



Kent and Medway
NHS and Social Care Partnership Trust

Supporting KMPT staff
to achieve a work life
balance that aligns with our service
needs

GUIDE TO FLEXIBLE WORKING

GUIDE TO FLEXIBLE WORKING

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FLEXIBLE WORKING – INTRODUCTION

The trust's philosophy is to provide brilliant care through brilliant people and we understand that staff are critical to successful healthcare.

The trust aims to make KMPT a great place to work and promote a transparent working environment where quality and safety is at the heart of what we do.

To achieve this ambition we need to be responsive to the changing needs of our workforce and our service needs and requirements, both now and in the future.

This guide to flexible working is an innovative approach to working time and employment practices which enable staff to combine work life needs with quality of care.

Difficulties with work life balance can mean that our highly skilled and competent employees are unable to continue with their careers. Not only does this mean the loss of a valuable colleague's contribution, but the trust also has to recruit and train new staff which is a drain on resources. Of particular concern is the impact this has on our ability to provide outstanding quality of care to which we are committed.

We believe that our ability to attract and retain high calibre staff will be enhanced by the fact that we can offer terms and conditions of employment best suited to individual circumstances and priorities. A scheme such as this requires a responsive and responsible approach from everyone. Our principal aim must always be to meet our service needs and financial accountabilities.

In conjunction with our paid and unpaid time off policy which includes various leave options (see link: <http://i-connect.kmpt.nhs.uk/downloads/hr-policies/FlexibleWorkingPolicyKMPT.HR.39.05.pdf>) to better achieve the balance between both our work and personal goals whilst ensuring that services are not compromised.

These guidelines have been designed to provide details of the range of alternative working options available, showing the main points which need to be considered before any agreement to change existing contractual terms and conditions is reached.

There are many good examples of flexible working arrangements already in place within the trust and these are detailed within Appendix I.

FLEXIBLE WORKING – PRINCIPLES

This guide provides information on the various options available which are at the discretion of line managers and will always be governed by the needs of the service.

Staff and managers and individual members should bear in mind the following principles when considering or making a request for a non-standard or more flexible working arrangement.

- The trust would wish to be as accommodating as practicable in responding to all such requests
- Service delivery and quality standards, including health and safety and legislative requirements, must not be compromised
- Flexible working arrangements should be acceptable to both parties
- Contractual changes to terms and conditions of service can only be agreed following careful consideration of the implications and proper understanding of the individual's circumstances
- Contractual effects need to be adjusted fully explained and agreed with the individual
- The application of flexible working should not result in the trust incurring additional costs due to replacement cover

FLEXIBLE WORKING – ADVANTAGES AND DISADVANTAGES

There are many advantages to flexible working and these are listed below. However, there are also disadvantages which should be taken into consideration when submitting a request for flexible working.

Managers introducing this formal process for requesting a change in working hours/pattern should consider the impact on the entire team/department to ensure that equity of opportunity to new working arrangements is provided.

Manager should use the below when considering or reviewing a flexible working requires

Advantages for the employer

- Likely to attract people to the NHS
- Can help with seasonal fluctuations i.e. winter bed pressures
- Reduces absence levels
- Improves the organisation's image
- Helps to retain staff who may leave
- Can alleviate recruitment difficulties
- Helps to cover a 24hr/365 days a year service
- Improves staffing flexibility
- Improves hard to fill shifts
- Improves morale and loyalty
- Recruit staff who would not otherwise take a post
- Possibility of extra shifts

Disadvantages for the employer

- May not fit in with the needs of the ward/department
- Complexity of shift rotas and scheduling holidays
- Discontent if perceived favouritism shown
- Difficult to cover short term problems e.g. annual leave, compassionate leave
- Set hours, therefore limited resources

