



London Ambulance Service **NHS**
NHS Trust

Flexible Working Policy

DOCUMENT PROFILE and CONTROL

Purpose of the document:

This document sets out the procedure for all members of staff wishing to apply for flexible working. It also sets out the process through which requests will be considered, the conditions under which they will be agreed and the procedure for reviewing flexible working arrangements on an on-going basis.

Sponsor Department: People and Organisational Development

Author/Reviewer: Senior HR Manager. To be reviewed by May 2021

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Amendment History			
Date	*Version	Author/Contributor	Amendment Details
18/06/18	4.1	IG Manager	Minor amendments and Document Profile and Control update
01/03/18	3.11	Senior HR Manager	Further amendments following comments from management and staffside.
11/01/18	3.10	Senior HR Manager	Amendments following comments from management and staffside.
30/08/17	3.9	Senior HR Manager	Amendments following input from Service Delivery Group.
29/06/17	3.8	Senior HR Manager	Amendments in line with comments from Operational and other managers.
01/02/17	3.7	Deputy Director of Workforce	Amendments to annualised hours arrangements following discussion at A&E Resourcing Group
09/01/17	3.6	Deputy Director of Workforce	Incorporation of feedback from Director of Workforce
05/12/16	3.5	Deputy Director of Workforce	Review and revision at request of Director of Workforce
16/08/16	3.4	Senior HR Manager	Further amendments requested by Resourcing Manager.
18/11/15	3.3	Senior HR Manager	Updates to job titles in line with management restructure and amendments requested by Resourcing Manager.
04/07/14	3.2	IG Manager	Document Profile and Control update
30/06/14	3.1	Senior HR Manager	Minor amendments following comments of SMT
24/6/14	2.2	Senior HR Manager	Amendments in line with legislative changes effective 30 June 2014.
23/01/14	2.1	IG Manager	Document Profile and Control update
15/01/13	1.7	HR Manager- Employee Relations	Minor- amendments for clarity and re-formatting.
05/12/13	1.6	HR Manager- Employee Relations	Completion of Implementation Plan

05/12/13	1.5	IG Manager	Document Profile & Control update and revised Implementation Plan
03/12/13	1.4	HR Manager- Employee Relations (assisted by flexible working group comprising SDMs , HRMs, Resource centre manager and roster review project members)	Full Review and rewrite at the request of EMT
28/11/13	1.3	HR Manager- Employee Relations	Major- amended process for considering requests from operational staff, additional flexible working options added, further information provided on the terms under which various options will be agreed and inclusion of template letters. Title amended to reflect wider scope of the policy.
17/5/10	1.2	Senior Human Resource Manager (South)	Minor – reformatting.
11/3/09	1.1	Senior Human Resource Manager (South)	Minor - paragraphs (including 4.4) amended to reflect change in Statutory right. Language also modernised to reflect national guidance.
1/4/07	1.0	HR Manager (Policies and Projects)	Major – First approved version.

***Version Control Note:** All documents in development are indicated by minor versions i.e. 0.1; 0.2 etc. The first version of a document to be approved for release is given major version 1.0. Upon review the first version of a revised document is given the designation 1.1, the second 1.2 etc. until the revised version is approved, whereupon it becomes version 2.0. The system continues in numerical order each time a document is reviewed and approved.

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The RIB	19/06/18	IG Manager	IG
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Links to Related documents or references providing additional information		
Ref. No.	Title	Version
	http://www.acas.org.uk/index.aspx?articleid=1616	
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1. Introduction

Flexible working opportunities can provide mutual benefits for both the Trust and individuals, provided they are appropriately managed. They can allow employees to undertake personal commitments, which in turn can help the Trust to recruit and retain employees with valuable skills and experience.

Individual and organisational requirements will inevitably change over time, and all flexible working arrangements will be subject to regular review. Where the mutual benefit of balance between business need and employees need is no longer met the arrangements will be altered or ended.

2. Scope

This Policy sets out the potential options available in respect of flexible working requests and on-going flexible working arrangements. It applies to all employees wishing to submit a request to work flexibly for four weeks or longer.

This policy does not cover:

- Employment breaks (see Employment Break Policy - HR033);
- Office based employees working flexi-hours (see Office-based Staff Flexitime Policy- HR012);
- Ad hoc arrangements for office-based employees to work at home, where appropriate to their role;

3. Objectives

To list the various forms of flexible working arrangements available to employees.

1. To indicate the process for consideration of requests:
 - a. For operational employees by the GSM with advice from the Scheduling Department and local HR manager.
 - b. For support employees by line managers.
2. To standardise the terms under which flexible working arrangements are agreed with employees.
3. To set out the expectations the Trust has of employees who work flexibly.
4. To define the process through which flexible working arrangements will be regularly reviewed and, where necessary, amended to achieve optimum operational effectiveness/patient care and/or to meet the changing requirements of employees.

4. Responsibilities

Employees applying to work flexibly

- All requests for flexible work arrangements should be made in accordance with this policy;
- Where flexible working arrangements are agreed, employees must ensure they comply with the work arrangement and co-operate in any review.

Group Station Managers (GSMs)

- GSMs are responsible for the reasonable consideration of any flexible working request and for ensuring the flexible worker meets the requirements of the Policy on an ongoing basis;

Operational Flexible Working Panel

- The Operational Flexible Working Panel will consider appeals for operational staff when a flexible working request has been refused and will monitor flexible working arrangements corporately as they relate to operational and EOC employees.

Corporate services line managers

- Corporate services line managers are responsible for considering flexible working requests in accordance with this policy;
- The Head of the Scheduling Department will be responsible for ensuring the provision of information to assist managers when considering flexible working applications and individual reports to staff on request. The Head of the Scheduling Department is also responsible for ensuring the provision of ongoing management information reports.

