

Balancing Work and Personal Life Policy

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Annexes

- A Equality Impact Assessment

Policy Gateway

Please complete the checklist and tables below to provide assurance around the policy review process.

- x I have involved everyone who should be consulted about this policy/guidance
- x I have identified the target audience for this policy/guidance
- x I have completed the correct template fully and properly
- x I have identified the correct approval route for this policy/guidance
- x I have saved a word version of this policy/guidance for future reviews and reference

Please set out what makes you an appropriate person to conduct this review:

HR Manager

Please set out the legislation, guidance and best practice you consulted for this review:

NHS Terms and Conditions, ACAS,

Please identify the key people you involved in reviewing this policy why, and when:

HR staff, E Rostering, Pensions, Payroll, Trade Unions

Summarise the key changes you have made and why:

Introduction of Child Bereavement Leave, increased flexibility for staff to take compassionate leave during end of life care period.

Executive Summary

The Trust aims to provide high quality health care to the local community and patients who use our services. We can only achieve this aim through a dedicated workforce that is committed to providing these services.

The Trust recognises that by taking measures to support staff achieve their work-life balance; it will improve employee engagement and retention, leading to improved business performance. This policy sets out the steps the Trust will take to support staff to achieve an acceptable balance between their commitments inside and outside of the workplace.

The policy outlines the responsibilities of managers and employees in achieving this balance and the procedure and management guidelines contained in this policy will support managers in managing requests to work flexibly. The policy incorporates:

- Carer's Leave (Time to Care for Dependants)
- Compassionate (or Bereavement) Leave (including Child Bereavement Leave)
- Job Sharing
- Flexitime
- Term Time
- Annualised Hours
- Career Breaks

1 Introduction

- 1.1 The Trust is committed to providing arrangements which allow employees to balance their work responsibilities with their personal commitments. The policy sets out the arrangements that apply when staff need to take leave to deal with personal commitments. These include:
- Carer's Leave (Time off to Care for Dependants)
 - Compassionate (Bereavement) Leave
- 1.2 The document also sets out a range of flexible working arrangements. These include (but are not limited to):
- Job sharing
 - Flexitime
 - Term time
 - Annualised Hours
 - Career breaks
- 1.3 The Trust will consider carefully every request to work flexibly, however, such requests must be balanced against the responsibility of the Trust to provide a service to patients and also take account of the impact on other members of staff.

2 Purpose

- 2.1 The purpose of this policy is to create a workplace where work life balance is taken seriously, and steps are taken to ensure that, as far as possible, employees do not suffer from negative impacts of imbalance.
- 2.2 It is the intention of this policy to provide a framework for managing requests for leave and requests to work flexibly in order to improve work-life balance. Through this policy the Trust meets its legal requirements in relation to work-life balance, and ensures that requests for flexible working are dealt with appropriately by managers.

3 Scope

- 3.1 This policy applies to all staff (fixed-term and permanent) working in any of the "locations" registered by St. George's University Hospitals NHS Foundation Trust with the Care Quality Commission (CQC) to provide regulated activities. "Locations" are not necessarily geographically based or determined. Therefore, the term "locations" does not just refer to Trust buildings; it is the term used by the CQC to describe the hub of operations for a service or range of services and so includes all activities being performed in the course of performing one's role.
- 3.2 The arrangements set out in this policy do not apply to agency workers or self-employed contractors, and will apply on a pro-rata basis where applicable. In some cases, entitlement to leave is based on length of service.
- 3.3 This policy is non-contractual and does not form part of an employee's terms and conditions of employment.

4 Roles and Responsibilities

4.1 Chief Executive and Executive Directors

The Chief Executive has overall responsibility for the implementation and monitoring of this policy and has nominated the Director of Human Resources and Organisational Development to take responsibility for the monitoring of the procedures incorporated within the Balancing Work and Personal Life Policy.

4.2 Managers

Within each directorate and department, managers are responsible for supporting staff to achieve an acceptable balance between their work and personal lives.

Managers must:

- Be fully conversant with the Balancing Work and Personal Life Policy and how it operates.
- Ensure that any request for time away from work and flexible working is considered and responded to appropriately and in line with this Policy.
- Provide reasonable support to any member of staff to balance their work and home life commitments, taking account of the needs of the service.
- Ensure good communication between management and staff.
- Regularly review working conditions and working arrangements of departments and the Trust.
- Monitor working hours, overtime and workload to ensure that staff are not in breach of the Working Time Regulations and are able to carry out their duties effectively within acceptable time frames
- Monitor holidays to ensure that staff are taking their full entitlement.
- Be vigilant and offer additional support to members of staff who are experiencing difficult circumstances outside work.
- Consider the impact that changes to roles and restructuring may have on the personal lives of employees.

4.3 Human Resources (HR) Department

The HR department's role is to provide support to managers and take appropriate action to:

- Offer guidance on the appropriate use of the Balancing Work and Personal Life Policy.
- Ensure that formal complaints or grievances regarding the application of the policy are dealt with as soon as reasonably practicable.
- Encourage discussion with Occupational Health and/or Staff Support as appropriate.

4.4 Trade Union Representatives

The Trust recognises that Trade Union representatives will play an important role in supporting staff to achieve their work-life balance, and Trade Union representatives have been involved in the development of this policy. Trade Union representatives will offer guidance and advice to their members on their rights under this policy.

4.5 Occupational Health

Provides specialist health support and advice to managers who identify potential work-life balance issues involving staff

Raises awareness of healthy lifestyles and provides advice on health programmes and initiatives to improve the health and welfare of staff.

Refers staff to the Staff Support Service for counselling and stress management.