Advantages for the individual

- Helps to achieve a better work-life balance
- Plan around personal and/or family life
- Ability to maintain professional skills without the need to retrain
- Can support mental and physical health
- Ability to avoid stressful commute times and find a car parking space
- Part of a team
- Regular salary
- Access to training and development
- Stability and security

Disadvantages for the individual

- Challenging to meet training and development needs
- Potential lack of communication
- Feeling left out of teams
- Face resentment from other staff

FLEXIBLE WORKING – GENERAL PROCEDURES FOR IMPLEMENTATION

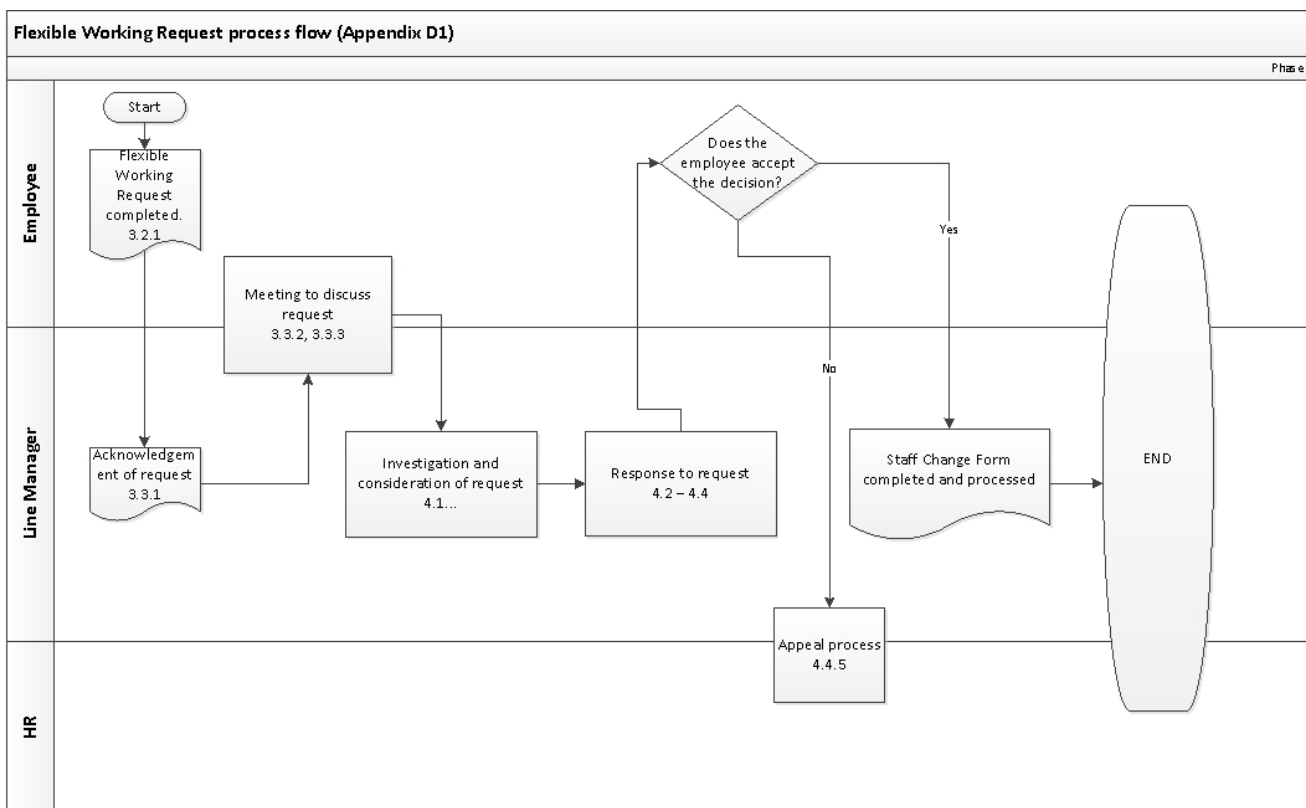
Staff – If you would like to apply for flexible working:

