

FLEXIBLE WORKING AND EMPLOYMENT BREAK POLICY AND PROCEDURE

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.

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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 recruitment and retention.
- 1.2** Additional benefits of flexible working include an increase in employee's motivation, reduced absence, attraction of new talent, retention of employees 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.

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- 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 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** 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** Under the Flexible Working Regulations 2014 all employees with 26 weeks continuous employment with the Trust have the right 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** Decisions on whether to grant requests will be made fairly and objectively taking business needs into account.
- 1.9** Flexible arrangements must comply with the Working Time Regulations 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.

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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:

- 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 set 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 Flexible working arrangements will be reviewed every twelve months in line with the needs of the service and the postholder's changing circumstances.

4. ROLES AND RESPONSIBILITIES

4.1 Managers are responsible for:

- Ensuring open discussion of employee requests for flexible working and employment breaks
- 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

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- Completing necessary forms detailing any change in working hours and promptly passing information to the HR Team to ensure any change is recorded on the employee's file.
- Ensure that the arrangements are accurately recorded on Healthroster
- Reviewing flexible working arrangements at the end of a trial period and subsequently on an annual basis.

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
- Actioning and ensuring any associated payroll changes are made.

4.3 Employees are responsible for:

- Familiarising themselves with flexible working options available for consideration at the end of this policy
- Completing a flexible working application form, submitting it 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, if wanted, to discuss flexible working and employment break applications e.g. a trade union representative or work colleague.
- Review flexible working arrangements with the line manager every twelve months

5. REPRESENTATION

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

6. MONITORING AND REVIEW

6.1 The policy will be monitored by HR using the Flexible Working/Employment Break application form to measure the effectiveness of the policy to check where it has been successful and to act as a basis for future developments.

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- 6.2** All flexible working agreements should be recorded on Healthroster.
- 6.3** This policy will be reviewed at the date stated and may be changed at that time, or at an earlier date if necessary, subject to consultation with staff representatives recognised for that purpose.
- 6.4** The Trust will ensure that all information collated and analysed relating to this policy will be treated as confidential and will be protected from misuse under the Data Protection Act.

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FLEXIBLE WORKING PROCEDURE

7. REQUESTING FLEXIBLE WORKING

7.1 In line with the Flexible Working Regulations 2014 regulations, all employees with 26 continuous weeks of service with the Trust may submit an application for flexible working. Managers may be willing to consider a request prior to the 26 weeks. An employee can only make a request once in any 12-month period.

7.2 Requests for flexible working may be:

- change the hours worked
- change the times when required to work
- change to working pattern e.g. change of days worked
- work from another location of the business or from home (whether for all or part of the week).

7.3 Employees must make a flexible working request in writing using the Flexible Working Application form, which should be submitted to their line manager. See *Appendix 2: Application Form*. Informal discussions related to flexible working will not count towards the time scales that the Trust aims to meet. A request will not be considered unless the application form has been completed and submitted to the relevant line manager.

7.4 To allow the manager time to consider and process the application, the employee should allow plenty of time between the date of the application and the date they expect the flexible working arrangement to start. The request should be submitted at least 6 weeks before the requested start date for a flexible working request. The statutory requirements are that applications should be processed within 3 months, however this is the maximum time expected and the manager should make every effort to process an application in as short a time as possible.

7.5 All requests will be dealt with within a maximum period of 3 months from receipt of a completed application form to notification of the decision on appeal (if applicable). To ensure these timelines are met, managers must adhere to the timescales set out and should process applications as quickly as possible, in particular where there is an urgent need to adjust a working pattern. Within 15 working days of receiving the request the manager will aim to arrange a meeting with the employee to discuss the request. The employee may be accompanied by a Trade Union Representative or a Trust work colleague.

7.6 Where an employee's request for flexible working is clearly agreeable e.g. the manager can see the request will not result in any detrimental impact to service needs or other team members, the manager may choose to meet alone with the employee to discuss the request, and agree the terms of the new flexible working pattern. However, the employee may be accompanied at this meeting by a Trade Union Representative or a Trust work colleague if they choose to do so. The manager should give the employee at least 5 working days' notice of the meeting.

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7.7 Where it is clear that a more in-depth discussion of the application is required, or where the manager anticipates that the request may have a detrimental impact on service or other team members, then a formal meeting should be arranged to discuss the flexible working application. The employee should be informed of their right to be accompanied to this meeting by a Trade Union Representative or a Trust work colleague. The manager must also invite an Employee Relations (ER) Adviser to attend. The manager should give the employee at least 5 working days' notice of the meeting.