4.6 Staff Support Service

The Staff Support Service offers a confidential counselling and support service including: stress management; short-term cognitive behavioural therapy and debriefing after events which may impact on work-life balance.

Provides mediation between employees in conflict situations.

4.7 Employees

Employees are responsible for managing their own work-life balance and should put arrangements in place to enable them to attend work regularly. Employees should:

Raise any concerns about work pressures or performance, work life balance and any external pressures that are affecting their health at work, with their line manager. If an individual is not comfortable raising this with their manager, they may prefer to speak to another manager, colleague, Occupational Health, Staff Support, an HR Manager or Trade Union Representative.

Monitor working hours, overtime and workload to ensure that they are not in breach of the Working Time Regulations and are able to carry out their duties effectively within acceptable time frames

Make requests for time away from work and flexible working appropriately and in line with Trust Policy.

Be considerate of the needs of others in line with the Trust Values of Excellent, Kind, Respectful and Responsible.

5 Carer Leave (Time off to care for a dependent: children or adults)

All employees regardless of length of service have the right to take a reasonable period (see 5.3 below) of time off work where it is necessary to deal with certain unexpected or sudden emergencies involving a dependent, and to make any necessary long term care arrangements.

5.1 Who counts as a dependent?

For the purposes of this policy, a dependent means a relative such as spouse, partner or civil partner, child, a parent or a person who lives at the same address as the employee but not a lodger, tenant or boarder.

It is recognised that domestic arrangements will vary from employee to employee and a dependent in all cases should be someone who reasonably relies on the employee for assistance in an emergency situation. Therefore, a relative may include: parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents and step relatives. The determining factor is that a dependent is someone who relies on the employee in unexpected emergencies and who has, for example, listed the employee as their "next of kin" or emergency contact.

5.2 Under what circumstances can an employee take time off to care for a dependent?

An employee can take time off in circumstances/situations that are unexpected or sudden emergencies to make any necessary long term arrangements. Some examples may include:

- If a dependent falls ill or has been involved in an accident or assaulted, including where the victim is hurt or distressed rather than injured physically,
- If a dependent gives birth
- To make longer term care arrangements for a dependent who is ill or injured (but not to be absent for an extended period of time to care for the dependent).
- To deal with an unexpected disruption or break down in care arrangements for a dependent: for example, when a childminder fails to turn up.
- To deal with an unexpected incident involving the employee's child during school hours; for example, if the child falls ill or is involved in a fight.

5.3 How much time off is allowed?

The right is to take a reasonable amount of time off work. Carer Leave is intended to deal with unexpected emergencies and, therefore, only the day or part of the day will be regarded as carers leave. e.g. when a child falls ill at school and a parent/carer needs to collect the child from school, carer's leave may be granted for part of the day. Therefore, reasonable time off will not normally be more than one day and may be only part of the day, but the Trust will consider each set of circumstances on their facts. The Trust might ask an employee to provide evidence for the reasons for taking the time off.

5.4 Is the leave paid or unpaid?

There is no legal entitlement to have paid carers leave. However, the Advisory, Conciliation and Arbitration Service (ACAS) advises employers to be sympathetic and to assist its employees, the Trust, agrees that the first day of leave will normally be paid leave.

If an employee makes additional, repeated or frequent requests for carer's leave, the leave may be granted but the employee will have the option to take the time as annual leave or where annual leave has been exhausted, unpaid leave.

As a guide if an employee has had paid carers leave on 2 occasions in a rolling 12 month period, managers should consider whether any future days should be taken as annual or unpaid leave. This does not mean that staff are entitled to take 2 days carer's leave in each 12 month period and staff are responsible for putting in place arrangements that mean they are able to attend work regularly.

Carer Leave is not intended to apply in long-term caring arrangements. Should additional leave be required, the amount of time required will depend on the circumstances and the employee should discuss this with their manager. In such circumstances where a member does require a longer period of time to care for a dependent this will be considered by the manager who, taking account of all the circumstances, may approve a period of annual leave or if the whole of the annual leave entitlement is exhausted, unpaid leave. Alternatively, the manager and employee may explore if a flexible working arrangement is appropriate.

5.5 What if the employee knows in advance that they are going to need time off?

Carer Leave is intended to cover unforeseen emergency circumstances. If the employee knows in advance that time off will be required this should be booked as annual leave or if the annual leave entitlement is exhausted, unpaid leave.

If the reason for the leave relates to caring for a child in a non-emergency situation, the employee may be entitled to unpaid parental leave (See Maternity, Adoption, Paternity and Parental Leave Policy) or unpaid leave.

5.6 Applications for Carer Leave

The nature of such leave is that it is unplanned because of an emergency; therefore, it will not be possible to apply within a set timeframe. In the event of needing to leave work unexpectedly or being unable to start work the employee should contact their manager as soon as possible to seek permission for carer's leave stating the reasons for their absence and how long they expect to be absent. The employee must speak directly to their manager or in his /her absence their nominated deputy. It is the employee's responsibility to keep in touch with their manager and let him/her know when they will return to work. On return to work an "Application for Leave" form should be completed. (appendix 1)

If the employee fails to notify the manager in line with this Policy and take unauthorised time off, they may be subject to disciplinary proceedings.

6 Compassionate (or Bereavement) Leave

All employees regardless of length of service have the right to take a reasonable period of time off work to deal with the death of a dependent. Paid leave will normally be granted to make funeral arrangements and/or to attend the funeral of a dependent.(see 6.2 below) A further period of leave may be granted but this will be taken as annual leave or unpaid leave.

6.1 Who counts as a dependent?

See paragraph 5.1 above.

