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|------------------------------------|---|-----------------------|-------------|---|
| <b>Policy Title</b>                | Flexible Working Policy (incorporating Special Leave)   |                       |             |   |
| <b>Reference Number</b>            | CNTW(HR)11  |                       |             |   |
| <b>Lead Officer</b>                | Lynne Shaw<br>Executive Director of Workforce and Organisational Development                      |                       |             |   |
| <b>Author(s)</b>                   | Jamie Mackey – Workforce Developments Advisor<br>Mark Richardson-Quinn – Workforce and OD Officer |                       |             |   |
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|                                    | V06.3   | Update                | Nov 2021    | Updated Sections 71.1., 8.1 and 9.4<br>Updated Appendix 2<br>Added Appendix 8 and 9   |

This Policy supersedes the following document which must now be destroyed:

| Number             | Title                                     |
|--------------------|---|
| CNTW(HR)11 – V04.2 | Flexible Working and Special Leave Policy |

## Flexible Working and Special Leave Policy

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| <b>PGN No.</b>  | <b>Description</b>                |
| FW-PGN-01   | Carer Support for Trust Employees |
| FW-PGN-02   | TOIL                              |

## 1 Introduction

- 1.1 This Policy sets out Cumbria, Northumberland, Tyne and Wear NHS Foundation Trust's (the Trust / CNTW) commitment to provide opportunities for flexible working for all its employees. The Trust is committed to being the employer of choice and recognises that providing flexible working options and supporting work / life balance is an important factor in the successful recruitment and retention of staff as well as supporting employee health and wellbeing.
- 1.2 Agenda for Change Terms and Conditions provides opportunities for employees to be able to balance their work responsibilities with other aspects of their lives. (See Sections 33, 34 and 36 of the Agenda for Change: NHS Terms and Conditions of Service and Schedule 25 of the Specialty Doctors Terms and Conditions, Schedule 26 of the Associate Specialists Terms and Conditions and Schedule 28 of the Consultants Terms and Conditions).
- 1.3 All employees may request flexible working, however, patient and service needs must take priority to ensure we have staff available to deliver a 24 hour, 7 day service. As far as is possible, the Trust will try to accommodate requests for flexible working. The Trust acknowledges that on some occasions employees will only require short term support, therefore Managers should take this into account when considering individual requests and they should adopt a fair and flexible approach.
- 1.4 This Policy aims to ensure that all part time employees receive no less favourable treatment than comparable full time employees. It outlines the procedure for formally considering requests for flexible working and should be read in conjunction with the Trust Attendance - Sickness Absence Management Policy – CNTW(HR)10.

## 2 Duties, Accountability and Responsibilities

- 2.1 The Policy and its principles identified apply to all employees of the Trust.
- 2.2 The Trust will ensure that Managers adhere to this Policy and the necessary actions contained within.
- 2.3 The Trust acknowledges that certain flexible working patterns (e.g. working from home) are appropriate only to certain groups of staff; however, flexible working patterns will be considered widely and as equitably as possible.
- 2.4 CNTW will work in partnership to agree arrangements for considering applications for flexible working in a fair and consistent manner.

### 3 Definitions of Terms Used

- Lead Officer: The Director accountable for the Policy;
- Author(s): The person nominated by the Governance Group and / or Lead Officer to prepare the Policy;
- Policy Administration: Person appointed to support the Author, and Accountable / Governance Committees in the preparation of Policies;
- Development: A process by which something passes by degrees to a different stage, process of clarification;
- **Dependant** Anyone that lives with you as part of your family. Others who rely on you for your help in an emergency, such as an elderly relative or parent qualify even if they do not live with you
- Consultation: An exchange of views, time limited period during which the views / advice of others are sought to further inform the Policy content;
- Ratify: Formal agreement and acceptance;
- Implement: Put into practice / operation;
- Implementation: Established;
- Review: Reassess.

### 4 Legislative Requirements

- 4.1 Flexible working practices are supported by employment legislation including amongst others;

The Children and Families Act 2014,  
 The Parental Leave (EU Directive) Regulations 2013,  
 Employment Rights Act 1996  
 Shared Parental Leave Regulations 2014.