7.8 A meeting to discuss an application will provide an opportunity for a full discussion regarding the impact the request will have on the service, other members of the team, and the options for taking it forward. Employees are expected to have thought about the impact on the service prior to the meeting and how this might be overcome or reduced, e.g.:

- The practical implications of the request and how the department will cope
- Alternative ways of flexible working
- Give their manager as much detail as possible about how the arrangement could be made to work in the department
- Consider alternative suggestions, or other ways the employee's needs can be met.

It should be noted that a flexible working request should not require or be reliant on a change to any other employee in order to be successful.

7.9 If the employee is unable to attend the meeting, they should contact their manager as soon as possible to explain the reason why and may request a postponement of up to 5 working days. Employees should make every effort to attend a re-arranged meeting. If the employee fails to attend the meeting more than once without a reasonable explanation, the manager may treat their application as withdrawn, and should inform the employee as such.

7.10 Within 10 working days of the meeting to discuss the flexible working application, the manager should write to the employee to either advise them of their decision or to confirm their decision if it was given at the meeting.

7.11 There may be occasions where managers need more time than the statutory procedure timeframe of 3 months in order to reach a full decision, including any appeal outcome. Any extension must be agreed mutually by the manager and employee and must be confirmed in writing. The employee must be informed of the reason why additional time for consideration of the application is required, and the expected duration of the extension.

An automatic extension applies where the manager who normally deals with the request is absent from work due to annual leave or short term illness. In certain circumstances it may be necessary for another line manager to deal with the flexible working request.

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ACCEPTING A FLEXIBLE WORKING REQUEST

- 7.12** Before a flexible working request is agreed, it should be subject to a trial of up to 12 weeks, so that the impact on the service can be monitored, and to allow time for both the manager and employee to assess whether the chosen pattern of working will work in practice before a final decision is made.
- 7.13** If the request leads to a change in hours, an electronic Change of Personal Details Form must be completed by the line manager. Managers must ensure the E- Change Form is submitted in time for any payroll changes to avoid any salary under/overpayments. For confirmation of Payroll deadline dates, please contact the HR team directly. Change forms are available through the e-expenses system.
- 7.14** The manager and employee must agree to extend the normal time limit of 3 months for making a final decision on the flexible working application until the end of the trial period. The manager must confirm in writing:
- the start and end date of the trial period
 - that the new working pattern during the trial period is only a temporary variation to the existing working pattern
 - that the Trust has the right to extend or shorten the trial period as necessary
 - that should the trial period prove unsuccessful the employee will return to their original hours/working pattern once the trial has ended.
- 7.15** The manager must meet with the employee at least 4 weeks prior to the end of the trial to provide feedback on one of the following possible outcomes:
- the trial has been a success and will be agreed for twelve months until the next review date. If so, the manager should confirm this in writing to the employee.
 - the trial has been unsuccessful, and where possible, alternative options should be considered. The decision regarding alternative options should be confirmed to the employee in writing within 10 working days of the review meeting. If there are no possible alternative options that can be mutually agreed by the manager and employee, the employee must be advised that the expectation is that once the trial period has ended, the employee should return to their original contracted hours/working pattern worked prior to commencement of the trial. If this is the case, the manager must write to the employee to confirm this decision and provide business reasons why this decision has been reached (please see section 4). The manager's letter to the employee must also advise the employee of their right to appeal this decision. The trial period will be extended. If this is the case, the manager and employee must agree on a new trial end date, and the manager must write to the employee to confirm this agreement.

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7.16 Before agreeing a request for term time only working or job share, the manager must also obtain agreement from the budget holder.

Employees should be aware that if their application for flexible working is approved, any reduction to their working hours constitutes a permanent change to their terms and conditions of service and the employee has no automatic right to increase these to their previous hours of work.

For example:

- If an employee is granted their request to reduce their hours of work from 37.5 to 20 hours per week, and later decides they need to increase their hours back to 37.5 per week, they will need to submit a further flexible working application for consideration to their manager.
- This further application will only be admissible 12 months after the original application was received by their manager.
- If the employee's fresh application is submitted 12 months after the original application, the manager must give it consideration in line with the steps outlined in this procedure. However, the manager has the right to refuse the new application if it conflicts with the needs of the service.