Human Resources (HR)

HR will be responsible for:

- Advising on the law and good practice relating to flexible working;
- The issuing of amendments to contracts of employment when changes to working patterns are agreed.

Employees members working flexibly

- Flexible workers must ensure they fully comply with the individual arrangements put in place for them.
- If a flexible worker experiences difficulty at any time in complying with his or her arrangement, they must raise this with their local GSM/line manager as soon as possible;

- Where it is necessary to make amendments to the flexible working arrangements, staff must cooperate with management in order to identify (so far as possible) a new agreement which is mutually beneficial.

A&E Resources Group

- A&E Resources Group will be responsible for reviewing the outcomes/recommendations arising from the quarterly audit of operational workforce flexibility undertaken by the Operational Flexible Working Panel.
- The chair of the A&E Resources group will provide an assurance statement to the Operations Board after each quarterly audit with its findings/recommendations.

5. Flexible working arrangements within the Emergency Operations Centre

5.1 EOC arrangements for managing flexible working requests involve consideration by the Scheduling Department in the first instance including a meeting with the employee. If the request fails to be mutually agreed and the employee wishes to appeal then a meeting is held by a senior manager with the employee with advice from HR. The principles set out in this policy are followed throughout.

6. Types of flexible working

- 6.1 The types of flexible working available will depend on the individual's role and the ability of the Trust to continue to provide an effective service, but may include:
- 6.2 **Part-time working:** This applies to all circumstances in which an employee works less than 37.5 hours per week on average (exclusive of unpaid rest breaks). This may involve working shorter and/or fewer days. Unless agreed otherwise, all terms and conditions of service remain the same, except for pay and benefits which are pro-rata.
- 6.3 Where the duties of a role cannot be fulfilled in less than full-time hours, consideration may be given to dividing a full-time post into two or more separate part-time posts. Such an arrangement is only possible when the role can be undertaken by a number of equally qualified and experienced employees based at the same location. This arrangement

is likely to be more suitable for office based roles than operational roles.

- 6.4 **Compressed hours:** Office- based employees who wish to work their contracted hours over fewer days, may apply to work compressed hours. For example, rather than working 37.5 hours over a standard 5 day week, it may be possible to work these hours over 4 days. As this will involve working longer days, the requirements of the Working Time Directive should be carefully considered (see HR042 Guidance on the Working Time Regulations).
- 6.5 **Job/line sharing:** This involves two people voluntarily agreeing to share the work, duties and responsibilities of a single full-time post. In operational posts, this would involve two colleagues in the same role (e.g. Paramedic) sharing a roster line.
- 6.6 It will be a decision for management as to whether a full time post is suitable for job-share. Job-share will normally be available for half time hours (18.75 hours per week on average, exclusive of rest breaks), although other proportions will be considered. Unless otherwise agreed, all terms and conditions of service remain the same, except for pay and benefits which are pro-rata.
- 6.7 Conditions particular to job/line share arrangements, including the process for recruiting to shared roles and the procedure which will apply when one job/line sharer vacates their post, are set out in Appendix 1.
- 6.8 **Individual rostering:** This involves the development of a mutually agreeable, non-standard rota pattern (i.e. not a full core or relief line), which may consist of working the same days/times each week, or a variable pattern of work over a number of weeks
- 6.9 **Annualised Hours:** Rather than working to a fixed roster pattern, it may be possible for employees to work an annualised hours arrangement. Full details of annualised hours are contained at Appendix 6 of this Policy.
- 6.10 **Term time working:** This may be requested but the likelihood is it may be refused for operational staff on the basis that holiday times are the times of highest operational demand.

6.11 **Working at home:** Where their role allows, employees may request to occasionally work from home, either to carry out particular pieces of work away from interruption or to help manage particular household matters. Managers may agree such requests on an ad hoc basis. The procedures set out in this policy need not be followed.

6.12 Where an individual's role allows, they may request to work from home on a longer term basis. The employee should consider the impact on their home insurance (building and contents) and utilities. Conditions particular to such arrangements are set out in Appendix 1.

7. Requesting flexible working arrangements

7.1 Eligibility

7.1.1 The Trust will consider flexible working requests submitted by any employee.

7.1.2 The *statutory* right to request applies to any employee who has worked continuously for the Trust (or other NHS employer) for a minimum of 26 weeks at the date the application is made. In the event that demand for flexible working cannot be met then prioritisation will be given to those applying under the statutory right to request.

7.1.3 Employees requesting flexible working arrangements in order to facilitate a second job, must also comply with HR001 Management Policy Statement and Procedure: Employee's duty to request permission to undertake second jobs.

7.1.4 The individual should not have made a formal flexible working request in the previous 12 months. The 12 months run from the date the previous request was submitted.

7.2 Short-term requests (less than four weeks)

7.2.1 There may be exceptional circumstances whereby an employee requires flexible working arrangements for a period of less than four weeks. In this circumstance, they should discuss this in the first instance with their local GSM (operational employees) or line manager (support employees), who may agree to such arrangements without requiring a full application.

7.2.2 Any short-term arrangements should be notified to the Scheduling Department and the local HR Manager by email, clearly stating the

nature of the arrangement and the dates this will start and finish. This should highlight any requirements for amendments to pay and conditions.

7.3 Prior to a formal request

- 7.3.1 Prior to making a request, employees may wish to informally discuss flexible working options with their local GSM (operational employees), line manager (support employees) or colleagues. This may assist in identifying mutually beneficial options, for example, by helping to identify potential job/line-share partners.
- 7.3.2 The employee should consider the impact of the changes they are proposing on their salary including any unsocial hours payments, high cost area supplements and any other payment to which they are currently entitled.