## 5 Encouraging Flexible Working

- 5.1 CNTW promotes a supportive and flexible working culture. Managers need to consider how they will encourage open conversations about flexible working. These conversations could be included as part of one to one supervision, team meetings or as part of a wellbeing conversation. These conversations should also take place as part of the recruitment and annual appraisal process.
- 5.2 Local flexible working practices should be developed to reflect the principles of this policy and in partnership.
- 5.3 Local flexible working practices will need to ensure equality of access to flexible working as far as practicable, regardless of role, shift pattern, team or pay band.

## 6 Benefits of Flexible Working

- 6.1 Flexible working helps employees to achieve a better balance between their work and home life, as well as improve service delivery through a flexible workforce. It can help CNTW become an employer of choice, aid recruitment and retention, reduce sickness absence and improve employee engagement, leading to an improved patient experience.

## 7 Right to Request Flexible Working

- 7.1 From 30th June, 2014 legislation extended the right to request flexible working to all employees, where previously this right to request was only for employees with children under 17 (or 18 if the child is disabled) and certain carers. From September 2021 NHS employees received enhanced contractual rights to request flexible working from their first day of their employment.
- 7.1.1 Employees can make more than one flexible working request per year and can do so regardless of the reason for the request. This does not prevent other statutory entitlements where flexible working may be relevant from being implemented.

Employees should fully consider their requirements prior to submitting a request to reduce the need for repeat applications. However the Trust accepts that individual circumstance can change at short notice. Guidance has been developed to support employees when exploring flexible working options (Appendix 8)

- 7.1.2 Employees should submit flexible working requests in writing to their line manager using Appendix 1. If the application relates to a reasonable adjustment for a disability we would encourage the employee to highlight this on their application.

Employees may also wish to access the Disability Passport which is part of the Sickness Absence Policy (HR)10.

7.1.3 The detailed procedure for applications for flexible working, which must be in writing, is at Appendix 1 and includes a form which should be used for such applications, Appendix 2. The form for completion by the Manager following discussion with the employee is also at Appendix 2.

7.2 All request should be dealt with promptly, however the law requires that all such requests must be dealt with fully and in a reasonable manner and within three months of the request being made including any appeals.

## 8 **Manager and Employee Discussion**

8.1 All requests are to be treated individually and with full and reasonable consideration. Attention should be given to the impact on equality. Guidance has been developed to support managers when considering flexible working requests (Appendix 9)

8.2 Managers should meet with the employee to discuss their request and explore the range of options available for a mutually agreeable outcome. Employees may be accompanied at the meeting by a Trade Union representative or work colleague.

8.3 Manager and employees should engage in open and honest conversations regarding the request so that the options can be fully explored.

8.4 It should be noted that if an employee fails to attend such meetings including appeals, without good reason, the application will be considered as withdrawn.

## 9 **Consideration of the Request**

9.1 Managers must consider the request carefully, looking at the benefits of the requested changes for the employee as well as the service needs and any adverse impact on service provision.

9.1.1 In the event that a request cannot be agreed and a modified version of the request is not suitable the manager should contact their Locality/Directorate Workforce Teams for further advice.

9.1.2 The employee will be offered the opportunity to explore other options and processes as well as being considered for existing vacancies outside of their immediate team who may be able to facilitate and mutually agree the flexible working request.

9.2 There is no automatic right for the request to be granted. The manager may propose a modified version of the request and the request may be granted on a temporary basis. If the request is to be rejected, it must be for one of the following eight business reasons as set out in the legislation:

- The burden of additional costs
- An inability to reorganise the work amongst existing staff
- An inability to recruit additional staff
- A detrimental impact on performance
- A detrimental impact on quality of service
- Detrimental effect on ability to meet customer demand
- Insufficient work for the periods the employee proposes to work
- A planned structural change to the service

9.3 When a request is made in relation to a reasonable adjustment, Managers should make every effort to accommodate the request. In the event that adjustments cannot be met Managers must contact the Locality/Directorate Workforce Teams [to discuss the rationale for not meeting the request.](#)

9.4 Further advice is available from Locality/Directorate Workforce Teams in regard to all aspects of flexible working. [Guidance is also available on Appendix 9](#)

9.5 Managers should respond to all requests in writing once a decision has been made. The response will include the rationale for decisions taken and the terms of any agreements reached.