6.2 How much time off is allowed?

A period of compassionate leave will normally be authorised for up to three days [including the day of the funeral] paid leave and depending on individual circumstances, the period may be extended up to six days paid leave, for example, where the member of staff needs to travel abroad to make funeral arrangements. This period will be extended in the event of child bereavement (see paragraph 6.3 below).

Managers will have discretion to grant a further period of annual leave or where annual leave is exhausted, unpaid leave after the period of paid compassionate leave. Managers also have discretion to allow staff to instead take some (or all) of this paid leave during the end of life care period for a dependent as an alternative to time off following the death. In so doing managers should also consider whether carer's leave may also be appropriate during the end of life care period.

Time off for attending funerals for relatives who are not dependents may be granted but this must be taken as annual leave, or where annual leave is exhausted, unpaid leave.

6.4 Child Bereavement

In circumstances where staff, who are parents, experience the death of a child there is an entitlement of two weeks paid leave. Pay is calculated (inclusive of any entitlement to statutory parental bereavement pay) on the basis of what the individual would have received had they been at work (based on the previous three months at work).

A bereaved parent is anyone who had responsibility as one of the primary carers for a child who has died. This includes adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship that may be reasonable, such as to include grandparents who have had primary 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.

A bereaved parent will not be required to submit any evidence of the child's death in order to access bereavement leave or pay.

Where both parents of the child work in the Trust, the entitlements will apply to both members of staff.

Parents who experience a still birth from the 24th week of pregnancy will be eligible for these provisions, and will subsequently still be eligible for maternity leave and pay (see the Maternity Leave policy).

Leave need not be taken in a continuous block. The employee should agree with their line manager how they wish to take this leave. Leave may be taken 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 their child they shall be able to do so upon informing their line manager that they will be absent from work for this purpose. Should the parent wish to take child bereavement leave at another time, after the initial period following the death, they should give their line manager reasonable notice of their intention to take the leave at this time.

It is not compulsory that a parent take Child bereavement leave.

6.5 Applications for Compassionate Leave (including Child Bereavement leave)

In the event of needing to leave work unexpectedly or being unable to start work for the reasons set out above, the employee should contact their manager as soon as possible to inform him/her of the reasons for their absence and how long they expect the absence to be. Employees must speak directly to their manager or nominated deputy. It is the employee's responsibility to keep in touch with their manager and let him/her know when they will return to work.

On return to work an "Application for Leave" form should be completed if the leave is unexpected or in advance with reasonable notice where such leave is taken at a later time.

7 Flexible working

7.1 Requests to work Flexibly

There is no automatic right to work flexibly. However, the Trust will consider every request to work flexibly in accordance with this policy. Requests must be balanced against the responsibilities of the Trust to provide a service and also take account of the impact on other members of staff. Flexible working can help the Trust retain employees, and establishing flexible working arrangements on a short-term or longer term basis can be a key retention aid.

The Trust will also consider flexible working options as part of its duty as an employer to make reasonable adjustments for disabled staff and job applicants under the Equality Act (2010), and staff returning from maternity leave (See Maternity Policy)

7.2 Making a Request to Work Flexibly

All requests will be dealt with fairly and consistently. Managers must consider the impact on the service and will not be able to agree to a request that would have a detrimental effect on the service provided or on other employees. If a manager cannot accommodate an employee's request exactly, it may be possible to reach a compromise that allows the employee to meet their needs and the manager to continue running the service efficiently and effectively.

7.3 The Procedure

The employee puts their application in writing. The application should set out the details of the change applied for, the reasons for the request, the date on which they would like it to become effective, and the effect, if any, it will have on the service and how any such effect might be dealt with. In normal circumstances, an employee can only make one request in any 12 month period, however, line managers will be able to use discretion if they are satisfied that the employee has had a significant and unexpected life change.

Within a reasonable period (usually within 28 days) of receiving the application, the manager must meet with the employee to discuss the request, and look at alternatives if it is not possible to accommodate it. Employees can bring a companion to the meeting, which may be a trade union representative or work colleague.

As soon as is reasonably practicable from the meeting (usually within 14 days), the manager will write to the employee and confirm the decision to either agree to a new work pattern and a start date, or to set out the specific ground(s) why the application cannot be accepted. The manager must explain why the application has been refused on one or more of the following grounds:-

- the burden of additional costs
- detrimental effect on the ability to meet service / patient demand
- inability to reorganise work among existing staff
- inability to recruit additional staff
- detrimental impact on performance
- detrimental impact on quality
- insufficiency of work during the periods the employee proposes to work
- planned organisational changes.

The manager must also notify the employee of their right to appeal the decision in this letter.

The employee will have the right to appeal their manager's decision within 21 days of the date of the letter informing the employee of the decision. This appeal should be made to the Director of Human Resources and Organisational Development.

As soon as practical (usually within 14 days) of receiving the appeal letter, the Trust will meet with the employee to discuss the grounds of appeal. All appeals under this policy will be held in accordance with stage 3 of the Trust's Grievance Resolution Procedure.

The Trust will notify the employee of the outcome of the appeal. If the appeal is rejected, the outcome letter must set out why on one or more of the grounds set out above.

All requests including any appeals must be considered and decided upon within a three month period from first receipt.

If an employee fails to attend any formal meetings in connection with the request (including an appeal), without good cause, the request will be considered withdrawn.

7.4 Reviewing Working Arrangements

Employees whose flexible working requests are accepted will have permanent changes made to their contracts of employment to reflect their new working arrangements and change forms and new /amendment to contracts of employment will be issued to reflect this, unless a trial period is agreed. There is no automatic right to transfer back to the original contract or original working arrangements prior to the flexible agreement.

