**NHS Wales**

**Flexible Working Guidance**

***#flexibleworking#nhswales***

**Why do it and what are the benefits?**

**Introduction**

Why promote, support and facilitate flexible working within NHS Wales? For employers, managers, staff and ultimately patients flexible working is part of a wider solution to support the aims and objectives of NHS Wales. It is an important tool in supporting the workforce aims of ‘A Healthier Wales: Our plan for Health and Social Care (Welsh Government) and the workforce aims to:

● Deliver an inclusive, flexible, multi-professional workforce able to work across sectors and traditional boundaries by ensuring the workforce is implemented and underpinned by excellent workforce data and planning to attract, recruit and retain talented people to train, work and live in Wales.

● Make NHS Wales an exemplar employer for health and wellbeing at work with the intent to share this approach across the health and social care sector and the wider economy.

Flexible working also benefits individuals not only in allowing them to balance their personal life with their working life but in enhancing general health and wellbeing. Staff that are happier with their balance between life in and out of work are more generally more productive, produce better quality work and are more caring.

Flexible working and the promotion, support and facilitation of it can contribute to these aims in a number of ways, including:-

1. Recruitment & Retention, retire and return and future proofing the workforce
2. Work/life balance, wellbeing, sickness rates, quality and productivity
3. Policy and legal reasons including terms and conditions of service
4. Enabling underrepresented groups to enter and remain in the workforce and progress

**1. Recruitment & Retention, flexible retirement and future proofing the workplace**

NHS Wales in common with other health services across the United Kingdom and the wider world, faces a significant challenge in recruiting and retaining staff across all sectors and all geographical areas. This is at a time of fast changing workplaces and when other employers are offering the ability to work from home or remotely in the long term, reducing the need for long, time consuming commutes, giving greater flexibility and giving people more time to spend with family and friends and the time and space to balance work and home commitments.

Research has shown that being able to balance work and home life is becoming increasingly more important, particularly among the younger generation and expectations are changing. Supporting flexibility at work will help meet those expectations.

**Recruitment:**

Being open to offering flexible working across all jobs from the start of an appointment can increase the pool of potential applicants. This can be the difference between someone applying for a job or looking elsewhere.

In attracting staff, reputation is also important and an organisation that is open to flexible working and considers applications seriously and tries to meet requests will have a better reputation and greater success in recruiting. This can also make a difference in someone applying for a job or looking elsewhere. NHS Wales is a small community and reputation spreads, and a good reputation will attract more applicants.

It was commented in a case study of flexible working at Calderdale and Huddersfield NHS Foundation Trust against a national shortage of nurses that when it is hard to fill posts, it is better to have a day of someone good than to have no days (Enabling Flexible Working – CIPD).

**Retention:**

In addition to recruiting new staff the NHS in Wales needs to retain its existing workforce. Allowing staff to work flexibly and to change their flexible working arrangements across their careers will help to retain staff. Flexible working arrangements that can adapt with individuals changing needs, circumstances and aspirations will support retention and improve attrition rates. The option to work flexibly may make the difference between an individual leaving a job or staying or even leaving their chosen profession.

There is a growing body of evidence that shows that the generation that has recently joined the workforce or will be joining the workforce will have different expectations of work, this will include a flexible approach to work not just for childcare but for other things like commuting less, doing personal administration, looking after pets, having the opportunity to exercise or traveling at non peak times and walk or cycle to work, which may seem like small things but make people feel less stressed and contribute to mental wellbeing and as such make them more productive in work.

This generation is also more prepared to leave their job and even their chosen profession if the flexibility they want is not available. (Between April and June 2021 791,000 people moved jobs – 2.6% of the workforce ONS).

When the number of vacancies not only in NHS Wales remaining high but also the number of vacancies across the NHS as whole, as on any one day there are over 30,000 vacancies on NHS jobs, having a positive, open approach to flexible working is essential to retaining staff in NHS Wales.

**Flexible Retirement:**

As well as recruiting and retaining new staff it is also important to consider how to extend the working lives and retain the skills and experience of existing staff. Allowing staff who are approaching retirement or are past their retirement age to wind down by reducing the hours or days that they work may mean that they continue working rather than retiring as they no longer want to work full time or for health reasons are unable to.

This can be offered alongside other flexible retirement options like retire and return and step down where staff approaching retirement step down into a different role.

**Future proofing the workplace:**

We can anticipate that the future workplace will look and feel very different from today’s workplace as it changes in response to societal and technological change and to the experiences of people in working during the pandemic in either gaining greater flexibility and working from home or having faced greater pressures and wanting to change the way they work to support their wellbeing.

In order for NHS Wales to continue to be an employer of choice the Health Boards, Trusts and Strategic Health Authorities that make up NHS Wales will need to think about how they can offer the flexibility that the millennial generation are looking for and how technology can be best utilised to attract and retain staff. Considering that the generation is coming into the workforce and will be the backbone of the workforce in the years to come is also the most willing to leave jobs if they do not provide the flexibility that they want.

NHS Wales will also need to think about how it can offer flexibility to the current workforce to support the retention of their skills and knowledge as they approach retirement or look for opportunities elsewhere that offer a working pattern that supports their aspirations and wellbeing.

**2. Work/life balance, wellbeing, sickness rates, quality and productivity**

Work life balance is becoming increasingly more important, and individuals experience of working during a pandemic that has put a strain on NHS staff and service has brough this to the fore. Flexible working and having access to flexible working has been shown to improve individual’s balance between work and life from simply being able to access an exercise class to not having to rush to collect children from school.

Access to flexible working also improves individual’s wellbeing and improved wellbeing has a positive impact on sickness absence rates, productivity and the quality of work. This has been supported by a number of studies.

**ACAS - Wildgoose, 2019, Flexible Working Survey**

<https://wearewildgoose.com/uk/news/flexible-working-survey-insights/>

In the survey 42.9% of people who currently don’t have access to flexible working, suggested that having the ability to do so would allow them to maintain or even boost their productivity levels whilst juggling life outside of work at the same time.

**Work/life balance**

Over 60% of UK employees surveyed feel the regular 9-5 no longer works for them as they try to balance life in and out of work.

**Mental health**

Over 39% of the people surveyed who work flexibly see a noticeable improvement in their mental health. Similarly, almost 43% of people who do not have the option of flexible working, feel it would enable them to better manage their mental health. When you split this out by gender, half of men not working in a flexible working environment say that doing so would help them better manage their mental health, in comparison to just a third of women.

**Increased productivity**

In the survey 69% of workers currently not offered flexible working said that they would be more productive if they could, as they would be able to work at times better suited to them.

**ACAS - Mental health awareness – playing our part in making work better - 14 May 2019**

<https://www.acas.org.uk/mental-health-awareness-playing-our-part-in-making-work-better>

The findings of a 2019 ACAS poll considering work-related stress and anxiety found that two thirds of employees have felt stressed and/or anxious about work in the past 12 months. Work/life balance is amongst the top three reasons cited as the cause with 35% of respondents citing work-place stress in relation to balancing work and home life. It is therefore no surprise that "better flexible working opportunities" is cited as a solution by 26% of respondents.

**CIPD - Flexible working boosts wellbeing among construction workers, 28 Jun 2021 - Francis Churchill**

<https://www.peoplemanagement.co.uk/news/articles/flexible-working-boosts-wellbeing-construction-workers-study-finds>

A study, conducted by Timewise, found that introducing flexible working increased the number of workers who felt they had enough time to look after their own health and wellbeing from 48 per cent to 84 per cent – a 75 per cent increase.

Similarly, the percentage of workers who said they regularly worked beyond their contracted hours dropped from 51 per cent to 34 per cent, while the proportion who said they felt guilty for starting later or finishing earlier than colleagues also fell from 47 per cent to 33 per cent. The pilots were conducted with teams of between 14 and 120 workers over an 18-month period and found that all of the projects were complete without any negative impact on deadline or budget.

**Employee Benefits - How flexible working can boost staff wellbeing**

<https://employeebenefits.co.uk/issues/october-2014/how-flexible-working-can-boost-staff-wellbeing/>

The opportunity to work flexibly also enables employees to work at their optimum times. Axa’s Winwood references individual body clocks, which mean that different times of the day suit different people.