9.6 [All agreed flexible working requests need to be recorded centrally within ESR. Details of how to do this are on the Flexible Working Application form \(appendix 2\).](#)

## 10 Interim Reviews

10.1 Flexible working arrangements should be reviewed regularly [to ensure they continue to provide the support that is required.](#)

[An initial review period should take place six months following the start of the agreement. It is also good practice to discuss the arrangements as part of the regular supervision, wellbeing conversation and as part of an annual appraisal.](#)

[A formal review must be conducted at 12 months and then annually if an arrangement is ongoing.](#)

Reviews should be recorded on ESR and any changes should be documented on the Application for Flexible Working Form on the employees file (Appendix 2).

10.2 It may be useful as part of ongoing reviews to assess the arrangements in terms of the following:

- Benefits to the work area / Trust.
- Impact on the work area / Trust.
- Impact on the team and other colleagues.
- Update on personal circumstances.

## 11 Appeal

11.1 If an agreement cannot be reached and the request is rejected employees may appeal the decision. Discussions should take place to resolve the concerns informally with the Manager and the support of a member of the Workforce Development Department, which may remove the need for a formal grievance. Support can also be sought from the Locality Associate Director

11.2 Only in cases where informal local resolution cannot be found and facilitated discussion/mediation is not seen as viable should the formal grievance process commence. See Appendix 1 for further information on the appeals process.

## 12 Flexible Working – Examples

12.1 There are many forms of flexible working and changes to working patterns can be made on a temporary or permanent basis. The list below is not exhaustive and employee needs should always be considered on an individual basis.

- **Part time working on a permanent or temporary basis** - employees may request reduced hours to suit their personal circumstances on a permanent or temporary basis, the latter to be reviewed within an agreed timescale.
- **Annualised Hours** - Agreed hours of work are calculated over 12 months and salary payments are equally spread over the year.
- **Compressed Hours** - Employees may request to work their total number of hours in fewer working days e.g. four days per week or nine days per fortnight.
- **Flexi-Time** – Flexi-time working agreements are normally locally agreed within a specific work area. (See relevant departmental agreements). Flexi-time working allows employees to vary their working hours, around core required working times, but dependant on service needs. Flexi-time arrangements must provide appropriate cover during the times that the services requires and fulfil the requirements of the Working Time Regulations.

- **Staggered Hours** – Employees may request different start, finish and break times from colleagues or split shifts.
- **Team Self-Rostering** – Collective responsibility and cooperation on supportive working patterns for teams, departments and wards. Staff can request their preferred shifts in advance.
- **Job Sharing** - Job sharing may be considered for staff who cannot work full time dependent upon another person wishing to also work on a job share basis.
- **Agile Working** – Dependant on your role and the type of work you do it may be possible for you to carry out some of your work from different locations such as other base sites, offices or home.
- **Flexible Retirement** – The default retirement age has been phased out and a number of options are available for those who are considering retirement.

\*Please refer to the Policy CNTW(HR26) V01.3 Flexible Retirement Policy for a range of options.

- **Term Time Working** - Employees work during term time **only** and not during the school holidays. The salary for the periods worked is paid during the twelve months on a pro rata basis and therefore any agreement reached for term time working will be for a twelve month period to run concurrently with the financial year e.g. 1st April to 31st March. Should an employee wish to cease term time working mid-year this may result in a financial overpayment. Agreements for term time working will be for a fixed period of up to three years. Employees granted term-time working will not be allowed to take annual leave during term time but unpaid leave may be authorised by the Manager in exceptional cases. Term time contracts must be reviewed annually with the employee.
  - No additional holidays / pay will be given to compensate for periods of sickness absence during school holidays.
- **Career Break** - Unpaid career breaks are available to all employees who have a minimum of twelve months' service (see Agenda for Change terms and conditions and Medical and Dental Terms and Conditions). The maximum length of a career break is five years and may be taken as a single period or in separate time blocks.
  - Employees applying for a career break must complete the Application for Career Break Form (see Appendix 3). The Managers Response Letter is at Appendix 4.
  - Employees on career breaks will not normally be

allowed to take up paid employment with another employer unless it is, for example, overseas or charitable work that could broaden experience. Employees who return from a career break will normally return to a job at the same level as their previous substantive post, not necessarily in the same department or ward\*.

\*Please see Medical and Dental Staffs Terms and Conditions for Consultants, Schedule 25, Schedule 23 AS Doctors and Schedule 22 Speciality Doctors Terms and Conditions.