7.4 Formal request

- 7.4.1 The employee should allow three months between the date of their application and the date they would like the flexible working arrangements to start.
- 7.4.2 Requests must be put in writing on the attached form (Appendix 2), which should be fully completed, dated and signed.
- 7.4.3 Corporate Services and EOC staff should submit their applications to their line manager; operational road based staff should submit their application to their local GSM.

8. Withdrawal of application

- 8.1 If at any stage an employee wishes to withdraw their request during the application process, then he/she should do so in writing to their local GSM (operational employees) or line manager (support employees).

9. Handling the request

- 9.1 The GSM/line manager should arrange to meet with the employee within 14 days of the request being submitted (see letter at appendix 3). The employee may be accompanied by a trade union representative or workplace colleague and an HR manager may be invited to attend the meeting in an advisory capacity.

9.2 In preparation for the meeting the GSM/line manager should seek relevant management information, including from the Scheduling Department and the Sector Delivery Manager (SDM).

9.3 The GSM/line manager must carefully and objectively consider the request - the discussion provides an opportunity for the manager to explore what changes the employee is seeking and reasonably consider how these may be accommodated.

9.4 Unless an employee is sharing a core line with a colleague flexible working patterns for operational employees will be accommodated from the “relief” factor incorporated in the overall roster pattern.

9.5 The outcome will be one of three options:

- Accept the request;
- Agree alternative arrangements;
- Turn down the request.

9.6 In circumstances where the original request or alternative arrangements are agreed the employee should be written to detailing their contractual changes -see letter at appendix 5 (or appendix 6 in circumstances of employee on annualised hours).

9.7 If a request is refused then this may only be done on one or more of the following grounds:

- 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;
- detrimental effect on ability to meet patient demand;
- insufficient work for the periods the employee proposes to work;
- a planned structural change to the Service.

9.8 An explanation as to why the ground(s) for refusal apply will also be given by the GSM (operational employees) or the line manager (support services employees). This should be confirmed in a letter (see appendix 4) including the opportunity to appeal the decision.

10. Appeals

- 10.1 Appeals by corporate services staff will generally be heard by the next-in line-manager. Appeals from EOC staff will be heard by a senior manager of such a level to ensure consistency of practice across EOC.
- 10.2 Unless additional information from the member of staff provided in the appeal letter allows for the flexible working request to be resolved locally then appeals from operational staff will be heard by the Operational Flexible Working Panel.
- 10.3 The Operational Flexible Working Panel is led by a nominated senior operations manager who will ensure the meeting schedule is arranged and will chair the panel. He/she will be supported by a senior representative from the Scheduling Department and a nominated HR Manager who will also advise the Panel on issues pertaining to the Flexible Working Policy, associated legislation and good practice. Members of the panel will sit on a rotational basis.
- 10.4 The Panel will meet monthly on pre-arranged dates, scheduled over the whole of the year; additional meetings will be arranged if the volume of flexible working requests requires.
- 10.5 The Panel will consider appeals relating to flexible working requests from operational employees where these have been turned down by the GSM but the employee wishes that decision to be reconsidered. The GSM will provide any relevant documentation on which his/her decision was based including the outcome letter. The employee will be invited to attend this meeting and may be accompanied by a trade union representative or workplace colleague. In circumstances that the employee cannot attend in person, alternative arrangements will be identified for the employee to actively participate in the meeting.
- 10.6 The Panel, chaired by an A&E Operations Manager, will advise whether requests can or cannot be accommodated; provide reasons for any refusal of a request and wherever possible suggest alternative arrangements which could be accommodated.
- 10.7 The decision following any appeal will be confirmed in writing to the employee.
- 10.8 The appeal decision is final and there is no recourse to other internal policies in this regard.

11. Timescales

11.1 The following timescales apply:

- A request to work flexibly should be made three months in advance of the employee wishing the change to take place and whatever the final outcome the whole process (including any appeal) should take no more than three months unless otherwise agreed with the employee;
- A meeting should be held between the GSM/line manager and the employee within 14 days of the request to work flexibly being submitted;
- The outcome of the meeting should be confirmed in writing within seven days;
- If the employee wishes to seek a review of that decision then he or she should do so within seven days of receiving the decision letter by setting out the reasons in writing to the GSM/line Manager;
- The appeal should be held within 21 days of receiving the request;
- The decision letter following the appeal should be sent within seven days of the appeal meeting.

12. On-going management of flexible working arrangements

12.1 Line managers across the trust are responsible for the ongoing monitoring of flexible working arrangements and for addressing any concerns. Timely review of temporary flexible working arrangements of individuals must be carried out throughout the term of the agreement.

12.2 Flexible working arrangements for operational road-based staff will be reviewed with individuals on an on-going basis by the GSM, seeking advice from their SDM, HR and the Scheduling Department as required. Reviews should be at intervals of three, six and twelve months and annually thereafter. Ad hoc meetings may be requested by either party should the arrangements not appear to be working e.g. a member of staff on an annualised hours arrangement either fall behind in hours or becoming too far in advance without good reason.

12.3 Reviews must consider whether the agreed hours are being properly and appropriately worked, and also review attendance records etc.

12.4 If there is a deficit of hours worked against the agreed and expected hours the review will consider all factors affecting this including attempts by the employee to apply for shifts and will determine how any deficit may be made up. This could be by agreeing a work plan to make up the hours or a repayment schedule (deduction from wages).

12.5 In circumstances where interventions have taken place and there is an ongoing failure to undertake the agreed hours of work then the agreement will be terminated. In cases where there appears to be a refusal to undertake contracted hours then this will be considered a matter of potential misconduct.