“We don’t all fit into that nine-to-five pattern,” he says. “Flexible working will allow morning people to seize the opportunity to work in the morning.

“People with psychological conditions might also benefit from flexible working, in order for them to complete various interventions. Someone with bipolar disorder will take some medications that can make them feel very groggy in the morning. If they are able to work slightly later, it would benefit them and the organisation.”

Denton adds: “Stress is a massive issue in the workplace. If [employers] give employees flexibility that reduces that level of stress, the [long-term wellbeing of the workplace](http://www.employeebenefits.co.uk/benefits/healthcare-and-wellbeing/employee-wellbeing) will be improved.”

**Physical wellbeing**

Flexible-working opportunities can also help employees’ physical wellbeing, for instance where employers provide staff with morning or lunch-time exercise classes or offer more flexible hours to enable them to go to the gym or commute by bike.

“Flexible working will allow people to take part in the many wellbeing-at-work initiatives employers are promoting at the moment,” says Winwood. “It will give people more time to do exercise, go to early morning gym sessions, go for a run or go to the shops to buy healthy food.

“If an employer can change the times when people are working, they can also use different modes of transport to get to the office. If it’s not rush hour, they might be more confident to get on their bikes to get to work.”

Flexible working can also be a time-saver, says Allen and Overy’s Henchoz. “Employees with long commutes can get more hours back in their days or fit jobs in, such as medical appointments or having the boiler fitted,” she says. “From those perspectives, you can’t see it as being detrimental to health; you can only see it as positive.”

Ultimately, [flexible working allows staff to balance their home and working lives](https://employeebenefits.co.uk/?s=flexible+working) in a way that suits them. Winwood adds: “It is really important to balance the spiritual and healthy you, family and important relationships, and work in equal harmony.

“If work is taking over the other two, just by virtue of the timeframe, the other two bits of your triangle are not going to be very enriched. Flexible working, on the whole, will allow people to have a more balanced life.”

Flexible working clearly benefits employees’ work-life balance, mental wellbeing and physical health, but it also has benefits for employers. Swan adds: “The most forward-looking organisations see it as working with the grain of employees’ lives, rather than just imposing a set of policies that they may or may not take up.

“They see it as a more holistic thing, dovetailing working life with the way that people actually live.”

**Sickness Absence**

Flexible working is also one of the tools that can be used to manage sickness absence rates. In generally reducing rates by allowing flexible working which increases individual health and wellbeing but also in allowing staff with medical conditions to manage their health and attendance at work.

**Flexible working environments can reduce absenteeism – Oct 2007**

[**https://www.eurofound.europa.eu/publications/article/2007/flexible-working-environment-can-reduce-absenteeism**](https://www.eurofound.europa.eu/publications/article/2007/flexible-working-environment-can-reduce-absenteeism)

The Swedish Karolinska Institute points out that poor health does not have to result in employees being absent from work. This shift in focus is based on the assumption that ill-health can be managed in a way that is beneficial to both employers and employees. The report argues that there is a need to ensure that working while being in ill-health does not have long-term negative consequences for the health of individual workers something which the study refers to as ‘sickness attendance’.

Central to the model is the argument that absenteeism is the result of an individual’s rational choice – in other words, that ‘the individual [is] a product of his or her environment and, at the same time, is a conscious actor who makes choices within a given social framework.’ As the report notes, employees often have ‘good reasons’ for being absent. Two key concepts are used to explain employees’ choices in this respect: ability and motivation. It is argued that poor ‘adjustment latitude’ – that is, the lack of opportunity to change work tasks in light of illness – affects an individual’s ability and motivation to work.

The traditional conceptualisation of ability sees a close correlation between human resources and work tasks, or an individual’s ability to complete a work task. While the report partly accepts this definition, it develops the notion of ability further, emphasising the need to consider the issue of ‘adjustment latitude’. This notion assumes that any definition of ability needs to depart from the concept of ‘work demands’ – that is, the tasks to be completed irrespective of the circumstances (illness) of an employee. The key argument is that an employee’s ability to fulfil such demands depends on the health of the individual. As the study contends: ‘A heavy physical workload may, for example, act as a barrier when suffering from low back pain but not when suffering from mental problems.’

The other important variable highlighted by the research relates to motivation of the individual worker. Often a highly controversial issue, especially when it entails state benefits, an employee’s motivation to work is defined as involving an individual’s perception of what they can ‘manage’. The implication is that businesses have the responsibility to provide a working environment which is capable of accommodating employees suffering from health problems; this includes offering employees the chance of either remaining at or returning to work, irrespective of sickness.

**Research findings**

Using the ‘odds ratio’ (OR) statistical measurement, the study confirms its main hypothesis: namely, that a poor adjustment latitude, or an individual’s inability ‘to adjust work to illness in order to keep sufficient work ability’, increases the likelihood of absenteeism. A low adjustment latitude was associated with an increased risk of being absent due to sickness for between one and seven days, with an average OR of 1.3 recorded for women and 1.1 for men; it also increased the risk of being absent for eight days or more, with an average OR of 1.5 for women and 1.3 for men. Conversely, the report records a high increase in sickness attendance where employees have the option of a variety of four to six adjustment opportunities.

The research also indicates a strong correlation between the kind of work undertaken and attendance rates. Absenteeism was particularly high – with an OR of 2.2 for seven days or more – where work did not catch an individual’s imagination or attention or allow workers to develop their skills and knowledge. For this reason, employers of manual and repetitive labour affected by high absenteeism levels should consider providing more stimulating tasks to their workers.

The report provides guidance to employers experiencing costly and high absenteeism rates. Moreover, it offers employees the potential to remain at work irrespective of ill-health. For example, the flexibility model can address the problem of skills depreciation and a weakening of the individual’s social competencies, including a lack of confidence, caused by long periods of absenteeism.

In addition, the model challenges the ‘high attendance requirements problem’, whereby employees are forced to work for fear that absenteeism would lead to dismissal or burden fellow colleagues as well as increase their own workload. If applied correctly, the flexibility model can ensure that employees attend work without fear of long-term negative consequences for their health.

**Productivity**

Productivity is a major issue in health care and the experience of the pandemic has shown that offering additional shifts and extra pay may not be the only way to increase productivity.

**CIPD – Flexible Working the Business Case**

<https://www.cipd.co.uk/Images/flexible-working-business-case_tcm18-52768.pdf>

Employees and managers agree that flexible working increases individual performance and is more motivating than a bonus!

* 9 in 10 employees consider flexible working to be a key motivator to their productivity at work (89%); even more than financial incentives - (77%).
* 81% of those who have access to remote working believes it increases their productivity.
* Managers and co-workers also report a positive or neutral impact on individual performance in terms of quality and quantity of work when flexible working practices are adopted.
* When it comes to working with others, flexible work schedules help employees, including parents and carers, balance their work and life responsibilities and boost performance, increasing average labour productivity for large and small businesses.

**Timewise – The business case for flexible working**

<https://timewise.co.uk/article/the-business-case-for-flexible-working/>

A survey by BT in 2014 found that the productivity of flexible workers increased by 30%. And in a study of flexible workers undertaken by Cranfield University, 97% of managers said the quantity of work improved or stayed the same.

**Hubble - 1 March 2021 - The impact of flexible work hours on productivity**

<https://hubblehq.com/blog/flexible-work-hours-productivity>

Studies have shown significant improvements in productivity and morale when employees are given the option to work according to their own schedule. In fact, a survey by Airtasker found that flexible workers on average work 1.4 more days every month than traditional office workers. That’s 16.8 more days per year! A likely reason for this is that people are productive at different times throughout the day. So, by scheduling their work around the hours they’re most productive, employees can execute tasks more effectively and produce higher quality work.

Also, without the pressure to be in the office from 9-5, employees can better deal with their mental and physical health—reducing burnout. Research shows that companies with moderate to severe employee burnout experienced a decrease of 22% in work output. Furthermore, by giving employees more flexibility and time to deal with responsibilities in their personal lives, they’ll likely be more dedicated and productive in their professional lives. Plus, employees can spend more time doing things they enjoy—whether it’s pursuing hobbies or spending more time with loved ones. And happiness actually boosts productivity. One study found that happiness made people roughly 12% more productive. [New study shows we work harder when we are happy (warwick.ac.uk)](https://warwick.ac.uk/newsandevents/pressreleases/new_study_shows/)

**Quality**

There is growing evidence that where staff feel better about themselves and their work lie balance the quality of their work improves.