Where a change to working days, working pattern or work base has been approved, these must be reviewed on an annual basis to ensure that the arrangement does not have any detrimental impact on the service, patients or colleagues and can be renewed for a further 12 months.

While the trust supports flexible working arrangements where possible, service delivery needs are the priority and a manager has the right to give notice to an employee that the arrangement will cease if detrimental impacts are identified.

REFUSING A FLEXIBLE WORKING REQUEST

7.17 After meeting with the employee, if a request cannot be agreed the manager must inform the employee in writing of the grounds for the application not being approved. The decision must be based on one or more of the following reasons:

- Burden of additional costs
- Detrimental effect on ability to meet customer/patient demand
- Inability to re-organise work among existing employees
- Inability to recruit additional employees
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficient work during the periods the employee proposes to work
- Planned structural changes

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In the manager's written refusal of a flexible working request, the letter must include the reasons for the refusal so the employee has a clear understanding of why their request has been refused.

- 7.18** If the request for flexible working is rejected, the employee has the right to appeal against the decision and should be advised in writing of their right to appeal.

APPEALING AGAINST A REJECTION OF FLEXIBLE WORKING

- 7.19** Although there is no statutory right of appeal built into the Flexible Working Regulations 2014, the Trust recognises that the employee should be given an opportunity to discuss a refusal to grant their request.

If the employee wishes to appeal against a decision to refuse their request for flexible working, they should:

- submit their appeal in writing to the Divisional Director or Head of Service for their division, directorate or service as appropriate within 14 days of receiving notification of the decision to refuse the application
- set out the grounds of their appeal, and how they think the flexible working request could be made to work
- be willing to attend an appeal hearing, and if they chose to be accompanied arrange representation (i.e. Trade Union Representative, or a Trust work colleague, not acting in a legal capacity).

- 7.20** An appeal hearing will normally be arranged within 20 working days of Divisional Director or Head of Service receiving the employee's appeal letter. The appeal will be chaired by the manager of the line manager who refused the request, or another senior manager. A Senior Employee Relations Adviser will also be present.

- 7.21** The employee has the right to be accompanied by a Trust work colleague or a Trade Union Representative, not acting in a legal capacity. It is the employee's responsibility to arrange representation.

- 7.22** If the employee is unable to attend the appeal meeting, they should inform the relevant their manager at the earliest opportunity to explain the reason why, and to request a postponement of up to 5 working days. A decision on postponement will be made by the Appeal Chair. The employee should make every effort to attend a re-arranged meeting. The appeal hearing will be re-arranged once only; if the employee fails to attend the re-arranged date, the Appeal Chair may choose to treat the appeal as withdrawn, and should inform the employee as such.

- 7.23** If the appeal hearing is held, the chair of the appeal hearing will write to the employee confirming their decision within 7 working days of the hearing.

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- 7.24** If the Appeal Hearing Chair decides to accept the employee's request for flexible working, written notification must:
- be dated
 - include a description of the new working pattern
 - state the date from which the new working pattern is to take effect.
- 7.25** If the Appeal Hearing Chair chooses to uphold the decision to refuse the request for flexible working, written notification must:
- be dated
 - state the grounds for the decision; these must be in direct response to the employee's grounds for making the appeal
 - explain why the grounds for refusal apply in the circumstances.
- 7.26** The appeal decision is final.
- 7.27** In line with the 2014 regulations, the whole process (including allowing time for any appeal) should take no longer than 3 months (unless an extension is agreed with the employee).

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8. EMPLOYMENT BREAK SCHEME

8.1 Introduction

The Employment Break Scheme is designed to enable employees to have an extended period of time away from work, and be able to return at a later date on comparable terms and conditions. This supports the retention of skilled and experienced staff who for a variety of reasons may wish to take “time out” from their post at the Trust.

8.2 Definition

An employment break is special leave without pay for a specified period of time and for a specific reason.

8.3 Eligibility

All staff with 12 months’ continuous service with the Trust may apply for an employment break. The scheme may be appropriate for a number of situations:

- Where staff would like to take a defined break from full or part time work but would like to restart work when circumstances make this possible
- for continuing childcare
- for caring responsibilities
- to travel overseas
- to undertake voluntary work connected to their profession
- to follow a course of study which will enhance their professional development
- any other reasons given for requesting an employment break will be considered on their merits

An employment break will not be allowed for the purpose of taking up alternative employment (see 5.7).

