

DIGITAL HEALTH AND CARE WALES

FLEXIBLE WORKING POLICY AND PROCEDURE

Digital Health and Care Wales recognises the need to enable staff to make a full contribution to work at different stages of their working lives

Document Version	V2
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Status	Approved
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Document author:	Velindre NHS Trust
Approved by:	Velindre NHS Trust
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Review date:	31 March 2022

TŶ GLAN-YR-AFON 21 Heol Ddwyreiniol Y Bont-Faen, Caerdydd CF11 9AD



STRATEGIC OBJECTIVE

Delivering High Quality Digital Services

A healthier Wales WELL-BEING OF FUTURE GENERATIONS ACT

If more than one standard applies, please list below:

A prosperous Wales, A resilient Wales, A more Equal Wales, A Wales of cohesive communities, A Wales of vibrant culture and thriving Welsh language, A globally responsible Wales

DHCW QUALITY STANDARDS	ISO 20000
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If more than one standard applies, please list below: ISO 27001, ISO 9001, BS 76000:2015, BS 76005, SDI (Service Desk Institute Standard)

HEALTH CARE STANDARD	Staying Healthy
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If more than one standard applies, please list below: Individual Care, Staff and Resources

EQUALITY IMPACT ASSESSMENT STATEMENT	Date of submission:26 th September 2019
	Outerse Annexed

No, (detail included below as to reasoning)

Outcome: Approved

Statement: Digital Health and Care Wales (DHCW) is committed to ensuring that, as far as is reasonably practicable, the way it provides services to the public and the way it treats its employees reflects their individual needs and does not discriminate against individuals or groups. An Equality Impact Assessment (EQIA) has been undertaken on this policy and the way it operates. The Organisation wanted to know of any possible or actual impact that this policy may have on any groups in respect of gender (including maternity and pregnancy as well as marriage or civil partnership issues) race, disability, sexual orientation, welsh language, religion or belief, gender identity, age or other protected characteristics.

The assessment found that there was no impact to the equality groups mentioned and this policy will have a positive impact on all the 'protected characteristic' groups. Where appropriate, the organisation will make plans for the necessary actions required to minimise any stated impact to ensure that it meets its responsibilities under the equalities and human rights legislation.

APPROVAL/SCRUTINY ROUTE:

Person/Committee/Group who have received or considered this paper prior to this meeting

COMMITTEE OR GROUP	DATE	OUTCOME
Local Partnership Forum	23/03/2021	Approved



IMPACT ASSESSMENT	
QUALITY AND SAFETY IMPLICATIONS/IMPACT	No, there are no specific quality and safety implications related to the activity outlined in this report.
LEGAL IMPLICATIONS/IMPACT	No, there are no specific legal implications related to the activity outlined in this report.
FINANCIAL IMPLICATION/IMPACT	No, there are no specific financial implication related to the activity outlined in this report
WORKFORCE IMPLICATION/IMPACT	Yes, please see detail below The process and guidance laid out in the policy will ensure a consistent approach to approving flexible working that will not detrimentally impact the operations of the organisation or detrimentally effect employees who require more flexibility due to a range of circumstances.
SOCIO ECONOMIC IMPLICATION/IMPACT	Yes, please detail below Allowing flexible working ensures an equitable approach to working hours for employees with a range of situations outside the working environment.



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DOCUMENT HISTORY

1.1 REVISION HISTORY

Date	Version	Author	Revision Summary
08/10/2019	2	Velindre NHS Trust	Policy finalised

1.2 **REVIEWERS**

This document requires the following reviews:

Date	Version	Name	Position	
08/10/2019	2	Velindre NHS Trust	Host Organisation until 31/03/2021	

1.3 AUTHORISATION

Signing of this document indicates acceptance of its contents.

Author's Name:	Velindre NHS Trust			
Role:	Host Organisation until 31/03/2021			
Signature:		Date:	08/10/2019	

Approver's Name:	Velindre NHS Trust		
Role:	Velindre NHS Trust		
Signature:	N/A	Date:	08/10/2019

1.4 DOCUMENT LOCATION

Туре	Location
Electronic	Integrated Management System

TŶ GLAN-YR-AFON 21 Heol Ddwyreiniol Y Bont-Faen, Caerdydd CF11 9AD



POLICY STATEMENT

Digital Health and Care Wales recognises the need to enable staff to make a full contribution to work at different stages of their working lives.