**CIPD - Stress, overwork and poor work-life balance undermine UK job quality**

[**https://www.cipd.co.uk/about/media/press/poor-work-life-balance**](https://www.cipd.co.uk/about/media/press/poor-work-life-balance)

Over-work, stress and poor work-life balance are undermining attempts to improve job quality in the UK, new research from the CIPD finds.

5,136 people were surveyed for the UK Working Lives Survey, an annual assessment of job quality across seven different categories including pay and benefits, contracts and employment terms, and voice and representation.

Poor work-life balance was identified as a particular problem, with many people admitting their job caused disruption to family life and made it hard for them to switch-off in their downtime. Three in five (60%) say they work longer hours than they want and one in four (24%) say they overwork by ten or more hours a week.

A quarter (24%) admit it’s difficult to relax in their own time because they are thinking about work and that their job affects their personal commitments (26%).

The report also uncovers evidence of high levels of work intensity which, like a poor work-life balance, is known to be a cause of stress. Nearly a quarter of people say they often or always feel exhausted in their jobs (22%), or under excessive pressure (22%).

Other findings from the report highlight serious concerns about the demands of work and the impact it can have on people’s health. Two in three workers (66%) say they have experienced a work-related health condition in the last 12 months, with anxiety and sleep problems being two of the most common issues reported.

To improve people’s work-life balance and protect their health and well-being the CIPD is calling on employers to offer a range of flexible working practices to all employees. This can help to address the causes of work-related stress and also brings business benefits, such as a more engaged workforce.

The report finds that three quarters of flexible workers (78%) say that flexible working has a positive impact on their quality of life. However, many are missing out with two-thirds of employees (68%) wanting to work flexibly in at least one form that is not currently available to them.

**Timewise Flexible Working in the NHS – A time for action**

[**https://timewise.co.uk/wp-content/uploads/2018/07/Flexible-working-in-the-NHS-the-case-for-action.pdf**](https://timewise.co.uk/wp-content/uploads/2018/07/Flexible-working-in-the-NHS-the-case-for-action.pdf)

‘Caring by Design’34 was an action research project looking at how to enable domiciliary carers to deliver a high quality of care, while managing their own nonwork responsibilities. Timewise delivered the project alongside community support provider Rathbone in 2016-17, with the support of the JP Morgan Foundation.

The research uncovered five structural constraints which make providing flexibility for carers particularly challenging in domiciliary care:

* The unpredictability of rotas
* The absence of slack in the system
* The requirement to work unsociable hours
* The amount of downtime in the middle of the working day
* The need to travel long distances between clients.

Timewise identified that a geographical team-based approach to scheduling could help overcome these constraints and worked with a team at Rathbone to pilot this way of working. By clustering support workers with a particular group of service users in a geographical area, travel times were reduced. This created room in the schedule for a weekly team meeting, where support workers’ work-life needs, and preferences could be discussed alongside service users’ needs.

The Timewise/Rathbone pilot showed that the team based approach:

* Gave carers greater input into their schedules, which was reflected in higher work-life balance scores
* Improved the perceived fairness of the scheduling process
* Reduced carers’ intention to leave, and improved commitment to working at Rathbone
* Improved quality and continuity of care, because better teamwork and peer support increased knowledge about service users’ needs. Timewise created a seven-step process for implementing this approach, which is available for use by other care providers.

**3 Policy and Legal Framework**

In April 2003, the UK Government first introduced the statutory Right to Request flexible working for parents and certain other carers. The Right included requesting a change to:

1. work location
2. number of working hours and/or;
3. the associated working pattern or times they are required to work.

That legal Right was extended in 2014 to all employees with 26 weeks continuous service, regardless of the reason for the request, which no longer needs to be linked to caring responsibilities and can be exercised by all eligible employees regardless of the reason for the request. The statutory framework was intended to:

* provide employees with access to contractual flexible working
* help employees to better reconcile their work and non-work lives; and
* help employers to secure the business benefits of flexible working

Under the current statutory framework, there is virtually no limit to what flexible arrangement can be requested, provided the requested change relates to any one of the 3 changes specified (location, hours, times of work). The changes can be permanent, or requested for a temporary basis, for a defined time-limited period.

The 26-week qualifying period was introduced, in part, to balance perceived business burdens of administering statutory requests for flexible working. The Post implementation review of the impact of the 2014 Regulations did not find evidence of unreasonable cost burdens on employers resulting from administering or accommodating flexible working requests. However, a long qualification period may have negative consequences for making flexible working the default, potentially reinforcing a misconception that flexible working is something an employee must earn or may receive as a “perk”.

In July 2019, the Government launched three separate consultations under its “good work plan”. One of these consultations considered flexible working, in particular whether employers should have a duty to consider if a job can be done flexibly. The Conservative Government’s 2019 manifesto committed to encourage flexible working and to consult on a rebalancing of the current legal framework to shift the focus from what is not possible, to instead consider what options may be possible. However, the Government has not yet gone so far as to propose an automatic right to work flexibly.

The Government have been clear that they consider genuine, two-sided flexibility will be key to achieving better quality employment for both employees and employers; however, what is clear is that there can be no “one-size-fits-all” solution and that flexible working needs to begin with a conversation between employer and employee, at the employee’s request.

On 3 September 2021, BEIS published a consultation document, *Making flexible working the default*, proposing various reforms to the right for employees to request flexible working. The main change proposed is making the right to request a day one right, with no requirement for 26 weeks’ qualifying service.

**4. Post COVID-19 and Future Working**

The COVID-19 pandemic has led many people to re-evaluate how, when and where they work. It has brought into the limelight, additional responsibilities that span far beyond the flexibility that organisations have supported around traditional parenting patterns and routines. It has allowed us all to focus on our own health and wellbeing to ultimately enable discussions about a life-work balance and its importance in the modern-day working world. The future of Wales focusses on Health, the Foundational Economy and Decarbonisation so why wouldn’t organisations use flexible working as a catalyst for change? Surprisingly, while COVID-19 has driven an increase in remote working, CIPD research has found that 46% of UK employees still do not have access to any form of flexible working in their current role, despite the many different [types of flexible working arrangements](https://www.cipd.co.uk/Images/flex-from-1st-infographic-types-of-flexible-working_tcm18-99648.pdf) available. Those without access to flexible working are around twice as likely to be dissatisfied in their job, compared to those who do[[1]](#footnote-1).

The CIPD has been championing a change throughout 2021 ‘Flex from 1st, which asks employers to consider flexible working from day one of employment and the NHS has supported this approach, as we want to give all our people the chance to work flexibly, regardless of role, grade, reason or circumstance.

As employers, it is not always easy to support flexible working requests, but aligning our approach to other organisations and sectors, who may be able to accommodate more agility, provides us with opportunities to attract great talent and most importantly retain it. We know we are operating in a multi-generational workplace, where benefits must be person centred to be effective. A move towards flexibility and agility should lend itself to the value base of some, if not all, of these generations and hopefully improve engagement and compassion in how we work alongside one another.

Making flexible working requests a thing of the past so the future becomes ‘**It’s just how we work**’, will be transformational in allowing people to work how, when and where they feel they perform at their best. If nothing else is achieved, we know that in the NHS, more engaged staff, leads to better patient care.

**So, what does this mean for our people?**

Effective, 13th September 2021, new contractual terms allow staff to:

* Request flexible working from the start of their employment (removing the requirement to have six months’ service)
* Make an unlimited number of applications for flexible working, instead of just one a year
* Submit applications without having to justify requests or provide specific reasons
* ​Access a process ​where managers must refer ​on requests that cannot be accommodated initially to ensure all possible solutions are explored.

**So, what does it mean for employers?**

* All employers will promote their flexible working options, throughout the whole employment lifecycle, i.e. starting with the advert, through to team discussions and appraisals and evaluating the response at an exit interview.
* Employers will continue to work with their staff-side partners (trade union colleagues) to improve the flexible working opportunities available to their staff and to evaluate the success of flexibility requests.
* Employers will also contribute to All Wales task and finish groups to ensure fresh ideas about how people can work flexibly are captured and taken forward holistically.