1. **Consider** the practical implications of your request and how your department/section would cope with these.
2. **In Writing** put your request in writing to your immediate line manager, with as much detail about your requirements as possible, and keep a copy. This form requests information on how the proposal meets the needs of the service and how, if necessary, works is to be reallocated.
3. **Meeting upon receipt of your written request your line manager will make contact with you to arrange a meeting within 28 days.** Your manager may need more than one meeting with you, depending on the nature of your request. The content of the meeting should also include a discussion about the contractual issues: hours, minimum unpaid breaks where an employee works in excess of 6 continuous hours (in line with Working Time Regulations), health & safety issues, training requirements, changes to annual leave entitlement and any other term and condition affected following the proposed change. Advice can be sought from HR 01622 724146. Where the change involves a reduction in total hours worked and therefore pay, and the member of staff contributes to the NHS Pension Scheme, there will be a reduction in pension benefit. For more information, consult the HR Pensions Advisor on 01227 812380.
4. **Flexibility:** it may be that your service might be able to meet your request in part, but not in full. How flexible can you be - might there be alternative ways to meet your needs?
5. **Timescale:** upon agreeing a request the manager must confirm in writing the outcome within 21 days of the meeting and sign the request form to give authorisation. Any special requirements upon the employee, for example, attendance at work outside the revised hours to attend training sessions/meetings etc. should be discussed and confirmed in writing.
6. **Trial periods** in some circumstance the manager and/or employee may have reservations about the potential success of a new arrangement. In these circumstances, the manager may agree a trial period of up to three months to assess the impact of the arrangement. There should be a midway review to discuss whether the arrangement should continue to the end of the pilot, be adjusted in some way, or is likely to cease at the end of the pilot.
7. **Documentation** should be placed in the employee's personal file. It is the manager's responsibility to ensure a SR2 form is completed and that a copy of the Flexible

Working Request Form is forwarded to HR for monitoring purposes. Please note that once the change is agreed, this is an amendment to the contract of employment and there is no automatic entitlement to revert to the original hours of work/working pattern.

8. If your manager has refused your request, the reasons for this should be explained in the formal response given to you.
9. If your request is rejected you may take your request to the next level of manager in your department, if:
 - a. You do not get a formal response (in writing) from your manager within a reasonable or agreed timeframe.
 - b. You believe the refusal or outcome of your request is unreasonable.
 You should arrange to do this within 7 days from receiving the formal response from your manager, and may choose to be accompanied by your representative.
10. Remember your manager must consider the needs of the service and the department as a whole, and may not always be able to accommodate your request, although s/he will do all that is reasonable to do so.

This procedure has been developed using good practice and meets the requirements within the Part-time Work Regulations and the Sex Discrimination Act 1975.



The following pages refer to flexible working options we offer.

STAGGERED WORKING HOURS/FLEXI TIME WORKING

DEFINITION

Allows normal working hours to be varied to suit an individual's needs whilst working the full time contracted hours for the post over the week. For example, working from 10am-6pm rather than from 9am-5pm.

Working hours may be staggered on a permanent or temporary basis, throughout the week or just on one or two days of the week

This can be done as a local agreement

POINTS TO BE CONSIDERED

- Agreement with the line manager must be sought in advance and actual timings need to be defined to ensure that service needs are met in full
- Allows for greater coverage of the working day by the department, and provides flexibility for the individual
- Minimum break times must be taken during the working day according to trust policy
- Staggered hours cannot apply to staff who are rostered. Only to those who work a "standard" week, and who are not required to handover to an oncoming shift
- Are there any particular health and safety or security issues which need to be considered when working outside of the 'normal' hours?