The Organisation also accepts that rigid adherence to full time and traditional patterns of working may not only discriminate against staff, but also fails to maximise the considerable benefits to the Organisation, which can be derived from flexible forms of working.

This Policy provides good practice, principles and guidelines which meet legal and NHS Terms & Conditions obligations.

This Policy endorses the 'Work-Life Balance' campaign, which was launched by the UK Government and the National Assembly for Wales in April 2000, in partnership with businesses, the voluntary sector and employee organisations. The campaign was introduced to help bring about a better balance between work and other aspects of life.

This Policy also supports the Work and Families Act (2006), the Flexible Working Regulations (2002) and the Employment Act (2002).

Flexible Working is about challenging traditional full time working patterns and adjusting, so that Organisational needs are met and employees, regardless of their diverse needs, can find an equilibrium which enables them to combine work with their other responsibilities, changing situations and aspirations.

SCOPE

This Policy applies to all employees of Digital Health and Care Wales. It highlights a variety of flexible working options, which are outlined in the NHS Terms and Conditions (Section 34 of the NHS Terms and Conditions Handbook), so that employees can enjoy the benefits of working flexibly.

It is recognised, however, that certain posts or Departments may be excluded from some of the options available due to the nature of the work undertaken within the role of the job.

It should be noted that all examples are for general guidance only and should only be adapted when they meet the needs of the department and/or service.

AIMS AND OBJECTIVES

In addition to the Policy Statement, this Policy operates the following principles:

- recognises that Digital Health and Care Wales requires a flexible workforce to deliver its services and to recruit and retain staff;
- any flexible working scheme will be open to all employees to apply. However, not all applications may be accommodated;



- applications will be approved provided they make good business sense. Section 80(G) (1)
 (b) of the Employment Rights Act (1996) lists the following eight reasons as legitimate grounds for turning down a request for flexible working:
 - burden of additional costs
 - > detrimental effect on ability to meet customer demand
 - > inability to re-organise work amongst existing staff
 - inability to recruit additional staff
 - detrimental impact on quality
 - detrimental impact on performance
 - > insufficiency of work during the periods the employee proposes to work
 - planned structural change
- the approval process should be fair and equitable;
- each request for flexible working will be considered individually and assessed on its own merits by the relevant manager;
- no employee should suffer any detriment, financially or otherwise, from working flexibly other than any agreed pro-rata arrangement;
- employees participating in any flexible working scheme will enjoy equal status, as full time employees, especially in relation to accessing training or promotional opportunities;
- implementation of any flexible working initiative should aim to meet the needs of both the employer and the employee;

Listed below are some employer and employee benefits of implementing flexible working patterns:

EMPLOYER BENEFITS	EMPLOYEE BENEFITS
Maximises available labour	Greater responsibility and a sense of ownership
Makes employees feel valued and helps retain valued employees	Improved employee/Manager working relations
Results in a loyal, better motivated workforce	A reduction in bringing home work related problems and vice versa
Reduces absenteeism and improves productivity and quality of work	Greater control of working lives
Cements a reputation as an employer of choice	Creates a positive balance between work life and private life
Enables the Organisation to reconcile working hours with peaks and troughs of work	Improved self-esteem, health, concentration and confidence

ROLES AND RESPONSIBILITES

It is the responsibility of the member of staff and the Manager to discuss workable solutions to any requests for flexible working.



DEFINITIONS

- Part-time work when an employee works less than the standard number of hours (37.5) per week;
- job sharing two employees or more sharing a full-time job;
- temporary reduction in hours an employee works reduced hours for an agreed period, at a reduced salary, with a guarantee that he or she can return to contracted working hours when the agreed period ends;
- term-time working an employee does not work in the school holidays;
- flexi-time employees choose, within certain limits, when to start and end their working day;
- compressed hours an employee can undertake a full-time job in four days per week, instead of five;
- annualised hours employees have to work a required number of hours each year;
- buying additional annual leave employees may request to purchase up to five additional leave days, to be added to their total annual leave allowance for the leave year;
- homebased/teleworking employees do some or all of their work from home.