**And what support is available for employers?**

We know that accommodating all requests can be difficult and that sometimes it feels that if you agree to one, you might not be able to agree to the second or the third request and in the past, you might have said no if you weren’t able to accommodate everybody. We also appreciate that in some organisations, divisions, teams or even pockets of teams, this will be a significant culture shift.

Therefore, we have provided some support materials below, to help guide you through flexible working and the importance of conversations. Communicating the [different types of flexibility on](https://www.cipd.co.uk/Images/flex-from-1st-infographic-types-of-flexible-working_tcm18-99648.pdf) offer is key to managing flexible working requests in a fair, feasible manner – especially for roles which do not historically lend themselves to working remotely. Involve your people in these processes and ask staff, line managers and staff-side partners for ideas to enable solutions. Consider trial arrangements so that problems can be identified and rectified and most importantly, be open and transparent with your decision making so that everyone understands the rationale.

* [Flexible working FAQs | NHS Employers](https://www.nhsemployers.org/articles/flexible-working-faqs)
* [How to manage an increase in flexible working requests | Guides | CIPD](https://www.cipd.co.uk/knowledge/fundamentals/relations/flexible-working/managing-flexible-working-requests-guide)
* [Addressing cultural barriers to flexible working, with an introduction to a new online course for the NHS](https://www.england.nhs.uk/looking-after-our-people/the-programme-and-resources/we-work-flexibly/events/#past-events)
* [Supporting our Working Carers’ webinar](https://www.england.nhs.uk/looking-after-our-people/the-programme-and-resources/we-work-flexibly/events/#past-events)
* [Flexible working: The case for change in the NHS](https://www.england.nhs.uk/looking-after-our-people/the-programme-and-resources/we-work-flexibly/events/#past-events)
* [‘Flexible working: Supporting your team to work flexibly’ webinar](https://www.england.nhs.uk/looking-after-our-people/the-programme-and-resources/we-work-flexibly/events/#past-events)
* [‘Flexible working: How to ask’ webinar](https://www.england.nhs.uk/looking-after-our-people/the-programme-and-resources/we-work-flexibly/events/#past-events)
* [The difference between equity and equality – giving everyone what they need to be successful](https://www.youtube.com/watch?v=nCS7Rus4_-Y)
* <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/754151/employing-older-workers-case-studies.pdf>

NHS Wales is already one step ahead of the trend, with section 33 of the Agenda for Change NHS terms and conditions of service handbook implementing a day 1 right to request flexible working and going beyond the statutory cap by permitting employees to make more than 1 request per year. Although this applies specifically to non-medical staff it would be reasonable to make the same offer to all staff employed within NHS Wales.

**So, how can I get started?**

Regardless of your position within the organisation, whether you are a colleague, a staff-side partner, a manager or senior leader, this approach needs momentum to change our culture. There are several things you can do to enhance the approach to flexible working in your organisation, including:

* Revisiting your flexible working policy. Is it in line with the changes to the NHS Terms and Conditions Handbook – importantly, do people know where to find it?
* Remind everyone how to advertise new roles with flexible options. Perhaps use a standard clause in the advert. Did you know that NHS Jobs and TRAC include options to clearly identify how a role might be carried out flexibly making it easier for potential applicants to identify what flexible opportunities are available?
* Engage with senior leaders, local partnership forums and any key change champion colleagues. Ask for conversations to take place about how your values align with this shift in working and the benefits readily available to employers who role-model the approach.
* Look at your key performance data and staff survey information. How do staff feel about access and opportunity for flexible working?
* Role model and shout about the opportunities. The more we talk, the more normal it will become, and the easier it will be to think outside of the box and come up with creative solutions by collaborative working.

**5.Enabling underrepresented groups to enter and remain in the workforce and progress**

Flexible working can support initiatives to enable underrepresented groups to both enter and remain in the workforce and play its part in NHS Wales creating a workforce that reflects the community it serves.

**Addressing cultural barriers to flexible working**

Reframing of discussions around flexible working will be important

* Culture shift and moving away from traditional assumptions of flexible working
* Being present, doesn’t equate to performance
* Flexible working is for everyone, not just for women with parental/caring responsibilities
* Terminology: What is flexible working / informal / formal agreement / arrangement with manager
* Cross-sector working / best practice
* We need to value ‘thinking and creating time’ more
* We need to do more on the ‘how to’

**Flexible working in the NHS**

* The vision for flexible working and the key principles with which we want to operate.
* The different ways you may be able work flexibly and explore which of these could work for you and your team.
* The difference between informal and formal flexible working requests and the key processes to be aware of.
* Practical insight and key tools which can help you consider the right working pattern for you and to prepare you to discuss a flexible working request with your manager.

Developing a one team philosophy identifying where there is low take up of flexible working options such as Hotel Services, Estates, HSDU and other ancillary services, especially vacancies rates are high, and recruitment is difficult.

# Case Study 1



# IMPROVING NURSES’ INPUT INTO ROSTERS

### **BACKGROUND**

An action research project on how flexible working could bring about the structural change needed to attract and retain nurses was commenced. The 18-month project is being carried out in conjunction with Birmingham Women’s and Children’s Hospital, Nottingham University Hospital and University Hospital Southampton, and is supported by the Burdett Trust.

### **APPROACH**

The project targets one of the key elements of work-life balance for people who work in shift- based environments: the degree of input they have into their schedule.

The approach is to create a team-based rostering process which encourages open discussion and negotiation of all work-life balance needs, not just childcare. The roster is put together by a small group of nurses on each ward, who take responsibility for ensuring that their colleagues’ work-life needs are taken into account as far as possible.

This ‘lead team’ collaborates not just on the rota production, but also on communicating and negotiating with the group. They also develop a better understanding of operational constraints, and of the impact of individual changes on the rota as a whole.

### **OUTCOMES**

At the time of writing, the approach is being piloted by Birmingham Women’s and Children’s Hospital, after which it will be assessed and refined before being rolled out across the other two partner hospitals.

However, early indications are that this approach:

Encourages a sense of collective responsibility and cooperation in creating the roster

Helps nurses understand how the system works, what the clinical and operational constraints are, and how their patterns affect the wider team

Enables all staff to articulate their preferences,and improves the proportion of preferences which can be accommodated.

Regular project updates will be posted on the Timewise website

# Case Study 2



# A GEOGRAPHICAL TEAM-BASED APPROACH TO ROSTERING

# COMMUNITY CARE

### **BACKGROUND**

‘Caring by Design’ was an action research project looking at how to enable Community Health Care Support Workkers to deliver a high quality of care, while managing their own non- work responsibilities.

### **APPROACH**

The research uncovered five structural constraints which make providing flexibility for Health Care Support Workers, particularly challenging in community care:

The unpredictability of rotas

The absence of slack in the system

The requirement to work unsociable hours

The amount of downtime in the middle of the working day

The need to travel long distances between clients.

Timewise identified that a geographical team-based approach to scheduling could help overcome these constraints, and worked with a team to pilot this way of working.

By clustering support workers with a particular group of service users in a geographical area, travel times were reduced. This created room in the schedule for a weekly team meeting, where support workers’ work life needs and preferences could be discussed alongside service users’ needs.

### **OUTCOMES**

The pilot showed that the team- based approach:

* + Gave carers greater input into their schedules, which was reflected in higher work-life balance scores
  + Improved the perceived fairness of the scheduling process
  + Reduced carers’ intention to leave, and improved commitment to working at Rathbone
  + Improved quality and continuity of care, because better teamwork and peer support increased knowledge about service users’ needs.

# A picture containing indoor, floor, person, ceiling Description automatically generatedCase Study 3

# IMPROVING THE FAIRNESS OF FLEXIBLE WORKING

### **BACKGROUND**

An NHS organisation have recently carried out a root and branch review of their understanding of the All Wales Flexible working policy.

They became aware of a perception that unpopular shifts (such as weekends and nights) were being disproportionally allocated, and that the needs of those with flexible working arrangements (FWAs) were being accommodated at the expense of other team members.

They had previously switched from a traditional e-rostering process to a predictive rostering one, in an attempt to make the system both fairer and more efficient. However, it became clear that the switch had created its own, different difficulties, not least because staff perceived that their ability to take ad-hoc days off or swap shifts was being reduced.