### 13 Special Leave

The section below sets out examples of special leave, however this is not an exhaustive list and it is acknowledged that other circumstances may arise where special leave may be appropriate. Further advice is available from your Locality/Directorate Workforce Teams.

### 14 Urgent Domestic Situations

14.1.1 Exceptionally urgent domestic needs may require some unexpected leave. Managers should be sympathetic to such requests and have discretion to authorise one day's paid leave and additional paid or unpaid leave where it is felt that is reasonable.

14.1.2 Examples of urgent situations:

- Emergency repair to property;
- Flood / Fire.

### 14.2 Bereavement Leave

14.2.1 Bereavement leave is available with pay to make arrangements for a funeral and or attend the funeral of a close family member, partner or friend. Requests of this nature need to be carefully considered and discretion used where appropriate.

|  |   |                                   |
|--|---|-----------------------------------|
| Attendance at a funeral  | - | normally up to one working day    |
| Where the bereavement involves a close family member / partner                                     | - | normally up to three working days |
| Where an individual is required to make funeral arrangements or attendance at the funeral requires | - | normally up to six working days   |

|                  |  |  |
|------------------|--|--|
| extensive travel |  |  |
|------------------|--|--|

- 14.2.2 Bereavement should be recorded appropriately and should not automatically trigger the sickness management process.
- 14.2.3 Managers should be compassionate and supportive during times of bereavement and understand the potential for a wider impact on an individual's circumstances. Religious requirements and other practicalities outside of normal timescales should also be acknowledged and considered.

### 14.3 Child Bereavement Leave

- 14.3.1 A bereaved parent is anyone who had responsibility as one of the primary carers for a child who is now deceased. This includes adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship that the employing organisation deems to be reasonable. For example, this may include grandparents who have had caring responsibilities for a child, or instances where someone other than the biological parent is the primary carer (this could be the case where the parents of the child have separated). There is no requirement for the child to be under 18 years of age.
- 14.3.2 Bereaved parents are eligible for a minimum of two weeks child bereavement leave. A bereaved parent will not be required to demonstrate any eligibility criteria such as a Death Certificate or any other official documents in order to access bereavement leave or pay.
- 14.3.3 Bereaved parents will be entitled to two weeks' occupational child bereavement pay which will include any entitlement to statutory parental bereavement pay. Pay is calculated on the basis of what the individual would have received had they been at work.
- 14.3.4 Where both parents of a deceased child work in the same NHS organisation, the entitlements in this Section will apply to both members of staff.
- 14.3.5 Parents who experience a still birth from the 24th week of pregnancy will be eligible for these provisions in addition to any Maternity leave and Pay. Bereavement leave and pay may be extended to members of staff, by local arrangement, in these circumstances where they were hoping to become parents under surrogacy arrangements. Please refer to the maternity policy and speak to your Locality/Directorate Workforce Teams for further information and guidance.
- 14.3.6 Bereaved parents do not have to take the two weeks of leave in a continuous block. The employee should agree with their employer the leave they wish to take. Taking child bereavement leave is an individual choice, it is not compulsory for the employee to take child bereavement leave.

- 14.3.7 Bereaved parents may request to take child bereavement leave at any point up to 56 weeks following the death of the child. Should the parent wish to take child bereavement leave immediately following the death of a child they shall be able to do so upon informing their employer that they will be absent from work for this purpose.
- 14.3.8 Should the parent wish to take child bereavement leave at another time, after the initial period following the death, they should give their employer reasonable notice of their intention to take the leave at this time.
- 14.3.9 To claim child bereavement leave the parent(s) or guardian(s) should complete Appendix 5.

#### **14.4 Carer Leave – Short Term and Time Off for Dependants**

14.4.1 This is to provide a short-term immediate response for unusual disruptions. Employees may be granted up to two days special leave with pay following discussion and agreement with their Manager, based on the nature of the urgency at that time.

14.4.2 Examples of such requests may be due to:

- A child, relative or dependent becomes ill
- Normal carer arrangements break down
- To enable longer-term arrangements to be made to cope with a carer problem

**NB:** During such leave, overtime or bank work is not allowed.

#### **14.4.3 Caring for someone else's child**

Kinship Caring – Employees responsible for looking after the child of a relative as the primary carer are able to apply for special leave – time off for dependants.

