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*for the service by the service*

# FAMILY FRIENDLY POLICIES

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# GUIDANCE NOTE

*“The NHS is at its simplest about people. The people who depend on the service and the people who provide the service. I want to see a NHS that meets the needs of the people who use it and values the people who work in it. The biggest challenge is not about ticking boxes. Its about seizing the opportunities to embrace change and to take a fresh approach to things like job design, staffing structures, working practices, training and development. I am clear that in our drive to invest in modernisation of services, we must be receptive to the need to invest in the people who provide those services.”*

**[Minister for Health and Community Care, Susan Deacon, addressing the NHS in Scotland Human Resources Conference 6 April 2000]**

The NHS in Scotland is committed to building a modernisation programme to provide high quality patient care and improve the working lives of all NHS staff. The National Human Resources Strategy “Towards a New Way of Working” seeks to achieve this through substantive partnerships with staff, managers, trade unions/professional organisations, patients and other relevant organisations.

Unlocking the potential of staff and removing boundaries which have traditionally existed between managers and trade unions/professional organisations to improve the working lives of employees and enhance service delivery to patients will require a unique partnership. This partnership must be based on a philosophy of mutual trust, using an open and honest approach in all aspects of consultation and negotiation.

In aiming to achieve consistency of approach across Scotland in dealing with people, the Scottish Partnership Forum established the Partnership Information Network (PIN) Board. The PIN Board undertakes, through guideline development groups to produce in partnership best practice human resource guidelines.

It is intended that this guideline will be adopted after discussion involving staff, staff representatives and managers. Local Partnership Forums should be fully

involved. In other organisations appropriate inclusive processes must be adopted. Local arrangements may then be made to implement the national guideline and to establish a method of monitoring their implementation and effectiveness.

Our National Health: A Plan for Action, A Plan for Change establishes a new staff governance standard. The performance against the standard will be assessed by the Scottish Partnership Forum (SPF) and Local Partnership Forums and form an integral part of the performance and accountability framework.

**All organisations are required to adopt the values and principles of this PIN guideline on Family Friendly Policies. This will include the identification of key issues (through needs analysis) and the production of an action plan,** however the attached model policies are not intended to be prescriptive, but to be used as a tool kit of solutions available. Organisations should adapt the model policies to suit their own local situation in terms of structures and resources available to them.

# CONTENTS

	Page(s)
1. INTRODUCTION	7
2. MAIN REPORT	8
2.1 Definition of Family Friendly	8
2.2 Organisational Culture/Strategic Framework	8
2.3 Values and Principles	10
2.4 Legislation and Whitley	11
2.5 Effectiveness of Family Friendly Practices	13
2.6 Family Friendly Policies	17
2.7 Developing Family Friendly Working Practices	19
2.8 Success Criteria	24
2.9 Monitoring and Review	25
2.10 Conclusions	25
Quick Reference Guide	27
3. APPENDICES	29
3.1 Parental Policies	29
3.2 Carer Policies	61
3.3 Flexible Working Policies	73

# GUIDELINE DEVELOPMENT GROUP

<b>Convenor:</b>	Taroub Zahran	Organisation Development Manager, Greater Glasgow Primary Care NHS Trust
<b>Secretary:</b>	Kevin Hanlon	Scottish Executive Health Department
<b>Members:</b>	Brenda Burnett	Scottish Executive Health Department
	Margaret Sheriff	UNISON
	Chris Stewart	Royal College of Midwives
	Sharon Douglas	Human Resources Advisor, Forth Valley Primary Care NHS Trust
	David Miller	Personnel Manager, Borders Acute Hospitals NHS Trust
	Senga Fisher	GMB
	Anne Fraser	Forth Valley Primary Care NHS Trust
	Janet McVea	Scottish Association of Health Councils
	Gordon Wenham	Royal College of Nursing
	Dr P M Donald	Royal College of Physicians
<b>Contributory Advisors;</b>	David Evans	Pay and Workforce Research
	Anne Thomson	Royal College of Nursing

# 1. INTRODUCTION

The suggestions in this guideline are based upon evidence of best practice, which is currently available. By using this guideline organisations can be satisfied that they are adopting best practice principles when dealing with complex human resources issues. The guidelines do not preclude the use of other approaches as long as they are based upon the best practice principles outlined in this guideline. The ultimate decision about the organisation's approach must be developed in a fully inclusive manner to achieve the changes, which are required in organisational culture, behaviour and attitudes.

The NHS is committed to developing an environment for its staff in which they are enabled to fully contribute to the service while feeling valued and respected. Equality of opportunity requires that individuals' diversity is seen positively and that the contribution of an individual's experience, knowledge and skill is recognised.

Conditions of service and job requirements should fit with the needs of the service and those who work in it regardless of age, disability, race, ethnic origin, gender, sexual orientation or domestic circumstances. In addition to contributing towards the achievement of equality of opportunity, the development of family friendly policies assists the NHS to be a place where people want to work and feel valued at work.

The aim of this document is to consider the scope of family friendly practices within the workplace and to make recommendations regarding how the NHS can become an exemplar employer in this area.

## 2. MAIN REPORT

### 2.1 DEFINITION OF FAMILY FRIENDLY

Family Friendly is a term used to apply to all staff, male/female, full and part-time who work in the NHS who are seeking to achieve a balance between their home and working lives. Throughout their career in the NHS individuals will have differing demands on their time and energies at home as well as work.

These demands may be due to: -

- pursuing educational or professional opportunities;
- parental responsibilities;
- caring for others including dependants;
- short or longer term domestic difficulties;
- the need or desire to have different or flexible working patterns at different stages of a career or life.

### 2.2 ORGANISATIONAL CULTURE/STRATEGIC FRAMEWORK

- 2.2.1 Successful implementation of flexible employment practice requires a broader approach than simply adjusting organisation mechanisms. It demands willingness on the part of employers and employees, managers, clinical leaders, trade union/professional organisation representatives and staff, to explore how alternatives to the conventional approaches of either full or part-time employment can enable the organisation as a whole to achieve its objectives better.
- 2.2.2 Benefits will be accompanied by challenges to employers, including managers and clinical leaders as well as to trade union/professional organisation representatives and staff. In order to reap the benefits, a fundamental change in culture at all levels and in all elements of an organisation is required.
- 2.2.3 Movement towards flexible employment should be viewed as a major strategic initiative for an organisation which includes the continued commitment and willingness to change at all levels over a significant period of time. While flexible working methods can

be introduced in one department or element of the organisation at a time, a clear perspective on the organisation as a whole must be maintained to manage the effects of these new ways of working. As well as senior managers, trade union/professional organisation representatives must be prepared to introduce localised flexible working arrangements as blanket flexible working policies are unlikely to be appropriate nor effective.

- 2.2.4 Two national workshops were held in March 2000 involving staff, their representatives and managers to discuss the need for and application of family friendly policies in the NHS. These identified some key aspects of health service culture which need to be particularly addressed in order to improve the balance of home and working life: -
- • There is a lack of awareness of staff, trade union/professional organisation representatives and managers of the existence of some policies;
  - • There is a lack of understanding of managers in how to apply policies;
  - • There is a lack of flexibility of managers, clinical leaders, trade union/professional organisations , peers, the individual concerned and sometimes the employing organisation in seeking solutions;
  - • There is a lack of consistency in the application of policies;
  - • Managers and staff are unaware of the benefits of flexible working;
  - • Managers do not adequately seek advice in the application of policies;
  - • There is a need for a shift in both organisational culture and staff, clinical leaders, trade union/professional organisation and managers' behaviours in order to make family friendly employment a reality;
  - • There is often a need for managers to reach decisions swiftly working to the timescale of the individual concerned and avoiding unnecessary bureaucracy;
  - • There needs to be give and take on all sides;
  - • There can be discrimination against career progression where someone works less than full time or on non-conventional work patterns;
  - • There is inadequate training for managers, clinical leaders and trade union/professional organisation representatives in the use of policies;
  - • There needs to be rigorous monitoring and evaluation of the need for implementation and take up of policies by partnership forums in order to monitor and evaluate the effectiveness of policies.

- 2.2.5 In order that an environment and culture are established which promote flexibility and a climate of valuing the individual and respecting their needs, the following steps should be taken:
- Commitment to family friendly policies should come from the Board, and Local Partnership Forum;
  - There should be a senior management sponsor for family friendly policies;
  - The development and monitoring of family friendly policies should be agreed and monitored via Local Partnership Forums;
  - Staff, trade unions/professional organisations, clinical leaders and managers should be consulted on how to develop more positive attitudes to the need to balance home and working life;
  - There should be routine publicity and promotion of the policies to staff, trade union/professional organisation representatives, clinical leaders, managers and new recruits;
  - Managers and trade union/professional organisation representative should be fully trained in the use of policies;
  - Managers should be encouraged to use their judgement and discretion in the application of family friendly policies;
  - While there is a need to ensure broad consistency in the application of family friendly policies, managers and trade unions/professional organisations should be encouraged to be flexible, avoid bureaucracy and have due regard to individual circumstances and rights as well as those of the staff team;
  - The culture of long working hours should be broken by encouraging managers to lead by example, and to consider offering the option of regular or occasional home working;
  - Introducing flexible working practice should be considered when services are being designed or redesigned.

## 2.3 VALUES AND PRINCIPLES

- 2.3.1 The term “family friendly” is used to describe working practices that acknowledge and aim to support the needs of staff in achieving a home and work life balance.
- 2.3.2 The aim of the guideline is to seek to enable the NHS to operate a 24 hour, 365 day service whilst supporting staff to combine home life with the demands of work.
- 2.3.3 Through partnership, assess local issues and constraints and pursue and identify opportunities and solutions.
- 2.3.4 Managers, clinical leaders, trade union/professional organisation representatives and staff themselves are key in the implementation of

family friendly policies. They in turn need support through guidance and training in the application of policies to ensure transparency and equity in the application and decision making processes.

- 2.3.5 Staff must show responsibility when making requests for access to the provisions of family friendly policies balancing their own needs with due consideration of the needs of patients, colleagues and team members.
- 2.3.6 Enhanced contribution to patient care can be achieved through creating increased flexibility in working patterns, allowing for a better work-life balance.
- 2.3.7 Promote and expand equality of opportunity within the NHS.
- 2.3.8 Promote and extend equity of access to family friendly policies including, in particular, flexible working.

## 2.4 LEGISLATION AND WHITLEY

- 2.4.1 A significant number of employment policies and initiatives can easily be adapted to accommodate many of the needs of employees. The existence of such provisions can enable these employees to remain within paid employment where otherwise they may have been forced to change employer or give up work altogether. To ensure that employees are better able to balance work and home life, previous voluntary measures are now underpinned by a statutory framework.
- 2.4.2 The following key areas of legislation have been used to inform the majority of model policies provided as part of this guideline. Where policies have been informed by specific legislation, reference is detailed in each of the policy introductions.

### 2.4.2.1 Sex Discrimination Act

The Sex Discrimination Act 1975 (SDA) legislates against discrimination on the grounds of sex in full and part-time employment, training and other related matters.

In the context of family friendly policies, the potential exists for employees to claim direct or indirect discrimination on the grounds of sex, particularly with regards to enforced working practices, which may disadvantage certain groups of employees. More and more employees are complaining that the requirement for them to work enforced work patterns places them at a

disadvantage. These complaints centre on indirect discrimination, as the requirements are likely to have a disproportionate effect on one particular sex.

#### 2.4.2.2 Disability Discrimination Act

The Disability Discrimination Act 1995 (DDA) makes it unlawful to discriminate against an individual on the grounds of their disability in relation to recruitment, promotion, training, benefits, terms and conditions of employment and dismissal.

This means that employers must ensure that their family friendly practices are consistent with the requirements and principles of the DDA.

#### 2.4.2.3 Working Time Regulations

The Working Time Regulations 1998, brings the UK into line with the requirements of the European Working Time Directive and parts of the Young Workers Directive. The Regulations are concerned with Health and Safety and contain rules on the following matters:

- maximum number of hours which can be worked each week;
- weekly and daily rest periods;
- rest breaks;
- night working;
- paid annual leave.

The Working Time Regulations tackle excessively long working hours and in turn positively impacts on the promotion of family friendly work practices.

#### 2.4.2.4 Employment Relations Act

In May 1998 the Government published its “Fairness at Work” White Paper which set out proposals for the package of employment relations measures which became the Employment Relations Act 1999.

The Employment Relations Act includes a number of “family friendly” measures, one of which is to include the European Parental Leave Directive as UK Legislation. The principle objective of this Directive is to provide a balance between employee’s work and home life. The Act provides

employees with rights to parental leave, time off in family emergencies as well as simplifying and improving maternity rights.

#### 2.4.2.5 Part Time Workers Regulations

The Part Time Workers Regulations, which came into effect on 5 May 2000, removes discrimination against part-time workers and increases access to part-time work at all skill levels and responsibility.

#### 2.4.2.6 Commitments to the Social Chapter

Many articles of legislation which have come into statute over the last 3 years have been as a direct result of the UK's commitment to the European Social Chapter. These articles of legislation include the Part-time Working Regulations and the Working Time Regulations.

The Social Chapter aims to balance the needs of society and those of business, using legislation to ensure the balance is fairly maintained. It is likely that in the coming years more directives will be added to the Social Chapter to ensure this balance is enhanced and maintained

#### 2.4.2.7 Whitley Councils

The Whitley Councils detail employees' principal terms and conditions of employment as well as laying down a number of entitlements. The impact upon employees terms and conditions as detailed within their appropriate Whitley Council need to be borne in mind when employers are considering implementing family friendly policies and practices.