IMPLEMENTATION/POLICY COMPLIANCE

Patterns which focus on how much time an employee works:

1.5 Part-time Work

The employee works less than the standard number of hours (37.5) per week. Some examples are working mornings, afternoons or school hours only, working on specific days of the week or working alternative weeks.

1.6 Job Sharing (Appendix 1)

Traditionally, two employees sharing a full-time job. However, there may be scope for more than two members of staff to share. How the job should be divided depends on the type of work and sometimes each member of staff does a defined part of the job. Job shares work best where the employees communicate well together and both can be relied upon to do their part of the job well.

1.7 Temporary reduction in hours (Appendix 2)

The employee works reduced hours for an agreed period of time, on a reduced salary and with a guarantee that he or she can return to contracted working hours when that temporary period ends. Where appropriate, the annual salary may be arranged so that the employee receives a fixed monthly income over the agreed period.



1.8 Term-time working (Appendix 3)

The employee does not work during the school holidays.

Patterns which focus on when employees do their work

1.9 Flexi time (*Appendix 4*)

Employees choose, within certain limits, when to start and end their working day.

There are usually one or more periods of 'core' time each day when the individual must be at work.

Employees may be able to take leave for a day or a half-day, if they have worked more hours than required. This is called flexi-leave.

1.10 Compressed hours

This allows an employee to do a full-time job in e.g. four days a week instead of five.

1.11 Annualised Hours (Appendix 5)

Employees have to work a required number of hours each year. However, the hours worked each week may vary throughout the year. This can be linked with greater employee choice, within the constraints of Digital Health and Care Wales

1.12 Purchasing additional annual leave

Under the Organisations discretional Purchase of Annual Leave Process employees can request to buy up to five additional annual leave days to be added to their total annual leave allowance for the leave year. If the request is approved, the Payroll Department will adjust the individual's pay so that the deduction for the additional leave is taken in equal instalments spread throughout the leave year. This arrangement must be agreed with the individual's Line Manager, at least six weeks prior to the commencement of the leave year, in order that the Payroll Department have adequate notification to make arrangements for the deductions. The Manager will consider the request and any impact on the relevant Department, service and work colleagues.

If granted, the arrangement will be valid for that leave year only and a new application will need to be made to purchase additional annual leave in any subsequent leave year.

Patterns which focus on where employees work

1.13 Home-based / Tele-working

Employees do some or all of their work from home. This is most successful when face-to-face contact with colleagues and service users is not required on a continual basis and does not form part of the employee's job description.



Vital to success should be good communication links between the home and the office and where the employee does not require close supervision. Reference should be made to the Digital Health and Care Wales Homeworking Policy WF 45 and any accompanying guidelines.

1.14 Application

- If a member of staff wishes to vary their working pattern, they should initially discuss their needs with the Line Manager;
- it is the responsibility of the employee and the Manager to discuss a workable solution;
- an Application Form is attached to this Policy to assist the Manager and employee in reaching an agreement (*Appendix 6*);
- the Manager should acknowledge receipt of the Application Form within five working days and arrange a meeting with the employee within four weeks to discuss the application;
- the employee has the right to be accompanied at this meeting by a Trade Union representative, colleague or friend and the employee must be informed of this;
- accommodation of the request to vary an employee's working pattern should be based on sound business reasons and, where a request may be declined, alternatives must be explored;
- the Manager will respond to the request, in writing, within two weeks of meeting with the employee, outlining the decision, details of the agreement, compromise discussed and review dates;
- guidelines are outlined in Appendix 7 for Managers when considering and administering applications for flexible working;
- applications will be considered where there has not been any other application made by the employee during the past twelve months, except in exceptional circumstances.

1.15 Appeal

- Employees may contact their next-in-line Manager as a means of appeal against their application being rejected;
- employees have the right to be represented by a Trade Union representative, colleague or friend;
- employees should submit written notification, highlighting the reasons for their appeal, within two weeks of them receiving the written decision;
- a discussion meeting will take place within two weeks of receipt of the appeal notification;
- a decision will be made within two weeks of the meeting and communicated, in writing, to the employee.