All flexible working arrangements (including all arrangements below) must be reviewed at regular intervals jointly with the employee and a meeting held. A decision will be made as to whether the arrangement will continue or not. The frequency of the reviews will depend on whether the working arrangement is short-term or long-term but should normally take place at least annually. This will ensure that the arrangement still meets the service and individual needs.

Where the arrangement can no longer be accommodated due to a detrimental impact on the service or other employees, the employee will be given at least 3 months' notice and the arrangement terminated.

Review form attached at appendix 6.

8 Job sharing

Job sharing is a solution for some employees and the opportunity to job share is available to all employees with a few exceptions, such as:

- Where employees are in training posts, or
- Where having a consistent point of contact or consistent communication is essential to the role.

Job sharing is defined as two employees sharing the responsibilities and benefits of one full time post. The employees collaborate and co-ordinate their activity to make sure that the work of one complete job is carried out. Job sharing, therefore, differs from job-splitting, since in the latter; two part-time jobs are created from one full time job, without the need for continuity and communication.

Job Sharing can retain staff who might otherwise be lost to the organisation, and attract those outside the Trust who for whatever reason do not want a full time post. However, job sharing employees need to be aware that when their job share partner leaves it may have an impact on the remaining job sharer.

8.1 How does it work in practice?

Job sharing opportunities are welcome on almost all posts, subject to the exceptions identified above and at the discretion of the manager on the basis of service needs. If a manager believes that job sharing would be unsuitable or detrimental to the service, e.g. for rotational or training posts, this should be discussed with the Recruitment Team Leader or an HR Manager. The Trust will endeavour to match together job sharers wherever possible, through its recruitment and selection policy.

Three months' notice must be given to the Trust by current employees in writing to their manager, stating their wish to job share. It is recognised that three months' notice may not be practical for those on maternity leave. However, the longer the notice given to the Trust, the easier it will be to find a suitable partner.

Grounds for refusal of a job share request must be carefully considered and justifiable as per 7.3 above.

8.2 How will my contract change?

Current employees' hours will remain unchanged until a suitable partner is in post. If a partner has not been employed within six months of the notice of an employee's wish to job share, and reasonable steps have been taken by the Trust to do so, the employee will not be able to share that job.

A period of handover between the job sharers and communication arrangements must be agreed with the manager at the outset of the job share arrangement, which will be accommodated within the job sharers' normal working hours and confirmed in the contractual arrangements. The sharers' total working hours should not usually exceed the full time hours for the relevant post.

If flexibility of the sharers is required to allow for adequate cover during the partner's annual leave and other absences, this must be agreed at the start of the job share. Payment will be made for additional hours worked at the manager's request to cover during a partner's absence.

Consideration will be given to all proposed patterns of work including, for example, week on/week off or 3 day/2 day week although there will usually be an even division of hours between the post holders.

Rates of pay will be calculated pro rata to the actual hours of the week worked. For example, job sharing partners will not necessarily earn the same basic pay e.g. one sharer might have relevant previous service be appointed to a different incremental point.

If required to work in excess of the contractual hours, sharers will be paid at the basic hourly rate for the additional hours, or allowed time off in lieu. Overtime rates will be paid to an individual sharer only when s/he alone has worked more than the normal full time hours for the post (37.5 hours per week for staff on Agenda for Change terms and conditions). Enhancements, for instance for unsocial hours, will however be paid at the normal, increased rates.

Annual leave and bank holidays will be calculated in hours as for other staff who do not work standard hours over a 5 day week. Due to different lengths of service the job sharers may have different leave entitlements.

8.3 What do I need to do as a Job Sharer?

The job sharers must rapidly assess their own and each other's strengths and weaknesses, to ensure a sensible distribution of the duties and workload, seeking advice from their manager as necessary who will decide how the work should be distributed.

The manager will set annual objectives for the post as a whole and these will be discussed with both job sharers.

Job share partners must also wherever possible co-ordinate their annual leave periods in order to provide cover for each other's absence if this is agreed at the outset of the job share.

8.4 What do I need to do as a manager?

Managers must identify and justify where job sharing would be detrimental to the department and inform the Recruitment Manager prior to advertising. When job sharing is agreed, ensure the employee completes the form at appendix 3 and forward a copy to the Human Resources Department for their personal file. Managers must also complete the ESR change form to reflect any changes.

The manager must monitor the job share arrangement to ensure that the partners have agreed a fair distribution of work, and that the arrangements are satisfactory to the department. At the start of the job share the manager must formalise the work distribution by issuing each partner with the job description for the post, with an individual addendum reflecting the specific workload, if appropriate.

It is recommended that the arrangements should be reviewed as per 7.4 above.

8.5 What happens when one job sharer leaves?

When one job sharer leaves and the other is still in post, there are three options:

The manager may offer the remaining partner additional hours up to the total established post, so that, if he or she wishes, it reverts to a full time post.

Where the remaining partner is not able to take up the post as a full time appointment, the line manager can advertise the remaining half of the post as a job share.

If the vacant half of the job share proves impossible to fill after internal/external advertisements, the remaining half of the post may be converted into a part-time post, if this is suitable within the department. Alternatively, the remaining job share partner should be offered the opportunity, if it exists, to be redeployed into a suitable part time post. Flexibility is necessary to take account of both the needs of the service and the individual. However, if the Trust has exhausted all possibilities in terms of redeployment and consulted appropriately with the employee at all stages, it may eventually prove necessary to terminate the employment of the remaining partner. The member of staff will not be entitled to receive a redundancy payment.