## 2.5 EFFECTIVENESS OF FAMILY FRIENDLY PRACTICES

All workers, male/female, full or part-time at some stage of their working lives will experience difficulties reconciling their work with their home lives. The continued development of equality of opportunity is a priority within the NHS. 75% of the top 500 companies in the UK agreed in a survey that there is a recognised business case for the introduction of family friendly policies.<sup>1</sup> The basis of the business case as well as seeking exemplar employment practice is as follows:

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<sup>1</sup> Bevan, 1997

### 2.5.1 The Demography of the NHS

Female employees make up 79% of the NHS Workforce<sup>2</sup> so the issue of flexible working practices for this group of people is fundamental to their ability to take and maintain employment in the NHS.

Workforce analysis shows that the largest group of females working in the NHS are nurses, of which, in 1996, 91% were female, and almost half of which were working part-time.

Within nursing, which makes up the greatest proportion of NHS staff, 6 out of 10 nurses have caring responsibilities at home with an estimated 40% of NHS nurses caring for dependant children and 1 in 6 nurses having pre-school children. In addition 16% of nurses have caring responsibilities for elderly parents or adults.

Around 70% of nurses who are not working say they are either undecided or will not return to nursing. 60% say this is because of domestic or family responsibilities.

Female working predominates in Professions Allied to Medicines as well as Administrative and Clerical; also for Ancillary staff, where, the majority are employed on a part time basis.

This pattern, in itself, indicates a need to adopt flexible working patterns to meet the changing needs of the modern family.

In addition, people are living longer and therefore the responsibilities of staff to relatives or dependants will increase.

There are significantly larger numbers of single parent families and the needs of those parents to care for their children and to contribute to the workforce need to be accommodated.

### 2.5.2 Employee satisfaction

Family friendly policies provide an opportunity to combine paid work with other activities inside and outside the family, allowing for more effective management of home-work responsibilities leading to a more varied and balanced lifestyle.

Recent surveys all point to high levels of dissatisfaction about lack of work-life balance among people of all ages and also to the changing expectations of the workforce.

<sup>2</sup> Corby 1995; Grieg 1995

### 2.5.3 Recruitment

The NHS needs a diverse and balanced workforce, which brings together a variety of experience and creative resources. Moving away from standard working time is one way of recruiting more widely from a diverse population and retaining staff who might otherwise have left as their life circumstances change.

NHS employers could reduce their turnover rates by adopting family friendly policies, which may result in savings on recruitment, training and induction costs. Such policies would attract more applicants to jobs and give breadth to the selection process, attracting a wider range of applicants and tackling skills shortage.

### 2.5.4 Retention

Failure to recognise the needs of our staff will lead to wastage of skills, ability and experience as people leave the workforce due to their inability, short or long-term, to conform with the traditional patterns of work while fulfilling other responsibilities and interests in their lives.

Evidence indicates that staff are more likely to stay with an organisation where flexible working arrangements are available. This reduces turnover and recruitment costs and encourages trained and skilled staff to remain within the organisation. The result is continuity of employment for the member of staff concerned when unemployment or a job change may have been considered by them to be the only alternative.

The lack of flexible working opportunities is one of the main reasons women choose not to return to work after maternity leave. Where employers adopt family friendly practices, research has shown that they have a positive impact on turnover and retention rates.<sup>3</sup>

“Family commitments are a significant factor that needs to be addressed by employers”<sup>4</sup> and “a recognition of the desire to work part-time, flexible hours and better childcare provision could have a significant impact on wastage, turnover figures and recruitment difficulties.”<sup>5</sup>

A survey by Pay and Workforce Research also indicated that flexible working practices “such as term-time working, annualised hours, career breaks or job-share” may be more useful in addressing the recruitment and retention crises than the much publicised pay deal.”<sup>6</sup>

<sup>3</sup> Wooding, 1995

<sup>4</sup> Audit Commission 1997

<sup>5</sup> RCN 1992:2

<sup>6</sup> Daly 1998: Snell 1999

### 2.5.5 Quality and Effectiveness

Increasing each individual's ability to balance work and domestic responsibilities has been shown to increase the quality of the working life for the employee. In turn this can lead to increased motivation, greater job satisfaction, improved job performance, increased productivity levels and ultimately improved business performance.<sup>7</sup>

### 2.5.6 Health at Work

The Institute of Management [Quality of Working Life survey, which has followed a cohort of 5000 managers for the past three years] shows a disturbing increase in pressure to work long hours – up from 32% in last year's survey to 58%. In the same survey, 71% now believe work pressure is damaging their health, compared with 59% in 1998.

Not only are health and relationships at risk but 68% compared with 55% in 1998 believe it is damaging their productivity. The introduction of family friendly work practices can be a key contributor to reduction of stress at work and the improved well being of staff while they are at work.

### 2.5.7 Reduced Absenteeism

There is evidence to suggest that flexible working arrangements are likely to lead to a reduction in absenteeism as staff have the flexibility to adjust their working environment to meet their domestic responsibilities. Ultimately this translates into a more productive workforce with lower absenteeism costs, which serves to improve the quality of services.<sup>8</sup>

### 2.5.8 Increased Participation of People with Disabilities

Flexible working can be particularly suitable for the employment of people with disabilities or for the retention of staff who become disabled during the course of their employment either on a temporary or long-term basis.

### 2.5.9 Meeting Service Demands

Flexible working can allow tailoring of staff availability to service demand. User demand or the need for services varies with peaks and troughs through the day, week or year. Flexible working allows those variations in demand to be met without necessarily incurring overtime payments.

<sup>7</sup> Walton, 1990

<sup>8</sup> Armstrong 1995; Hendry 1995

### 2.5.10 Achieving Organisational Redesign or Change

In recent years, parts of the NHS have seen significant rationalisation or redesign in order to achieve service changes. Introducing forms of flexible working can be a positive approach to reducing staff costs while at the same time meeting the needs of staff and ensuring continuity of employment.

### 2.5.11 Improving Services for Patients

The NHS is continuously striving to achieve modern, high quality, health services, which give people the treatment they need when and where they want it.

Flexible working practices can support this by providing increased flexibility of staffing when tailoring services to patient needs and demands.

Flexible working by staff may lend itself to extending the hours of service availability. By recognising the diverse needs of the workforce, services to the public may be improved through a more flexible approach to clinical hours.

## 2.6 FAMILY FRIENDLY POLICIES

### 2.6.1 NHS organisations should seek to balance the needs of their staff with the requirements of delivering high quality services for patients.

The following policies aim to assist employers to identify the most effective means for their organisation to support staff with parental or carers responsibilities and/or those who are seeking to more effectively balance work and home life. Some policies are designed to meet legal requirements, such as maternity leave. Others are options which employers can offer staff.

#### 2.6.2 Parental Policies

Of the following policies, employment law requires that NHS employing bodies have maternity and parental leave policies.

1. Maternity leave policy, which details provision for antenatal care and maternity leave.
2. Breastfeeding policy which details provision of breastfeeding facilities for mothers returning to work.

3. Paternity leave policy, which details provision for, father's time off for antenatal appointments and paternity leave.
4. Adoption and Fostering policy which details provision for staff who are adopting or fostering children.
5. Childcare guidance which offers information on childcare provision or support.
6. Parental leave policy which details provision for time off work to look after a child or make arrangements for a child's welfare.
7. Career break policy which details provision for staff who wish to have longer periods of time off without giving up employment

### 2.6.3 Carer Policies

The General Whitley Council makes provision for staff entitlement to compassionate leave and special leave. It is recommended that NHS employers develop carers' policies in order to address the needs of staff with caring responsibilities.

- • Carers leave policy outlining provision for leave and flexible working to allow a carer to meet their responsibilities for a relative, partner or dependant;
- • Compassionate leave policy outlining arrangements for time off when there is for example a serious illness or death of a close relative or dependant;
- • Special leave policy outlining arrangements for time off to deal with domestic or unforeseen crises;
- • Supporting elderly dependants guidance which offers information on elderly care provision or support.

### 2.6.4 Flexible Working

NHS employers should develop positive flexible working arrangements, which allow staff to balance, work responsibilities with their personal lives. Employers are required to consider flexible working options for disabled staff and job applicants under the Disability Discrimination Act and for staff returning from maternity leave.

NHS employers should develop policies on flexible working which are governed by the terms and conditions set out by the Whitley Councils and which meet the requirements of the Working Time Directive.

- • Part-time working, where a person works to a pattern and number of hours by mutual agreement;

- • Job sharing, where two or more people share the responsibilities of one or more full-time posts, dividing the hours, duties and pay between them;
- • Flexitime and time off in lieu systems, where employees can choose their own start and finish time around fixed core hours;
- • Annual hours contracts, where people work a specified number of hours each year, with the hours unevenly distributed throughout the year;
- • Flexible and self-rostering, using periods of work of differing lengths within an agreed overall period;
- • Term-time and school time working, where people work during the school term and/or during school hours but not during school holidays;
- • Home and teleworking, where people work from home for all or part of their hours, with a computer or telecommunications link to their organisation;
- • Voluntary reduced working time, where people work reduced hours at reduced salary, by agreement;
- • Shift working and the compressed short working week, where people can work long or short shifts and thereby compress longer working hours into a shorter working week;
- • Zero hours working where a person can hold a contract of employment but with no regular commitment to work but are available to meet fluctuating demands of the services or their own lives;
- • Phased retiral, where a person nearing retiral can agree a schedule of reducing hours as they near retiral;
- • Sabbatical leave, where a person may agree time off for educational, self or personal development without interrupting their employment;
- • Secondments where, by agreement, a person may extend their work experience by working for a short time with another employer without interrupting their NHS employment.

## 2.7 DEVELOPING FAMILY FRIENDLY WORKING PRACTICES

- 2.7.1 Reviews of family friendly policies within the NHS have drawn attention to a lack of needs assessment, poor promotion, lack of evaluation, varied uptake and the overall “family unfriendly” culture which many commentators still believe prevail within the NHS.<sup>9</sup>

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<sup>9</sup> Source: Baker 1996; Northrop 1998, Pay and Workforce Research (PWR)1998b

For example PWR [1998] found that within the NHS in Scotland:<sup>10</sup>

- Only one fifth of employers surveyed had asked staff about the sort of policies they would find most useful;
- 30% of organisations promoted their family friendly policies as a package which generally meant including them in staff handbooks;
- Only 6% had tried to assess the impact of family friendly policies;
- A large amount of family friendly policies are used selectively rather than widely which may be due to selective offering rather than selective use;
- Work needs to be undertaken to identify which initiatives staff find useful before large amounts of time and money are invested in inappropriate interventions.

2.7.2 Wooding [1995] and Northrop [1998] have reviewed factors vital to the success of family friendly policies in detail. Key requirements include:

- Policies must be the subject of consultation and needs assessment and reflect the plurality of interests within the workplace;
- The uptake and impact of schemes within the organisation must be monitored;
- The initiatives must be effectively promoted;
- Schemes should receive organisational and line managerial commitment;
- The underlying culture of an organisation must be addressed.

2.7.3 Methodology for Assessing and Introducing Family Friendly Policies

In order to successfully implement family friendly employment practices, NHS employers should through the Local Partnership Forum:

- Undertake an audit of which policies the organisation has available;
- Consult with staff and undertake a needs assessment to establish the needs of those staff;
- On the basis of the needs assessment, agree priorities for policy development;
- Ensure that existing and new policies are widely and effectively publicised and promoted;

<sup>10</sup> Source: Northrop 1998

- • Ensure that managers, clinical leaders and trade union/professional organisation representatives are adequately trained in the use of family friendly policies;
- • Revise recruitment and selection procedures to ensure that flexible working arrangements are positively promoted;
- • Put in place monitoring mechanisms in order to assess the uptake and impact of schemes.

2.7.4 Where new policies are being introduced the following framework may be useful:

- • Involve staff and their representatives in planning;
- • Make the case for the change;
- • Plan the reorganisation of the work;
- • Assess the contractual implications;
- • Assess any costs associated with the introduction and running of the policy;
- • Agree a timetable for the change;
- • Pilot new working patterns;
- • Manage the new pattern;
- • Evaluate and review the outcomes for staff and patients.

2.7.5 Progressing Family Friendly Working Practices

In addition to addressing organisational culture, the following key areas should be considered by an organisation seeking to develop a family friendly working environment.

2.7.5.1 Strategy, Policies and Publicity

Policy : ensure that all organisational policies support and reflect family friendly practices

- • Ensure that local health plans and organisational plans reflect the commitment to family friendly employment;
- • Include family friendly employment options in equal opportunities policies.

2.7.5.2 Resources: allocate resources to support the development of policies and practice

- • Ensure NHS, Board and senior management level commitment to allocating resources to supporting the development of family friendly policies where necessary and appropriate.

#### 2.7.5.3 Sponsors and role models: identify influential, visible role models

- Nominate a senior manager and trade union/professional organisation representative to sponsor family friendly employment practices;
- Identify male and female role models in key positions around the organisation to publicise the benefits of flexible working arrangements;
- Provide human resources and senior management support for managers and individuals moving towards family friendly employment.