1.16 Terms and Conditions of Employment

- Employees who are part-time, who job share or work any form of flexible working, should receive equal access to training opportunities;
- training should be arranged, where possible, during the normal working hours;
- where changes to an employee's working pattern are agreed as a result of a flexible working request, these will be regarded as permanent changes, unless agreed otherwise. Changes may be agreed, on a temporary basis with a defined end date or on a trial basis,



subject to regular review by the employee's Line Manager to assess the continued effectiveness of the agreement;

- during the review period, if the flexible working option is no longer appropriate or viable, a one-to-one discussion will be arranged to explore alternative solutions, including reverting to the original working pattern if appropriate;
- in the case of a job share, the job will revert to either a fulltime or part-time post and, in this instance, there will be open competition for the new post amongst the existing job sharers.

REFERENCES

Engagement has taken place with: -

NAME	DATE CONSULTED	
Workforce and Organisational Development Team	July 2019	
Formal consultation throughout Digital Health and Care Wales	August 2019	

GETTING HELP

Please contact the Workforce & Organisational Development Department.

APPENDIX 1 - JOB SHARING

Sharing the Job

The division of responsibilities will depend on the needs of the job and should be agreed between the job share employees and Line Manager.

Sharing the Hours

A post may be shared on a split day or split week basis, but should ideally be split roughly equally between each employee, thus reducing the possibility of a dominant member of staff emerging.

Each employee should have no pro rata share of the full time hours of the post.

The Line Manager should agree other sharing arrangements, such as additional hours for handover.

Communication

Regular and effective communication is vital to ensure continuity between relevant members of staff.

It may be necessary for an overlap period to be built into working patterns.



Other forms of communication could equally be used i.e. message books, telephone, dictation etc.

Termination of Job Share

Amendment to the agreed working arrangements, temporary or permanent, shall be made after consultation with both job share employees.

In the event of one job share employee leaving, the remaining employee would normally be offered the post on a full time basis.

If a replacement employee is needed, the post will be advertised internally or externally.

If no suitable replacement can be found after advertising the vacancy twice, alternative arrangements should be considered. This may result in the remaining employee being transferred into a part-time post, on the same grade and conditions of service, within the organisation.

Every effort will be made to retain the remaining employee through re-training and re-deployment.

Only after all of the above options have been exhausted will the termination of the remaining employees be considered.

Terms and Conditions

Each employee will hold a separate contract of employment with the salary, allowances, hours and holiday allocated on a pro-rata basis.

Statutory holidays must be shared equally between employees on a pro-rata basis.

Individuals who share jobs may, depending on experience, be placed on different incremental Points in accordance with the NHS Terms and Conditions of Employment.

Each employee will also receive a Job Share Agreement at appointment which will set out, in detail, the conditions of the particular Job Share Agreement.

Each employee will be eligible for overtime only when they exceed their normal contracted hours of work for the full time post.

Any additional hours worked by one employee within the normal working week i.e. if one employee voluntarily covers the hours of the other job share employee, payment will be made at the normal hourly rate or taken as time off in lieu.

The Job Framework will be based on that applicable to the full time post, modified to take account of the agreed division of responsibility.

Employees would not normally be expected to cover for each other for annual leave or sick leave, although such an agreement may be made.

Employees would normally be expected to ensure that, under normal circumstances, annual leave



is taken at different times and agreed in advance with the Line Manager.

Employees should be appraised individually, but could also be appraised on the extent to which the job share is effective.

In the case of promotion, the job sharers would generally be promoted individually on merit, but may also apply jointly for promotions.

APPENDIX 2 – TEMPORARY REDUCTION IN HOURS

A temporary reduction in hours may benefit employees who request to work flexibly for a temporary period of time, with the re-assurance that there will be an option to return to the original working pattern at the end of the agreed review period (wherever possible).

Where possible, there may be an opportunity to pro-rata the remaining annual salary equally on a monthly basis. To explore this option, the employee(s) should liaise with the Payroll Department to discuss an arrangement to pro-rata the annual salary in respect of a temporary reduction.



APPENDIX 3 – TERM TIME WORKING

This option provides the opportunity for employees to work term time, as a permanent feature of their contractual employment.

The annual leave allowance for staff working part-time during term time would be calculated on the same basis and payment would be pro-rata to the employee working full time during term time.

Term time only staff will be expected to take their annual leave and bank holiday entitlement during the school holidays. The agreed contractual hours will be adjusted to reflect the average monthly salary over twelve months and the annual leave payments.