The first priority of the Trust is to maintain the level and quality of its services to patients. Any request will always need to be balanced against the effect on service provision.

The Trust reserves the right to refuse an application for an Employment Break using the reasons set out in section 5.3 of this procedure. In addition where performance is being informally or formally managed this may also be given as a reason.

8.4 Applying for an Employment Break

An employee must apply for an employment break in writing by completing the application form and giving this to their line manager. The manager will give full consideration to the request. If a request is agreed the manager will confirm their decision in writing, including the period of time agreed.

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If the request is refused, the business reasons for refusal will be confirmed in writing within 10 working days, and the employee has a right to appeal the decision.

Employees must apply to their line manager by using Employment Break request form at least **3 months** prior to the proposed break. Employment breaks must be approved in advance by the Divisional Director and the Executive Board.

8.5 Duration of Employment Breaks

The minimum period of an employment break will be 3 months and the maximum period 5 years. Applications which are approved will be limited to one year in the first instance, but may be renewed to a maximum of 5 years in total

8.6 Employee Commitment

Employees must agree to arrangements to keep in touch during the break and advise their manager of any change in circumstances e.g. address or telephone number.

Employees must keep up to date with their relevant professional registration needs, including attendance at specified training courses and conferences. Where this is relevant, employees should normally be available for at least 10 days in each year of the scheme to undertake courses or receive professional updating.

Nursing staff must maintain their registration with the NMC through the revalidation process. In the three years since registration was renewed or since joining the register, nurses must have done a minimum of 450 practice hours and 35 hours of CPD relevant to the nurse's scope of practice. Of the 35 hours, at least 20 must have included participatory learning.

Employees are required to comply with any training arrangements for re-introduction to work following an employment break. Employees are responsible for their own professional development and must maintain their professional registrations during an employment break. It is their responsibility to undertake activities to remain registered.

8.7 Terms and Conditions during Employment Break Schemes

Applicants do not have to resign to take an employment break; the contract of employment with the Trust will remain intact. However, all pay and benefits applicable under the contract will be suspended for the duration of the employment break.

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At the start of the break:

- The employee's salary stops
- The period of the break counts towards continuous employment for statutory purposes. Other provisions that depend upon length of service i.e. pensions, contractual redundancy payments, leave entitlements, pay progression etc. are suspended for the period of the break.
- Annual leave will not be accrued during the employment break. Any outstanding annual leave should be taken prior to the employment break.
- The employee agrees that on recommencing work they will undertake a programme of professional updating, objective setting, mentoring etc. as appropriate.
- If the employee returns to work within one year, the same job will be available, as far as is reasonably practicable. If the break is longer than one year, the employee may return to as similar a job as possible. The employee will return to work at the equivalent salary level, reflecting any cost of living increases awarded during the break.
- Employees on employment breaks will not be allowed to take up paid employment with another employer without the Trust's agreement. This will usually be in exceptional circumstances e.g. they are working overseas or with a charity to broaden their experience.

The Trust will guarantee to provide employment break participants with at least 10 days paid employment per year, (20 days for nurses) in order to keep abreast with changes and developments in the service. This may include training courses and professional updating.

All payments for loans of season tickets, home technology, car lease and any other monies outstanding to the Trust must be fully reimbursed to the Trust before the employment break commences. Further terms and conditions relating to employment break scheme can be found in Appendix 3.

8.8 Return to Work

If the employee returns to work following an employment break within one year the same job will be available, as far as is reasonably practicable.

If the break is for longer than a year the Trust will aim to offer the employee the same grade of post and similar type of work as they held prior to commencing the employment break.

If required, the Trust will seek redeployment for an employee returning from an employment break to a suitable alternative post. This post could be based at any Trust location.

Two months' notice of an intention to return to work must be given to the line manager if the employment break is one year or less.

Six months' notice of an intention to return to work must be given to the line manager if the employment break is more than a year.

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8.9 Extension of Break or Early Return

Subject to appropriate notice and at the managers' discretion, breaks may be extended or individuals may request to return early from the agreed break. Each request will be considered on a case by case basis. Where such requests are not agreed the employee will be expected to return to work on the original agreed date of the employment break ending.

8.10 Future Employment Break

A further break may not be taken until a further 24 months' continuous service has been accrued.

8.11 Appeals

Applicants are entitled to a written reason for the refusal of any application.

Appeals should be made in accordance with the appeal process outlined in section 4 of this procedure.