#### 2.7.5.4 Monitoring: review and report on progress against clearly defined standards and targets

- Devise clear guidelines for managers and clinical leaders on the range of family friendly employment options they can offer team members who wish to balance home and work responsibilities;
- Through partnership forums, assess and report back on the effectiveness of various initiatives.

#### 2.7.5.5 Publicity: publicise good practice internally and externally

- Use in-house newsletters and annual reports to show how and where progress is being made;
- Communicate the benefits of developing family friendly initiatives, including lower recruitment costs, improved retention rates and lower absence rates.

### 2.7.6 Implementation and Practices

#### 2.7.6.1 Recruitment and retention: develop and monitor all relevant procedures

- Regularly review procedures such as selection criteria to ensure that they do not present barriers to those wanting to balance home and work responsibilities;
- Make it clear in recruitment advertising that flexible employment opportunities are offered, and that skills such as those gained through managing a family are recognised;
- Monitor the take-up of various family friendly options, using feedback to ensure that all initiatives are relevant and effective.

#### 2.7.6.2 Working arrangements: develop working patterns and practices which encourage family friendly employment

- Recognise quality of work and achievements rather than number of hours worked;
- Offer flexible working practices, such as job sharing, term-time working, home working, carers leave and career breaks;
- Allow reasonable access to telephones so that family members can contact each other when necessary.

#### 2.7.6.3 Pay and benefits: offer flexible reward packages to meet individuals' needs

- Ensure that there is pro-rata entitlement to pay, pensions and other elements of the remuneration and benefits package;
- Consider offering flexible working options to enable employees to select the mixture of benefits most appropriate to them at different stages of their working lives.

#### 2.7.6.4 Training, development and support: resource training and support relevant to family friendly employment throughout the organisation

- Provide appropriate training and support for managers and clinical leaders who are responsible for implementing family friendly policies, and for staff and trade union/professional organisation representatives who are moving towards family friendly working arrangements;
- Ensure that those staff who have flexible working patterns have access to training and development opportunities and that practical arrangements for training (such as travel, timing and location) enable those staff to participate.

#### 2.7.6.5 Information and consultation: consult widely on family friendly issues and provide clear, accessible information and advice

- Local Partnership Forums should lead the development of policies and monitor progress and effectiveness of those policies;
- Provide information on the availability of family friendly policies and practice through recruitment procedures, staff handbooks and induction;
- Provide information to staff on, for example, childcare facilities, elderly care facilities and useful addresses.

#### 2.7.6.6 Environment: ensure that the physical and social working environment is family friendly

- • Encourage employees to involve their families in workplace social functions such as fund raising events and parties;
- • Ensure that refurbished or new buildings are accessible to older people and wheelchair users, and are safe for employees, visitors and children;
- • Provide baby-changing and feeding facilities for visitors if your premises are open to the public.

## 2.8 SUCCESS CRITERIA

The degree to which family friendly employment practice in individual employing bodies or in the NHS as a whole may be measured by:

- • The extent to which NHS staff are aware of the availability to them of family friendly policies;
- • The take-up of those policies;
- • The extent to which there is equity of access to policies;
- • The level of knowledge about and approval of use of those policies by managers;
- • The transparency of monitoring of the policies;
- • The extent to which any needs analysis has been acted on;
- • The reflection of family friendly employment practice in recruitment and selection procedures;
- • The level of staff retention/turnover;
- • The numbers of staff remaining in employment after maternity leave or as a result of facilities for carers leave;
- • The commitment by the NHS and employers to support the development of family friendly employment practices;
- • The commitment by Boards, senior managers and Local Partnership Forums to promote the development and use of policies.

The Midland bank found that the provision of nursery places improved staff retention and the proportion of women returning to work after maternity leave increased from 30% in 1988 to 85% in 1994.

Source: Beventall, 1997

British Airways recognised during the early 90s that to be truly customer-focused they must first focus on employee needs.

Corporate literature of Levi-Strauss and Co stresses that for employees to be truly productive they must have a balanced life.

## 2.9 MONITORING AND REVIEW

Monitoring and review of family friendly policy development and implementation should be via Local Partnership Forums. Local Partnership Forums provide an opportunity to discuss and agree how best to seek staff views on their priorities for family friendly facilities. In addition they provide a mechanism whereby existing policies as well as those being developed or piloted are reviewed and updated.

There is a need for support and commitment from Board level to address the culture of the organisation as well as to guide resource allocation to support family friendly policy development as an organisational strategy. The senior manager charged with responsibility for informing family friendly policy development should regularly advise their Board on work towards achieving family friendly employment practices.

Policies will require to be monitored and reviewed in light of any legislative changes and in line with NHS changes such as, for example, Agenda for Change. It is recommended that policies are reviewed every two years as a minimum.

The effectiveness of an organisation's family friendly policies should be monitored and reviewed through periodic needs assessment and audits and through the regular monitoring of take-up statistics.

## 2.10 CONCLUSION

In order to successfully and effectively move towards family friendly employment practice, the following three key areas must be addressed:

- organisation culture;
- strategy, policy and publicity;
- implementation and practice.

### 2.10.1 Organisational Culture

- Work to change culture, attitudes and behaviour at all levels in the organisation.

### 2.10.2 Strategy, Policy and Publicity

- Ensure that all organisational policies support and reflect family friendly practices;
- Allocate resources to support the development of policies and procedures;
- Identify visible, influential sponsors and role models;
- Monitor, review and report on progress;
- Publicise good practice internally and externally.

### 2.10.3 Implementation and Practice

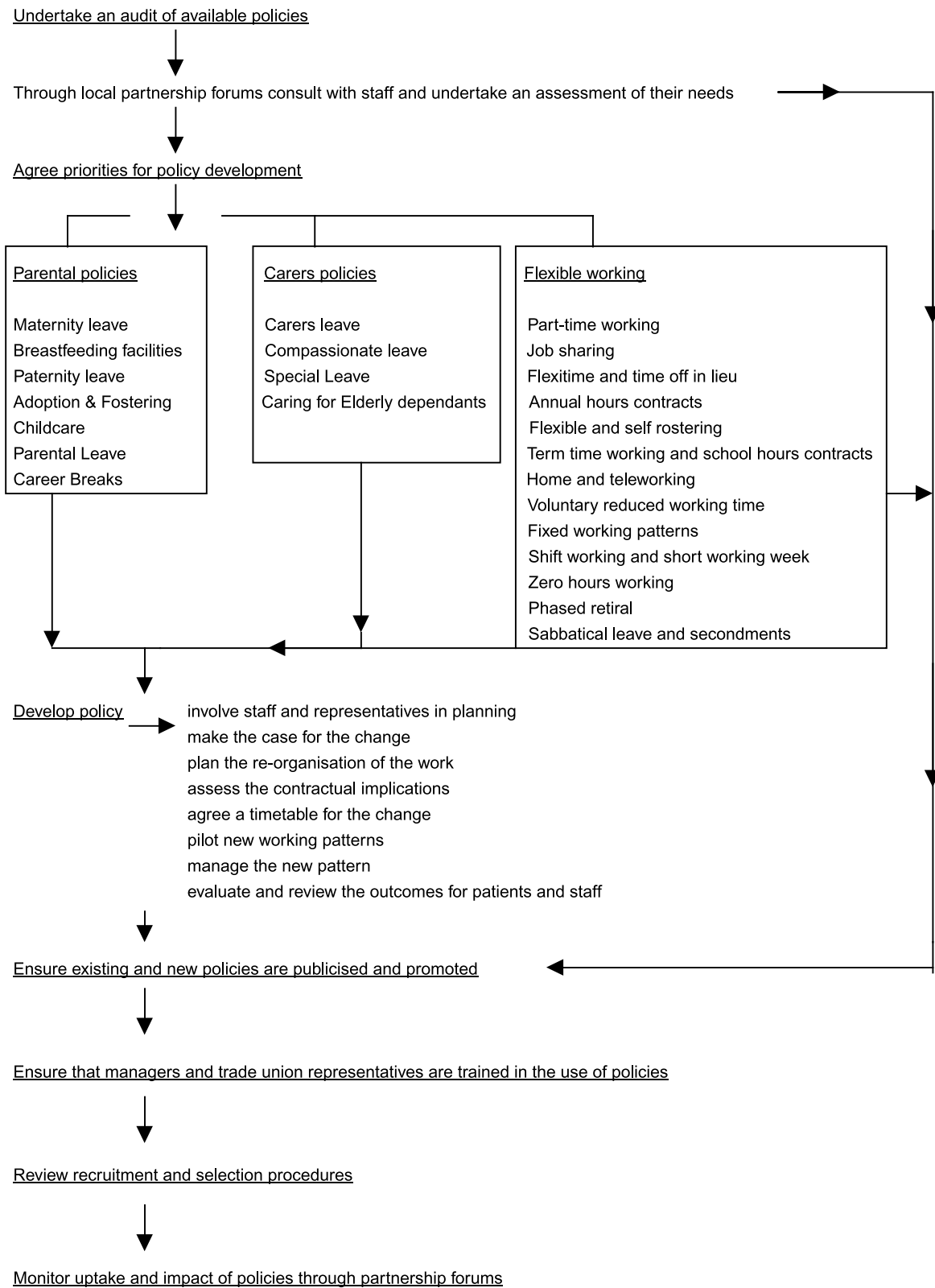
- • Develop and monitor all relevant recruitment and selection procedures;
- • Develop working patterns and practices which encourage family friendly employment;
- • Make flexible packages available to meet individual staff members needs as far as possible without compromising patient care;
- • Resource training for managers, clinical leaders, trade union/ professional organisations representatives and staff and provide support for family friendly employment throughout the organisation;
- • Consult widely on family friendly issues and provide clear, accessible information and advice.

## QUICK REFERENCE GUIDE

### Developing Family Friendly Policies

- “Family Friendly” refers to seeking to meet the differing needs of staff at all stages of their working lives in achieving a home and work life balance;
- The underlying culture of the organisation should be addressed where necessary with:
  - Board and Local Partnership Forum commitment to the promotion and development of family friendly policies;
  - Line management, staff and trade union/professional organisations commitment to meeting the needs and aspirations of individuals and teams while meeting the needs of the service and patients;
  - Managers, staff and trade union/professional organisation representatives promoting positive attitudes towards colleagues who wish to work flexibly or need to access parental or carers policy provisions;
- The principles of equality of opportunity should apply to all staff, including those who have a flexible work pattern;
- Equity of access to family friendly policies, including flexible working should be extended to all disciplines and categories of staff.;
- The development of family friendly policies should be steered through Local Partnership Forums;
- The commitment to family friendly employment practice should be reflected in local health plans;
- Policies should be drafted within legal parameters and within the boundaries of the Whitley Council and should be regularly reviewed to ensure they remain in step with employment law developments;
- Recruitment procedures and practice should be reviewed and revised;
- Managers, clinical leaders and trade union/professional organisation representatives should be trained in the content, application and implementation of family friendly policies;
- Access to learning and career opportunities should be available to all staff accommodating all working patterns where possible;
- Requests for access to the provisions of family friendly policies should be granted with due consideration to the needs of patients, colleagues and team members.

### A GUIDE TO DEVELOPING FAMILY FRIENDLY EMPLOYMENT PRACTICE



# APPENDIX 3.1

## Parental Policies

	Page Nos
• Maternity Guideline	30
• Breastfeeding Policy	32
• Paternity Leave Policy	34
• Adoption and Fostering Policy	35
• Childcare Guidance	42
• Parental Leave Policy	50
• Parental Leave Guidance	54

## MATERNITY GUIDELINE

### Pay and Leave

Within the NHS in Scotland the entitlements to leave and pay as laid down in Whitley exceed statutory minimums by a significant margin. This being the case this guideline does not seek to increase the pay and leave entitlements of employees, but does, however, seek to implement best practice in the processing of applications, management of pregnant workers and return to work arrangements.

### Processing Applications

When an employee notifies their employer that they are pregnant they should be issued with an information pack which explains in full their entitlement to pay and leave together with details of any forms to be completed and time scales to be adhered to.

An employee should be written to upon receipt of their application form, detailing what they require to do (if anything) and their entitlements to pay and leave together with dates (where these can be confirmed).

Line managers should keep in contact with the employee throughout the period of their confinement and maternity leave, providing information and support where required and a link to the workplace.

### Management of Pregnant Workers

The Pregnant Workers Directive 1992 introduced measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.

Where types of activity pose a specific risk of exposure to dangerous agents, processes or working conditions these must be assessed and the result of the assessment communicated to the female workers and their representatives. Where a risk exists provision must be made to protect the worker.

#### Examples of risk

- chemical exposure
- physical and biological agents
- industrial processes
- movements and postures
- mental and physical fatigue
- other types of physical and mental stress connected with the work done

### Examples of provisions to reduce risk

- temporarily adjusting the working conditions or hours
- move the worker to another job
- grant special leave
- transfer to daytime working

Night working is also covered in the directive, which, states that provision must be made for workers not to have to work at night where such a provision is necessary from the point of view of their safety and health.

### Return to Work Arrangements

The most recent legislation to affect return to work arrangements is the Employment Rights Act 1999. This act repealed the requirement on the employee to inform the employer 7 weeks after the birth of their baby of their intention to return to work. The legal requirement is now that a woman must give her employer 21 days notice of her return to work if she wishes to return before the end of ordinary (first 18 weeks) or additional (extended 29 weeks) maternity leave. Where a woman is entitled to additional maternity leave she should let her employer know when the baby is born whether she intends to access this entitlement. An employer may write out to a woman no earlier than 21 days before the end of ordinary maternity leave to ask whether she is still intending to return to work after her additional maternity leave. The letter must explain to the employee how she works out when her additional maternity leave period will end and that she may be penalised for failing to respond to the letter. The woman must reply within 21 days of receiving the letter. If she does not, her employer may take disciplinary action against her.