12.6 Addressing concerns

12.6.1 Factors that may prompt a manager to address and/or seek an amendment to a flexible working arrangement may include, but are not limited to:

- The extent to which the arrangement continues to meet the needs of the Service and its patients;
- The employee's attendance record;
- The employee's adherence to the terms of their flexible working arrangement and specifically whether the agreed/contracted hours of work are being undertaken;
- The number and pattern of any overtime hours worked by the employee.

12.7 Possible termination of agreement

12.7.1 Flexible working arrangements may be terminated by the Trust at four weeks' notice where:

- The employee has failed to meet the conditions and requirements underpinning the agreement.
- The flexible working arrangements negatively impact on the grounds set out in paragraph 9.7;
- The employee seeks a variation to the arrangement but this cannot be accommodated by reference to the grounds set out in paragraph 9.7.

12.8 Overview of flexible working arrangements

12.8.1 The Operational Flexible Working Panel, chaired by a senior operations manager, will monitor governance arrangements for operational staff including taking an overview of hours worked by these employees and regular reviews are undertaken as required.

12.8.2 The Panel will undertake a quarterly audit of flexible working arrangements to assess compliance against the agreed criteria for

consideration of such requests and hours worked and payment made is in line with these criteria. This will subsequently be reported to the A&E Resources Group.

13. Requests to end or amend flexible working arrangements

13.1 If an employee wishes to end or amend their flexible working arrangements (e.g. return to full-time hours and/or request to be allocated a core line) they should raise this with their local GSM (operational employees) or line manager (support employees) as soon as possible.

13.2 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 a vacancy/funding is available.

13.3 A return to the same station/group/location cannot be guaranteed.

13.4 An operational employee returning to a fixed rota pattern will not be guaranteed a core line and may be required to work to the relief rota.

13.5 Applications to amend or return to previous arrangements should follow the same procedure as laid out in this document.

13.6 Particular conditions apply to changes to job/line share arrangements.

IMPLEMENTATION PLAN				
Intended Audience	For all employees			
Dissemination	Available to all employees on the Pulse			
Communications	Revised Procedure to be announced in the RIB and a link provided to the document			
Training	Briefing provided to relevant HR staff for onward delivery to Scheduling Department staff and GSMS			
Monitoring:				
Aspect to be monitored	Frequency of monitoring AND	Individual/ team responsible for carrying out	Committee/ group responsible for monitoring	How learning will take place

	Tool used	monitoring AND Committee/ group where results are reported	outcomes/ recommendations	
Number of requests accepted/ refused	Ongoing records to be kept as requests are submitted	Scheduling Department will maintain records for operational staff. Line managers will maintain records within Support Services	To be established during 1 to 1 reviews. Input from Director of Operations, Scheduling Department Managers and Human Resources Managers.	Review of process after 1-1s.
Number and nature of operational flexible working agreements Trust wide.	Ongoing records to be kept as requests are agreed.	Scheduling Department	To be established during 1 to 1 reviews. Input from Director of Operations, Scheduling Department Managers and Human Resources Managers.	Review of process after 1-1s.
Impact of flexible working arrangement on Operations	Quarterly audit of resource capacity/ flexibility	Scheduling Department	A&E Resources Group.	Learning be disseminated to SDMs, HRMs and Scheduling Department managers for the purposes of advising staff on options available which will support service delivery
Continued workability of individual agreements	Approx. quarterly reviews in first 12 months, then annually. Reviews to be in line with factors set out in this policy.	GSM (operational staff)/ line manager (support services staff)	N/A	GSMS/ HRMs to share learning with peers and Scheduling Department for the purposes of identifying arrangements which do/ do not support service delivery.

Conditions particular to long term home working arrangements

Prior to agreeing a request to work from home on a long term basis, the individual's line manager should ensure a risk assessment is undertaken. The Trust's Health, Safety and Risk team can assist in this process. More information can be found at:

www.hse.gov.uk/toolbox/workers/home.htm

If the line manager supports a request to work from home on more than an ad-hoc basis, the employee's contract of employment will be amended to confirm:

- They are entitled to work from home;
- They are required to comply with the Health and Safety at Work Act and related regulations;
- The individual is responsible for checking his/her 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;
- The Management of Attendance Policy, including all sickness notification requirements, will continue to apply;
- They will be expected to visit the office/ central work base on a regular basis and/or as necessary at the request of their manager;
- Any provision which has been agreed to support home working (e.g. any agreement for use of office equipment at home)
- The agreement will be subject to on-going an regular review

Arrangements must be put in place to ensure the effective management of, and communication with, the home worker. Agreements for home working will be reviewed on a regular basis.

Flexible Working Request Form

All flexible working requests should be made using this form. Guidance on applying can be found in the Flexible Working Policy.

1. Personal Details	
Name:	
Job title:	
Payroll number:	
Department/ group:	
Station (if applicable):	
Name of Group Station Manager or line manager:	
Date of application:	

Requests will be considered from any member of staff. However, if demand exceeds capacity in terms of what flexible working arrangements can be accommodated, then priority will be given to those with the statutory right to request flexible working i.e. those with 26 weeks NHS service or more.