The team therefore resolved to go back to basics, and look again at what they were trying to achieve through flexible working.

### **APPROACH**

They concluded that they needed to:

* Increase awareness around the potential for unfairness within each rostering system
* Understand how certain KPIs could be achieved by better use of flexible working (such as staff availability, allocation of leave)
* Reread the All Wales Flexible Working Policy to incorporate regular review of all flexible working arrangements
* Build closer working relationships between ward teams, to create a better, shared understanding of the benefits for all.

### **WORK IN PROGRESS**

To date, the team have:

* Updated their knowledge of the All Wales Flexible Working policy
* Circulated practical guidance on how to make flexibility work for everyone, including clarifying what managers need to focus on
* Run a flexible working workshop for community nurses, looking at their specific flexible working challenges and how to overcome them
* Begun work in the Therapies team to develop a model for assessing the flexible status of each team
* Initiated three months of intensive support to clarify KPIs.

The intention is to reintroduce predictive rostering in September for teams for which it is appropriate, based on a clearer understanding of what the priorities are and how flexible working can be part of the solution

# Case Study 4

**Part Time, Annualised Hours**

**at NHS Wales Shared Services Partnership (NWSSP)**

**Claire Daw**, who works for Primary Care Services and is also a Unison Representative, told us that although there are many ways to work flexibly within the NHS in Wales, such as working part time, working during term time only, condensed hours, or standard annualised hours, she applied to work part time, annualised hours when her children started school. Find out from Claire what this means and why she applied to work in this way below.

**How do Part Time Annualised Hours work?**

This means that I work more during term time and less during the holidays while still having the benefit of annual leave (pro rata) which I may not get were I to work term time only.

**What does your working pattern look like?**

I now work 30 hours per week while my children are in school so I can fit my workday around the school day. During the holidays I work just one 8-hour day each week.

**How are your hours calculated?**

There are 39 weeks of term time 39 x 30hours = 1170

There are 13 weeks of school holidays 13 x 8 hours = 104

= 1274 hour per year

1274 hours is divided by the number of weeks in a year (52) so my contract is for 24.5 hours each week. I get paid monthly so get paid for 106.17 hours each month (1274/12).

**What are the benefits to you?**

This means that I do not have to find or pay for childcare in the school holidays and I also get to spend time with my children. I get the best of both worlds in terms of staying in a job I love, whilst getting the time I need to look after my children.

Ultimately, this way of working allows me a better work/life balance and I also receive a regular amount of pay which allows me to budget.

**What are the benefits to NWSSP?**

It has been shown that there are many benefits to the Organisation when staff feel that their employer treats them well. These include reductions in accidents and errors, stress levels and sickness absences and increases in productivity, engagement and loyalty.

I feel very fortunate that I have an employer that allows me to work like this.

# Case Study 5

**Swansea Bay University Health Board Case Study – Flexible Retirement in Midwifery Case Study**

Swansea Bay University Health Board is one of the largest employers in Wales employing around 300 midwives. It serves a population of 600,000 with an annual birth rate of about 6,380. The maternity services are based in three separate sites and midwives provide care in a variety of settings, including consultant led units, midwife led birth centres, the community and at home.

**What we did and why**

While Swansea Bay UHB was fortunate not to have a midwifery recruitment problem, nearly a third of the workforce were over the age of 50 with the potential to retire in the near future, which could result not only in the loss of their experience and expertise, but also future difficulties in recruiting replacements. The option for taking flexible retirement was already available for all staff across the Health Board. Staff approaching retirement, who met the necessary criteria, had the opportunity to consider working reduced hours whilst also being in receipt of their pension entitlements. The implementation of this scheme appeared to offer enormous positive benefits within the maternity services and would meet the aims of retaining valuable and experienced midwives, while at the same time releasing hours to employ newly qualified and junior midwives to ensure the workforce of tomorrow. However, there was very limited uptake of this opportunity amongst midwives due to custom and practice, limited knowledge of the scheme and its potential benefits for the staff, the service and the mothers.

**How we did it**

A new awareness drive was launched on the existence of flexible retirement opportunities and information was disseminated amongst all staff. This was achieved by:

* the Head of Midwifery driving the plan.
* managers informing all their midwives approaching retirement about the scheme.
* provision of help, advice and relevant information to the midwives by the pensions department; and
* broadcasting by word of mouth the positive benefits of the scheme by those already on flexible retirement.

Results Across the three maternity sites flexible retirement is now the most popular option for eligible midwives. In one site all midwives opted for this option which has meant the retention of over 200 years of midwifery experience. While some staff simply reduced their hours, others took the opportunity to flexi retire to a new role or one with less responsibility. These results have been positive for ABMU, staff and women patients

**Benefits – for Swansea Bay UHB**

* experienced staff were retained while releasing hours to create new posts for newly qualified midwives
* teams were put in place with an appropriate and balanced skill mix
* job losses and vacancies were minimised
* cost savings were achieved, e.g., less money was spent on recruitment and vacancy cover
* a more flexible workforce
* reduced sickness levels Benefits – for employees • increased job satisfaction
* retention of existing banding
* hours more conducive to health and family commitments
* flexible working patterns
* reduced sickness time due to improved health and less stress Benefits – for mothers
* continuity of care from midwives that have supported them through several births, many of them at home

**Different Approaches**

**Frequently Asked Questions and Points for Consideration**

**HOME WORKING**

**Definition**

Staff can work from home on an occasional, ad hoc basis or for an agreed period of time. Home working arrangements may be considered where a specific job does not have to be completed at a specific work location and where there is clarity around what will be accomplished at home. An annual review period will be built into the agreement, which could occur as part of the PADR. Staff are still required to fulfil their contractual requirements when working at home e.g. hours of work, breaks and duties.

**Points for consideration**

**For Managers**:

* Staff must be linked to the organisation’s computer network via an internet connection and be contactable by phone or Teams ( or similar ) calling
* Employees working from home must be prepared to attend meetings on Health Board/Trust premises and are subject to standard performance management practices.
* Managers must ensure that the training and development needs of staff working from home are met.
* Temporary home working can be cancelled due to unforeseen or urgent circumstances.
* Agree if the job is suitable for home working.
* Will there be an increase in workload for other employees.
* Agreement must be reached on communication while home working.
* How the employees performance will continue to be monitored.
* Ensure adequate processes in place to monitor the staff member’s attendance accurately? i.e. Timesheets or declaration

**For Employees:**

* Before requesting to work from home on a temporary or long term basis, give consideration to the impact on service delivery.
* Requests to work from home must be agreed with your manager in advance and reviewed regularly
* When working from home you must be accessible at all times via email or phone during agreed working hours.
* Costs incurred as a result of working from home need to be identified in advance and agreed with the manager. When working from home you can be required to work at Health Board/Trust premises at short notice.
* The organisation reserves the right to terminate home working agreement where it is reasonable to do so.
* Not everyone is suited to home working. Will home working work for you? Can you work well in isolation?

**Q - What support will I get from colleagues?**

A - "Keep in touch meetings" (this may include face to face) will help remote workers to feel part of the team.

**Q - Does this suit all employees?**

A - Working at home demands great self-discipline and motivation - not everyone is suited to it. Most of us rely quite heavily on colleagues and their social support. Being surrounded by the demands of family life can get in the way and complicate working from home.

**Q - What work can be done at home?**

A - Working at home can increase productivity especially when particular reports or other written documents require uninterrupted concentration.

**Q - Is my employer still responsible for my Health and Safety if I work from home?**

A: Yes your employer has the same health and safety responsibilities for you whether you are working at home or in a workplace.

**Q - Can a manager request that I work from home?**

A: Managers should talk to their staff about their arrangements, as working from home may not be suitable for everyone. For example, some people may not have an appropriate place to work or may prefer to come into the workplace for wellbeing, mental health or other reasons

**Q- How should we manage the increased risk to data protection and confidentiality created by homeworking?**

A: Employers should set out employees’ responsibilities in their homeworking policy and ensure that employees are aware of how to protect confidential information. For example, regularly changing passwords, ensuring safe and confidential disposal of any paperwork, locking devices out of sight where possible, etc. Employers should also ensure they have carried out a data privacy impact assessment in respect of home or hybrid workers.