## BREASTFEEDING AND RETURNING TO WORK

### Policy Statement on Breastfeeding and Returning to Work

In addition to acting within EC and Scottish Law, NHS employers in Scotland should adopt the following code of practice in support of employees who are breastfeeding:

- Take positive and supportive attitudes to employees returning to work and breastfeeding.
- Make available a leaflet about breastfeeding for pregnant employees.
- Wherever possible, allow appropriate flexibility in working hours, including regular breaks for employees who wish to breastfeed or to express milk
- Wherever possible and as necessary, make available rest areas, storage space and a dedicated refrigerator, for the use of breastfeeding employees.
- The Scottish Executive is also adopting this code of practice.

#### An Exemplar Employers

In order to encourage and support mothers returning to work who wish to continue breastfeeding the following will be provided:

##### (1) Support for Breastfeeding

Human resources policies and procedures should encourage an understanding of the value of breastfeeding and a positive attitude to breastfeeding amongst all staff.

##### (2) Information to Pregnant Employees

Information sent to pregnant employees should include a brief summary of the benefits of breastfeeding, as well as an explanation of the support mothers can expect upon their return to work. Details of publications, which may be purchased, on breastfeeding after returning to work should also be included.

##### (3) Working Patterns

Managers should be flexible, with respect to working patterns when a breastfeeding mother returns to work. This may mean temporarily changing working conditions or hours of work. Employees should not be required to work shifts, or to attend training courses or meetings that would involve excessively long working days, which might be detrimental to breastfeeding.

(4) **Breastfeeding or Expressing Breast Milk During Working Hours**

Where practicable employees should be allowed time off during working hours to breastfeed if their baby is cared for nearby, or to express breast milk.

(5) **Facilities available to Breastfeeding Mothers**

Facilities available to breastfeeding mothers should include:

(a) **Areas for Rest/Expressing Breast Milk**

1. These should be clean and warm with a low comfortable chair, and where necessary, the facility to lie down.
2. The area should have a lock or have an arrangement for ensuring privacy.
3. There should be hand washing facilities nearby.
4. There should be an electric point for an electric pump if necessary.

(b) **Facilities for Storing Breast Milk**

1. There should be a clean area where sterilizing equipment may be stored.
2. A dedicated refrigerator should be available for storing expressed breast milk at 2°-4°C until it is taken home.

## PATERNITY LEAVE

This organisation recognises that fathers have a need and desire to spend time at home during a period of family extension be that the birth or adoption of a child. This policy is intended to be flexible in its application to meet the needs of the individual.

Employees with more than one years continuous service in the NHS are entitled to 10 days paid Paternity Leave. Employees with less than one year's continuous service in the NHS will be entitled to 10 days unpaid leave.

### Birth of a Child

Fathers may take a maximum of 10 days paid leave which can be utilised with the prior approval of their manager for attendance at ante-natal classes, the birth itself or any period within six weeks of the birth of the child.

### Stillbirths

If a stillbirth occurs the provisions of the bereavement leave policy should apply, this entitlement will not be affected in any way by any paternity leave previously taken.

### Adoption

When a child is adopted, the provisions for Paternity Leave will also be available to the parent who is not the primary carer. The leave may be taken at any time after the adoptive parents have been informed that a child is available for placement and up to the granting of the adoption order.

Employees must notify their line manager in writing of the expected date of delivery at least three weeks in advance where possible. Actual leave dates should be mutually agreed with the line manager as soon as possible.

## ADOPTION AND FOSTERING POLICY

The organisation wishes to deal sensitively and sympathetically with staff who are considering being the main carer in adopting or fostering a child and are looking for time off to support them in the initial stages of this process.

The organisation recognises that the needs of the adoptive or foster parent(s) are at least as great as those of natural parent(s) in establishing a relationship with the child and in developing new routines. The Adoption & Foster Leave Policy is, therefore, to enable an employee who wishes to adopt or foster a baby or child to take a period of leave to help the child settle into the family and adjust to new circumstances. Where both parents are employed by the organisation, leave may be shared or taken in entirety by the primary carer. However, in certain circumstances, e.g. the adoption or foster of a child with special needs, leave may be requested by both parents. The organisation also recognises that a single person may adopt a child.

### 1. Fostering

As fostering can be for varying lengths of time, from very short term to long term fostering, the organisation will adopt a flexible approach to this. Staff should therefore discuss their intention to foster with their line manager as soon as possible to ascertain the support they will need.

For very short term fostering it would be more appropriate to process time off under the Special Leave Policy in existence. For very long term fostering the manager can consider providing time off in line with the arrangements for Adoption Leave/Pay detailed below.

### 2. Adoption

#### 2.1 Pre-adoption Leave

The Line Manager should be advised in writing as soon as the employer is notified by the Adoption Agency that their application for adoption has been accepted. Proof of appointment will be required when requesting leave to attend court sessions, interviews and other meetings required as part of the adoption process. A maximum of 5 days will be available for this purpose.

#### 2.2 Adoption Leave – Returning to Work

An appropriate application form and Certificate of Adoption must be submitted when requesting adoption leave. Leave should be requested as soon as practicable as the line manager will already be aware of the intention to adopt a baby/child. Leave and pay entitlements will be calculated as follows.

- Employees with one or more years service will be entitled to 18 weeks paid leave plus up to 34 weeks unpaid leave. The paid leave is calculated as follows:-

Weeks 1 – 8 (inc)	-	Full Pay
Weeks 9 – 18 (inc)	-	Half Pay

- Employees with less than one year's service will be entitled to 18 weeks unpaid leave.
- Adoption leave is calculated in whole weeks beginning on a Sunday and ending at midnight the following Sunday.
- On receipt of the completed application, the appropriate personnel manager/line manager will calculate the entitlement to leave/pay and forward a letter to the applicant confirming these details.
- The employee should advise the personnel manager of their intention to return at least 3 weeks prior to the date of return. If the employee returns to work after 18 weeks, i.e. the end of the paid period of leave, any further leave required for court hearings, social work visits etc will be unpaid.
- The employee will retain the right to return to work on no less favourable terms and conditions of employment than prior to taking the adoption leave.
- If the employee fails to return to work for at least a period of three months, having originally indicated that they will return, he/she will require to repay their adoption pay.
- Employees who are not certain whether they will return to work may opt to defer payment until they can make a more informed decision.

### 2.3 Employees Not Intending to Return to Work

Employees who do not intend to return to work after adoption, may be entitled to six weeks paid leave plus a further eight weeks unpaid leave if they have more than two years full time service or five years part time service with the organisation. This shall be regarded as service with the organisation, therefore the date of resignation will be fourteen weeks after the beginning of the period of Adoption Leave.

### 2.4 Annual Leave/Public Holidays

Annual leave will accrue only while on paid adoption leave and where possible, leave should be taken before a period of adoption leave commences. There will be no entitlement to public holidays and no payment or time off in lieu will be granted for public holidays falling during a period of adoption leave.

## 2.5 Superannuation

The employee will still be required to maintain payment of superannuation contributions (if appropriate) for the period of unpaid leave. Therefore on return to work, superannuation contributions will be deducted. Dependent on the amount to be repaid, the Pay Department will issue a mandate asking for a preferred method of payment.

## 2.6 Incremental Date

Absence on Adoption Leave, whether paid or unpaid, shall count towards the normal increment and will not defer the normal incremental date.

## 2.7 Contractual Rights

During a period of Adoption Leave, the employee will retain all contractual rights, except remuneration.

## 2.8 Fixed Term Contracts

An employee on a fixed term contract, satisfying the conditions for paid entitlement to leave, and whose contract expires between 11 weeks before and 6 weeks after the date of adoption, will have their contracts extended to enable them to receive 18 weeks paid leave. If the right to return to work cannot be exercised because of the termination of the contract, pay cannot be reclaimed.

## 2.9 Paternity Leave

Where the primary carer is not the father, he may apply for paternity leave in accordance with the provisions of the organisation's Paternity Leave Policy.

## SUGGESTED APPLICATION FORM

### NOTIFICATION OF ADOPTION/FOSTERING ABSENCE AND/OR APPLICATION FOR ADOPTION/FOSTER LEAVE PAY

#### SECTION A TO BE COMPLETED BY ALL APPLICANTS

1. FULL NAME.....
2. HOME ADDRESS.....  
.....  
.....  
.....
3. STAFF PAY NO .....
4. PLACE OF WORK.....
5. JOB TITLE/GRADE.....
6. DATE OF SERVICE .....
7. TYPE OF CONTRACT .....
8. EXPECTED DATE  
OF ADOPTION/.....  
FOSTERING

SECTION B TO BE COMPLETED BY STAFF WHO INTEND  
OR MAY INTEND TO RETURN TO WORK

I am aware that my application for Adoption/Foster Leave will be considered in accordance with the conditions of service which have been explained to me. I enclose a copy of the Certificate of Adoption/Fostering and declare that I shall return to work for an NHS employer for at least a period of three months:-

1.  Not later than 12 weeks from the commencement of my period of Adoption/Fostering
2.  Not later than 18 weeks from the commencement of my period of Adoption/Fostering
3.  I am certain at this time as to whether I will return to work.

(please tick appropriate box)

I understand that if I do not return to work for a period of at least three months, I am to repay any payments made to me as set out in the Conditions of Service.

Signed ..... Date .....

SECTION C TO BE COMPLETED BY STAFF WHO  
DO NOT INTEND TO RETURN TO WORK

I intend to resign and my last working day will be .....  
I have read and understood the Terms and Conditions set out and enclose  
a copy of my Certificate of Adoption.

Signed ..... Date .....

SECTION D TO BE COMPLETED BY HEAD OF DEPARTMENT

I am aware that the applicant intends to return to work following a period  
of adoption/foster leave-:

1.  No later than 12 weeks from the commencement of the  
Adoption/Foster Leave

or

2.  No later than 18 weeks from the commencement of the period of  
Adoption/Foster Leave

or

3.  I am aware the applicant does not intend to return to work

4.  Is not sure whether they will return to work

I acknowledge receipt of the application on ..... and  
confirm that the information contained in Sections are accurate.

Signed ..... Date .....

Designation .....

## SECTION E TO BE COMPLETED BY PERSONNEL DEPARTMENT

## Qualifying Week for Adoption/Foster Pay

.....

1.  The applicant intends to return to work/may return to work following the adoption/foster leave and is entitled to leave as detailed in the enclosed copy letter.
2.  The applicant intends to resign following the adoption and is entitled to pay as detailed in the enclosed copy letter.

Signed ..... Date .....

Designation .....

## CHILDCARE

Most NHS staff are mothers and fathers. So, for a number of years in the middle of their working lives, they will be responsible for bringing up youngsters and school-age children. It follows that if the NHS wants these parents to continue as active participants in the workforce they must support them in combining domestic and work responsibilities.

The Government's National Childcare Strategy is creating new opportunities for employers to help staff with childcare needs. In order to meet its responsibilities as a major employer – and to compete successfully for staff – the NHS needs to have childcare support high on its human resources agenda.

There are many benefits to having readily available advice on childcare for staff and where possible providing assistance for employees with childcare responsibilities.

### Benefits to Employees and Employers

#### Employee:

- Feels valued by the organisation
- Receives help/piece of mind in locating childcare
- Financial benefits advised and available

#### Employer:

- Ideal recruitment and retention tool
- Strong visible commitment to staff
- Induces loyalty

### Options

There are a number of options available to an employer to assist employees in obtaining quality childcare at competitive rates whilst also ensuring any benefits available are known and accessed with assistance.

### Childcare Support

To act as an incentive for recruitment and retention, childcare support needs to be more affordable and attractive for staff than other locally available options. The cost to staff must make childcare a reasonable proposition when set against earnings.

What a reasonable cost would be and therefore the amount of subsidy from the employer will vary from area to area. This level of subsidy will

have to be compared with the business case so that costs can be balanced against savings in terms of staff recruitment and retention.

Some help with start up costs may be available – particularly with out-of-school schemes – contact the New Opportunities Fund and local Early Years Development and Childcare Partnership for details. Also all four year olds and some three year olds are entitled to a Government sponsored free part-time education nursery place (worth £1160 p.a. in 1999/00) in any OFSTED approved provision. This may include workplace nurseries.

The first step is to assess what demand for childcare support exists among staff and which childcare options are preferred. A questionnaire distributed to all staff will produce some indications. It will be useful to back this up by holding discussions with groups of parents in the workforce and inviting comment from union/professional organisation representatives. A staff profile indicating numbers with children, ages of children and where they live will also help to inform policy. For example, if most parents have school age children a holiday playscheme may be the priority. If staff are well scattered, a geographically distributed partnership nursery scheme may be preferable to an on-site nursery.

To be successful the project is going to take time, a range of skills and continuing contact with staff. The composition of a steering group that acknowledges these factors will stand the best chance of developing the right policy.

Explore the options. Look outside the organisation at existing childcare services in the locality. Make contact with providers and the local Early Years Development and Childcare Partnership. Their knowledge and expertise will be useful.