2. Statutory Right to Request Flexible Working	
Do you have 26 weeks NHS Service?	Yes/ No

3. Previous Requests	
Have you submitted a flexible working request in the past 12 months?	Yes/No
If yes, please specify the date of your previous application and outline any exceptional circumstances which have since arisen to give rise to your new request:	

4. Reasons for request Please provide details of the reason(s) for your request.

5. Current working arrangements/ pattern

Are you currently working flexibly?	Yes/No
Contracted hours:	
Work base:	
Current working pattern (e.g. days and hours of work/ shift pattern):	

6. Requested working arrangements

Are you requesting a change to your contracted hours?	Yes/No
If yes, please specify your requested contractual hours (max 37.5 per week):	
Are you requesting a job/line share arrangement?	Yes/No
If yes, and you have identified a potential partner, please provide their name:	
Are you requesting to work at home on a regular basis? (N.B. This option is only available to support staff)	Yes/No
Are you an operational staff member requesting a flexible rostering arrangement (i.e. not a standard core or relief line)?	Yes/No
Requested working pattern (e.g. days and hours of work/ shift pattern):	
Are there any times you would be unable to work (please detail)	
If the specifics of your request cannot be met at your current group station/work base, please indicate any other locations which you would like your request to be considered for (where appropriate):	
Please provide details of any other aspects of your request including whether you are making your request in relation to the Equality Act 2010, for example as an adjustment for a disability:	

7. Proposed start date and length of flexible working arrangements

Date on which you would like proposed changes to commence:	
Date to which you would like the proposed working arrangement to	

continue:	
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8. Impact of new working pattern

Please outline the impact you think your requested pattern will have on patients, service users, colleagues and/ or partner agencies and the service provided by the Trust:

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9. Further comments

Please outline any comments you may have about how the Trust could deal with your request

--

Signature.....

Date.....

Decision on request (including reasons)

--

Signature..... (Group Station Manager/Manager)

Date.....

Template letter- Acknowledgement of flexible working request/ Invitation to attend meeting

Dear...

I am writing to acknowledge receipt of your flexible working request.

I would like to invite you to a meeting to discuss your flexible working request in more detail. I have arranged for a meeting to be held on:

Time:

Date:

Location:

You are entitled to bring a Trade Union representative or workplace colleague to the meeting if you wish.

[..., HR Manager will be present at the meeting]

Yours Sincerely

Template letter- refusal of flexible working request

Dear...

I am writing in response to the flexible working request you submitted on **[date]**.

You requested **[description of request]**.

Unfortunately, following full consideration, it will not be possible to accommodate your request at this time. This is due to the following reason(s):

- ☐ 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 the ability to meet patient demand
- ☐ Insufficient work for the periods the employee proposes to work
- ☐ A planned structural change to the Service.

[Full explanation as to why the selected reasons apply]

[If applicable] As an alternative you were offered **[description of alternative offer]**, however you chose not to accept this.

You will not normally be eligible to submit an additional flexible working request within 12 months of the date upon which you submitted this request.

You have the right to appeal this decision. If you wish to do so, you should write to me within seven days of receipt of this letter, setting out your grounds of appeal. Your appeal may, for example, challenge a fact given to explain the grounds for refusal, or bring my attention to something that was not known when your request was initially considered. I will then contact you to inform you of the appeal arrangements. *(for operational road-based staff the appeal letter will be passed by the GSM to Operational Flexible Working Panel unless it can be resolved locally).*

Yours Sincerely

(line manager)

Appendix 5

Template letter- confirmation of flexible working arrangements (N.B. not for annualised hours staff - use appendix 7)

Dear...

I am writing in response to the flexible working request you submitted on **[date]**.

You requested **[description of request]**.

I am pleased to confirm your request can be accommodated.

[Or]

Although your original request could not be accommodated because **[ground(s) for refusal and explanation of why it applied]**, after discussion you have agreed to accept an alternative arrangement.

Your contracted hours will [remain as/be amended to]:	
Details of your salary are as follows:	[Basic salary + High Cost Area Supplement + Unsocial hours payment + any on call payments due]
Your work base will be:	[State any flexibility requirements]
Your pattern of work will be:	[State how hours split if job/line share] [Set out rosterable hours if self-rostering] [State any flexibility requirements]

These arrangements will begin on **[date]** and continue until **[date]**.

The following conditions apply to your flexible working arrangement:

- All flexible working arrangements are subject to review on an ongoing basis at not more than quarterly intervals in the first year. The Trust reserves the right to amend or terminate such arrangements when circumstances so demand.
- **[If applicable and unless otherwise agreed]** Payment of salary will be made in equal amounts on a monthly basis. Adjustments may have to be made to your final pay should you leave the service having worked fewer or more than your contracted hours, calculated on a pro rata basis.
- If you have a permanent line this will only be held open for a period of three months. If the employee wishes to continue flexible working after this time, they will vacate their permanent line.

[For job/line share partners]

- **[details of handover time, if any]**
- **[details of communication mechanisms between the partners, their manager and colleagues, if any]**
- **[constraints on annual leave arrangements of the partners, if any]**

- [any specific management arrangements]
- [allocation of duties and distribution of work, where applicable]
- If your job share partner wishes to end this agreement and a vacancy exists, you will be offered the additional hours. If you do not wish to work full-time, the Trust will make all reasonable efforts to identify an alternative partner. Where this cannot be achieved, you may be redeployed on a part-time contract. Every effort will be made to redeploy you to a similar post, although this cannot be guaranteed.
- If there is a need to amend your core line, discussions will be held with you and your partner to establish whether you are able to share a new line. Where agreement cannot be reached, the agreement will end and the process outlined in the above bullet point will apply.

[For home workers]

- You are entitled to work at home
- You must comply with the Health and Safety at Work Act and related regulations at all times
- You are responsible for checking your liability for matters such as insurance, notifying your mortgage companies or landlord and checking your working from home arrangements with your local authority
- You are responsible for compliance with the confidentiality clause in their contract of employment at all times
- The Management of Attendance Policy, including all sickness notification requirements, will continue to apply
- You will be expected to visit the office/ central work base [state how often/ or as necessary at the request of your manager]
- [Details of any provision which has been agreed to support home working (e.g. any agreement for use of office equipment at home)]

[For individually rostered staff working permanent nights/ predominantly working hours]

[For all operational staff]

You may from time to time be required to attend work at the request of your management team in order to attend meetings, interviews or training including Continuous Professional Development (CPD). This is likely to be during day time office hours.