QUESTION	ANSWER								
<i>Could a staggered Working Hours arrangement include weekend work?</i>	Yes, if your existing work pattern includes weekend work								
<i>Could a Staggered Working Hours arrangement allow for longer but fewer shifts e.g. 12 hour shifts?</i>	Yes, as long as there is no compromise to service standards or any adverse impact on the rest of the team. One ward already has staff who work 12 hour shifts (allowing for minimum unpaid breaks as per Working Time Regulations)								
<i>If my full time hours are 36 a week, could I work them over 4 days?</i>	Yes, you would need to work nine hours daily, excluding breaks								
<i>Could I reduce my daily hours by working through my breaks?</i>	No, meal/rest breaks must be provided for during your attendance hours of the following minimum duration: <table style="margin-left: 20px;"> <tr> <td colspan="2">Daily working hours:</td> </tr> <tr> <td>Less than 4 hours</td> <td>nil</td> </tr> <tr> <td>4 to 8 hours</td> <td>45 mins</td> </tr> <tr> <td>8 and up to 12 hours</td> <td>60 mins</td> </tr> </table>	Daily working hours:		Less than 4 hours	nil	4 to 8 hours	45 mins	8 and up to 12 hours	60 mins
Daily working hours:									
Less than 4 hours	nil								
4 to 8 hours	45 mins								
8 and up to 12 hours	60 mins								
<i>Could I work a 9 day fortnight?</i>	This arrangement would need to be discussed with your manager. This should be possible if there is no compromise to service standards or any adverse impact on the rest of the team. Seek advice from HR for further information								
<i>Can I work Staggered Hours if I work part time?</i>	If you are part time it may be possible to arrange for your hours to be worked outside of the 'normal' working hours for the department (see Part Time Working)								

IMPACT ON PAY AND BENEFITS

Pay and benefits are not affected on the basis that the full-time hours for the job are worked over five days or less

PART TIME WORKING

DEFINITION

Contracted to work less than the full time hours for the post on a permanent basis.

POINTS TO BE CONSIDERED

Before an agreement with an employee can be finalised, the following points need to be considered and agreed:

- How many working hours a week are required for the post?
- If part time working is agreed how will the remainder of the hours/work be covered?
- How should the hours be worked? (Each day and week)
- What happens if additional hours are required? Is payment made or is time off in lieu given?
- Are there any special overlaps required between the part time post holder and others?
- Could a job share arrangement be organised (See Job Share Agreements)

IMPACT ON PAY AND BENEFITS

Salary and all pay related benefits are reduced pro-rata to the full time entitlement, e.g.

- Salary increases
- Pension
- Annual leave
- Sick pay and maternity pay
- Redundancy pay

QUESTION	ANSWER
<i>If I work part time can I vary the hours I work each week?</i>	It may be possible to vary your weekly hours providing you work your contracted hours within the period of one month. This would be with the agreement of your manager and according to the needs of the service.
<i>What happens if I work additional hours over and above my contracted hours?</i>	The hours worked each week will be added for a monthly total. If you have worked more than your contracted hours then an adjustment will be made to offset these from the next month's allocation. If you are in a post which qualifies for overtime payment, then all additional hours must be agreed in advance with your manager.
<i>What happens if I work extra hours?</i>	This needs to be agreed with your manager as time off in lieu. If payment for agreed additional hours is at the standard hourly rate until you have worked the full time hours for the post within the month. Hours worked in excess of this will be at overtime rates.
<i>Can I agree to work only on certain 'fixed' days each week?</i>	Yes, as long as there is no compromise to service standards or any adverse impact on the rest of the team.
<i>If I work part time can my hours be worked outside the 'normal' working hours?</i>	This will need to be agreed with your manager and consideration would need to be given to the same issues as someone opting for Staggered Working Hours

JOB SHARE

DEFINITION

Two (or more) people undertaking one role on a shared basis. This arrangement has the constraint that if one party to the job share leaves, the employment of the second party is affected.

It is a particular form of part-time working in which the individuals agree to work together to cover a full-time post in a seamless manner. It is useful in opening up posts for part-time employment where this would otherwise be impractical, such as where a post is unique or at a senior level.