In the interests of everyone in the organisation, a clear business strategy should be developed and discussed. This will include projected costs, projected savings in terms of recruitment and retention, the impact on absenteeism/sickness, staff morale and commitment and the reasons for the type of provision selected. Staff with no childcare concerns have as much right to this information as those with young or school-age children.

Where the provision is finite in terms of places available, pressure on places will build up. Therefore, criteria for allocating places are a vital concern. Typically, these will use some of the following to decide priority:

- • “first come, first served”
- • business need
- • area of skill shortage

- returners from maternity leave
- returners from career break
- lone parent
- low pay / household income
- parent or child with disability
- siblings in the nursery
- length of service

Gender or marital status cannot be used as grounds for allocation. The Equal Opportunities Commission advises that this breaks the terms of the Sex Discrimination Act.

### Employer / provider partnerships

Partnerships between employers and childcare providers can have a number of advantages in setting up and running a project:

- capital costs for a new initiative can be shared at the outset – for example, a hospital could provide the site for a nursery while the childcare provider pays for construction or conversion
- the employer can buy into an existing childcare resource, making a capital contribution in return for places for employees' children
- there's more flexibility, especially for employers with dispersed sites, they can select places in a variety of locations so staff have the option of childcare near home or near work
- the onus on a single employer to fill all the places in a new provision is reduced
- the project benefits from the existing expertise of providers in setting up and managing childcare services.

### Out of School and Holiday Play schemes

Out of school schemes provide facilities for schoolchildren in periods before and after the normal schoolday. Partnerships with schools and other providers usually prove the most successful and effective, as children of staff may attend a number of different schools.

Various organisations provide on-site holiday playschemes for children of staff, although again partnerships with other providers may provide more options for staff. All schemes need to be registered with the Local Council, and the facilities officially inspected.

A £452 million National Lottery fund – the New Opportunities Fund – has been established to start-up new schemes and expand existing schemes for

3 – 14 year olds. Contact your local authority for more information and scheme requirements.

### Childcare vouchers

The Childcare Voucher scheme operates in the same way as Luncheon Vouchers (the scheme is run by the same company). Vouchers are purchased by the employer for distribution to employees who use them to pay towards childcare costs. Vouchers are taxed as a benefit by Inland Revenue.

- Childcare vouchers
  - Both parents must be in employment
  - One parent must be employed by the organisation
  - The child/children must be living with the parent/guardian claiming the allowance, be under 5 years of age and not yet attending school
  - Assistance will be provided for payments made to a nursery, registered child-minder or close relative
  
- Childcare Solutions
  - All employees who receive child care vouchers have free and unlimited use of Childcare Solutions
  - It is a UK wide child care helpline which enables employees to find child care provision
  - It also provides information and advice on a wide range of child care and parenting issues

### On-site nursery

A workplace nursery is an option where large numbers of staff are employed on one site and live in the vicinity. Employers can set up their own nurseries or work in partnership with providers (see above). As a pattern of provision it can be combined with off-site facilities for staff, nearer to home.

Specific standards exist for nurseries, with space requirements for each age group set under the terms of the Children Act 1989. An outdoor play space will be needed. Quality inspection for nurseries is due to be transferred to OFSTED (Office for Standards in Education). Contact the local authority Early Years Education or Social Services Department for registration requirements.

Parents must: -

- Hold a permanent organisation contract
- Be based within one of the organisation workplaces
- Be the main child provider in their household where the ability to begin or continue employment in the organisation is dependant on obtaining suitable day care for the child(ren).
  
- Places will be allocated on a priority basis meeting the following criteria in order of importance: -
  - Parent is commencing or returning to a post that has been designated as hard to recruit
  - Parent has difficult domestic circumstances such as being a single parent
  - Parent has been asked by the department to change or extend their working hours to meet the needs of the department
  
- Termination of employment automatically terminates right to a day care place

#### Childminding network

A child-minding network can be set up by appointing a coordinator to help staff find a local child-minder. Child-minders, who have to be registered with the local authority, take children into their own homes to care for them (in contrast to nannies who work in the child's home). See "Sources" for National Child-minding Association who can advise on starting up a local network.

#### Childcare information service

Every local authority provides free information about childcare services in the area, but this is sometimes patchy or difficult to access. With Government backing, more user-friendly information services are being developed in many areas. Some have websites or one-stop-shops where information about local providers is available. A national telephone number is planned which will signpost local services. Meanwhile, call The Daycare Trust for contact details.

#### Working Families Tax Credit

Employers should produce and make available to staff information in relation to Working Families Tax Credit. This can be issued to staff who access maternity, paternity, parental or adoption/fostering leave as a matter of course and good practice. A named individual within the Pay

Department should be named who is kept knowledgeable and is a contact for both staff and managers to seek advice and assistance.

Some employees, especially lone parents, may be eligible for childcare tax credit, part of the Working Families' Tax Credit scheme which started in October 1999. The childcare tax credit takes into account a maximum of 70% of the costs of registered or approved childcare when calculating the total tax credit, depending on overall household. This credit can be worth up to £70 a week for one child, or up to £105 a week for two or more children.

Subsidy by an employer of childcare costs to the employee can be seen as a taxable benefit by the Inland Revenue. However, exemption applies where the employer is "wholly or partly responsible for financing and managing the provision" or where care is provided on premises made available by the employer.

The Childcare tax credit became effective in October 1999 as part of the Working Families Tax Credit help for working parents. Employees can benefit from maximum childcare tax credit if their total household earnings are less than:

- • £14,000 a year with one child
- • £17,000 a year with two or more children - depending on the ages of the children and hours worked.

Families earning up to £22,000 with one child and £30,000 with two or more children may be eligible for some help.

The credit can be worth up to:

- • £70 a week for one child
- • £105 a week for two or more children - to a maximum of 70% of the actual costs of registered or approved childcare.

The scheme covers children up to the age of 15 (or 16 if they are receiving Disability Living Allowance or are registered blind). Claim packs are available from the Inland Revenue.

The credit is paid directly into employees' wages. Parents using workplace nurseries and out-of-school schemes are exempt from taxation on the value of any employer subsidy, provided that the employer is wholly or partly responsible for financing and managing the provision or that the childcare is provided on premises made available by the employer (Tax and Childcare, Inland Revenue Personal Taxpayer series IR115).

This leaves open areas of interpretation. Advice from the Inland Revenue suggests that "responsible for managing" requires continued involvement

by the employer in such areas as appointing and monitoring staff, maintaining the conditions under which care is provided and supervising the allocation of places.

Consult with your local Tax office about the eligibility of your scheme for tax exemption.

The WFTC has a wider reach than many people realise, and may modify their views on the affordability of childcare. One NHS Trust discovered that 20% of applicants for nursery places were eligible for WFTC. Single parents with earnings up to £30,000 per year or more could benefit in some measure from the scheme.

### Notes for employers

To derive maximum benefit from the scheme on behalf of staff, employers should:

- ensure staff are given relevant information about WFTC
- be clear about changes in circumstances, e.g. increasing or reducing hours, which may affect entitlement to WFTC.
- typical channels for communicating this information include employment & appraisal interviews.

Information for employers is available from a range of sources. The scheme is administered by the Inland Revenue who operate an Employers' Helpline: 0845 714 3143.

### Notes for employees

You may be eligible for WFTC if:

- you (or a partner, if you have one) works at least 16 hours a week
- you have one or more dependent children living with you
- you have less than £8,000 in savings
- you are resident in the UK.

If you live with a partner, your entitlement to WFTC will be worked out on joint income. The component parts of WFTC comprise four elements:

- a basic tax credit per family
- a 30 hour tax credit when one earner works at least 30 hours per week
- a tax credit for each child in the family, with rates according to the child's age

- • a childcare tax credit worth up to 70% of eligible childcare costs, with a ceiling on costs of £100 per week for one child, and £150 for two children or more.

WFTC is awarded for a period of 26 weeks at a time. Any change in circumstances during this period will not be taken into account until you re-claim for the next 26 weeks period.

Information about WFTC is available from the Inland Revenue Tax Credit Helpline: 0845 609 5000.

The Inland Revenue also produce leaflets with further information including:

- • Your Guide to Working Families Tax Credit (WFTC/BK1)
- • Working Families Tax Credit and Disabled Person's Tax Credit: Help with the cost of childcare (CTC/BK1)

Other useful information sources:

New Deal for Lone Parents Information Line 0800 868 868

National Minimum Wage Helpline 0845 600 0678

## PARENTAL LEAVE

### CONTENTS

1. Introduction
2. Eligibility
3. Entitlement
4. Notification
5. Right to Return
6. Employees Who Change Jobs
7. Sick leave
8. Increments
9. Annual Leave
10. Superannuation
11. Compliance
12. Review

#### 1. Introduction

It is recognised by the organisation that work and parenthood can create conflicting pressures. Parents need time with their children and time to create a supportive home in which their children can thrive. Parental leave is therefore aimed at encouraging a culture of flexible working practices to allow all employees to balance family and work commitments, thus improving their participation within the work place.

#### 2. Eligibility

The scheme applies to all employees whether they are full time or part time, who have a child under the age of 14 years.

#### 3. Entitlement

To be entitled to parental leave employees have to: -

- be a parent (named on the birth certificate) of a child who is aged fourteen and under
- have formal parental responsibility for a child who is aged fourteen and under
- in adoption cases, for eight years after the child is first placed with the family for adoption (or until the child's 18<sup>th</sup> birthday if that comes sooner)
- in the case of a child with a disability, up until the child's 18<sup>th</sup> birthday (for the purposes of parental leave, a disabled child is one for whom disability living allowances is paid).

Employees who meet the above requirements will be entitled to thirteen weeks parental leave, for each child. For the first four weeks of this leave

the employee will receive pay, at their basic rate of pay. The remaining weeks will be unpaid.

This parental leave may be taken as either: -

- a single block of 13 weeks;
- as an annual allowance; or
- under any other individual arrangements agreed between an employee and their line manager e.g. reduce working hours

#### 4. Notification of Intention to Take Parental Leave

An employee who intends to exercise their right to Parental Leave must apply by notifying their immediate manager, before they intend to commence parental leave. Employees must include in this letter the date on which they intend to commence and return from, parental leave. In order to assist with service provision employees are required to give 21 days notice. Employees who are requesting more than four weeks leave, at any one period of time, are required to give a minimum of 2 months notice of their intention to take parental leave. However there will be rare cases, where notice cannot be given. In these cases parents should give the notice as soon as reasonably practicable.

The immediate manager and the employee must discuss the terms on which the employee will exercise their right to parental leave (e.g. is it to be taken as a single block, as an annual allowance or under any other individual arrangement). It is good practice that this is then confirmed in writing by the employee's manager.

The employee must also provide appropriate documentation e.g. copy of the Birth Certificate of the child for whom they are applying for parental leave or copies of adoption papers. The employee only has to provide this information on the first occasion of applying for parental leave.

If a father is applying for parental leave around the time of the birth of their child, they may be required to produce a copy of the MAT B1 certificate.

In exceptional circumstances, due to the needs of the service the employee may be asked to postpone their parental leave, until a later date. Postponement would only take place after discussion with the employee.

The leave will not be postponed for more than six months from the date on which the employee wanted to start Parental Leave. The manager and the employee should try to agree a suitable time but if they cannot the manager becomes responsible for guaranteeing that the employee can take the leave at a time, no more than six months ahead, which best fits the

needs of the service and the employee. If this means that leave is postponed beyond the fourteen year limit the parent still has a right to take it.

The manager should confirm the postponement arrangements in writing no later than 7 days after the employee's notice to take leave is given. The manager should clearly state the reasons for the postponement. In addition to this the new dates when the employee may take parental leave should be given, ensuring that the length of this leave is equivalent to the employee's original request.

## 5. Right to Return

In applying for parental leave, employees are entitled to return to their existing jobs. In exceptional circumstances e.g. retraction, they are entitled to return to an equivalent or similar job which is consistent with their contract of employment.

Absence on parental leave will not break continuity of service. An employee's contract of employment will continue during the whole period of parental leave, unless either party expressly terminates it by dismissal or resignation.

The employee will not be bound by any contractual terms whilst on unpaid leave except terms relating to good faith and confidentiality, which will also bind the employer.

## 6. Employees Who Change Jobs

If some circumstances, employees who commence employment, may previously have been entitled to receive and have taken their full entitlement to parental leave, with another employer. In these cases, employees cannot receive any further entitlement to parental leave, unless they have another child for whom they have not previously received parental leave. In some cases, the organisation may write to the employee's previous employer to confirm whether or not the employee has received their full entitlement to parental leave.

If an employee leaves employment the organisation will provide, if requested, a record of the employee's parental leave.

## 7. Sick Leave

Parental leave will not be treated as sick leave and will not therefore be taken into account for the calculation of sick leave entitlement in accordance with the occupational and statutory sick pay schemes.

If an employee fails to return to work on the notified date and submits the appropriate medical certificate, the provisions of the occupational and statutory sick pay schemes will apply.

#### 8. Increments

Absence on parental leave shall count towards the normal annual increment on an employee's scale in accordance with the General Whitley Council Terms and Conditions of Service. Normal increment dates will not be deferred.

#### 9. Annual Leave

A period of unpaid parental leave shall count towards the calculation of annual leave entitlement, in accordance with General Whitley Council Terms and Conditions of Service and their contract of employment.