8.6 How can Human Resources help?

Human Resources will:

Facilitate, wherever possible, and encourage departmental managers to use job sharing as an employment option.

Issue each job sharer with an individual contract of employment, reflecting their status as job sharer, setting out their hours of work, contractual 'overlap' period and cover arrangements during the absence of their partner (if required) and the terms that will apply if one of the job share partners leaves.

Actively assist managers/employees in implementing a job share and monitor the overall effectiveness of the policy.

9 Flexitime

Some departments are structured in such a way that they can operate a flexitime system. Any such systems must be compatible with service provision and must be applied fairly to all staff in the service. All employees included in the scheme must work their contracted hours and take the appropriate annual leave entitlement in line with the Trust's policies and their contract of employment.

If such arrangements operate, staff should ask their departmental manager if this is possible for their role. The procedure to be followed, and the appeal arrangements, are the same as those described at section 7.3 above.

10 Term- Time

Term-time working allows staff to have more flexibility to plan their work around personal commitments and responsibilities, whilst still meeting the needs of the service. Term-time employees remain on a permanent contract of employment, working only during the school term with the right to unpaid leave during school holidays.

10.1 How does it work in practice?

The first step is for the employee to approach their manager and make a request for term-time working which will be considered as set out in 7.3.

The term-time hours and weeks worked may vary, as term-time may vary between schools. The hours and term time dates for the following year must be agreed between the employee and manager and reviewed at least annually (which will usually be in advance of the next academic year) by the manager to take account of changes in the employee's circumstances, service needs within the department, changes to the length of school holidays to be taken as non working time, (this should include any inset days, polling days etc.) increases in annual leave entitlement etc.

Most state schools operate a 38-week year, and it is expected that employees requesting a term-time working arrangement will be available for 38 weeks of the year.

10.2 What happens to my pay and benefits?

The salary is averaged out over a twelve-month period and paid monthly. The hours worked by the employee may be full-time or part-time and where part-time hours are worked, salaries will be paid on a pro rata basis in accordance with entitlement under the Agenda for Change terms and conditions.

Annual Leave and Bank holiday entitlements will also be calculated on a pro rata basis and incorporated into the employee's salary. This means that the employee will accrue annual leave during the weeks that he/she works and all annual leave must be taken during school holiday periods.

Requests for annual leave will not normally be granted during term-time. In exceptional circumstances where leave is granted during term-time the expectation would be that the employee would make up the hours at another time or during the school holiday where possible.

The employee should indicate which weeks are designated as annual leave, to enable accurate payroll reporting by the manager.

Term-time employees are entitled to any public/statutory holidays which fall within the term-time period and they are eligible to join the NHS Pension Scheme.

10.3 What do I need to do as a manager?

When a term- time arrangement has been agreed the form attached at Appendix 4 should be completed for the member of staff to sign. Managers will also need to complete an ESR change form reflecting the term-time details and forward this to Payroll for processing. Managers are also reminded to complete an ESR form updating any changes to the agreement which may affect the employee's pay/contract terms during the course of the arrangement.

10.4 How will my contract of employment change?

The employee will receive an amendment to contract reflecting the new hours of work, annual leave entitlement and salary.

11 Annualised Hours

11.1 Description of Schemes

Annual hours schemes aim to achieve a more even match between supply and demand for staff by distributing hours worked by staff to coincide with actual levels of need, thereby flexing the working year. They are particularly suitable in situations where there are predictable fluctuations in activity levels. There are a number of advantages for both managers and staff in using annualised hours:

Annual hours working can reduce expenditure on additional staff, agency staff and reduce absenteeism.

Staff are able to modify working patterns to suit personal circumstances but are still provided with a regular level of salary

11.2 How does it work in practice?

The total numbers of hours to be worked in a full year are agreed at the outset between the manager and the member of staff. The exact details of when these hours are to be worked in each week or month will be confirmed by the manager. The Trust will ensure that employees on annualised hours contracts can be required to work during key periods of the day, week, month etc as appropriate. The scheme must take into consideration the Working Time Regulations governing weekly working times and rest breaks.

Employees leaving part-way through an annual hours contract may owe hours to the Trust or may have hours accrued, and managers will need to calculate this when completing payroll documentation. The procedure to be followed and the appeal arrangements are the same as those described "in the requests to work flexibly" at section 7 above. Managers should speak to their HR managers to discuss implications of any requests received.

12 Career break

A career break gives employees the opportunity to take time out from work for a variety of different reasons, including facilitating the care of a dependent, following maternity/paternity/adoption/fostering leave or to undertake an educational/training course, voluntary service overseas or travel abroad. Other reasons will also be considered for career break purposes on their merits, and the Trust will consider requests on a case by case basis. It is not normally possible to have a career break from the Trust in order to take up paid employment with another employer. However, exceptionally this will be agreed if the manager is satisfied the paid employment will improve the skills or experience of the member of staff in a way that will benefit the

Trust/NHS in the future. From the Trust's standpoint a career break allows the organisation to retain valuable members of staff who might otherwise leave.

12.1 Who is eligible to be considered for a Career Break?

Any employee who has 12 months continuous service with the Trust.

12.2 How does it work in practice?

The first step is for the employee to approach their line manager and make a request in writing to take a Career Break. The request should set out the reasons for the request, the duration of the career break, and the proposed start date.

The line manager will assess the request against a number of relevant factors, including the reasons for the career break, the period of absence requested, the need to retain the employees' skills and experience in the organisation, the needs of the service and the number of other staff on leave, including those on career breaks. The manager must be satisfied that it will be possible to continue to provide a service whilst the employee is on a career break.