Parental Leave – Although there is no statutory right to parental leave without legal guardianship, Kinship carers who wish to take parental leave (unpaid) may apply via the trust process

#### **Foster Carers**

Employees undertaking foster care on behalf of a local authority or private company should complete a declaration of interest via the Trust Intranet.

Although there is no legal entitlement to leave for Foster carers the Trust

recognises in such cases the need for an overall family friendly approach to support foster carers to meet the obligations of the foster carer role and will be eligible to apply for special leave – time off for dependants.

Parental Leave – Although there is no statutory right to parental leave as the local authority retains this responsibility, foster carers who wish to take parental leave (unpaid) may apply via the trust process.

## **14.5 Parental Leave**

14.5.1 Parental leave is unpaid leave taken to look after a child or to make arrangements in the child's interests outside of maternity, paternity or adoptions leave. This is available to all Trust employees with at least one year's service, for each child up to the age of 18. Staff who have not yet accrued one year service may still be able to take parental leave and should speak to their line manager.

14.5.2 Parental leave should not be confused with shared parental leave which is a new entitlement for eligible parents of children due to be born or adopted on or after 5th April, 2015.

14.5.3 Key points:

- Employees must have completed one year's service to qualify.
- Parental Leave applies to each child not to an employee's job
- 18 weeks of unpaid leave can be taken up to the child's 18th birthday.
- Leave may be taken straight after the birth or adoption or following a period of maternity leave

Employees will need to request leave giving at least 21 days' notice before the intended start date

- Employees must give notice in writing

14.5.4 Parental leave should be taken in blocks of a week or multiples of a week, and should not be taken as "odd" days off, unless there are exceptional circumstances. Employees cannot take off more than four weeks during a year. A week is based on an employee's working pattern.

14.5.5 This leave is not intended for use in emergency situations where urgent care may be needed e.g. breakdown of carer arrangements.

14.5.6 For further information on unpaid Parental leave or Shared Parental Leave please refer to the Maternity, Paternity and Adoption Leave Policy – CNTW(HR)19.

14.5.7 Requests for parental leave should be accommodated wherever possible. Further

advice is available from your Locality/Directorate Workforce Teams.

## **14.6 Unpaid Leave**

14.6.1 There may be exceptional circumstances when an employee requests unpaid leave following exhaustion of annual paid leave. Unpaid leave cannot be requested on a regular or ongoing basis in pursuance of flexible working arrangements. See Section 11 for examples of alternative options.

14.6.2 Where unpaid leave has been granted the employee will not be in receipt of salary, allowances or any other payments which form part of their employment terms and conditions.

## **14.7 Time Off for Public Duties**

14.7.1 Employees may request time off for seeking election to, or elected to Parliament. Campaigning for parliamentary election – staff governors and employees.

14.7.2 Employees may request time off for seeking election to Parliament or campaigning for parliamentary election. This applies to both staff governors and employees.

- If an employee is a Trust Governor, that position cannot be maintained and it is expected that the employee will resign the governor position immediately in order to pursue this activity
- Members of staff may campaign for parliamentary election in their own time, at their own expense and without reference or detriment to any of the Trust's business. There is no legal requirement to time off to seek parliamentary election. The Trust therefore will not give any special leave, paid or unpaid, in order for employees to pursue this

### **14.7.3 Position of employees elected to Parliament**

- No special facilities will be afforded to employees who become Members of Parliament. Such employees are not, by reason of their office, rendered incapable of being elected to Parliament or of sitting and voting as a Member of the House of Commons. However, their position of remaining in NHS employment will therefore be governed by their ability or inability to continue to carry out their employed Trust post

## 14.8 Other Public Duties

14.8.1 An employee wishing to pursue a public service activity inside their normal working hours must first seek the approval for special leave from their Manager. The following are examples of public duty for which paid leave is normally given:

- As a Justice of the Peace
- On a Statutory Tribunal
- On a Police Authority
- On the Board of Prison Visitors or Prison Visiting Committee
- On a relevant Health Body
- On a relevant Education Body
- Membership of Local Authorities
- Jury Service
- Trade union member (for trade union duties)

14.8.2 In respect of jury service, employees should not claim expenses from the court as there is no financial loss. In these instances the employee should be recorded as being on authorised paid leave and advised that they should not complete a loss of earning form.