Employees who work from home may be sharing their working space with other family members or friends and should try to hold conversations in a location where they are less likely to be overheard, and utilise headsets where possible. Employees should also position their screen where it is less likely to be overseen and consider the use of a privacy screen.

**Q - What should employees do before commencing homeworking?**

A: Employees should ensure they have an appropriate workstation and carry out a DSE self-assessment, (their line manager should also check in to ensure the workstation is suitable and carry out a workstation assessment in respect of any long term or permanent home/hybrid workers. Managers should also check in with employees to ensure they have a place to work where they are unlikely to be overheard or disturbed). Employees should contact their line manager if they believe they need any special equipment to modify their workstation. Before commencing home or hybrid working, employees should inform their landlord/mortgage/insurance provider that they are working from home and ensure any insurance policies have been updated accordingly and they are not in breach of any contract.

**Q - What if everyone wants to work from home?**

A: If several employees request a change to homeworking or hybrid working and not all can be accommodated, there is no clear answer as to who should have priority. Preference should be given to those employees who have statutory rights to be considered; for example, workers with disabilities. As between these groups, the priorities will depend on the exact circumstances including the type of work and whether working from home is necessary or merely convenient.

A disabled worker may often have first priority, at least if this is the only reasonable way for them to carry on working. It would be a reasonable adjustment to give them priority.

There is generally no obligation to disturb any pre-existing homeworking or hybrid working arrangements, even if this makes it more difficult to accommodate requests from employees with statutory protection. In some circumstances, it would be appropriate to ask an existing homeworker to revert to workplace-based working if that would allow a disabled employee to return to work when they could not otherwise do so. However, it would rarely be appropriate to insist.

In the case of two competing requests under the flexible working legislation (or from two employees with no statutory rights) then, unless there is a good business reason to differentiate between the two, an employer can only be expected to deal with requests in order of receipt. The employer should consider each request fairly and without discrimination, take reasonable steps to accommodate requests and could consider establishing a waiting list.

**Q - Can an employer suggest a trial period?**

A: In cases where there is no certainty that the proposed arrangement will work, it may be better and safer to agree a trial period rather than simply to reject the request. The parties should agree from the outset the length of the trial period and the conditions by which success or failure will be judged. In practice, an employer seeking to end a homeworking or hybrid working arrangement may encounter difficulties unless it can demonstrate that the arrangement has not worked or there is no business reason to insist on the change.

**Q - Are employees working from home treated differently to other employees?**

A - Employees working at home should not be treated less or more favourably than other employees in the organisation because they work from home. Employees working from home are still covered by employment and health & safety law

**Q - Will I receive an allowance for being a designated home worker?**

A -You may be able to claim tax relief for additional household costs if you are deemed a designated home worker. You cannot claim tax relief if you choose to work from home

You may be able to claim tax relief for:

* gas and electricity
* metered water
* business phone calls, including dial-up internet access

You cannot claim for the whole bill, just the part that relates to your work.

Designated home-based workers will receive a tax-free contribution from xxx Health Board/Trust, which will be the Revenues and Customs agreed rate at this

# COMPRESSED HOURS

# Definition

Compressed hours result in staff maintaining their contracted hours but working fewer days e.g. a 9 day fortnight or a 4 day week.

**Points for Consideration**

**For Managers:**

* Assess the impact on patient care, colleagues and the quality of the service.
* Will the member of staff be able to provide the same level of service if they work fewer days and longer hours?
* Staff working compressed hours have to comply with the Health Board/Trust Working Time Policy which sets out the rules on rest breaks and daily and weekly rest.
* Ensure adequate processes in place to monitor the staff member’s attendance accurately? i.e. Timesheets or Declaration ( see question raised on this in home working section)

**For Employees:**

The following are some of the questions that you may want to consider before submitting your request for working compressed hours:

* Will someone else need to take over part of your job or cover for the times/shifts when you are not there?
* What will be the impact on service delivery?
* What will be the impact on your colleagues?
* What will be the impact on the cost of running the service?
* What can you do to reduce such impact?

# ANNUALISED HOURS

**Definition**

Under an annualised hours contract staff agree to work a set number of hours per year. The number of hours worked may vary on a seasonal basis or from one week to another. A common form of an annualised hour’s contract is term time only working.

**Points for Consideration**

**For Managers:**

* You need to be clear about the suitability of annualised hours, taking into account variations between busy and quiet periods and the frequency of unpredictable events.
* Determine the staffing requirements to run the service efficiently and factor in provision for annual, sick and other forms of leave.
* With respect to term time only working, you must agree at the beginning whether annual leave falls within term time or within the school holidays.
* It is important to seek advice from workforce colleagues on how the annualised hours contract will operate and then discuss the advice with the member of staff at the earliest possible opportunity.
* Daily and weekly break times must be taken in line with the Health Board/Trust Policy.
* Ensure adequate processes in place to monitor the staff member’s attendance accurately? i.e. Timesheets or Declaration

**For Employees**:

Your basic salary will be paid in equal monthly instalments, regardless of the actual number of hours worked in that period. Unsocial hour’s payments will be paid in arrears, as usual.

* What will be the impact on service delivery?
* What will be the impact on your colleagues?

**Q - Is an annualised hours arrangement only available for part-time workers?**

A - No, 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 meal / rest breaks. Your workforce advisor can advise you in detail.

**Q - If I have an Annualised Hours contract, can I vary the hours I work each week?**

A - It may be possible to vary your weekly hours providing you work you contracted hours within the agreed period. This would be as agreed with your manager and according to the needs of the service.

**Q - If I work additional hours, how is payment for these hours calculated?**

A - All overtime must be agreed with your manager. Hours are reconciled on a monthly basis to ensure that at year end you have worked your annual contracted hours. If you have worked more than your contracted annual hours an adjustment will be made. Payment may be made for additional hours at the appropriate rate. Payment for additional hours is at the standard hourly rate until you have worked the full-time annual hours. Any hours in excess of this will be at the appropriate premium rate.

**Q – How will my annual leave be calculated?**

A – On the basis of an annual leave entitlement calculated in hours, your manager will be able to advice of this in detail.

**Q – Can the service accommodate or adapt to lengthy periods of absence?**

A – This will vary within each directorate and will differ in clinical and non-clinical areas.

**Q – How will my pay be administered?**

A – Salary is paid over 12 equal monthly instalments with a recovery process for any overpayments if an individual leaves before completing the contracted hours for the period and a payment process if an individual has worked more hours than they have been paid.

# TERM TIME ONLY WORKING

**Definition**

The school term time will be deemed to be 40 weeks, unless otherwise stated. Term time working means an employee works only during term times. The employee is away from work out of term time. It is accepted that schools only open for 39 weeks of the year, therefore the employee on a term time only contract will be expected to undertake any mandatory training on the additional week to make up 40 weeks as per contract of employment.

Term time working allows employees to the right to both paid and unpaid periods of leave during the school holidays. Term time working is focused specifically to accommodate out of term periods.

**Points to consider**

**Salary**

The annual salary will be based on the number of hours it is proposed the employee will work in the year, plus payment for annual leave entitlement in accordance with Agenda for Change Terms and Conditions. For administrative purposes, the employee’s pay is spread into twelve equal payments. However, this means that the monthly payment received is not directly related to the hours worked in that month. Therefore, if the employee leaves the Health Board/Trust when part of any one year has been completed, their pay will be re-calculated so that the proportion of the annual salary received matches the proportion of the working year completed. Any shortfall in pay will be paid in their final payment, and any overpayment will similarly be deducted.

You are paid for 40 working weeks (TTO) plus annual leave and public holidays. This is deducted from the 52 weeks and the difference is deducted, non - pensionable over 12 months. This is shown as an adjustment on your wage slip so that pension contribution is based on your full pay and not the lesser amount, with a monthly deduction for term time working.

**Pension**

Pension contributions will be the standard monthly percentage deduction. Further information can be obtained from NWSSP Pensions team.

**Annual Leave**

An employee’s annual leave entitlement is determined by the length of NHS aggregated service, with leave entitlements increasing on the completion of 5 and 10 years aggregated service.

An employee will receive a pro rata entitlement to annual leave, based on the whole time leave entitlement, inclusive of 8 general public holidays and is paid as part of an employee’s salary. An employee on a term time only contract is required to work during the school term. There is no entitlement to take annual leave within term time; exceptional circumstances may be considered by your line manager.