POINTS TO BE CONSIDERED

The following points should be considered to establish whether a role is suitable for job share consideration:-

- Can the duties and responsibilities be clearly defined and measured for each person?
- If the role requires a broad range of skills, would two (or more) people provide those skills between them?
- Would the role benefit from longer than the normal full-time working hours per week?
- Accountabilities for each "job-sharer" will need to be clearly defined.
- What happens if one partner leaves the shared role:
 - Seek a replacement
 - If unable to find a replacement the role should be offered on a full-time or increased hours to remaining "job-sharer(s)".
 - If this is not acceptable to remaining "job-sharer(s)" then replace with full time employee.

IMPACT ON PAY AND BENEFITS

Salary and all pay related benefits are reduced pro-rata to the full-time entitlement. e.g.:

- Salary increases
- Pension
- Redundancy Pay
- Annual leave
- Sick and Maternity Pay

QUESTIONS	ANSWER
<i>If I want to work a job share can the trust find someone to share with me?</i>	It is an individual's responsibility to find a job share partner, and we would encourage you to find out if anyone else in your team or department might be interested.
<i>Does a Job Share have to work on an equal split of time and responsibilities?</i>	Not necessarily. It will depend very much on the requirements of the job to be shared and the skills brought to it by the job sharers.
<i>What is different about a job share contract as opposed to a part time one?</i>	In a job share both parties are contracted as inter-dependent partners. This means that if one wishes to leave and a replacement cannot be found to cover the remaining hours the contract of the remaining job sharer may be terminated if no other part-time or alternative job share post can be found. Communication, co-operation and co-ordination between job sharers must be of a high order as performance is assessed on the combined contribution rather on individual input and effort.
<i>What is the 'new' job share partner can't do the same hours as the previous post holder?</i>	Where one party leaves the arrangement the split of hours may have to be renegotiated in order to accommodate the needs of the new partner
<i>If another 'sharer' can't be found am I entitled to a redundancy payment?</i>	No

COMPRESSED HOURS

DEFINITION

Effectively this is to increase the length of days to free up time for the employee and will be dependent on the service requirement.

POINTS TO CONSIDER

Before an agreement with an employee can be finalised, the following points need to be considered and agreed:

- This will increase the length of your working day
- You will be required to meet the needs of the trust in terms of essential trust requirements such as handover meeting and supervision
- All applications will be considered in line with service delivery needs

QUESTION	ANSWER
<i>What is the longest day I am able to work?</i>	If you have back to back shifts then the longest period you are allowed to work is 13 hours. All arrangements must comply with Working Time Regulation
<i>How will my longer working day affect my annual leave?</i>	Your annual leave is worked out in hours and therefore if you work a 9 hour day then you will be taking 9 hours leave
<i>How will this affect my pension?</i>	No change to your pension will be made if you compress your hours
<i>If I compress my hours will I be considered a full time or part time worker?</i>	If your work hours are 37.5 hours per week regardless of when they are worked you will be considered as full time

ANNUALISED HOURS

DEFINITION

A contract in which the hours of work are spread evenly through the year, with fewer hours worked or time off at certain times. For example during off peak periods when service delivery is less busy.

POINTS TO CONSIDER

Before an agreement with an employee can be finalised, the following points need to be considered and agreed:

- Does the role show a peak and trough pattern, which would lend it to annual hours working without an adverse effect on service needs?
- Can the service accommodate or adapt to lengthy periods of absence, e.g. during school holidays? What maximum period of absence could the service tolerate?
- How the working pattern would be arranged - e.g. Number of hours per week/month, days to be worked etc.
- How will pay be administered? Options might include:
 - Employ through the bank and pay salary weekly.
 - Salary is paid over 12 equal monthly instalments with a recovery clause for any overpayment if individual leaves before completing the contracted hours for the period.
- Will the Trust need to recruit another person to cover the job during the remainder of the year? If so, could cover be provided by temporary or trainee staff?