The employee may be invited to a meeting to discuss the request. If the request cannot be met the reasons for this will be fully explained to the employee in writing. If the employee is dissatisfied, he/she may raise the issue under the appeal stage of the Trust Grievance Resolution Procedure.

Career Breaks can be for periods between 3 months and five years.

During the Career Break, employees are actively encouraged to maintain contact with their manager and where appropriate attend relevant training or updates (for example, to meet professional registration requirements). This should be agreed before the start of the Career Break. It is the employee's responsibility to ensure that they are suitably up-to-date in order to take up their post on return to work.

The employee should also maintain any professional membership requirements/subscriptions during the Career Break. Employee's must provide evidence of current registration on return to work and a lapse in registration will be dealt with under the Trust's procedure for carrying out pre-employment checks and re-validation of professional registration.

Employees must inform their manager about any change of address or contact details during their career break.

12.3 What happens to my contract of employment whilst I am away?

The contract of employment remains in force and the Career Break is viewed as a period of authorised unpaid leave. In particular, the employees' duty of confidentiality remains binding, and employees have a duty to act in such a way as to maintain the duty of trust and confidence in the employment relationship.

Continuous service with the Trust will be maintained for the purposes of the Employment Rights Act (1996) provisions relating to statutory continuous service. However, in respect of reckonable service under the employee's contract of employment, the other provisions of the contract of employment which depend upon length of service, for example, contractual redundancy payments, leave entitlements etc will be suspended for the period of the career break.

The NHS is a constantly changing organisation. The employee will be fully consulted about any organisational changes which occur during the career break that have a direct impact on his/her post. If during the period of a career break the post is made redundant due to organisational change, the Trust will make reasonable endeavours to consult with the employee and search for suitable alternative employment, *[in*

accordance with its Change Management Policy and Procedures]. If the employee is dismissed due to redundancy, the redundancy payment will be calculated in accordance with the service provisions set out above.

12.4 What happens to my pay and benefits during the Career Break?

All pay and benefits will be suspended from the start of the Career Break and reactivated again on return to work.

It is possible for employees to continue to make payments into the NHS Pension scheme and if the employee chooses to do so, the Trust will make the corresponding Pension payments for the first six months. It will not be possible to make Pension payments retrospectively or to rejoin the pension scheme part way through a Career Break. Employees who are members of the NHS Pension Scheme should contact the Pensions Officer in the Payroll Department in advance to discuss whether they wish to continue paying in to the NHS Pension scheme and what if any impact the career break will have on their pension. The Pension scheme has the following member guidance available: [https://www.nhsbsa.nhs.uk/sites/default/files/2018-03/Authorised%20leave%20career%20breaks%20member%20factsheet-20180322-\(V4\).pdf](https://www.nhsbsa.nhs.uk/sites/default/files/2018-03/Authorised%20leave%20career%20breaks%20member%20factsheet-20180322-(V4).pdf)

12.5 What are my responsibilities during my Career Break?

Obviously, it is important for employees to keep in contact with their manager during the Career Break and where agreed to attend any training or updates that they are asked to attend. It is also very important for employees to inform their manager immediately if their circumstances change and they no longer wish to return to work or want to return earlier as the manager will need to take account of how the service can be covered. In the case of the latter the employee should discuss a return to work date with the manager as it is most likely that another member of staff will have been employed to cover the employees' post. It may not be possible to accommodate such a request.

12.6 Notice Period required prior to returning to work

The Human Resources Department may write to the employee from time to time, and three months before the end of the agreed career break. If the employee does not respond within the agreed time frames all rights to return to work will be forfeited and their employment will be terminated without notice for failure to comply with this Policy.

Employee's will be required to write to their managers to inform them of their return to work two months before the return to work date if the break is for less than a year and six months before if the break is more than a year.

12.7 What job will I return to if my career break is for 12 months or less

If the Career Break is for one year or less the employee can return to their original post. Staff must give two months' notice of their intention to return to work whether they intend to return on the agreed date or if they wish to return to work earlier than was originally intended. Failure to do so may result in an extended period of no pay.

If the employee makes no contact with their Manager within the 2 month notice period of return, this is likely to lead to dismissal without notice for failure to comply with this Policy.

12.8 What job will I return to if my career break is over 12 month's duration

Six months' notice of the intention to return to work must be given by the employee. This written notice is required whether the employee intends to return as planned at the end of the agreed break or for an earlier than planned return. Again, if no contact is made with the manager within the 6 month notice period of return, this is likely to lead to dismissal without notice for failure to comply with this Policy.

If the break is longer than a year, there is no right to return to the post which the employee held immediately prior to commencing their career break. However, if it is not possible to return to the original position, during the six month notice period the Trust will make reasonable endeavours to find suitable alternative roles and the manager will be responsible for co-ordinating this.

If at the end of the notice period the Trust has been unable to identify a suitable alternative post or the employee refuses to accept an available post that is offered, the Trust will attempt to meet with the employee to discuss the situation and, if agreement cannot be reached on a suitable role for the employee to return to at the end of the career break, the Trust will terminate the employee's contract of employment without notice and there will be no entitlement to a redundancy payment (whether contractual or statutory).

12.9 What if I decide that I do not want to return to work following or during my break

An employee on a career break, who decides not to continue the break, may resign by giving, in writing, the period of notice required by their contract of employment. This notice period will be unpaid.

12.10 What do I need to do as a manager?

When a Career Break has been agreed the manager should put this in writing to the member of staff and complete the attached form at appendix 6 for the member of staff to sign. This letter should indicate where necessary, any training/updates that they will need to attend and how communication will be maintained during the break. An ESR change form should be completed to notify Payroll.

