a provider of health services and as an employer. These principles will apply in the application of this policy and procedure.

<sup>1</sup> <http://www.cipd.co.uk/hr-resources/employment-law-faqs/working-time-regulations.aspx>

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### 3. GENERAL PRINCIPLES

- 3.1 To ensure that the Trust is consistent in its approach to flexible working, the following principles will apply when requests for flexible working are made:
- Before making a request for flexible working, employees must have at least 26 weeks continuous service with the Trust. Employees requesting an employment break must have at least 12 months service with the Trust.
  - All requests for flexible working and employment breaks must be submitted on the application form found in Appendix 2 of the Flexible Working and Employment Break Procedure. Discussions/emails in relation to flexible working will not be considered as part of this process until the appropriate application form has been submitted.
  - All requests for flexible working and employment breaks will be given full consideration. In the case of an application for an employment break this requires prior approval from the Divisional Director and Executive Board.
  - Requests will only be approved if the needs of the service are not adversely affected.
  - If a request is refused, the manager will give the reasons for this decision. This will be in writing to the employee within agreed timescales.
  - Employees working flexibly will enjoy equal status to full time employees in relation to pay, access to training and career development and promotional opportunities.
  - Employees who work only at night and at the weekends (unsocial hours) will be expected to attend work during business hours, i.e. Monday to Friday 9am to 5pm, on occasion as required to attend mandatory training and take advantage of educational opportunities as well as be able to integrate with the wider team and be updated with relevant practice that is being implemented.
  - The Flexible Working and Employment Break Procedure sets out various timescales; any steps under this procedure will be taken promptly. However, the time limits in this procedure may be extended if it is reasonable to do so. Where this is necessary, the employee will be informed of the delay and the reasons for it.
- 3.2 As flexible working is available for all employees, requests will be dealt with on a first come first served basis.
- 3.3 One flexible working application will be permitted by an employee in a 12 month period. A second application within this period would not normally be accepted.
- 3.4 Where a flexible working request is agreed, it should be subject to a trial period of up to 12 weeks before a final decision is made.
- 3.5 Flexible working arrangements may be reviewed from time to time in line with the needs of the service and the postholder's changing circumstances. Any proposed changes to flexible working arrangements agreed after a trial period will be managed following the normal procedure for contractual changes.

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## 4. ROLES AND RESPONSIBILITIES

### 4.1 Managers are responsible for:

- Ensuring open discussion of employee requests for flexible working and employment break
- Following the principles of the policy and procedure and for giving full consideration to all requests for a change to working pattern or employment break
- Ensuring all applications are considered fairly and equally, and decisions are taken based on the needs of the service
- Confirming all meetings and decisions with the employee in writing
- Completing necessary forms detailing any change in working hours and promptly passing information to the Workforce Information Team to ensure any change is recorded in the HR Information Systems
- Reviewing flexible working arrangements at the end of a 3 month trial period.

### 4.2 Human Resources are responsible for:

- Increasing awareness and publicising flexible working initiatives via the Trust Intranet
- Advising managers and employees on application of the procedure
- Attending meetings if requested to discuss flexible working and employment break applications (see point 2.5.2 of Flexible Working and Employment Break Procedure)
- Entering changes onto HR Information System and liaising with payroll as appropriate.

### 4.3 Employees are responsible for:

- Familiarising themselves with flexible working options available for consideration via the Flexible Working Options document on the Trust Intranet
- Completing a flexible working/employment break application form (see Appendix 2 in Flexible Working and Employment Break Procedure)
- Submitting the application form at least 6 weeks before the requested start date for flexible working
- Submitting the application form at least 3 months before the requested start date for an employment break
- Adhering to the procedure and following the principles outlined
- Arranging representation to meetings to discuss flexible working and employment break applications e.g. a trade union representative or work colleague.

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## 5. REPRESENTATION

- 5.1 Employees may be accompanied by a companion at meetings to discuss flexible working requests<sup>2</sup>. This companion can be a work colleague or a trade union representative. It is an employee's responsibility to arrange representation.

## 6. POLICY REVIEW

- 6.1 This policy and the associated procedure will be reviewed at the date stated and may be subject to change at that time, or at an earlier date if necessary, subject to consultation with staff representatives recognised for that purpose.

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<sup>2</sup> [http://www.cipd.co.uk/EmploymentLaw/FAQ/\\_Flexibleworking/\\_FAQ/QA\\_5.htm](http://www.cipd.co.uk/EmploymentLaw/FAQ/_Flexibleworking/_FAQ/QA_5.htm)

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