IMPACT ON PAY AND BENEFITS

If you do not work the full time hours for the post, salary and all pay related benefits are reduced pro-rata to the full-time entitlement, e.g.

- Salary increases
- Pension
- Annual leave
- Sick Pay and Maternity Pay

QUESTION	ANSWER
<i>Is an Annualised Hours arrangement only available for part-time workers?</i>	Most Annualised Hours contracts are for part time workers however it may be possible to work full time hours over a period of less than 12 months, but great care must be taken that your working pattern does not contravene the meal/rest breaks of the Working Time Regulations
<i>If I work additional hours, how is payment for these hours calculated?</i>	Hours worked are reconciled on a monthly basis to ensure that at year end you have worked the annual contracted hours. These will be paid at the standard hourly rate until you have worked the full-time hours for the post
<i>How do you calculate any overtime payment for additional hours?</i>	Payment for additional hours is at the standard hourly rate until you have worked the full-time annual hours for the post. Any hours worked in excess of this will be at the overtime rate or time off in lieu to be agreed by your manager
<i>Will any of my entitlements be affected if I work Annual Hours?</i>	This depends on whether you are contracted to work the full-time hours for the post or not. If you are then you will receive full entitlements. If not, then you will receive them pro-rata
<i>How will annual leave be calculated?</i>	On the basis of an annual entitlement calculated in hours. Contact HR for further advice

EMPLOYMENT BREAK

DEFINITION

An arrangement which enables employees to take a break in their careers for various reasons including education and care. The period of leave from work is unpaid, but the Contract of Employment is not terminated.

Recommended periods- minimum period is 3 months and the maximum is 5 years (periods of less than 3 months should be dealt with as temporary unpaid leave of absence).

POINTS TO BE CONSIDERED

Before an agreement can be finalised the following points should be fully considered and explained:

- There are three key elements of activity during the employment break period:
 - Communication with the hospital
 - A commitment by the employee to work for 2 weeks per year during the break
 - Continuing social contact with the department
- Staff must have a minimum of 12 months service with the trust before they are eligible for consideration
- If the employee returns to work within one year, the same type of job will 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, as far as is reasonable practicable
- If the break is 12 months or under the employee will be able to return to work at the equivalent salary level on leaving, reflecting increases awarded during the break. Conditional on this is that the employee will commit to keep up to date during the break and to attend relevant induction courses organised by the trust. The employee on return to work will provide evidence of CPD/Training
- Training arrangements for re-introduction to work will be agreed before the break commences and will be reviewed during the employment break
- Normally the notice period required before the return to work should be 2 months if the break is less than a year; and 6 months if the break is more than a year

IMPACT ON PAY AND BENEFITS

Service Accrual

The period of the break will count toward continuous employment for statutory purposes.

Other provisions depending upon length of service, i.e. pensions, contractual redundancy payments, leave entitlements, etc. will be suspended for the period of the break.

Pay and Benefits:

All pay and benefits will be suspended from the start of the Employment Break and will be reactivated again on return to work e.g.:

- Pension (contributions may be made up retrospectively -see below)
- Annual leave
- Sick Pay Benefits
- Maternity Leave and Pay

QUESTION	ANSWER
<i>Who decided what activity qualifies for an Employment Break?</i>	This decision rests with your line manager who may wish to discuss your request with HR
<i>What happens if my department is restructured when I am away on my Employment Break?</i>	The trust's organisational change and pay protection policy Security of Employment Policy would apply. You would be kept fully informed and invited to meetings etc. in the same way as staff who are at work
<i>Will an Employment Break affect my pensions?</i>	Staff who take unpaid absence of more than one year will have a corresponding break in their pension contributions

TERM TIME WORKING

DEFINITION

In some areas it may be possible to consider employing staff on a term time basis: this allows individuals to have time off during the school holidays to look after their children.