Prior to the end of the career break the manager should inform HR of the employee's intended date to return to work and write to the employee confirming their return to work date. On the employee's return to work, complete an ESR change form to reflect their return from career break.

12.11 How can Human Resources help?

The Human Resources Department will:

- Actively provide advice to managers/employees at any stage of the process
- Maintain a record of all staff on a Career Break and monitor the overall effectiveness of the scheme.
- Liaise with managers to write to members of staff three months or before the end of career break.

13 Flexible Retirement

13.1 Opportunities for flexible retirement are provided for within the Trust's Staff Retirement Procedure.

14 Dissemination and implementation

14.1 Dissemination

To ensure that this policy is disseminated across the Trust this policy will replace the former policy on the intranet and be supported by a communications campaign.

14.2 Implementation

Training will be provided by the Human Resources Department to line managers on the application of this policy.

15 Monitoring compliance

The Human Resources Department records all cases where an employee's request to work flexibly has been refused and has resulted in a grievance being lodged. These cases will be reviewed six monthly to ensure the principles in the Balancing Work and Personal Life are being applied correctly and fairly.

The responses to the annual staff survey will be used as a measurement of how the Trust's intentions under this policy are viewed by employees.

Monitoring compliance and effectiveness table					
Element/ Activity being monitored	Lead/role	Methodology to be used for monitoring	Frequency of monitoring and Reporting arrangements	Acting on recommendations and Leads	Change in practice and lessons to be shared
<i>BWPL appeals under the Grievance Procedure</i>	<i>Deputy Director of Human Resources</i>	<i>All cases are recorded on the HR Case Tracker by key demographics to enable the department address any concerns that may come to light</i>	<p><i>The reports will be submitted to the HR and Workforce Committee on a six monthly basis. The report will identify any trends and any actions to address concerns.</i></p> <p><i>The report will also be submitted to the Partnership Forum on an annual basis.</i></p> <p><i>The lead or committee is expected to read and interrogate the report to identify deficiencies in the system and act upon them.</i></p>	<p><i>In the event of actions being required, the Divisional Director of Operations or Corporate Director will be responsible ensuring that actions are completed</i></p> <p><i>Required actions will be identified and completed in a specified timeframe. Consider stating this responsibility in committee terms of reference.</i></p>	<i>Required changes to practice will be identified and actioned within a specific timeframe. A lead member of the team will be identified to take each change forward where appropriate. Lessons will be shared with all the relevant stakeholders.</i>

16 Associated documentation

This policy should be read in conjunction with Section's 33, 34 and 36 of the Agenda for Change Terms and Conditions of Service Handbook. Related Trust policies include:-

- Recruitment and Selection Policy
- Policy on the Employment of Disabled People
- Equality and Diversity in Employment
- Disciplinary Policy
- Grievance Procedure
- Stress Management Policy
- Maternity and Adoption Leave Policy
- Home Working Policy
- Lone Worker Policy
- Annual Leave Policy

Appendix 1 Application for Leave (Balancing Work and Personal Life)

Name:

Ward/Department:

Grade/Position:

Carer Leave

Compassionate Leave

Please give details of the reason for leave

(including nature of relationship with dependent)

Total number of days/hours requested:

Total number of days/hours agreed:

Dates

From to

Paid / Unpaid

Signed _____ Date _____

Agreed by manager _____

Signed _____ Date _____
PRINT
NAME

Send copy to HR for personnel file ☐

Record absence on E-Rostering ☐

Appendix 2 Application for Flexible Working

1. Personal Details

Name: _____ Post/Grade: _____

Ward/Department: _____

2. Reasons

I would like to apply to work a flexible working pattern that is different to my current working pattern for the following reasons:

Please state if your request is made in conjunction with a right under the Equality Act 2010 (for example as a reasonable adjustment for a disability)

.....

.....

.....

.....

3. Details of previous requests to work flexibly

Date of any previous request to work flexibly:

4. Proposed Work Pattern

Describe the working pattern you would like to work in future (days/hours/times worked)

.....

.....

.....

.....

I would like this work pattern to commence from:

I would like this change to be permanent/temporary (*if temporary state duration*):

.....

5. Impact and Accommodating the New Working Pattern

I think this change in my working pattern will affect my employer and colleagues as follows:

.....

.....

.....

.....

I think the effect on my department and colleagues can be dealt with as follows:

.....

.....

.....

.....

Signed: Date:

Print Name :

Decision by Manager

I have reviewed this application which is accepted/refused due to

.....

.....

.....

.....

Signed: Date:

Print Name :

Staff Change Form completed Yes ☐ No ☐

Trial Period (if applicable):

Monitor/Review Date:

Appendix 3 Application to Job Share

Please attach to your completed Application for Flexible Working (appendix 2)

(To be completed when agreed by Manager)

Name: _____ **Post/Grade:** _____

Ward/Department: _____

I wish to job share my current post on the basis of working (x) hours/shifts per week over a day period.

I understand that if my job share partner leaves the following options will apply:

1. I will be offered the hours worked by my job share partner to work full-time.
2. Where (1) is not possible, and it is not suitable to make my post part-time, the remaining part of the job share will be advertised. If it is not possible to appoint to the remaining part of the Job share, the Trust will attempt to redeploy me to a suitable part-time post if one exists.
3. If attempts at redeployment are unsuccessful my contract of employment will be terminated and I will not be entitled to receive a redundancy payment.

I have read the Job Sharing Policy and apply to job share in line with the terms of the policy.