Agreement is then reached between the member of staff and the manager on the distribution of paid and unpaid leave. These arrangements must be made and recorded prior to the commencement of the annual leave year (1st April – 31st March).

If an employee changes their contracted hours during the year, they will have their entitlement recalculated on completed months service (the hours used for the calculation of a particular month will be the hours that have been worked the greater throughout the month).

# PERSONALISED WORKING PATTERNS

**Definition**

A pattern of work that is not standard for the ward or department, for example, working a 12 hour shift when everyone else works a 7.5 hour shift or working days only when everyone else works days and nights.

**Points for Consideration**

**For Managers:**

* Evaluate the impact of non-standard working hours on staffing levels, on skill mix and service delivery.
* Minimum break times must be taken as per the Health Board/Trust’s Working Time Policy.
* Be clear with the member of staff about what the arrangements are and how long they will last and confirm in writing.
* Consider whether there are any particular health, safety, welfare or security issues that arise from working outside of the ‘normal pattern’.
* Are there any additional costs arising from the employee working nonstandard patterns.
* If you agree to non-standard patterns of working these should be granted for a fixed term, subject to regular review.
* Can you facilitate a non-standard working pattern by drawing up a member of staff’s off duty in conjunction with the manager of the member of staff’s partner?
* Are adequate processes in place to monitor the staff member’s attendance accurately? i.e. Timesheets or Declaration

**For Employees:**

The following are some of the questions that you may want to consider before submitting your request for non-standard working hours

* How will the demands of your job be met if you change your hours or pattern of working?
* Will someone else need to take over part of your job or cover for the times when you are not there?
* What will be the impact on your colleagues?
* How will you mitigate any impact?

# EMPLOYMENT BREAK SCHEME

**Definition**

It is an opportunity for staff to take between 3 months and 5 years leave. The period of leave from work is unpaid but the contract of employment is not terminated. Breaks may be taken as one period or more than one period up to the Trust maximum of 5 years. A separate application must be made for each episode. If the break is for 12 months or less, the member of staff can return to the post they held prior to going on leave. If the break is for more than 12 months they will return to an equivalent job with the organisation, but not necessarily the same job.

Staff who have been continuously employed for at least 12 months by the Health Board/Trust are eligible to apply. Requests will only be granted if service needs allow. Staff who wish to extend their break should submit their request to extend in writing to their manager as soon as possible and, for staff on breaks of 12 months or more, no later than 6 months before the break is due to end. If the manager does not allow the member of staff to extend the employment break they should do this in writing.

If the member of staff wishes to return earlier then they must give 3 months written notice for an employment break of up to 12 months and 6 months’ notice for breaks of more than 12 months. Staff must confirm in writing their intention to return on the agreed return to work date at least 3 months before the employment break is due to end.

**Points for Consideration**

**For Managers:**

The issues you need to consider before agreeing to an application include:

* The duration of the break;
* The cost of covering the absence
* How easy it is cover the absence
* Current and anticipated skills/qualification shortages
* The needs of the service – current and future;
* Past investment in training/skills/knowledge of the employee;
* Any forthcoming organisational change

Managers should keep in touch with the member of staff. As such keeping in Touch Days should be agreed prior to the employee embarking on their break. Staff may be required to attend training or to update skills during the break. These should be discussed at the Keeping in Touch Days and agreed. In the event of organisational change, the manager must consult with the member of staff in accordance with the Organisational Change Policy.

**For Employees:**

* You must maintain your professional registration where this is a requirement of the post.
* You must not undertake paid work for any other organisation unless this is agreed with your manager.
* An employment break may commence immediately following maternity leave.

**Continuous Service**:

The period of the break will not count as reckonable service for the purposes of contractual entitlements, i.e. contractual redundancy payments, leave entitlements (annual, maternity or sick), and increments. Continuity of service prior to the break will be protected.

**Pension**:

Guidance on the effect of taking a break and the options available should be sought from the NWSSP Pensions Team prior to applying for the leave. Further information can be obtained from the NHS Pensions website at [www.nhsbsa.nhs.uk/Pensions.](http://www.nhsbsa.nhs.uk/Pensions)

**National Insurance Contributions**:

National Insurance (NI) will not be paid by the Health Board/Trust for the period of unpaid leave. You can continue to pay NI contributions but you must arrange this via your local Department of Social Security office. On return to work entitlements to Statutory Sick Pay, Statutory Maternity Pay and State Pensions can be affected if there has been a break in NI contributions.

**Salary Sacrifice**:

Any salary sacrifice schemes must be paid in full prior to taking a period of leave.

Q - **If I have an application for flexible working approved, will this impact my ability to apply for a career break or have any other implications?**

A: No. These are two very different things. It may be that the granting of a flexible working application may mean that you do not need a career break; for example, if you need your afternoons available to care for an elderly relative; instead of taking a career break, you may wish to make a flexible working request to reduce your hours of work so your afternoons are available, as an alternative to a career break.

However, a flexible working request to work remotely should not be utilised to enable you to carry out other activities (such as care of dependants) during hours when you are contracted to work. Should you need to care for dependants during your working hours, and a change to hours/dates of work is not suitable, please consult your organisation’s special leave policy and liaise with your line manager in the first instance.

# STAGGERED WORKING HOURS /FLEXITIME

**Definition**

Allows for normal start and break times to be altered, whilst maintaining the number of contracted hours. For example, working from 10am – 6pm rather than from 9am – 5pm. Hours may be staggered on a permanent or temporary basis, on all or some working days. This can apply to whether you work in a base agley or at home.

**Points for consideration**

**For Managers**:

* Agree in advance start and finish times to ensure that service needs are met.
* Evaluate the impact of staggered working hours on staffing levels, skill mix and service delivery.
* Minimum break times must be taken during the working day.
* Staggered hours are not normally appropriate for roles that require a handover to an oncoming shift.
* Consider whether there are any particular health & safety or security issues that arise from working the new hours.
* Are there any additional costs arising from the member of staff working staggered hours?
* Ensure adequate processes in place to monitor the staff member’s attendance accurately? I.e. Timesheets or Declaration. See previous comments

**For Employees:**

The following are some of the questions that you may want to consider before submitting your request for staggered working hours:

* How will the demands of your job be met if you work staggered hours?
* Will someone else need to take over part of your job or cover for the times when you are not there?
* What will be the impact on your colleagues?
* How will you mitigate that impact?
* There may be times when you need to be flexible to cover absent colleagues.

**Q – Could a staggered hour’s arrangement include weekend work?**

A - Yes, this is dependent on service needs

**Q - Could a Staggered Working Hours arrangement allow for longer but fewer shifts e.g. 12 hour shifts?**

A 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)

**Q - If my full time hours are 36 a week, could I work them over 4 days?**

A - Yes, you would need to work nine hours daily, excluding breaks

**Q - Could I reduce my daily hours by working through my breaks?**

A - No, unpaid meal/rest breaks must be taken during your working time

**Q - Can I work staggered hours if I work part time?**

A - 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.

# JOB SHARING

**Definition**

Job-sharing is a way for two or more people to cover one post. Each person has a permanent part-time post. They split the hours, pay, holidays and benefits between them according to how many hours they each work. Job Sharing could be one way to attract and retain people and extend the range of skills and experience brought to the job. Two main types of job-share are:

* **Shared role** - there is no division of duties. The job-share roles are interchangeable. This works well for jobs where the work flows continuously. It demands a high level of communication and co-ordination, and cooperation between the job share partners.
* **Separate roles** - works well when work can be split into different client groups or projects. Each person has their own caseload or project, which they focus on during working hours.

The duties of the post can be split in a variety of ways including:

* Split day, e.g. morning or afternoon
* Week split, e.g. two and a half days per job share
* Alternate week

**Points for consideration**

**For Managers:**

* Be clear whether the job is split into a shared responsibility or split into separate tasks and responsibilities.
* Ensure that job sharers have the same access to professional development and training as full-time staff.
* Establish effective means of communication between job sharers and managers including attendance at team meetings.
* Ensure that the job share partners realise that if one jobsharer is absent for a long period or leaves, the partner will be offered the extra hours in the first instance.
* Ensure adequate processes in place to monitor the staff member’s attendance accurately? i.e. Timesheets or Declaration
* Consider if there is a need to have an overlap of working time to ensure effective handover / communication of tasks etc.