14.8.2 Reasonable time off should be granted and agreed, taking into consideration the duration of the duties and any previous requests for time off in these circumstances.

14.8.3 Time off cannot be declined in regards to Jury Service.

## 14.9 Training with Reserve and Cadet Forces

14.9.1 [The Trust is committed to granting additional paid leave of ten days \(pro-rata\) per year to reservist and cadet instructors specifically to enable them to attend the annual camp. Reservists and Cadet instructors must submit all requests for leave to their line manager and submit an application for Special Leave \(see CNTW\(HR\) 25\).](#)

14.9.2 Employees required to attend additional short period training (normally at weekends) will be expected to arrange such training to be undertaken in their off duty time. Where this is not possible unpaid leave may be authorised.

14.9.3 Employees are required to provide details of any leave requirements to their manager in line with any other leave request. In the event that the reservist is mobilised there is normally 28 days' notice.

14.9.4 Periods of Mobilisation are unpaid and claims for financial support should be submitted to the Ministry of Defence (MOD) by the Employee. Managers will need to submit a changes form to avoid an overpayment of salary.

#### **14.10 Inclement Weather**

14.10.1 Where bad weather may prevent employees attending their normal workplace, discussions must be held with the Line Manager to agree alternative working arrangements where possible, subject to service needs being maintained. Employees may be required to work in alternative roles at alternative work premises, usually commensurate with their grade; however, there may be urgent exceptional situations where employees are asked to work in a lower graded role. Where an alternative base is not available, annual leave or lieu time may need to be taken.

### **15 Identification of Stakeholders**

15.1 The Policy applies to all Trust employees and has been fully consulted on via Managers and Staff-Side representatives and ratified by the Trust-wide Policy Group in accordance with CNTW(O)01 – Development and Management of Procedural Documents.

15.2 Trust-wide consultation consists of sending Policies to all listed below:

- Corporate Decisions Team
- Business Delivery Group
- Safer Care Group
- Local Negotiating Committee
- Locality Care Groups
- Clinical Governance and Medical Directorate
- Safeguarding
- Trust Allied Health Profession Services
- Commissioning and Quality Assurance
- Trust Pharmacy

- Workforce
- Communications, Finance , [Digital Services](#)
- NTW Solutions
- Staff Side
- Internal Audit
- Safety, Security and Resilience

## **16 Training (See Appendix B)**

16.1 Training and resources have been identified for implementation.

## **17 Implementation**

17.1 Managers have a responsibility for ensuring that the principles of this Policy are fully implemented within the Trust and take advice from Locality/Directorate Workforce Teams as necessary.

17.2 Taking into consideration all the implications associated with this Policy, it is considered that this Policy will be implemented with immediate effect.

## **18 Monitoring Compliance**

18.1 There will be ongoing monitoring of this Policy to ensure compliance as follows:

- Regular communication with Managers and staff;
- Audit / Monitoring Tool (Appendix C).

## **19 Standards / Key Performance Indicators**

19.1 In the development of this Policy, key standards considered were as follows:

- Key Employment Legislation
- National guidance and mandatory requirements

## **20 Fraud, Bribery and Corruption**

20.1 In accordance with the Trust's Policy CNTW(O)23 – Fraud, Bribery and Corruption and Response Plan, all suspected cases of fraud and corruption should be reported immediately to the Trust's Local Counter Fraud Specialist or to the Executive Director of Finance.

## 21 Equality Impact Assessment

- 21.1 As part of its development, this policy and its impact on equality have been reviewed in consultation with trade union and other employee representatives in line with the Trust's Equality Scheme and Dignity and Respect Policy – CNTW(HR)08.
- 21.2 The purpose of the assessment is to minimise and if possible remove any disproportionate impact on employees on the grounds of race, sex, disability, age, sexual orientation or religious belief.