[Trial]

A trial period of [length] will apply to your new flexible working agreement. A review will take place at the end of this period and should the arrangements not be working to the mutual benefit of you and the Trust, amendments may be made, or you may be required to return to your previous working arrangements.

Should you wish to end or amend your flexible working arrangements, you should raise this with me as soon as possible, following the process outlined in the Flexible Working Policy. The Trust will seek to accommodate your request, but it will be subject to operational requirements and whether a vacancy/funding is available. A return to the same **[station/group/location and core line]** cannot be guaranteed.

Yours Sincerely

HR Manager

Cc Group Station Manager/Manager

Annualised hours

1. Introduction

Rather than work a fixed roster pattern, it may be possible for employees to work an annualised hours' arrangement. Under this agreement employees are expected to work full rotating shifts across weekdays and weekends but not on a fixed roster basis.

Employees working under these arrangements will agree with the Trust the number of hours to be worked over the period of one year. Payment will then be made in twelve equal instalments provided the terms of the agreement are honoured

2. Expectations concerning annualised hours requests

2.1 In order that an application for annualised hours may be considered there must be a suitable vacancy on the relevant relief rota and the individual's status must meet the Trust's requirements regarding skill-mix.

2.2 Those undertaking annualised hours will be required to work a minimum number of shifts on bank/public holidays as follows: Those on 0 - 0.5 whole time equivalent (WTE) will be required to work two bank holidays whilst those on 0.5 – 1.0 WTE will be required to work four bank holidays. One of the bank holidays worked must be either Christmas Day, Boxing Day, or New Year's Day (or alternatively New Year's Eve night). The bank holidays worked must be the actual date, for example 25 December rather than an alternative bank holiday when Christmas Day has fallen on a week-end.

2.3 At least half of the hours worked as part of the agreement must be classified as 'unsocial' – this will be monitored by the Scheduling Department. This is as set out in the *NHS Terms and Conditions of Service Handbook – Annex 5, Provisions for unsocial hours for ambulance staff*. Unsocial hours are as follows:

Pay bands 1 to 7

Any time worked before 7:00 am or after 7:00 pm Monday to Friday, and any time worked on Saturdays, Sundays or Bank Holidays;

Pay bands 8 and 9

Any time worked before 7:00 am or after 10:00 pm Monday to Friday, any time worked before 9:00 am or after 1:00 pm on Saturdays and Sundays, and any time worked on Bank Holidays.

2.4 Employees will be expected to forecast their predicted working patterns at the meeting to discuss their request; this is in order to help agree minimum/maximum monthly hours and a maximum gap between shifts.

2.5 The level and regularity of hours worked will be monitored and appropriate steps taken when the operation of annualised hours does not meet the business need. It is generally expected those on annualised hours will not accrue a deficit of twice

their weekly contractual hours. Failure to meet agreed hours over two consecutive months may lead to:

- Pay being stopped (in cases of non-worked hours);
- Future shifts may be stopped until worked hours fall within the limits set.

2.6 Failure to comply with the annualised agreement will result in removal of the agreement by the Trust.

2.7 The employee will be sector based but managed by the nominated group station.

2.8 It is the responsibility of the employee to monitor and manage their own working hours on an ongoing basis and to liaise with their manager as necessary in regards to any issues concerning their hours.

3. Administrative arrangements

3.1 Hours

3.1.1 The number of hours an annualised hours employee is expected to work each year ('annual hours') will be calculated at the start of the self-rostering arrangement by deducting their annual leave and bank holiday allowances from their contracted hours.

3.1.2 Each time the individual works a shift, the number of hours worked (exclusive of unpaid breaks) will be deducted from the hours they are required to roster. The remaining balance is the number of hours the staff member is still required to roster during the remainder of the year.

3.1.3 In addition to their rostered hours, annualised hours staff will be required to attend training to fulfil their individual learning account entitlement. Communication with the management team should be maintained in this regard.

3.2 Calculating annual hours

3.2.1 There will be no need for annualised hours staff member to book annual leave, as their allowance will already have been taken into account. It is the responsibility of the local management team, with assistance from HR, to calculate a staff member's annualised hours and to advise the Scheduling Department in order that GRS can be updated. The annual hours should also be stated in the letter confirming the arrangement with the staff member.

3.2.2 The calculation for annual hours is as follows:

Annual hours = average contracted hours per week (x) 52.14 weeks in a year (-) annual leave entitlement (-) bank holiday entitlement. N.B. This calculation needs to be pro-rated as necessary.

- 3.2.3 Annual leave and bank holiday allowances will be as per Agenda for Change terms and conditions. All calculations of leave and bank holiday entitlement will be based on a 7.5 hour working day (exclusive of unpaid rest breaks). Annual leave and bank holiday entitlement for a part-time staff member should be calculated on a pro rata basis.

Example 1: The annual hours of a full time employee whose contracted weekly hours are 37.5 with an annual leave entitlement of 27 days (202.5 hours) plus 8 public holidays (60 hours) is worked out as:

(((37.5 hours x 52.14 weeks) - 202.5 hours annual leave) - 60 hours public holiday) = 1692.50 hours rostered per annum

Therefore, the employee in this example would be contracted and paid for 1955.25 hours per annum but would only be required to physically work 1692.5 because of the deduction of annual leave and public holiday entitlement.

NB - 1955 per annum is derived from (weekly hours x weeks).