#### 10. Superannuation

Employees who are contributing to the superannuation scheme, will, on return to work have to pay the superannuation owed for the weeks of unpaid parental leave. This may be paid in a lump sum or installments by agreement with the Payroll Department.

It is strongly recommended that the employee raises this matter with the Payroll Department before they commence parental leave since significant underpayments of superannuation can accrue.

#### 11. Compliance

Employees who exercise their right to their entitlement to parental leave will be protected against dismissal or any other action, which is in connection with the fact, that they have exercised their right to take up their entitlement to parental leave. This does not negate an employee's responsibility for ensuring that they notify their line manager of their intention to take parental leave.

#### 12. Review

This policy will be subject to review.

## PARENTAL LEAVE GUIDANCE

### Definition of Policy

It is recognised that work and parenthood can create conflicting pressures. Parents need time with their children and time to create a supportive home in which their children can thrive. Parental leave is therefore aimed at encouraging a culture of flexible working practices to allow all employees to balance family and work commitments, thus improving their participation within the work place.

Parental leave is a new right to take time off work to look after a child or make arrangements for the child's welfare. Parents can use it to spend more time with children to strike a better balance between their work and family commitments.

### Benefits for Employers and Employees

The provision of parental leave will have many positive benefits for both employers and employees.

The provision of this leave will help to reduce the conflicting pressures which parents face in balancing their family and work commitments. For employers parental leave will help to improve retention rates, increase productivity and improve employee reliability as employees will be better able to manage their family responsibilities. By improving retention rates valuable skills will be retained, which in turn reduces training costs.

### Legislative framework and Whitley Council Framework

In May 1998 the Government published its "Fairness at Work" White Paper which set out proposals for the package of employment relations measures which became the Employment Relations Act 1999. These proposals included "family friendly" measures, putting the Parental Leave Directive into law – providing rights to parental leave and time off in family emergencies and simplifying and improving maternity rights. The employment law on the new right to parental leave came into force on 15<sup>th</sup> December 1999.

The minimum requirements of the legislation are detailed as follows: -

#### 1. Who can take Parental Leave?

Employees who have a baby or have adopted a child on or after 15<sup>th</sup> December 1999. In addition to this employees have to have completed one year's qualifying service with their employer to be entitled to take the leave.

## 2. How long does Parental Leave last?

13 weeks in total for each child. This means that if employee has twins, the employee is entitled to 13 weeks for each twin.

The leave can be taken in short or long blocks, provided that it is taken in blocks or multiples of one week. The exception to this is that parents of disabled children can take leave in blocks or multiples of one day. In all cases a maximum of four weeks leave in a year can be taken in respect of any individual child.

Workforce or collective agreements can improve upon the key elements set out by the employment law on parental leave, which could include allowing the 13 weeks to be taken in days, weeks, one long block or as reduced working hours or a mixture of all of these.

## 3. When does Parental Leave have to be taken by?

Employees can choose to take Parental Leave at any time: -

- • Up until the child's 5<sup>th</sup> birthday
- • In adoption cases, for five years after the child is first placed with the family for adoption (or until the child's 18<sup>th</sup> birthday if that comes sooner)
- • In the case of a child with a disability, up until the child's 18<sup>th</sup> Birthday (for the purposes of parental leave, a disabled child is one for whom disability living allowances is paid).

## 4. Provision for the take up of Parental Leave

Employers and employees can agree their own procedures for taking parental leave. They can do this by using workforce or collective agreements or through individual arrangements. Any of these agreements will only apply to an employee if it is part of the employee's contract of employment.

Wherever possible employers and employees should make their own agreements, however if arrangements are not made employees can exercise their rights under any part of the Regulations, including the fallback scheme for notification and take up of parental leave.

Workforce or collective agreements should cover matters such as how much notice of parental leave must be given, arrangements for postponing the leave when the organisation cannot cope or could be harmed by the employee's absence and how it should be taken. Collective or Workforce agreements can set aside the fallback scheme and replace it with a different set of arrangements entirely.

#### a. Fallback Scheme

The fallback scheme provides for employees to take parental leave:

- In blocks or multiples of one week.
- The exception to the above is that parents of disabled children can take leave in blocks or multiples of one day.
- In all cases a maximum of four weeks leave in a year can be taken in respect of any individual child.
- 21 days notice must be given. With regards to adoption, there will be rare cases, where 21 days notice cannot be given. In these cases an adoptive parent should give the notice as soon as reasonably practicable.

The employer can postpone the leave for up to 6 months where the organisation would be particularly disrupted if the leave was taken at the time requested, but it cannot be postponed when the employee gives notice to take it immediately after the time the child is born or is placed with the family for adoption.

The employer should discuss the matter with the employee and confirm the postponement arrangements in writing no later than 7 days after the employee's notice to take leave is given. The employer should clearly state the reasons for the postponement. In addition to this the employer must also state the new dates when the employee may take parental leave, ensuring that the length of this leave is equivalent to the employee's original request.

Examples of circumstances when an employer can postpone leave should be contained in the fallback scheme, including employment where there are seasonal peaks, where a significant proportion of employees have already applied for parental leave at the same time or where an employee's role is such that their absence would unduly harm the business.

#### 5. Provision of Evidence

An employer can ask to see evidence to confirm that the employee is a parent of the person legally responsible for a child. This evidence can include:

- Child's birth certificate
- Papers confirming a child's adoption or papers confirming a placement
- Papers confirming the award of disability allowance for a child

The employer must ensure that they are acting reasonably when requesting this information. It is therefore considered unreasonable to ask an employee to provide evidence on every occasion on which leave is requested.

## 6. Returning to work after Parental Leave

At the end of parental leave, an employee is guaranteed the right to return to the same job as they were doing before they commenced parental leave, provided that leave was for a period of 4 weeks or less.

If the leave is greater than 4 weeks, the employee is entitled to return to the same job, or, if that is not reasonably practicable, a similar job which has the same or better status, terms and conditions as the employees previous job.

When parental leave follows maternity leave, the general rule is that the employee is entitled to return to the same job which the employee had been employed in before the leave. If at the end of additional maternity leave, this would not have been reasonably practicable, and it is still not reasonably practicable at the end of the parental leave, the employee is entitled to return to a similar job which has the same or better status, terms and conditions as the employees previous job.

## 7. Contractual entitlements during Parental Leave

During parental leave the employee will remain employed but need not be paid and will not be bound by any contractual terms except terms relating to good faith and confidentiality which will also bind the employer.

### a. Annual Leave

Absence on parental leave will count towards the calculation of statutory annual leave entitlement (i.e. 4 weeks) as laid down within the Working Time Regulations. For employees who are entitled to annual leave, which is greater than 4 weeks per annum, e.g. 5 weeks per annum, the period of unpaid parental leave shall not count towards the calculation of annual leave entitlement above 4 weeks per annum, except that unpaid leave shall count as service for the purpose of satisfying the service qualification for entitlement to additional annual leave based on years of service in accordance with the General Whitley Council Term and Conditions of Service.

### b. Sick Leave

Absence on parental leave shall count as service for the purpose of satisfying qualification for entitlement to sick pay entitlement based on years of service in accordance with the General Whitley Council Terms and Conditions of service.

### c. Increments

Absence on parental leave shall count towards the normal annual increment on an employee's scale in accordance with the General Whitley Council Terms and Conditions of service. Normal incremental dates will not be deferred.

d. Superannuation

Employees who are contributing to the superannuation scheme, will, on return to work have to pay the superannuation owed for the weeks of unpaid parental leave.

8. Record Keeping

Employers are not required to keep records of parental leave taken. However, employees may wish to do this for their own purposes.

9. Employees who change employers

When an employee changes their employer, the new employer is free to make enquiries from the employee or the previous employer as to how much parental leave the employee has taken.

10. Employment Protection

Employees who exercise their right to their entitlement to parental leave are protected against dismissal or any other action, which is in connection with the fact, that they have exercised their right to take up their entitlement to parental leave. This includes if an employer prevents or attempts to prevent them from taking parental leave.

This does not negate an employee's responsibility for ensuring that they notify their line manager of their intention to take parental leave.

## Best Practice Requirements

The legislation encourages employers to improve upon the minimum requirements provided within the legislation. Employers and employees can agree improvements by using workforce or collective agreements or through individual arrangements. Any of these agreements will only apply to an employee if it is part of the employee's contract of employment.

These agreements can cover matters such as payment of parental leave, how much notice of parental leave may be given, arrangements for postponing the leave, and allowing the 13 weeks to be taken in days, weeks, one long block or as reduced working hours or a mixture of all of these.

The following details best practice guidance to enhance the requirements of the provisions.

1. Payment of proportion of parental leave

Non-payment of parental leave is likely to discourage employees from taking up their entitlement. It is suggested good practice the employers consider payment of a proportion of parental leave. For example for 4 weeks of the total entitlement of 13 weeks.

## 2. Removal of qualifications to be entitled to parental leave

The requirement for employees have to have completed one year's qualifying service with their employer to be entitled to take the parental leave, could deter potential employees, particularly lone parents, from taking up employment with an employer, if they know that they have to wait a year before being entitled to parental leave.

It is therefore suggested good practice that employers remove this qualification, so that all employees from day one of their employment are entitled to parental leave.

It is also suggest that all employees who currently have children under the age of 5 or in cases of adoption or where a child is disabled the age of 18, to have access to parental leave regardless of whether they were born or adopted on or after 15<sup>th</sup> December 1999.

## 3. Provision of Parental Leave in each year

The legislation provides for employees to take a maximum of 4 weeks parental leave per year, in respect of any individual child.

It is suggested good practice that employers should allow for the opportunity for employees to be able to any amount of their 13 weeks entitlement to parental leave to be taken in any one year.

In addition to this it is suggested good practice for parental leave to be allowed to be taken in days, weeks, one long block or as reduced working hours or a mixture of all of these.

## 4. Flexibility in notification arrangements

It is suggested that employers should provide flexibility in the notification arrangements for the take up of parental leave.

The legislation currently provides in cases of adoption where 21 days notice of intention to take up parental leave, may be waved in certain circumstances, should be extended to all employees. These circumstances could be in cases of where a child is suddenly taken ill or where there are sudden changes in childcare arrangements.

## 5. Extending the age limit by which leave must be taken

The European legislation on parental leave provides employees with the entitlement to parental leave, for children aged five and under.

It is, therefore, suggested good practice that employers increase the age limit from children who are aged 5 and under to those who are aged 14 and under.

6. Providing the right to return to same job regardless of length of time off

The legislation provides the employees with the guaranteed right to return to the same job as they were doing before they commenced parental leave, provided that leave was for a period of 4 weeks or less. If the leave is greater than 4 weeks, the employee is entitled to return to the same job, or, if that is not reasonably practicable, a similar job which has the same or better status, terms and conditions as the employees previous job.

It is suggested good practice that the guaranteed right to return to the same job as they were doing before they commenced parental leave, should be given regardless of length of time off.

7. Annual Leave

The legislation provides the employees with the right to accrue statutory annual leave of 4 weeks, whilst on unpaid parental leave. There are a number of staff within the NHS, whose annual leave entitlement is greater than 4 weeks. There is the potential for confusing when employees and managers are calculating employees annual leave entitlement.

It is, suggested, good practice that annual leave should allowed to be accrued for an employees full entitlement to annual leave in accordance with the General Whitley Council Terms and Conditions of Service and their contract of employment.

# APPENDIX 3.2

## Carers Policies

	Page Nos
• Carer Leave Policy	62
• Compassionate/Bereavement Leave Policy	65
• Special Leave Policy	66
• Eldercare	67

## CARER LEAVE

### CARER LEAVE - GUIDANCE NOTES

#### Policy Framework

Staff are often faced with responsibilities for taking care of sick, disabled and elderly people. It can be difficult to balance working life with these responsibilities at home. NHS employers will be sympathetic to employees at such times and have in place policies to cover such situations. See next page on policy framework.

#### Current Guidance

Guidance on leave for carers is given in Section 12 of the General Whitley Council (GWC) Handbook. This guidance emphasises that the GWC commits all NHS employers to have in place effective policies for all staff to combine the demand of domestic and work responsibilities. However, the guidance does not lay down specific time periods for such leave.

#### Legislative Framework

From 15<sup>th</sup> December 1999, under the Employment Rights Act, all employees will have the right to take a reasonable period of time off work to deal with an emergency involving a dependant, and not to be dismissed or victimised for doing so. This new right enables employees to deal with an unexpected or sudden problem and make necessary long-term arrangements.

A dependant is defined as a partner, child or parent of the employee, or someone who lives with the employee as part of their family; e.g. an elderly aunt or grandparent who lives in the household.

The new legislation does not indicate a set limit to the amount of time off which can be taken. In most cases, the amount of leave will be one or two days at the most, but will depend on individual circumstances. The right does not include a statutory right to pay, so whether or not the employee will be paid is left to the employer's discretion, or to the contract of employment between them.

#### Policy Framework

This organisation aims to adopt a sympathetic and helpful response to employees at times of unexpected crises and urgent domestic distress. Carers leave will be considered for illness of a child, close relative or other dependant; when normal carer arrangements have broken down, for making longer term arrangements for coping with a care problem, or hospital appointments for the recipients of care. There is no requirement that the approved number of days be taken in one block.

## CARER LEAVE POLICY

### Introduction

Work and home life can cause conflicting pressures. Many employees are responsible for caring for a relative or a child. The idea behind carer leave is to encourage flexible working practice so that employees can balance their home and work commitments.