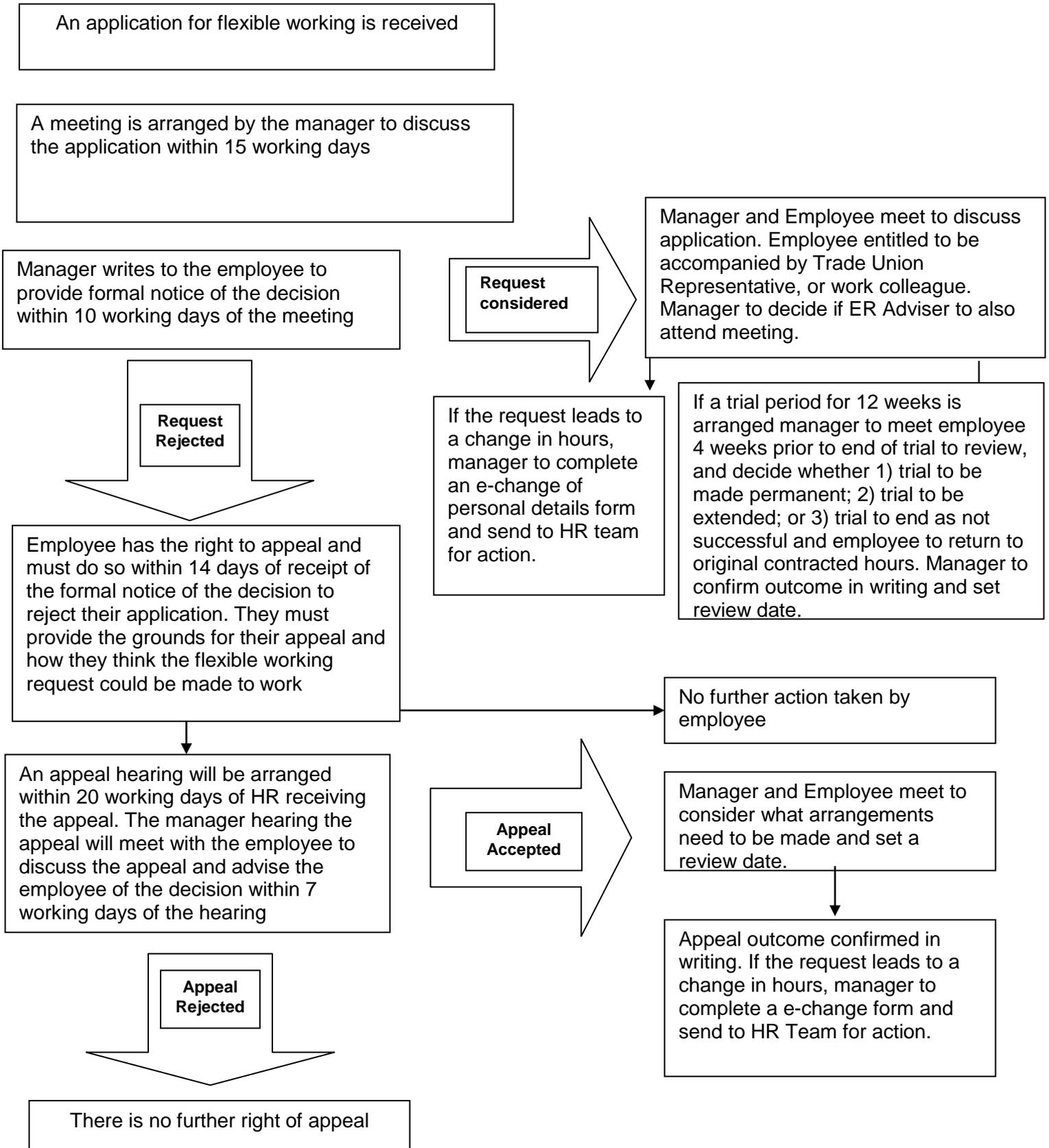
8.12 Failure to Return from an Employment Break

Where an employee fails to give the required notice to confirm their intention to return, or fails to return after giving the required notice without an acceptable reason, this will be treated as unauthorised absence which may result in dismissal.