The number of hours the employee would be required to roster would be:

1692.50 annual hours - 24 hours individual learning account = 1668.5 per annum

Example 2: The annual hours of a part time employee contracted to work 20.0 hours per week with an annual leave entitlement of 33 days (pro rata= 132.0 hours) plus 8 public holidays (pro rata= 32.0 hours) is worked out as:

(((20 hours x 52.14 weeks) - 132.0 hours annual leave) - 32.0 hours public holiday) = 879 hours rostered per annum

The number of hours the employee would be required to roster would be:

879 annual hours - 24 hours individual learning account = 855 hours per annum

4. Working Time Directive

- 4.1 It is the Scheduling Department's responsibility, when agreeing shifts, to ensure the requirements of the European Working Time Directive are met. In particular:

- The employee must not work in excess of 48 hours per week in any 7 day period. This can however be averaged over a 17 week reference period;
- The employee must have a rest period of no less than 11 hours between each period of duty, with at least one rest period in any one week period lasting no less than 24 hours, or 48 hours in any two week period.

5. Unsocial hours payments

5.1 Unsocial hours payments will be calculated every 13 weeks and paid in arrears. The Scheduling Department will inform payroll in order that the appropriate payment can be made. Individuals will only be paid in line with the annualised hours pattern which they work.

5.2 A nominal proportion of unsocial hours will be assigned to each reference in lieu of annualised hours' employees not being able to book annual leave on unsocial shifts. This will be calculated by estimating the average hours worked outside normal hours on the basis of the average for colleagues in the same role.

6. Overtime

6.1 Incidental overtime (e.g. shift over-runs) will be paid or corresponding time-off-in-lieu provided.

6.2 No voluntary overtime will be paid unless the employee has worked or is scheduled to work within a short time period, their pro rata annualised hours at the point that the employee wishes to work the overtime (i.e. no hours are owed based on hours worked to date). The same principles will apply if any bonus arrangements are in place. The line manager's approval for overtime and bonus payments will be sought in such circumstances.

7. Employment break

7.1 Any employee on annualised hours who has agreement to undertake an employment break will be required to work the pro-rata proportion of their annualised hours prior to beginning their break. Those staff who take an employment break for a period of longer than three months will need to re-apply for annualised hours on their return.

8. Maternity/Adoption leave etc.

8.1 In circumstances when an employee takes maternity/adoption leave etc. their annualised hours will be recalculated, pro rata and, where possible, the employee should make up the proportion of annual hours due to be worked prior to maternity before the employee commences her leave. If it is not possible for her to make up the outstanding hours, the "debit" may be carried over to her return. Similarly any credit prior to the maternity leave will also be carried over to the employee's return

8.2 However, where the employee has indicated either she will not return to employment with [The Trust] at the end of her maternity leave, or she is unsure if she will return, the outstanding hours will be deducted from her salary prior the commencement of the leave.

8.3 Whilst on maternity leave the employee should have their pro-rata working hours deducted from the total annual hours which would ordinarily have been due to be

worked during her period of maternity leave (annual leave/public holidays will previously have been deducted from annualised hours).

8.4 Annual leave will be accrued during maternity/adoption leave. This will be deducted from the annualised hours required to be rostered on the employee's return.

8.5 In practice this means subtracting full contracted hours from annualised hours 'owed' by the employee for each full week of maternity leave.

9. Sickness

9.1 Sick pay for annualised hours employees will be paid in line with their pay arrangements when they are fit for work i.e at an average daily rate in line with the NHS Terms and Conditions of Service Handbook.

9.2 During sickness absence, hours will be deducted on an average daily basis from the annualised hours owed by the employee.

9.3 As annual leave allowance is distributed throughout the whole year of hours worked, for each day taken off sick the hours remaining to be worked need to be reduced to reflect an allowance for leave not taken. The formula for calculating this is as follows:

- Staff with 33 days' leave entitlement:
 $33 \text{ days} \times 7.5 \text{ hours} = 247.5 \text{ hours per annum}$
 $247.5 \text{ hours} / 365 \text{ days} = 0.68 \text{ hours per day}$
 $60 \text{ minutes} \times 0.68 \text{ hours} = 41 \text{ minutes per day}$
- Staff with 29 days' leave entitlement:
 $29 \text{ days} \times 7.5 \text{ hours} = 217.5 \text{ hours per annum}$
 $217.5 \text{ hours} / 365 \text{ days} = 0.60 \text{ hours per day}$
 $60 \text{ minutes} \times 0.60 \text{ hours} = 36 \text{ minutes per day}$
- Staff with 27 days' leave entitlement:
 $27 \text{ days} \times 7.5 \text{ hours} = 202.5 \text{ hours per annum}$
 $202.5 \text{ hours} / 365 \text{ days} = 0.55 \text{ hours per day}$
 $60 \text{ minutes} \times 0.55 \text{ hours} = 33 \text{ minutes per day}$

9.4 When an individual is sick on a bank holiday, the allowance given at the start of the year for that day will not be affected and the shift hours are deducted the annual hours yet to be worked.

9.5 Annualised hours employees are subject to the requirements set out in the Managing Attendance Policy concerning reporting and certification of sickness.

10. Termination of Employment

10.1 When an employee leaves the employment of the Trust, arrangements should be made to recalculate the number of hours they should have worked pro

rata to the date in the year. This figure should be compared to the actual hours worked which may result in an adjustment to the employee's final salary.

Annualised hours - standard letter (to be edited if necessary)**Template letter- confirmation of flexible working arrangements (for annualised hours - see appendix 6 for further details)**

Dear...

I am writing in response to the flexible working request you submitted on **[date]**.

You requested **[description of request]**.

I am pleased to confirm your request can be accommodated.

[Or]

Although your original request could not be accommodated because **[ground(s) for refusal and explanation of why it applied]**, after discussion you have agreed to accept an alternative arrangement.