The purpose of this policy is to allow for a compassionate response to the sudden and immediate need to provide care. This could be in the case of a sick child, close relative or dependent. It could be that normal arrangements have broken down thus leaving the employee without proper carer arrangements. The policy is open to all employees within the organisation, regardless of grade, length of service and hours worked.

### Types of Carer Leave

#### Short Term

Carer leave will normally be for the short term. Employees will be entitled to up to 5 consecutive working days in each circumstance paid leave where an employee faces an unexpected crisis as detailed above. In particular cases of difficulty the period may be extended by a further 5 days. It should be left to the discretion of the manager whether these days are paid or unpaid. Annual leave or unpaid leave can also be utilised at this point. There should be no requirement that the approved number of days be taken in one block.

#### Longer Term

In the cases of longer term carer leave where the employee is the sole carer or where daily attendance is called for on an extended basis, then the employer should consider other options. These options should try to ensure that the employee will be able to fulfill their carer responsibilities. This can encompass ideas like longer term carer breaks from work (normally unpaid), different work patterns (i.e. reduced hours/days) or a different shift pattern. Where longer-term carer leave is sought discussions should take place with the relevant director/manager and the personnel department.

### Notification

With most cases, employees will be unlikely to know in advance when they will require to take carer leave. Employees should therefore personally contact their immediate manager at the earliest opportunity, to advise of the need for carer leave.

The employee should discuss the situation with the manager and the number of day's carer leave, which may be required. The manager will then agree with the employee the number of days that they can take. If it is not considered appropriate to take carer leave then annual leave or unpaid leave may be utilised depending on the needs of the service. The leave must be noted down on an absence sheet. The employee should keep contact with the relevant manager throughout the carer leave.

## COMPASSIONATE / BEREAVEMENT LEAVE POLICY

### Introduction

Compassionate/Bereavement Leave is in place to help employees when they suffer bereavement. This could be the death, serious illness or acute need of a family member, dependent, close friend, and colleague for example. When an employee suffers a loss then they require support and help. As an employer we endeavour to support our employees at these times. This policy is open to all employees within the organisation, regardless of grade, length of service and hours worked.

### Leave

Employees will be entitled to up to 5 consecutive working days paid leave in each circumstance. In particular cases of hardship or difficulty, the period may be extended by a further 5 days. It is left to the discretion of the manager as to whether these extra days are paid or unpaid. Annual leave and unpaid leave can also be utilised at this stage.

In considering the amount of leave, the manager should take into account the specific circumstances e.g. the relationship between employee and relative or friend; where the employee has responsibility for the estate of a deceased relative or friend; the availability of other relatives or friends and the distance of the deceased from place of employment.

Further information can be obtained from the personnel department if required.

## SPECIAL LEAVE POLICY

### Introduction

Special Leave can be defined as arrangements granted when staff need to be absent from work in circumstances not covered by sick leave, annual leave, bereavement leave, maternity leave, family leave or flexible working arrangements. Special leave is a short-term solution to help employees balance the demands of work and home responsibilities. The policy is open to all employees within the organisation, regardless of grade, length of service and hours worked. See paragraph on policy framework.

### Leave

Special leave will normally be short term and employees will be entitled up to 3 consecutive working days paid leave in each circumstance where an example of special leave arises. In cases of exceptional difficulty then the leave can be extended by a further 5 days. It is up to the discretion of the manager as to whether the further period of special leave is paid or unpaid. Annual leave and unpaid leave can be utilised at this point.

In exceptional circumstances an employee may be facing longer-term difficulties. If this does arise then the organisation may consider other options to enable the employee to meet their domestic responsibilities. This may include a longer period of unpaid leave, reduced hours or a different shift pattern. However discussion with the personnel department should occur before any decision of this nature is decided.

### Notification

With most cases, employees will be unlikely to know in advance when they require to take special leave. Employees should therefore personally contact their immediate manager at the earliest opportunity, to advise of the need for special leave. The employee should discuss the situation with the manager and the number of day's special leave, which may be required. The manager will then agree with the employee the number of days that they can take. If it is not considered appropriate to take special leave then annual leave or unpaid leave may be utilised depending on the needs of the service. The leave must be noted down on an absence sheet. The employee should keep contact with the relevant manager throughout the special leave.

### Policy Framework

This type of leave can be used when circumstances do not fit under parental or bereavement type policies. Domestic emergencies can fit under this heading as can Reserve or Cadet forces, adverse weather etc. The leave can take the form of paid leave or unpaid leave according to individual circumstances.

## ELDER CARE – GUIDELINES

### Definition of policy

NHS staff are often faced with responsibilities for taking care of elderly family members or dependents. It can be difficult to balance working life with these responsibilities at home. It is more cost effective to retain employees with caring responsibilities by recognising and supporting their domestic needs and responsibilities as family members and carers, rather than losing them to other organisations and having to train new staff. Eldercare facilities and policies may also influence staff perceptions of how sympathetically their needs are treated by their employers. Good practice indicates that NHS employers should be sympathetic to employees at such times and have in place policies to cover such situations. Policies on 'elder care' should be an integral part of an organisations' policies on 'carer leave and support'.

### Benefits for Employers and Employees

Recognising and addressing the needs of those who care for elderly dependents is an important issue for all employers.

- • A study by Help the Aged in 1995 found that 1 in 6 employees had eldercare responsibilities, and half of these envisaged having new caring responsibilities over the next 5 years (Bevan, Kettley & Patch, 1997)
- • One in seven adults look after a relative or companion who cannot cope alone because of sickness, age or disability.
- • 40% of people who cared for a dependent for more than 20 hours per week said their responsibilities had forced them to stop working (IES, 1997).

Recognising the needs of staff who care for elderly dependents is particularly important in the NHS because people working in healthcare are often expected to do more than other family members when it comes to caring for a relative. Changes in Scottish society, such as an aging population mean that more NHS employees will require flexibility in paid and unpaid carer leave arrangements and their working patterns so that they can meet their domestic/caring responsibilities. Whilst flexible working and part time working can help staff fulfill their care commitments, workplace day centers or elder care now need similar consideration to nurseries as our population ages.

*“We’ve got a big ‘bulge’ of people in the 30’s and early 40’s. They are currently concerned about childcare, schooling and so on. Within the next 10 years, they’ll be concerned about looking after their parents. These people would be difficult to replace, and we have no choice but to be responsive and understanding about these issues” (Bevan, Kettley & Patch, 1997 quoting HR Manager, Midland Bank).*

## Benefits for NHS staff

By creating a wider spread of working patterns – and giving more control to staff to organise their own working lives – carers will be able to balance their work and caring roles more successfully. This brings benefits to carers themselves, particularly where counselling support is also offered.

## Benefits for NHS Employers

Research also demonstrates that carer friendly policies can have very real economic benefits for NHS organisations that introduce them, particularly by lowering absence levels and the associated costs. Employees taking time off to care, or arrange care, for a child or dependent relative is likely to be costing UK employers at least £50 million in direct costs alone (Bevan, Kettley & Patch 1997).

## Current Guidance

Guidance on leave for carers is given in section 12 of the General Whitley Council (GWC) Handbook. This guidance emphasises that the GWC commits all NHS employers to have in place effective policies for all staff to combine the demands of domestic and work responsibilities.

## Legislative Framework

From 15<sup>th</sup> December 1999, under the Employment Rights Act, all employees have the right to take a reasonable period of time off work to deal with an emergency involving a dependant, and not to be dismissed or victimised for doing so. This new right enables employees to deal with an unexpected or sudden problem and make necessary long-term arrangements.

A dependant is defined as a partner, child or parent of the employee, or someone who lives with the employee as part of their family e.g. an elderly aunt or grandparent who lives in the household.

The new legislation does not indicate a set limit to the amount of time off which can be taken. In most cases, the amount of leave will be one or two days at the most, but will depend on individual circumstances. The right does not include a statutory right to pay, so whether or not the employee will be paid is left to the employer's discretion, or to the contract of employment between them.

## Best practice requirements

The needs of staff who care for elderly dependents can be very simple. Knowing they will be able to leave work on time every day to get home. Being able to make a telephone call home during the day to check that all

is well. If caring demands increase, they may need to reduce their working week for a period. They may need time off for emergencies or to attend hospital appointments. The recommendations on carer leave should apply to staff who care for an elderly dependent. However, as well as policies on carer leave it is recommended that NHS employers also explore other carer friendly and carer focused policies, such as subsidizing or providing on site elder care facilities or carer networks etc. For example, the Carers National Association has carried out research into the initiatives that are most helpful for employees with a caring role. It identifies two levels of practice that carers benefit from:

#### Carer friendly

- flexible working hours
- courses in stress management
- establishing a carers' network.

#### Carer focused

- able to make telephone calls home at intervals to check on person cared for
- carer leave for emergencies
- career development opportunities that respect carers' commitments
- access to support counselling services – internal or external.

**Initiative: Carer support - daycare centre for dependent relatives**

Location: Oxford Radcliffe Hospital NHS Trust

Aim: To assist members of staff who have additional care responsibilities at home, typically for elderly relatives, by providing a safe and stimulating environment. Existing daycare centres in the locality had long waiting lists and short hours of service. Developed in response to continued need for the Trust to recruit and retain highest quality of staff. Initiative focuses on needs of working families.

Process: The Centre was developed in partnership with a childcare provider, Child Base, who already manage childcare facilities for the Trust. The purpose-built centre neighbours an existing nursery.

Notes: The staff are headed by an Occupational Therapist. The Centre is open from 8am to 6pm, five days a week, all year. The times are designed to suit the needs of working families who wish to continue their careers. There are 20 places available per day, on a full time of sessional basis. Fee structure: £11 per 5 hour session. A priority place allocation operates for staff from other local Trusts. Minimum commitment of 2 sessions per week is required from each client. Activities include computers, crafts, games and cooking (members can, for example, prepare an evening meal for their family).

Results/Outcomes:

- • The Trust expects the new center will assist in retaining staff who may otherwise leave to fulfil their care giving responsibilities.
- • It should help to reduce sickness absence among care givers.
- • It will become a recruitment incentive for staff with care giving responsibilities.

Contact:

Mike Fleming  
Director of Personnel and Administration  
Oxford Radcliffe NHS Trust

Tel: (Centre) 01865 741 800

Michael Thompson  
Managing Director  
Child Base Ltd

Tel: 01908 211 699

**Initiative: Support for carers**

Location: City Hospitals Sunderland NHS Trust

Aim: To improve support for carers, helping them to remain in employment whilst caring for ill, frail or disabled dependents, and to ensure staff know about the support being offered.

Process : The HR Department worked with the UNISON Chief Shop Steward and the local Carers' Centre to increase awareness of support.

Activity included:

- • modifying key policies and communicating these changes to line managers through a series of roadshows
- • piloting a monthly drop-in session on site for staff with caring responsibilities
- • preparing a leaflet which outlines different support arrangements
- • raising awareness among other staff of carers' needs for support.

Notes: The Trust has signed a local "Carers' Charter" which encourages employers in Sunderland to support carers who work for them. It is working with the City Council, Sunderland College and others to bid for funding for a local pilot scheme under the Government's "New Deal for People with Disabilities and their Carers".

Outcome: There has been steady use of the on site "drop-in" centre by staff who could not visit the main Carers' Centre in town. Several staff have been helped through redeployment or career breaks.

Quote:

"Given that employees and potential recruits will vote with their feet, employers have to decide whether they can afford to ignore the needs of carers much longer."

Contact:

Dennis Little  
Divisional Personnel Manager

Tel: 0191 565 6256

## Further information

### Sources

Caring about Carers, A National Strategy for Carers, Department of Health, January 2000

### People to contact –

Helplines for carers -Carers National Association – Carers Line

Tel: 0345 573 369

(advice and free information packs on a wide range of issues relating to carers.)

Princess Royal Carers Trust

Tel: 020 7480 7788.

Website: [www.carers.org](http://www.carers.org)

(website summarises services including hardship grants, travel assistance, etc.)

Counsel and Care

Tel: 0990 300 7585 (for older people)

Age Concern

Tel: 0800 009966 (for older people)

## APPENDIX 3.3

# Flexible Working Policies

	Page Nos
• Job Sharing	74
• Secondments and Sabbaticals	79
• Career Break	81
• Team Based Self Rostering	90
• Term Time Working and School Time Contracts	100
• Flexi Time Systems	103
• Flexible Working Hours	107
• Annual Hours Working	108
• Part Time Workers Policy	119
• Working At Home/Homeworking	131
• V-time Working/Voluntary Reduced Hours	149
• Phased Retirement	153
• Compressed Working Week	156
• Zero Hours Contracts	159

## JOB SHARING POLICY

### 1. Introduction

This organisation is committed to equal opportunities and promoting the flexible employee friendly work practice opportunities for all its staff. By implementing this Job Share Policy we hope to create an environment which will allow all employees to utilise their skills, talents and experiences and thereby allow us to both recruit and retain a well motivated and committed staff.

Job Sharing represents an opportunity for staff to work fewer hours while maintaining their career prospects and personal development.

### 2. Definition

Job Sharing is a formal agreement whereby the duties and responsibilities of a full-time post can be shared by two or more employees. The salary and benefits of the post are divided between the job sharers in proportion to the number of hours they work.

As good communication and co-operation are required between the sharers, a provision for an overlap time between the partners will be included to facilitate and maintain continuity in the work.