## 22 Associated Documents

- CNTW(O)01 – Development and Management of Procedural Documents
- CNTW(HR)08 – Dignity and Respect Policy
- CNTW(HR)10 - Attendance Management / Sickness Absence Management Policy
- [CNTW\(HR\)19 - Maternity, Paternity and Adoption Leave Policy](#)
- CNTW(O)23 – Fraud, Bribery and Corruption Policy and Response Plan
- [CNTW\(HR\)25 - Reserve Forces and Mobilisation Policy](#)
- [Flexible working policy and Managing Sickness absence have been mentioned in this policy and need to be included](#)

## 23 References

- NHS Employers Terms and Conditions Handbook – section 23

| Equality Analysis Screening Toolkit  |   |  |                         |
|--|---|--|-------------------------|
| Names of Individuals involved in Review  | Date of Initial Screening   | Review Date                            | Service Area / Locality |
| Chris Rowlands   | Mar 2021  | Mar 2024                               | Trust wide              |
| <b>Policy to be analysed</b>   |   | <b>Is this policy new or existing?</b> |                         |
| CNTW(HR)11 - Flexible Working Policy – V03   |   | Existing                               |                         |
| <b>What are the intended outcomes of this work?</b> Include outline of objectives and function aims  |   |  |                         |
| To assist staff in achieving greater work / life balance by promoting opportunities for staff to take up flexible working patterns. To ensure no member of staff is treated less favourably than other staff in pursuance of flexible working arrangements. To comply with NHS Contractual obligations and employment legislation. |   |  |                         |
| <b>Who will be affected?</b> e.g. staff, service users, carers, wider public etc.  |   |  |                         |
| <b>All Staff.</b> Trust Flexible Working Policy goes further than what is required Statutorily and in the interests of fairness and equality requests for flexible working can be considered regardless of conformance to eligibility criteria.  |   |  |                         |
| <b>Protected Characteristics under the Equality Act 2010.</b> The following characteristics have protection under the Act and therefore require further analysis of the potential impact that the policy may have upon them  |   |  |                         |
| <b>Disability</b>  | Positive as part of reasonable adjustments  |  |                         |
| <b>Sex</b>   | Recognises potential equality in care roles   |  |                         |
| <b>Race</b>  | Not Applicable  |  |                         |
| <b>Age</b>   | Positive – will allow flexibility for caring responsibilities and will help ensure that we are working towards our general equality duties. |  |                         |
| <b>Gender reassignment (including transgender)</b>   | Not Applicable<br>Provision recognise Transgender and Non Binary employees  |  |                         |
| <b>Sexual orientation.</b>   | Provisions recognise same-sex couples   |  |                         |
| <b>Religion or belief</b>  | Not Applicable  |  |                         |
| <b>Marriage and Civil Partnership</b>  | Civil Partnerships are recognised in the Policy   |  |                         |
| <b>Pregnancy and maternity</b>   | Positive – Policy allows flexibility for childcare arrangements   |  |                         |
| <b>Carers</b>  | Positive  |  |                         |

|  |                                       |
|--|---------------------------------------|
| <b>Other identified groups</b>   |                                       |
| <b>How have you engaged stakeholders in gathering evidence or testing the evidence available?</b>  |                                       |
| Through Policy process   |                                       |
| <b>How have you engaged stakeholders in testing the policy or programme proposals?</b>   |                                       |
| Through review of Policy   |                                       |
| <b>For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs:</b>   |                                       |
| BDG, Staff Side  |                                       |
| <b>Summary of Analysis</b> Considering the evidence and engagement activity you listed above, please summarise the impact of your work. Consider whether the evidence shows potential for differential impact, if so state whether adverse or positive and for which groups. How you will mitigate any negative impacts. How you will include certain protected groups in services or expand their participation in public life. |                                       |
| Policy has a positive impact   |                                       |
| <b>Now consider and detail below how the proposals impact on elimination of discrimination, harassment and victimisation, advance the equality of opportunity and promote good relations between groups. Where there is evidence, address each protected characteristic</b>  |                                       |
| <b>Eliminate discrimination, harassment and victimisation</b>  | Yes                                   |
| <b>Advance equality of opportunity</b>   | Yes                                   |
| <b>Promote good relations between groups</b>   | Yes                                   |
| <b>What is the overall impact?</b>   | Positive                              |
| <b>Addressing the impact on equalities</b>   | Implementation of the reviewed Policy |
| <b>From the outcome of this Screening, have negative impacts been identified for any protected characteristics as defined by the Equality Act 2010? NO</b>   |                                       |
| <b>If yes, has a Full Impact Assessment been recommended? If not, why not?</b>   |                                       |
| <b>Manager's signature:</b>  | <b>Christopher Rowlands</b>           |
| <b>Date:</b>   | <b>Mar 2021</b>                       |