Your contracted hours will [remain as/be amended to]:	
Details of your salary are as follows:	[Basic salary + High Cost Area Supplement + Unsocial hours payment + any on call payments due]
Your work base will be:	[State any flexibility requirements]
Annualised hours	
Annual leave to be added/deducted from the above figure solely for the initial twelve months starting...	

These arrangements will begin on **[date]** and continue until **[date]**.

Your annual leave year runs x – y and as at the start of these new arrangements you will have taken ... hours of this entitlement. This leavescredit/debit (delete as necessary, these hours have been added/subtracted (delete as necessary) from your annualised hours for the next twelve months.

The following conditions apply to your flexible working arrangement:

All flexible working arrangements are subject to review on an ongoing basis at not more than quarterly intervals in the first year. The Trust reserves the right to amend or terminate such arrangements when circumstances so demand. Your first review will take place on...

[If applicable and unless otherwise agreed] Payment of salary will be made in equal amounts on a monthly basis. Adjustments may have to be made to your final pay should you leave the service having worked fewer or more than your contracted hours, calculated on a pro rata basis.

If you have a permanent line this will only be held open for a period of three months. If you wish to continue flexible working after this time, you will vacate your permanent line. A regular review will take place of your flexible working arrangements to ensure it continues to meet the needs of the Service.

You will be required to work a minimum number of shifts on bank/public holidays as follows: Those on 0 - 0.5 whole time equivalent (WTE) will be required to work two bank holidays whilst those on 0.5 – 1.0 WTE will be required to work four bank holidays. One of the bank holidays worked must be either Christmas Day, Boxing Day, New Year's Eve night or New Year's Day (or alternatively New Year's Eve night). The bank holidays worked must be the actual day, for example 25 December rather than an alternative bank holiday when Christmas Day has fallen on a week-end.

At least half of your hours worked as part of this agreement must be classified as 'unsocial'. This is as set out in the NHS Terms and Conditions of Service Handbook – Annex 5, Provisions for unsocial hours for ambulance staff. Unsocial hours are as follows:

Pay bands 1 to 7

Any time worked before 7:00 am or after 7:00 pm Monday to Friday, and any time worked on Saturdays, Sundays or Bank Holidays;

Pay bands 8 and 9

Any time worked before 7:00 am or after 10:00 pm Monday to Friday, any time worked before 9:00 am or after 1:00 pm on Saturdays and Sundays, and any time worked on Bank Holidays.

Unsocial hours' payments will be calculated every 13 weeks and will be paid in arrears. The Scheduling Department will inform payroll in order that the appropriate payment can be made.

You will work ...hours over a period of one year and payment will be made in twelve equal instalments provided the terms of the agreement are honoured.

You have no need to book annual leave as your entitlement to annual leave and bank holidays has been deducted from the hours you are required to work during the year. Similarly your Individualised Learning Account (currently 24 hours per annum) is included in your annualised hours.

You will liaise with the Scheduling Department on a regular basis in order to identify shifts when the Service requires relief cover and which you are able to work.

You must plan your shifts no later than three weeks in advance by contacting the Scheduling Department. Shift times and shift length will be subject to availability.

Wherever possible, the Scheduling Department will arrange for you to work from your usual group station. Please note you are required to work in accordance with the document 'Interim Relief Arrangements – Supplementary Roster and Flexible Workers (which is enclosed) which may require you to work in neighbouring areas.

Should the Scheduling Department advise there are no shifts available to meet your request, you will need to select alternative dates/times to meet your contracted hours.

You must ensure you work your contracted hours (both rostered and training hours)

One quarter of the hours you are required to roster each year should be worked in every three month period, unless otherwise agreed. This will be reviewed on an on-going basis.

The level and regularity of hours worked will be monitored and appropriate steps taken when the operation of annualised hours does not meet the business need. Failure to meet agreed hours over two consecutive months may lead to:

- Pay being stopped (in cases of non-worked hours);
- Future shifts may be stopped until worked hours fall within the limits set.

Incidental overtime (e.g. shift over-runs) will be paid. No voluntary overtime will be paid unless you have worked your pro rata annualised hours at the point you wish to work the overtime (i.e. that no hours are owed based on hours worked to date). The same principles will apply if any bonus arrangements are in place.

You must show a degree of flexibility by considering the needs of the Service during busy periods (e.g. school holidays, winter pressures).

You must give the Scheduling Department at least three weeks' notice to cancel an arranged shift, at which time you must agree an alternative shift. Repeated cancellation of agreed or notified shifts will lead to consideration of termination of any flexible working arrangement and/or disciplinary action.

You may from time to time be required to attend work at the request of your management team in order to attend meetings, interviews or training including Continuous Professional Development (CPD). This is likely to be during day time office hours.

A trial period of [length] will apply to your new flexible working agreement. A review will take place at the end of this period and should the arrangements not be working to the mutual benefit of you and the Trust, amendments may be made, or you may be required to return to your previous working arrangements.

A review will be carried out of your flexible working arrangements at intervals of not more than three months.

Failure to comply with the annualised agreement will result in removal of the agreement by the Trust.

You will be sector based but managed by ... group station.

It is your responsibility to monitor and manage your own working hours on an ongoing basis and to liaise with your manager as necessary in regards to any issues concerning your hours.

Should you wish to end or amend your flexible working arrangements, you should raise this with your line manager as soon as possible, following the process outlined in the Flexible Working Policy. The Trust will seek to accommodate your request, but it will be subject to operational requirements and whether a vacancy/funding is available. A return to the same **[station/group/location and core line]** cannot be guaranteed.

Should you leave the Trust whilst working annualised hours an adjustment will be made to your final salary payment for any hours in credit or in debit.

Any queries in regards to your annualised hours' arrangements should be raised with your line manager in the first instance.

Yours Sincerely

HR Manager
Cc Group Station Manager/Manager