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Appendix 1

Procedure for Requesting Flexible Working Arrangements



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Appendix 2**Flexible Working / Employment Break Application Form**

Name:	Date Submitted to Manager:
Job Title:	Department:
Manager's Name:	
Application for: <input type="checkbox"/> Flexible Working <input type="checkbox"/> Employment Break (please tick)	
1. Describe your current working pattern - the days, hours and times you work including your work base(s) e.g. office/various sites/home	
2. Describe the working pattern you would like to work in the future (the days, hours, times and work base) – or the period of employment break you wish to take (continue on a separate sheet if necessary)	
3. When do you want this working pattern or Employment Break to start? Date:	
4. Impact of the new working pattern: - <i>Please identify any potential benefits, issues or obstacles that may arise if your request for flexible working is agreed to (e.g. How the change in working pattern may affect your work, the impact on the team you work in or on the service provided). Continue on a separate sheet if necessary.</i>	

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5. Accommodating the new working pattern (continue on a separate sheet if necessary)

I think the potential issues can be dealt with as follows:

6.1 Legal Criteria

Please tick all that apply:

- I have worked continuously for the Trust for the last 26 weeks (Flexible working applications)
- I have worked continuously for the Trust for 12 months (Employment break applications)
- I have not made a request to work flexibly under this right during the past 12 months
- I have not had an employment break during the past 24 months

7. FOR COMPLETION BY EMPLOYEE:

Declaration - All the information on this form is true to the best of my knowledge. I understand that while I am entitled to request flexible working / an Employment Break my request may not be granted due to service related reasons.

Signed: **Date:**
(Employee)

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8. THIS SECTION TO BE COMPLETED BY MANAGER:

Received by Manager: /..... (Print / Sign Name)

Date Application Received:

Meeting Date to Discuss with Employee Set For:

ER Adviser Invited to Attend Meeting YES / NO

Employment Break only

Name of authorising Divisional Director.....

Signed authorisation by Divisional Director.....

Date of authorisation.....

Please note an email authorising the employment break is sufficient and can be attached to the application form.

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Appendix 3

FURTHER INFORMATION ABOUT TERMS AND CONDITIONS DURING AND AFTER THE EMPLOYMENT BREAK SCHEME

1. Employment Rights during an Employment Break Scheme

All statutory employment rights will be maintained as the person on an employment break will be considered as an employee on unpaid leave. Statutory rights include the right to not be unfairly dismissed among others.

2. Effect of Employment Breaks on Terms and Conditions of Employment

2.1 **During** - the contract of employment will remain intact, but the right to all benefits under the contract will be suspended. Benefits suspended are as follows:-

- annual and other types of leave;
- occupational sick pay;
- occupational maternity pay;
- progress towards pay increment

2.2 **Reckonable Service** - while continuity of employment will be maintained during the employment break, it will count as reckonable service only for statutory employment rights, and not for the accrual of benefits to terms and conditions of service, for example, in accrual of long service leave and incremental credit.

2.3 **Conduct** - during the employment break the employee will be expected to maintain appropriate standards of conduct. Any conduct which could bring their profession or the Trust into disrepute or adversely affect the employment relationship will be dealt with under the Disciplinary Procedure.

3. Sickness

Employees who are sick during their break will not be entitled to occupational sick pay, but may be entitled to statutory sick pay and should therefore submit appropriate medical certificates to the Trust, in accordance with the Trust's policy and procedures for Managing Sickness Absence.

4. Pregnancy

If an employee becomes pregnant while on an employment break they will be eligible to take maternity leave, with pay if appropriate, in accordance with the Trust's 'Maternity, Adoption and Maternity Support (Paternity) Leave Policy and Procedure'.

Further advice should be sought from Human Resources. Once the employee commences maternity leave the employment break will be suspended, resuming on the expiration of the maternity leave.

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5. Return to Work and Re-Skilling

The Trust will expect employees to keep in contact with their Manager and colleagues during their employment break to ensure they keep in touch with developments in their own profession within the Trust. The pattern of contact should be agreed prior to commencement of the break.

While it is the employee's responsibility to keep themselves professionally updated during the break, the Trust recognises that it may need to provide some re-skilling/training with regard to any organisational changes that have occurred during the break. Any training/re-skilling needs will be assessed on return to work.

6. Other Employment during Employment Break

Employment breaks are given to allow employees to pursue other special interests and on the understanding that they do not take any paid employment elsewhere during the period of their break without gaining prior permission from the Trust. Breach of this regulation could affect their right to return to employment with the Trust.