When appointing term time only staff, Managers should contact the Payroll Department or a Workforce Manager who will perform a calculation to confirm the contractual hours over a 52 week period. Managers should also give thought, prior to appointment, on whether the term time staff will work any additional school inset days or not.

The contractual hours of work per week will not equal the hours paid over the year. Annual leave will be calculated and accounted for on a pro rata basis.

The following formula takes account of the Welsh Assembly Government (WAG) letter dated 4th November 2002 – 'Entitlement to Annual Leave for part-time workers'.

Any term time arrangement, including flexibility of leave, must be discussed and reviewed at the beginning of each holiday year.

Example of how the hours paid each week are calculated:

Example 1

Employee works 15 hours per week for 39 weeks per year and is entitled to 27 days annual leave plus 8 bank holidays (27 days, 29 days or 33 days depending on continuous NHS service, plus 8 B/H's, as if they worked the whole time during the year.

Annual leave needs to be calculated on pro rata hours = 15 hours x 39 weeks worked/52.143 weeks in year = 11.2

A = Actual number of weeks contracted to work per annum (195 days/39 weeks/585 hours)

B = Annual leave hours due on pro rata hours = $202.50 \times 11/37.5 = 59.4$. Rounded to nearest half hour = 59.5 hours per year.

C = Bank Holiday hours due on pro rata hours = 60.00 x 11/37.5 = 17.6. Rounded to nearest half hour = 17.5 hours per year

D = Number of hours worked per year based on 15 hours = 15 x 52.143 = 782.15 hours.

Hours to be paid each week = A + B + C divided by D X number of hours worked each week = number of hours to be paid each week.

585 + 59.50 + 17.50/782.15 x 15.00 = 12.70 hours to be paid each week.



APPENDIX 4 – FLEXI-TIME

There are a number of local flexi-time arrangements in place and the following section is provided as a guide only.

Example (1) – Monday to Friday working pattern

- 1.1 Flexi-time is a scheme of working which allows employees to choose the time they begin and finish work, around a set of core times during each working day.
- 1.2 This provides an opportunity for employees to exercise discretion over the arrangement of their working hours.
- 1.3 An example of the working day can be divided into the following sections:

Range of working day	from 07:00am until 07:00pm hours daily
Flexible hours (morning time)	from 07:00am until 10:00am
Core time	from 10:00am until 12:00 noon
Flexible hours (lunch)	from 12:00 noon until 2:00pm
Core time	from 2:00pm until 4:00pm
Flexible hours (afternoon time)	from 4:00pm until 7:00pm

- 1.4 It is expected that employees will arrange between themselves and their Line Manager full cover during all times of the day.
- 1.5 All employees must be in work during core time.
- 1.6 The lunch break taken by all employees must not be less than 30 minutes (or longer than two hours.
- 1.7 The standard working week will be full time hours, divided equally between each working day i.e. a standard day is one fifth of the total working week or a proportion equal to hours worked for part-time staff.
- 1.8 This will provide the basis to calculating the credit and deficit at the end of each accounting period.
- 1.9 The accounting period will be one month in length, at which time employees will be expected, where possible, to balance the number of hours actually worked against their contractual hours of employment.



- 1.10 During sickness and holidays, or other authorised leave, a standard day (one fifth of the working week), is credited for each day.
- 1.11 Local protocols throughout Digital Health and Care Wales and hosted organisations must be referred to for details on the following:
 - maximum number of credit and debit hours carried forward from one accounting period to another
 - maximum number of flexi days which can be accumulated within any annual leave year
- 1.12 Hours worked as authorised overtime will not count as credit under the flexible working scheme.
- 1.13 Each member of staff is responsible for totalling their flexi-time sheet at the end of the week/month and returning it to their Line Manager for authorising.

Optional

- 1.14 It may be appropriate for some departments to move away from the traditional flexi core hours and extend working hours to include weekend working.
- 1.15 Staff and services wishing to adopt this model should agree hours by local arrangements.
- 1.16 Overtime payments will not normally be an option, as the hours worked during the weekend forms part of the employees contracted hours of duty.
- Example 2 24 hours working pattern

This example is for Departments who provide a 24 hour service.

