

Flexible Working

FAQs

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1. Which employees are allowed to ask for flexible working?

Although traditionally, it has been the practice to offer flexible working to certain employees (who have been employed for at least 26 weeks) by statute but NHS organisations are being asked to consider offering flexibility from day one as good practice. This is because individual circumstances can change without warning.

2. Do parents and carers have special rights to ask for flexible working?

The right to request flexible working is not limited to a certain cohort of staff but applies to all employees including those who are:

- Carers
- Parents
- Mothers, especially those returning from maternity leave.

It is not a good practice to prioritise the requests of carers or parents over and above the requests from other employees. If you are finding it difficult to accommodate all requests as a result of this, it might be good practice to consult HR to find out other ways parents or carers can take time off work example may include using parental leave.

3. What kinds of flexible working can employees ask for?

Employees might want a change to, their working hours (by requesting to go part time or job share), the time they work (they might want to have early shift for a period of time or ask for some kind of flexitime) or a change to their work location (by requesting home working for some time).

4. Is there a particular procedure to follow when considering flexible working requests?

A guide and a training video on how to implement flexible working requests have been included with this training manual.

It is also a good practice to consider the points below:

- ask for the request in writing by following ESR guidance
- consider the request fairly
- discuss it with your employee
- look at other options if the request is not possible
- make a decision based on facts and not personal opinion
- only turn down the request if there's a valid business reason
- give your employee a decision within the allocated time slot of receiving the request

If you need more time to make a decision, you can extend the time limit if your employee agrees.

5. Do I have to allow employees to work flexibly?

Our People Plan and Promise, considers it good practice to offer flexibility from day one but should there arise a situation where due to business reasons it will be difficult to accommodate an employee's request, then considerations should be given to other options.

ACAS guide suggests trying to find a compromise which will help keep good working relationships and keep staff. For example:

- if you cannot make a change permanently, you could look at making the change for 6 months only
- if you cannot have someone working part-time every week, you could look into a fortnightly part-time work pattern
- if you cannot make a change on all working days, you could look at making the change on some working days only

It's a good idea to talk to your employee and:

- explain why you cannot make the changes they initially requested
- listen to their reasons for requesting the change
- suggest any other possible options
- ask if they have any ideas for other options

6. Can we let some employees work flexibly but not others?

Not all roles are suitable for every flexible working opportunity and may not facilitate a flexible working arrangement all the time. Requests for flexible working are therefore considered on a case-by-case basis.

It is good practice to treat all employees equitably; where this is not possible (due to individualistic nature of employees) emphasis should be placed on effective communication and transparency.

It is really important that your employees understand why certain decisions are being taken especially when a caring responsibility or job role of one employee means you have to offer flexibility on different levels or not at all.

7. How does an employee make a request for flexible working?

There is an employee section on ESR where employees can create and track progress of their requests and is covered in the training manual.

8. How many requests for flexible working or changes to working arrangements can an employee make?

There is a national guideline coming out from the NHS national team later in the year (2021) that may shed more light on this, in the interim it will be advisable to consult local policies or speak to your HR team or providers of HR function for clarification.

9. Can an employee change their mind and alter a flexible working request that have already been approved?

There is need to remember that individual circumstances of employees can change at any time.

10. What happens if I decide not to allow a request for flexible working?

There is a possibility that the employee will see no other option but to resign and leave the system in search of other organisations that will accommodate their request. This might mean loss of great talents.

11. What are the advantages of allowing flexible working?

The greatest reason given by colleagues who have left the system is work life balance and considering that a lot of our employees have a caring responsibility, allowing flexible working will ensure that colleagues are able to manage their work life balance better which in turn will hopefully improve retention.

12. Can flexible working requests be entered retrospectively on ESR?

Yes, this can be done by going through the Employee Relations URP.