7. Pension Contributions

It may be possible for you to continue your pension contributions during your employment break or to make them up on your return. This will depend on a number of factors. You should discuss the implications with NHS SBS Pensions Department **prior** to commencing your break.

8. National Insurance Contributions

Employees on an employment break can continue to pay National Insurance Contributions to preserve any social security benefits that they may be entitled to.

9. Terms and Conditions on Return from Employment Break

On return from an employment break terms and conditions of employment will be the same as immediately prior to the commencement of your break subject to section 7.7 of the Procedure.

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APPENDIX 4**FLEXIBLE WORKING OPTIONS****1. TERM TIME WORKING****1.1 Definition**

Term time working allows employees to work only during the school term. A term time contract is a permanent contract, which continues during school holidays and through periods of paid and unpaid leave. However, the salary for the post is worked out on a yearly basis and paid equally over 12 months.

A term time only contract can be full time or part time.

1.2 Benefits

- Will help employees with school age children to manage childcare during the school holidays
- Gives employees regular remuneration.

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1.3 Considerations

Managers will have to think about the impact on other staff, on service provision and how school holidays will be covered.

1.4 Annual Leave and Bank Holidays

Payment for annual leave is calculated on a pro-rata basis and included in salary calculations, all annual leave must be taken during school holidays. Bank holidays are also calculated on a pro rata basis and built into the annual leave entitlement. Where a bank holiday does not occur during the school holidays and the employee is not required to work the employee will be given pro-rata paid time off and asked to make up the additional working hours at a mutually convenient time. This will normally only be pro-rata to 1 bank holiday, i.e. the first May holiday, as all other bank holidays occur during school holidays.

- 1.5 A term time only calculator is available on the intranet to assist with calculating the number of hours to be paid each week according to the employee's contracted hours and annual leave entitlement.

2. FLEXI-TIME WORKING

2.1 Definition

Flexi-time working is a system where staff agree to work within certain "core hours" for example 10am - 4pm but can vary their start and finish times outside of the core hours.

Staff can build up a debit or credit of hours worked within an agreed period, for example 4 weeks. The hours can be consolidated into "bank hours" that are taken within an agreed period.

2.2 Benefits

- Enables staff to fit personal or domestic circumstances around the start and finish of the working day
- It can enable an extension of working hours which might help staffing at times of peak demand.

2.3 Developing and implementing a system

An agreement should be drawn up containing the agreed "core times" and "bandwidth times". Bandwidth times states the earliest start time and latest finishing time.

The maximum number of hours, which can be accrued in any given period, usually 4 weeks, should be stated, and also the rules for how accrued time can be taken i.e. half days, full days etc. Flexi-time should also allow for staff to work the normal working hours.

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Staff working flexi-time should record their start time, lunch breaks and finish times daily and pass time sheets to their manager on a weekly basis. Absences through sickness or annual leave will be recorded by percentage of the working week, i.e. 1 day's absence will be marked as a fifth of the normal weekly contracted hours.

3. FLEXIBLE WORKING HOURS

Flexible working hours allows staff, in agreement with their managers, to choose their own working hours. People can work any combination of hours, for example, morning, evenings and weekends. This type of working is most likely to be suitable for senior managers undertaking project work. Managers will be required to consider the impact of unsocial hours payments when deciding if it is appropriate for an employee to work flexible hours outside of Monday to Friday 6am to 8pm.

3.1 Self Rostering

Nursing staff who work shifts may make up to 5 individual requests to work specific shifts per 4-week rota (pro-rata for part-time staff). Requests may be for either essential or desirable reasons and must be made 6 weeks in advance to the Sister/Charge Nurse.

In addition, requests for repeated/ongoing specific shifts or days off can be made. These are known as personal patterns rather than requests and are made using the Flexible Working Policy. Ongoing service requirements and equity for other staff members are taken into account in each case and approved by the Sister/Charge Nurse.

Full details of self roosting is contained in the [Rostering Policy](#) available on the intranet.

4. ANNUALISED HOURS

4.1 Definition

Annualised hours are a system where an employee is contracted to work a certain number of hours during a year. However, the hours worked each month or week will be flexed to match workload requirements. Staff are paid the same monthly salary throughout the year regardless of the exact number of hours they work each month.

Staff may accrue hours, i.e. work more hours in one month, or build up a deficit, working fewer hours in one month, subject to certain conditions. Staff may also be asked to "stand down" i.e. not work shifts they were rostered to do so if service demands fluctuate, on an agreed number of occasions per year. It is the responsibility of the individual to make themselves available for work and to understand that they may be required to work in another location if their line manager cannot accommodate the hours requested.