Signed
(employee) _____ **Date** _____

Agreed by manager _____

Signed _____ **Date** _____
PRINT
NAME

Send copy to HR for personnel file

Appendix 4 Application for Term-Time working

Please attach to your completed Application for Flexible Working (appendix 2)

Name: _____ **Post/Grade:** _____

Ward/Department: _____

I wish to apply to work term-time in my current post on the basis of working (x) hours/shifts per week over a (x) day period.

If granted I would like to continue term-time working for _____ years

I understand that if my request is granted

1. My term-time working will be reviewed on a yearly basis in line with service needs
2. I will work 38 weeks per year during term-time only
3. My salary is pro rata and averaged out over a twelve-month period and paid monthly.
4. My annual leave and bank holiday entitlements (pro rata for part-time staff) will also be calculated on a pro rata basis and incorporated into my annual leave and salary
5. All annual leave must be taken during school holidays

I have read the Trust's Term- time working section of the Balancing Work and Personal life Policy and apply to work term-time only as set out above.

Signed _____ **Date** _____

Agreed by manager _____

Signed _____ **Date** _____

PRINT
NAME

Send copy to HR for personnel file

Appendix 5 Application for a Career Break

Name: _____ Post/Grade: _____

Ward/Department:

I wish to apply for a career break for a period of _____ (insert length of career break, 3 months – 5 years).

The reason for the career break is:

I understand that I should not take up paid employment during my career break. If during the career break I wish to take up any kind of paid employment I will contact my manager for their approval.

OR

I wish to take up the following paid employment

I understand that the career break is regarded as authorised unpaid leave, and that all pay and benefits will be suspended from the start of the career break and reactivated again on return to work.

(Where applicable) I will continue to maintain any professional membership requirements/subscriptions during the career break.

Where the career break is for more than one year, I understand that I do not have the right to return to the same post, and will return to a post that is broadly equivalent in terms of duties and responsibilities with equivalent remuneration, within my Service Centre/Directorate or where this is not possible the Trust as a whole.

I understand that if I do not contact the Trust within the agreed timeframe before the end of the career break, all rights to return to work will be forfeited and my employment will be terminated.

If I am unable to return to the same post where the career break is for more than one year, I agree to waive the right to notice (statutory or contractual) upon expiry of the career break period. Similarly, if I fail to make contact with the Trust within the timeframes set out in paragraph 12 of the Trust's Career Break Policy, I agree that any right to notice (statutory or contractual) is waived.

I have read the Trust's Career Break Policy and apply for a career break on the basis and for the period set out above.

Signed _____ Date _____

Agreed by manager

I have agreed to a career break for the period from _____ to _____

Signed _____ Date _____

PRINT NAME

Electronic Staff Change Form completed Yes ☐ No ☐

Send copy to HR for personnel file

Appendix 6 Review of Application for Changes to Working Arrangements

Name: _____ **Post/Grade:** _____

Ward/Department: _____

Manager _____ **Location** _____

Describe working arrangements previously agreed and reason(s) for previous request

Following the review of the request are the changes to working arrangements to continue?
(Delete as appropriate)

YES: Continue as described above

NO: Return to previous contracted hours

YES: with the following amendments

Signed _____ **Date** _____

Agreed by manager

Signed _____ **Date** _____
PRINT
NAME

Send copy to HR for personnel file

Annex A

1. EQUALITY AND IMPACT ASSESSMENT FORM – INITIAL SCREENING

Service/Function/Policy	Directorate / Department	Assessor(s)	New or Existing Service or Policy?	Date of Assessment
Balancing work and Personal Life	HR	Jacqueline McCullough, ext.0047	Existing	September 2011
1.1 Who is responsible for this service / function / policy? Human Resources				
1.2 Describe the purpose of the service / function / policy? Who is it intended to benefit? What are the intended outcomes? The policy sets out the Trust's policies on a range of flexible working options including job sharing and career breaks and aims to support the need of staff to balance their work and personal life. It sets out a framework for managing requests for leave and to work flexibly.				
1.3 Are there any associated objectives? E.g. National Service Frameworks, National Targets, Legislation , Trust strategic objectives Through this policy the Trust meets it's legal requirements in relation to work life balance and requests for flexible working				
1.4 What factors contribute or detract from achieving intended outcomes?				
1.5 Does the service / policy / function / have a positive or negative impact in terms of race, disability, gender, sexual orientation, age, religion or belief and Human Rights? Details: [see Screening Assessment Guidance] There is no reason to believe this policy will have an adverse effect on any employee in relation to any of the diversity factors. The policy is intended to support staff and will be monitored in accordance with paragraph 15 above.				
1.6 If yes, please describe current or planned activities to address the impact. Any differential impact will be discussed and remedial action agreed at the HR Workforce Committee.				
1.7 Is there any scope for new measures which would promote equality? The Trust's intention is to ensure fairness and consistency in the application of requests to ensure equality of opportunity for all. HR Managers coach line managers on how to apply the procedure.				
1.8 :What are your monitoring arrangements for this policy/ service Responsibility for monitoring the application of the policy rests with the Director of HR and OD on behalf of the Trust Board. The HR Department will monitor all cases where an employee's request to work flexibly has been refused and has resulted in a grievance appeal. Reports will be prepared annually to ensure the policy is applied fairly and submitted to the Board and Partnership Forum respectively.				
1.9 Equality Impact Rating [low, medium, high]- see guidance notes 3.1 above Low				
2.0. Please give you reasons for this rating If you have rated the policy, service or function as having a high impact for any of these equality dimensions, it is necessary to carry out a detailed assessment and then complete section 2 of this form				
Review date of policy: 2021				