**For Employees:**

Salary and other benefits are reduced pro-rata to the full-time entitlement, as per any part time worker. The following are some of the points that you may want to consider before submitting a job share request:

* Job share will be possible only when a sharer can be found that enables the established hours for the post to be filled.
* Entitlements associated with the length of service will be individually applied on a pro-rata basis.
* Both job sharers are responsible for organising handovers effectively and maintaining regular contact with each other, to maintain a seamless service.
* For job share agreements to work effectively there needs to be a high level of coordination and communication. It may be necessary for your job share partner, your manager and other colleagues to contact you outside your normal contracted hours.
* If your job share partner resigns, you will be offered the extra hours in the first instance. If you decline to increase your hours, and a new job sharer cannot be found, the post will revert to full time and all reasonable efforts will be made to redeploy you.

**Q - Does Job share only apply to lower banded posts?**

A – No it can apply to all posts irrespective of grade.

***Q -* If I want to work a job share, can the Trust find someone to share with me?**

A - It is a joint responsibility to find a job share partner, and we would encourage you to find out if anyone else in your team or department may be interested. Organisations workforce teams may be able to help by reviewing any other person who has expressed a wish to work part-time.

***Q -* Does a job share have to work on an equal split of time and responsibility?**

A - Not necessarily, it will depend on the requirement of the job to be shared and the skills brought by the job sharers.

***Q -* If the person I job share with is on annual leave or sick, do I have to cover for them?**

A - There should be no contractual expectation, however, there may be time when the other sharer can cover, if possible.

***Q* – Does job share only apply to certain bands?**

A- No it applies to all staff irrespective of position or grading.

**PART-TIME WORKING**

**Definition**

An arrangement which enables staff contracted to work less than the full-time hours for the post.

**Points for consideration**

**For Managers:**

* How many working hours a week are required to cover the post?
* If part-time working is agreed how will the remaining hours be covered?
* What hours does the member of staff want to work?
* Do you need the member of staff to be flexible in terms of hours/days worked?
* What will be the handover arrangements between the part timer and colleagues?
* Are there any additional costs arising from the member of staff working part time?
* Terms and conditions will be applied on a pro rata basis. Annual leave and bank holidays must be calculated please see the Annual Leave policy and related documents.
* Part-time employees will receive payments for the overtime at plain time rates until their hours exceed standard hours of 37½ hours average per week.
* Ensure adequate processes in place to monitor the staff member’s attendance accurately? I.e. Timesheets or Declaration. See above question

**For Employees:**

The following are some of the points that you may want to consider before submitting a request to work part-time:

* How will the demands of the job be met if you work fewer hours?
* Will someone else need to take over part of your job or cover for the times when you are not there?
* What will be the impact on your colleagues?
* How will you mitigate that impact?

**Terms and conditions**

These will be applied on a pro-rata basis. Salary and all pay related benefits are reduced pro-rata to the full-time entitlement, e.g.

* Salary increases
* Pension
* Redundancy Pay
* Annual Leave
* Paid Special Leave
* Sick Pay
* Maternity Pay
* Bank Holidays

# PERSONALISED ANNUAL LEAVE

**Definition**

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

**Points for consideration**

**For Employees:**

* You must apply to buy 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
* A maximum of 2 weeks pro rata leave can be purchased.

**Q - Can I buy annual leave at any time?**

A - You can only apply to buy your leave before the start of the next annual leave period

**Q - Can I save my leave up and carry it over?**

A - 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.

**Q - How do I pay for my purchased leave?**

A - This will be deducted from your salary over a 12 month period

**FLEXIBLE RETIREMENT**

**Definition**

Flexible retirement is where an individual has the flexibility to determine the age at which they wish to retire.

Members of the NHS Pension Scheme have several options open to them as they approach pensionable age. This flexibility allows employees to find the best set of circumstances to meet the needs of both themselves and the organisation they work for.

The options open to employees will depend on which NHS Pension Scheme(s) they have service in:

* Step Down – members can step down into a different role
* Wind down – members can wind down to retirement by remaining in their current post but reducing the number of hours or days they work
* Retire and return – members can request to retire, claim their pension benefits and then return to NHS employment.
* Draw down – members can take part of their pension and continue in NHS employment.
* Late retirement enhancement – members can retire later than their normal pension age and have their benefits increased.
* Early retirement reduction buyout (ERRBO) – members or employers can pay additional contributions to buy out the reduction applied to the member’s pension if they retire before their normal pension age.

Guidance on flexible retirement should be sought from the NWSSP Pensions Team. Further information can be obtained from the NHS Pensions website at [www.nhsbsa.nhs.uk/Pensions](http://www.nhsbsa.nhs.uk/Pensions)

**AGILE WORKING**

**Definition**

Agile working is where an employee can work flexibly from any location. "Work is an activity we do, rather than a place we go."

**Points for consideration**

**For Managers**:

* Increase effectiveness of activity
* Enhance staff morale, increase employee satisfaction and improve retention
* Employer of choice – capitalise on the NHS brand. Ability to grow our business with specialist posts who may not have considered roles with the NHS or in Wales
* Positions available to those often prohibited from standard office hours, e.g. carers, those with disabilities
* Focus on outputs, so increases productivity
* Enables collaboration and innovation – freedom to act and make decisions/ autonomy
* Efficiency and effectiveness of the estate – space utilisation; estates rationalisation; reconfiguration of buildings
* Improved emphasis on responding to patient and service needs outside of traditional settings
* Reduce costs and make best use of our people
* Ability to adapt for future change
* Better use of technology, driving innovation and creativity
* Increases in time spent with patients following deployment of mobile devices
* Unnecessary journeys can be reduced, even where clinical activity is increased
* Enables an active discussion/dialogue with employees to ensure options work for employee and organisation - able to consider individual circumstances of employees (vulnerable home-life/safeguarding).

**For employees**

• Improved control over work-life balance

• Enables autonomy and empowerment

• Control over work and the ability to make decisions/use discretion (constrained only by governance, national agendas and operational constraints)

• Collaboration and improved team working

• Personal motivation

• Peer group communication

• Reduction in travel/commuting for training, events and meetings (reduced carbon emissions)

• Increased digital face-to-face interaction between management, staff and patients.

**Q -Does working Agile mean solely working from home?**

A - Not necessarily, working in an agile way isn’t simply working from home all the time. Agile is the term used to describe how employees can work from any location, whether it is from a Health Board building, in the community, from home or any combination of these.

**Q - Is there a set pattern / rule to working in an agile way**?

A - Agile working is about flexibility and as such it is difficult to apply a rigid set of rules around it. Employees are expected to remember that a flexible workstyle brings a responsibility to co-operate with colleagues and managers.

Please refer to NHS Wales Approach to Agile Working: Briefing and Guidance (insert link)

**EDIT REMOVALS**

**From Workstream 1:-**

NHS Wales Employers should work to:

* Improve awareness and understanding
* Provide support to managers
* Challenge old assumptions

**Conclusion/Summary**

Flexible working has been an option for staff in NHS Wales for some time however it is becoming increasingly evident that being open to flexible working requests and dealing with them in a positive way is a vital component in the recruitment and retention of staff. The challenge for employers, managers and staff is to find ways that flexible working can be made to work for all staff in all jobs across the whole of NHS Wales.

**From workstream 2:-**

**It’s just how we work**

You may also find these real-life examples useful and inspiring when thinking about how to improve practices in your workplace.

**Flexible Working Success Stories:**

* Case Study – Part Time Annualised Hours at NWSSP
* Case Study – Improving Nurses Input into rosters
* Case Study – A Geographical Team Based approach
* Case Study – Improving the Fairness of Flexible Working

1. [Flex From 1st | Campaigns | CIPD](https://www.cipd.co.uk/news-views/campaigns/flex-from-first?gclid=Cj0KCQiAq7COBhC2ARIsANsPATESUBC-nkLXRszZBj_UxqsWB2Na_ghc1Fh9PMDYLaH15UBjU---6IkaApRVEALw_wcB) [↑](#footnote-ref-1)