

Flexible working: Definitions

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Defining flexible working

1. The NHS and primary care define flexible working as '*an arrangement which supports an individual to have greater choice in when, where and how they work*'. This may include changes to their working pattern, hours and role, and/or the location in which their work takes place. Having a flexible working arrangement can help individuals to have more notification of, and predictability in, their work schedules and may facilitate greater variation in their work.
2. You may hear the terms flexible working, agile, smart and remote working used interchangeably and they can mean different things to different people. For clarity and consistency, the term flexible working and the definition described above has been used throughout this document.
3. Good flexible working arrangements should balance the needs of the individual with three key organisational factors; patient/service user and staff experience, service delivery and work-life balance of colleagues (figure 1).

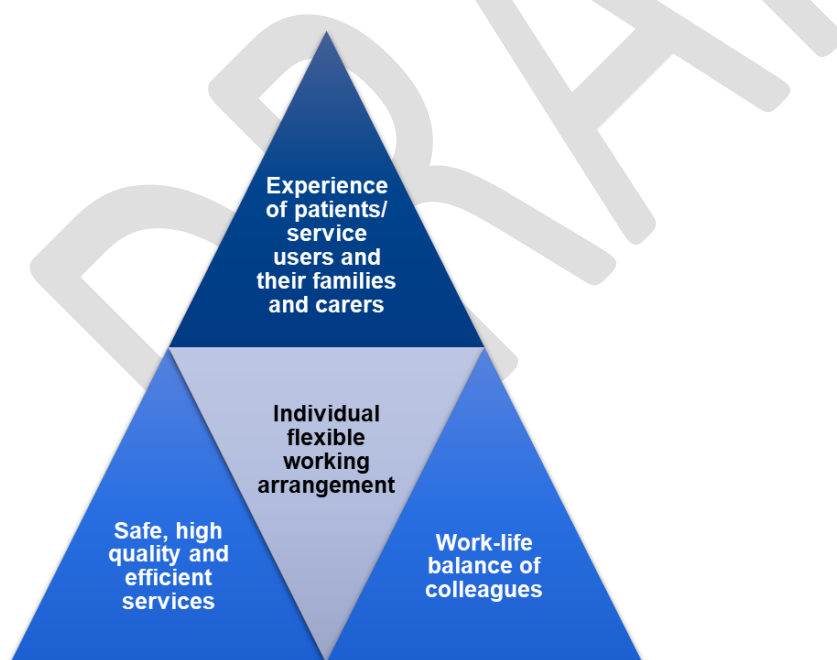


Figure 1: A good flexible working arrangement balances three key considerations with the individual arrangement.

4. Flexible working arrangements may be informal or formal, be implemented in shift/session and non-shift/session based roles and put in place on a short or long-term basis.

4.1 Informal (non-contractual) flexible working arrangement

These arrangements don't normally form part of the employment contract and are usually agreed between the individual and their line manager (or equivalent) as and when needed. Examples include:

- Swapping shifts/sessions
- Mixing shifts/sessions (e.g. working some long and some short shifts/sessions)
- Time off in lieu (TOIL)
- Flexi-time
- Fixed shifts/sessions/schedules (individuals work days only)
- Rotating shift/session work (individuals rotate between different patterns, such as days and nights)
- Split shift/session schedules (where an individual's working day is split into two or more parts with a rest period between. The rest period does not include paid breaks or allocated lunch periods)
- Staggered hours where start, finish and lunch/break times can be variable (usually set around a period of 'core hours')
- Working from home (a role in which the individual has a defined office base but can work at home for part of their working week).

4.2 Formal (contractual) flexible working arrangement

These arrangements normally form part of an employment contract as they can impact on pay, pension and/or annual leave calculations or have corporate governance implications. As such, they may require the involvement of an HR representative (or equivalent management arrangement) and individuals should be consulted before any changes to their agreed working arrangement is made. Examples include:

- Part time hours
- Job sharing
- Annualised hours
- Zero-hours contract
- Bank hours contract
- Compressed hours
- Term-time working
- Phased retirement
- Home working (a role in which the individual spends all their working week based at home)
- Mobile working (teleworking) which enables the individual to work from a different location for all or part of their working week
- Unpaid leave
- Sabbaticals

- Purchase of extra holidays.

4.3 Shift/session-based role

A shift/session-based role (or job) refers to a work schedule in which an individual regularly works some or all of their working week **outside of the organisation's defined core business hours**. Shift/session-based work schedules may be fixed or rotational, and may cover morning, afternoon, evening and nights in addition to on-call activities. On-call, out of hours or standby activities are those where employees are expected to be available for work outside of their regular hours, sometimes at short notice.

4.4 Non-shift based role

Individuals in non-shift-based roles normally work most of their contracted hours within the organisation's defined core business (traditionally seen as Monday to Friday, 9am to 5pm). These include roles where an individual has an on-call commitment (as defined in section 4.3) but doesn't work outside of office hours for most of their normal working week.

4.5 Short-term flexible working arrangement

A temporary working arrangement which is put in place to cover emergency and/or unplanned events. These arrangements are not expected to last more than 28 calendar days (e.g. to manage an urgent change in childcare arrangements, or to repair a broken boiler). Short-term requests are normally agreed between the individual and their line-manager.

4.6 Long-term flexible working arrangement

A working arrangement which is expected to occur on more than one occasion and/or be in place for 29 or more calendar days. Long-term requests are more likely to be a formal arrangement and are normally agreed by line-managers. They may, when needed, involve consultation with an appropriate HR (or equivalent management arrangement) and union representatives.

Principles for flexible working

1. Individuals should have an opportunity to request to work flexibly from day one of employment. Flexible working opportunities should be offered at all stages in a career, regardless of role, grade, or the reasons for wanting to work flexibly.

2. 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.
3. Job roles in the NHS and primary care are designed and advertised in ways that promote the most flexible appropriate working opportunities, with organisations initiating conversations about flexible working from advert through to each stage of an individual's working life.
4. All requests for flexible working should be considered on individual merit. Managers should particularly have due regard for applications where the individual has additional protections from the Equality Act 2010 (for example, to meet childcare needs, as an adjustment to support a disability or to meet religious requirements).
5. Individuals, managers and teams work together to explore the flexible working options that are available and seek a practical arrangement which supports the individual while:
 - Providing the best experience for patients/service users, their families and carers.
 - Maintaining safe, high quality, efficient services.
 - Maintaining the work-life balance of colleagues.
6. Those who have an agreed flexible working pattern should not be treated any less favourably in terms of pay rates, selection for promotion etc than colleagues who do not work a flexible working arrangement. Any adjustments to pay and benefits should be pro-rated against the full-time working model for that role.
7. Managers look to saying 'yes' to a flexible working request whenever they can. Organisations, networks, teams and managers are encouraged to collaborate to think creatively about flexible working solutions, and trial different flexible working options to identify what works best.
8. Managers recognise that legislation enabling one flexible working request to be made in a 12-month period may not always be in harmony with the changes taking place in an individual's personal and professional life. The approach to making and granting flexible working arrangements should be a collaborative one between individuals and their manager. If an individual's first request for flexible working is declined, the individual should be supported to review their request and consider alternative arrangements consistent with any previous feedback. This approach should minimise repeated applications and the disappointment that might accompany any refusals.
9. Managers and individuals jointly agree review periods and discuss flexible working as part of annual health and wellbeing conversations to consider whether any additional alternative arrangements are needed to meet the needs of the individual and the business.

10. As flexible working agreements (including those put in place to support parental and caring responsibilities) may be subject to change, individuals and managers should agree how any changes should be planned, communicated and implemented.

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