POINTS TO BE CONSIDERED

- Annual leave must be used during the term time breaks
- Unpaid leave will be required to cover the balance between the annual leave and the length of the school holidays
- Staff on a Term Time contact will be paid on a prorated 12 month basis

QUESTION	ANSWER
<i>How will I be able to calculate my working hours and pay?</i>	This is a complex calculation and therefore you should contact payroll to do this on your behalf
<i>When will I take my annual holiday?</i>	Annual leave will need to be taken during the school holiday period
<i>What happens if I need time off outside of the school holidays?</i>	Paid and Unpaid Time Off policy should be referred to if you need additional time off during the year

PERSONALISED ANNUAL LEAVE

DEFINITION

This is an arrangement whereby employees can buy or sell annual leave subject to minimum and maximum ceiling, with a commensurate adjustment to their salary.

POINTS TO CONSIDER

Before an agreement can be finalised the following points should be fully considered and explained:

- You must apply to buy or sell annual leave prior to the next annual leave year.
- Purchased annual leave must be taken in the year it has been purchased as normal carry over rules apply
- Purchasing annual leave will result in a reduction to your annual salary.
- The maximum of 2 weeks pro rata. A maximum of one week can be sold pro rata

QUESTION	ANSWER
<i>Can I buy or sell annual leave at any time?</i>	You can only apply to buy or sell your leave before the start of the next annual leave period
<i>Can I save my leave up and carry it over?</i>	No you can only use the leave within the year period you have purchased it and the normal arrangement for carrying over leave will apply
<i>How do I pay for my purchased leave?</i>	This will be deducted from your salary over a 12 month period

FLEXIBLE RETIREMENT

Within the rules of the NHS Pension Scheme, there is a range of alternatives available to people as they approach retirement. Simply stopping work and starting to draw a pension is not the only option. It may be possible for you to reduce your hours prior to your retirement date without impacting your pension entitlement. It may be possible for you to continue to work for the trust on a part time basis following your retirement date. Contact the pensions office on 01227 812380 to discuss your options.

There may be other flexible working arrangements such as working from home on set days, or fixed shift patterns, which may be appropriate. Please discuss individual requirements with your manager.

APPENDIX I – KMPT CASE STUDIES

Laurie Burleton: Team Leader, Emmetts Wards, Trevor Gibbens Unit

Laurie has worked for KMPT for around four years and since January 2018 has had a flexible working pattern which involves Sunday as a non-working day and twilight working hours on Saturdays for child life and work life balance. Laurie said:

“Our team feels comfortable talking about flexible working which is vital for a happy workforce. Flexible working isn’t just about childcare but about lifestyle. The process I went through with my manager to agree flexible working was straightforward and I’d always encourage people to talk about it bearing in mind the service’s needs are at the heart of it. My partner, daughter and I are able to have quality time together and I have a happy and productive professional career as well”.

Tammy Parkinson: Healthcare Assistant

I am currently completing my MSc in Forensic Psychology and Crime and I’m doing this via a blended learning method at Coventry University. The flexible working allows me the time I need to complete my work and be available when I need to access materials at certain times. For example materials are disseminated weekly and to stay on top of this and not fall behind my flexible working helps.

I am due to finish my part time course in November 2019. This is MSc stage one training to become a Chartered Forensic Psychologist. I hope to complete stage two within the trust.

Initially I spoke to my immediate manager, I stated that I was struggling when I first started to find the right balance, she asked how she could help and I asked for a flexible contract. I had to put my wishes in writing and this is reviewed regularly. I spoke to my manager prior to starting a course to confirm that I would be supported to complete.

Being able to further my education and knowledge does benefit the ward. Most staff and potential staff are probably not aware that it’s not just Mum’s that can ask for flexible contacts. If it wasn’t for this option for me and the support of my team and managers I would not be able to do both and my career would not have developed as much.