## Appendix B

### Communication and Training Check List for Policies

#### Key Questions for the accountable committees designing, reviewing or agreeing a new Trust Policy

|  |   |
|--|---|
| <p>Is this a new policy with new training requirements or a change to an existing policy?</p>  | <p>No this is an existing Policy. There will be no specific training delivered.</p> <p>Guidance for managers and communication for all staff will support roll out.</p>   |
| <p>If it is a change to an existing policy are there changes to the existing model of training delivery? If yes specify below.</p>   | <p>Update Managers' knowledge and skills regarding flexible working options will be delivered via updated Manager guidance manual and cascaded into locality and directorates. To ensure a fair and consistent approach to flexible working within the Trust.</p>   |
| <p>Are the awareness/training needs required to deliver the changes by law, national or local standards or best practice?</p> <p>Please give specific evidence that identifies the training need, e.g. National Guidance, CQC, NHS Resolutions etc.</p> <p>Please identify the risks if training does not occur.</p>   | <p>Necessary to enable understanding of key employment legislation and local standards of good practice.</p> <p>Ensure Managers are aware of and understand the application of the flexible working approach and options, available via manager guidance manual</p> |
| <p>Please specify which staff groups need to undertake this awareness/training. Please be specific. It may well be the case that certain groups will require different levels e.g. staff group A requires awareness and staff group B requires training.</p>   | <p>All staff will be made aware of changes via communications at both Trust and local level.</p>  |
| <p>Is there a staff group that should be prioritised for this training / awareness?</p>  | <p>Understanding of new responsibilities and skills and other related policy will be a priority for line managers and guidance manual will support this.</p>  |
| <p>Please outline how the training will be delivered. Include who will deliver it and by what method.</p> <p>The following may be useful to consider:<br/>         Team brief/e bulletin of summary<br/>         Management cascade<br/>         Newsletter/leaflets/payslip attachment<br/>         Focus groups for those concerned<br/>         Local Induction Training<br/>         Awareness sessions for those affected by the new policy<br/>         Local demonstrations of techniques/equipment with reference documentation<br/>         Staff Handbook Summary for easy reference</p> | <p>Awareness of policy through intranet and team briefs.<br/>         Manager guidance manual</p>   |

|   |   |
|---|---|
| Taught Session; E Learning  |   |
| Please identify a link person who will liaise with the Training Department to arrange details for the Trust Training Prospectus, Admin needs etc. | Deputy Director of Workforce and OD – where applicable although it is not proposed to deliver specific training sessions. |

## Appendix B – continued

## Training Needs Analysis

| Staff/Professional Group    | Type of Training                         | Duration of Training | Frequency of Training |
|-----------------------------|--|----------------------|-----------------------|
| All staff groups; all areas | Good practice in line with CNTW Policies | Not Applicable       | 3 yearly              |

Should any advice be required, please contact: [CNTWAcademy@CNTW.nhs.uk](mailto:CNTWAcademy@CNTW.nhs.uk)

## Appendix C

## Monitoring Tool Statement

The Trust is working towards effective clinical governance and governance systems. To demonstrate effective care delivery and compliance, Policy authors are required to include how monitoring of this policy is linked to Auditable Standards / Key Performance indicators will be undertaken using this framework.

| <b>CNTW(HR)11 – Flexible Working Policy - Monitoring Framework</b> |   |   |   |
|--|---|---|---|
| <b>Auditable Standard / Key Performance Indicators</b>             |   | <b>Frequency / Method / Person Responsible</b>  | <b>Where Results and Any Associate Action Plan Will Be Reported To Implemented and Monitored;</b> (this will usually be via the relevant Governance Group). |
| <b>1.</b>  | Flexible working requests cannot be anticipated, however, as they are received, Managers are expected to give serious consideration to each one | Line Manager – as each one is received, they will meet with staff to discuss with Trade Union Representative if required, within 3 months of receipt of application<br><br>Where staff are not satisfied with Managers response, they may seek Workforce advice and / or may raise a Grievance. Grievances monitored monthly in Capsticks Report.. Also quarterly report by Workforce Developments Team | Capsticks Review Meeting<br><br>Trustwide Q+P   |

The Author(s) of each Policy is required to complete this monitoring template and ensure that these results are taken to the appropriate Quality and Performance Governance Group in line with the frequency set out.