Any arrangements for annualised hours must always comply with the European Working Time Directive which provides employees with the following basic rights and protections:

- limit of an average of 48 hours a week over a 17 week period which a worker can be required to work

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- a right to 11 hours rest a day and a right to a day off each week

Annualised hours contracts attract annual leave, including public holidays, and sick leave.

A minimum number of hours must be worked in order to maintain professional registrations and competencies.

4.2 Benefits

- Gives staff greater flexibility allowing them to vary their patterns of work across the year
- Allows managers to flex staffing levels to meet peaks and troughs of demands
- There is more flexibility in provision for extended shifts and 24 hour services
- Absenteeism can be reduced because staff take more responsibility for their own working hours

4.3 Implementing annualised hours

Before a contract for annualised hours is arranged employees should be informed what the “rules or parameters” of the scheme are, these may include:

- A minimum and maximum number of hours that should be worked in each month
- How much stand down time will be built into each contract
- How much notice of stand down will be given

5. PART-TIME WORKING

Part-time working enables employees to reduce their working hours to less than their normal within a range of options, for example, half days, shorter days, a reduced number of full days or an agreed number of hours in an arranged pattern.

Part-time working can have benefits for the employee enabling them to balance work-home life more successfully and for the employer providing more flexible cover. Part-time working may be particularly useful for a set period of time to help employees with personal or domestic arrangements.

The individual will receive a pro-rated salary, annual leave, bank holiday, and sickness entitlements.

It is important to remember that part-time workers should be treated no less favourably than full time workers including equal access to promotion and training opportunities. When putting communication systems in place managers should also ensure, as far as is reasonably practical, that part-time workers are included.

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6. JOB SHARING

Job sharing is defined as the situation where two employees voluntarily share the duties and responsibilities of one post.

The working arrangements and responsibilities for a particular job shall be determined by the manager of the department concerned. There must be adequate allowance made for communication between the post holders and most jobs will benefit from an overlap period. If appropriate they will consult job sharers to discuss any variations in working arrangements and responsibilities that it may be necessary to make from time to time.

An alternative approach is divided responsibility where the role is divided into two groups of tasks and responsibilities; however, each post holder should be in a position to provide cover for the other.

6.1 Considerations

- Having offered a job share to one employee, there may be a problem recruiting another employee to the remaining hours.
- Increased handover time may be necessary in some jobs.
- Increased supervision may be necessary.
- There may be additional training costs.

7.2.1 Applicants who wish to job share will be asked to assist in providing a job share partner.

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In the event of a job sharer leaving, the Trust will attempt to recruit another job sharer. However, the remaining job share partner will also be asked to assist in providing a new partner.

If no suitable partner is found within a period of six months and with the placement of two advertisements for the post, then the manager should, in consultation with the remaining job sharer:

- consider reconfiguring how the work is distributed, including the work of the current job sharer, with a possible solution of advertising more than one part-time post to cover the work; or offer the full time hours of the post to the remaining job share partner to ensure continuity of service
- consider the redeployment of the job sharer to suitable alternative employment
- if it is not possible to recruit on a job share basis and there is no other suitable alternative employment, the existing post holder will have their contract terminated as they can no longer fulfil the duties of the post within the current contractual arrangements.

7. FLEXIBLE RETIREMENT

A range of options enabling individuals to wind down gradually as they approach their retirement is open to staff subject to agreement with their manager.

For further information about retirement options please refer to the Trust's Retirement Policy and Procedure available on the intranet, or contact HR for further advice.

8. COMPRESSED WORKING WEEK

8.1 Definition

This arrangement provides employees with the opportunity to "compress" some of their working hours into fewer full working days, without reducing the overall total number of hours per week, e.g. "long days".

8.2 How it works

A full time employee may compress their hours in a number of ways. For example, four and a half longer days rather than five, or into nine days out of ten.

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8.3 Benefits

- Little administration required
- Resource can be devoted to a busy part of the week
- Larger blocks of family and leisure time
- Less travelling costs

8.4 Considerations

- Adequate cover could be difficult to maintain and popular days off must be fairly distributed
- May be tiring
- May not be suitable for all departments particularly those providing 24/7 services

9. Home Working

Please refer to the [Home Working and Mobile Working Policy](#) available on the intranet.

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