- 1.17 Contracted hours of duty are totalled over a four week period e.g. staff working 37.5 hours per week will work 150 hours over four weeks.
- 1.18 Hours of duty are scheduled to meet the service needs.
- 1.19 For the majority, start and finish times will mirror traditional working patterns. However, it is essential that the Department is covered during peak times.
- 1.20 Staff can benefit by working as a team to manage duty rostering and, as long as the Service is covered, hours can then be adjusted.
- 1.21 Extra hours worked one month is reclaimed the next.
- 1.22 Salaries are not affected.



- 1.23 Sickness occurring during the last week of the month will be contained within the hours "due to work", except where the hours "due to work" exceed normal contracted hours of duty. In this instance, sickness will default to contracted hours.
- 1.24 Scheduled hours worked in excess will be acknowledged in the following accounting period.
- 1.25 Where there are remaining hours "due to work", these will be acknowledged in the following accounting period.
- 1.26 As with Example (1), local protocols throughout Digital Health and Care Wales and hosted organisations, must be referred to for details of the following:
 - maximum number of credit and debit hours carried forward from one accounting period to another
 - maximum number of flexi days which can be accumulated within any annual leave year
- 1.27 Hours worked as authorised overtime will not count as credit under this scheme.

APPENDIX 5 – ANNUALISED HOURS

Employment contracts for annual hours provide an opportunity to organise a whole year's work activity on the basis of the number of hours, rather than the number of weeks, worked. In effect, this enables Digital Health and Care Wales to manage periods of high and low activity more effectively, so those longer and shorter hours can be worked when necessary.

Employees will have a degree of flexibility to fit their shifts to their personal commitments within an environment that is consciously aimed at accommodating their needs.

Hours are calculated on the basis of the number of hours to be worked, rather than the number of weeks.

Payment is also arranged, so that the employee receives a fixed monthly payment, no matter how many shifts are worked during that month.

Annual leave will be calculated on a pro rata basis and will be included in the monthly salaries payment:

Example:

A full time employee with less than five years' service would have an annual contract of 1687.5 hours.

Total annual hours	1950
Less annual leave and bank holiday entitlement	262.5
Total	1687.5 hours



APPENDIX 6 – REQUEST FOR VARIATION TO WORKING PATTERN

To be completed by the employee

1. Personal Details

Name	Staff number	
Current post	Base	
Department	Telephone	
Line Manager		

2. Please explain what you wish to vary about your working pattern and the reasons for your request

3. Is this a temporary or permanent variation?

4. What impact will this variation have on the service?



5. What impact will this variation have on your colleagues?

6. What are the benefits to the Organisation?

7. What are the benefits to you?

8. What are the potential problems with this arrangement?

9. What would be the proposed solutions to any potential problems?

Signed:....

Date:....

Print:....

To be completed by the Manager



10. Date/s of meetings to discuss application

11. Discussion points

12. Outcome

13. If the application is rejected, outline reasons

14. Details of monitoring criteria and timescales

Signed.....

Date.....

Print Name



APPENDIX 7 – GUIDANCE FOR MANAGERS

Points to consider when Managers receive a request from a member of staff to vary their working hours.

- The member of staff is required to complete the request form and forward it to the Manager to request flexible working. They must provide as much information as possible to enable the request to be discussed promptly and appropriately.
- A way forward should be agreed between the Manager and the member of staff, including dates and timescales to consider the request.
- Consult and discuss the request with relevant work colleagues, Workforce & OD Department and Trade Unions, where appropriate.
- Involve members of the relevant team and/or department in the planning of any team based approach to flexible working, or where flexible working of an individual will impact on other members of the team.
- Maintain copies of the application form and all correspondence relating to a member of staff's request.
- Document changes to any flexible working option.
- Confirm changes to the member of staff in writing.
- Consider how to accommodate a request without impairing service standards.
- Consider the impact on other members of staff.
- Query whether there are any peaks and troughs in workload and work patterns.
- Question whether there will be additional staffing resources required.
- Ensure that balancing skill mix, meeting the needs of the department and service, duration of the variation and meeting organisational goals remains the priority.
- Where a Manager is furnished with several applications at the same time and is unable to accommodate all of them, consideration should be given to apportioning flexible working on a rotational basis.

1. Declined Applications

In the event that an application is rejected and not considered for any flexible working options, the reasons must be given in writing, sound business reasons should form part of this decision.

The purpose of this will be to provide a clear explanation as to why a specific, flexible working option is not possible for the individual who has requested such a facility.