### 3. Scope

An application to request a job share is open to all employees as well as prospective employees, no matter what level in the organisation. Where posts are not considered to be suitable for job sharing, a full explanation will be given by the line manager. Existing employees should submit a written request to their line manager in the first instance and a written response to this request should be given within (specify period) following consultation with the Personnel Department. Such a request should only be refused where there are good sustainable organisational reasons to do so. Job sharers do not need to state their reasons for wishing to job share.

If the request is rejected, the reasons for refusal must be stated. A decision to reject a job share for an existing post can be appealed against by the postholder through the normal mechanisms.

If the request is approved, recruitment can begin:

- The post will be advertised as a vacancy for a job share partner;
- Applicants should receive appropriate details plus a copy of the policy;
- Shortlisted applicants will be made aware of the interview arrangements for job sharers.

If after interview, no suitable job share partner is found, the post should be re-advertised. If the post is vacant after two consecutive advertisements have been placed, the following procedures shall apply:

- If alternative arrangements cannot be made, managers should give sympathetic consideration to alternatives. For example, redeployment, or other arrangements for flexible working which may meet the employees needs. Alternative options must be of a commensurate grade and status;
- The employee should be informed that a new application for a job share may be considered at a future date.

### Replacing Job Sharers

As job sharers are separate employees, one partner leaving should not affect the other sharer's employment.

If one partner does leave, the following procedure should be adopted:

- The remaining sharer should be offered the option of full-time working;
- Where the remaining partner does not wish to work full-time, the vacant hours will be advertised as a job share;
- If no sharer can be found in a period of not less than six months and after at least two advertisements, the existing sharer may be required to work the same hours on a part-time basis or be transferred to the equivalent hours in a commensurate post.

### Vacant Positions

Vacant positions should be advertised as both open to full-time and job share candidates, unless it can be positively demonstrated that this is inappropriate.

Candidates will be asked to indicate on their application whether they wish to job share. Two candidates may submit a joint application or candidates may be matched during the recruitment process.

Applicants should receive relevant information plus a copy of the job share policy. Shortlisted candidates will be made aware of the interview procedures of job sharers.

### Selection

#### Interview Procedures

The interview procedure should be the same as for all selection interviews, but should be adapted to include: interviewing applicants separately, to

assess ability, and then together, to assess the feasibility of the proposed job share arrangements.

All applications, including joint applicants, will be assessed against each other on an individual basis. Following their final assessment, the interview panel may make any of the following decisions:

- To appoint an applicant full-time (if a full-time post is on offer);
- To appoint a job share partner;
- To appoint one half of a joint job share along with another individual job share applicant;
- To appoint one half of a joint job share application and advertise for the other half.

## Terms and Conditions of Employment

### Job Share Agreement

The job share agreement will need to be negotiated between the manager and the job share partners. This agreement will be in writing and will form part of the contract of employment.

When negotiating the job share agreement, in particular the division of duties and sharing of responsibilities, the primary aims to determine the best method to ensure service delivery and compatibility with the job share partners' needs.

The agreement will need to include the following:

- Hours of work

Working arrangements can be divided in a number of ways, for example, split days, split weeks, alternate days or alternate weeks, depending on the nature of the job.

Factors to consider when determining hours of work include:

- Does the job need to be covered every day and within set times?
- Is the creation of an overlap desirable?
- Is there sufficient office space/desk space for both partners to work together?
- Will they both need to attend certain meetings?
- How do they job sharers domestic arrangements affect the hours they work?
- Handover or overlap arrangements.

Overlap time is essential, providing job sharers with the opportunity to pass on information and update each other. Where a high degree of managerial activity is involved, a structured overlap period will be needed.

- Communication mechanisms

In addition to overlap periods, other methods of maintaining strong communication links should be established, for example, diaries, a bring forward file and written notes of all meetings.

- Annual leave and public holidays

The standard annual leave entitlement will apply pro rata to the number of days worked. Annual leave can be taken at the same time or at different times subject to the manager's agreement. Arrangements for sharing public and statutory holidays will be agreed between the job sharers and their line manager to ensure that a pro rata division is maintained.

- Individual Performance Review

Each partner should be assessed separately and similarly. The objectives set for the job share partners may include an objective to ensure the success of the job share partnership.

- Supervision

Each partner will be responsible to their line manager.

## General Terms and Conditions of Employment

Each job sharer will have an individual contract of employment. All pay and other benefits will be pro rata to the hours worked. The job title will be that given to the full-time post and the job description will be the same as the full-time post.

## Grade, Salary and Increment

The grade will apply equally to both job share partners. Any grading review will apply to the whole post.

Salary will be pro rata. Benefits depending on length of service – including incremental points, sick pay, long service leave and maternity entitlements – will be attributed individually.

## Annual Leave

Annual leave (as applicable to the grade of the post) will be applied on a pro rata basis.

## Training

Training opportunities should be made available to both job share partners dependent on their individual needs. When training takes place on a day on which one of the job sharers would not normally work, time off in lieu should be offered. If appropriate, job sharers may attend training sessions together.

## Sick Leave

Job sharers will be entitled to occupational sick pay in accordance with the employer's sick pay scheme, which is based upon length of service.

## Cover for Absence

There will be no requirement on a job share partner to cover for a partner's short term absences, due to sickness or leave. If the individual agrees to work such additional hours, then any additional hours worked above those specified in the individual's personal contract will be paid at basic rate up to the standard contracted hours for the post, thereafter, overtime rates will apply.

## Pensions

If an existing full-time employee changes to a job share post this may have an effect on their pension. Advice should be sought from the Scottish Public Pensions Agency.

## Promotion

Job sharers will be considered for advertised vacancies on equal terms with full-time employees.

## Other Terms and Conditions

All other terms and conditions of employment will apply equally to job sharers as they would to other members of staff, be they full or part-time.

## Job Share Register

A job share register will be maintained by the personnel department. This will provide information on existing and potential employees who wish to apply for a job share.

In the event of an application for job share being rejected for operational or recruitment reasons, the applicant's name will be kept on the register. The purpose of the register will be to match those applicants previously disappointed. Those who 'register' will be asked to specify the type of work they are interested in and the patterns of work they would prefer.

## SECONDMENTS AND SABBATICALS

### POLICY ON STAFF SECONDMENT/SABBATICAL LEAVE

#### Introduction

The purpose of having a policy on Secondments and Sabbatical Leave is to provide a facility whereby an employee of the organisation can undergo specialist training/further education or seek work experience which enhances their skill/knowledge base. The outcome will be an increased quality of the individual's future contribution to the organisation.

Employees will often see posts that will increase their skills and knowledge base. It is the policy of this organisation to support employees to apply for secondments/sabbatical leave. This policy is in line with the national Education, Training and Lifelong Learning Strategy which encourages staff to increase their skills and knowledge base.

#### Eligibility

All employees with at least one year's service with the organisation can apply for secondment opportunities. If a member of staff has less than one year's service and wishes to apply for a secondment opportunity then this can be approved at the discretion of the line manager.

#### Terms

A secondment or period of sabbatical may be regarded as a break in service for some contractual arrangements. Employees should discuss this in detail with the local personnel manager.

Secondments/sabbaticals may be paid or unpaid and the terms for each application should be discussed with the member of staff.

While on secondment or sabbatical leave staff will have all entitlements protected including for example, long service leave.

Secondments/sabbaticals may last from 1-2 months to a maximum period of 2 years. It should be agreed with the individual member of staff as to whether or not they will return to their current post or to a comparable post in the organisation.

#### Communication and Training

Staff on secondment or sabbatical leave must be available for at least 10 days in each year (or pro rata for shorter secondments or sabbatical leave) in order to attend courses/receive professional updates.

Information packs including in-house newsletters, briefings and professional information should be sent to the member of staff throughout their secondment/period of sabbatical leave by their line manager.

### Returning to Work

The employee on secondment must give notice to their line manager of at least their contractual notice period, of their intention to return to their post. The manager and employee will discuss new skills learned and how the new skills can be applied to their specific area.

Further details can be provided from the personnel department.

## CAREER BREAK SCHEME

### Definition of Policy

Career break schemes are a means of managing relationships between employers and employees during periods when people want to take a break from their working lives. The most typical examples are parents –often mothers – taking time out to raise a young family to school age. However, the scope has widened to include people of all ages who have reached a point in their lives where they want a period away from work but with the intention of returning later.

The purpose of career break schemes is to retain the valuable skills and experience of people who will be a real asset in the future. The scheme will encourage return and make re-entry to work easier and more productive.

A career break is an extended period of leave from work that begins with an intention to resume working at an agreed date in the future. The leave is usually unpaid, although paid sabbatical schemes may exist for some professional groups where activity during the break has some work-related character, say, research.

Length of breaks may range from one to five years. It is a characteristic of most schemes that employees work for agreed periods each year in their old role, and do not work formally for anyone else during the break.

Career break schemes first took hold in the early 80's when banks and other companies began to make agreements with female executives who were leaving to have children. Eligibility for schemes widened and in 1990 the NHS introduced career breaks of up to five years for staff to care for children or elderly relatives. To be eligible, staff need at least 12 months continuous service.

### Benefits for Employees and Employers

The benefits for employees include:

- the ability to take a break from work with the confidence of returning at an agreed future date
- continued contact with work and colleagues during the break
- extending the standard maternity leave period until children have grown older
- the chance to step outside the world of work in order to refresh attitudes and skills
- taking time out when younger with the intention of extending a career later

The only drawback for staff is that a career break does not count as reckonable service which may affect conditions of employment for example the career break will not count in length-of-service pension calculations.

The benefits for the employer include:

- reducing the loss of trained and experienced people who may leave and not come back
- a better return on the investment in training
- a pool of trained, committed employees available for short periods to cover peaks in workload, holidays, and leave
- employees return from career breaks refreshed and with a richer quality of experience
- prevents “burn-out” in mid-career.

Other than the time spent setting up the scheme and any costs associated with publicising it, there is no evidence of drawbacks for organisations.

#### Legislative framework and Whitley Council Framework

The Parental Leave Directive requires employers to offer a minimum of three weeks unpaid leave to parents of children up to the age of eight. This is much shorter than a career break, and does not give an employee a legal right to a longer period of unpaid leave.

General Whitley Council (GWC) states that each employer should consider drawing up a retainer scheme in consultation with their staff and local trade union/professional organisation representatives.

#### Checklist

- Each scheme should: -
  - have a clearly stated purpose for management and staff
  - be aimed at giving staff the opportunity to leave employment on a long term basis to return to their job at a later time and keep up to date in the intervening period
  - not be used to enable a person to leave the NHS to work for another organisation
  - normally be open to all staff with continuous service of at least 12 months with one or more NHS employer
  - clearly indicate its availability and range of qualifying circumstances and procedures for making applications
  - allow for management to be satisfied that the employee concerned works in an area of skills shortage and that their work performance is satisfactory

- allow for a maximum single break of 5 years
- ensure that adherence to the condition for keeping in touch is a clear obligation on the part of both management and staff
- encourage an annual recommitment to the scheme and its terms
- include scope for refresher courses or other regular training
- allow for a limited amount of temporary work e.g. 10 days per year, paid at the rate for the grade of post covered
- require a formal notice of return of at least three months on a basis agreed taking account of options including part-time working and job sharing where available
- ensure that staff fully understand the terms on which they are likely to return e.g. period of notice; type of work; duties and salary

## CAREER BREAK POLICY

### 1. Introduction

- 1.1. The purpose of the Career Break Scheme is to allow staff an opportunity to leave their employment on a long-term basis (normally between one to five years), mainly to fulfil domestic commitments. The scheme will enable staff to keep up to date during their career break and help them return to work at the end of the break.
- 1.2. This scheme demonstrates commitment to long-term career development and continued promotion of Equal Opportunities in the work place. The organisation believes the scheme will help to recruit, retain and encourage the return to work of skilled staff.

### 2. Definition

- 2.1 A career break is special leave without pay for a specified period of time.

### 3. Purpose

- 3.1 The scheme is designed for staff who are currently prevented from remaining in full or part time work but who would like to restart work when circumstances make this possible e.g. after bringing up children or having cared for a dependant relative. A career break will not be allowed for the purpose of taking up alternative employment.

### 4. Eligibility

- 4.1 All staff must have at least 12 months service with the organisation.
- 4.2 Some examples of where applications could apply are in the context of: -
  - caring for a dependant relative
  - continuing childcare following period of maternity leave
  - undergoing further education and training of benefit to the organisation
- 4.3 Each application will be considered on the merits of the individual case and a decision made within 10 working days following receipt of an application. Full details should be provided in writing to the employee if an application has been rejected, clearly explaining the reasons for doing so.

- 4.4 The applicant must have a right to appeal where a request has been refused. The mechanism for doing so is left to the discretion of the organisation. Any arrangements for considering appeals must be approved by staff side representatives at local level prior to implementation.
5. Duration of Career Break
    - 5.1 The maximum period is 5 years. A member of staff may however take a number of breaks throughout their employment provided that the total periods of absence do not exceed 5 years. A new application must be made for each break requested.
6. Application Procedure
    - 6.1 Employees who wish to apply for the scheme shall discuss the matter initially with their line manager.
    - 6.2 Applications should then be made on an agreed application form. Applications should be made at least three months prior to commencement of the proposed break although in exceptional circumstances this may be waived by management.
    - 6.3 If approved the employee shall be issued with appropriate documentation by the personnel department, which requires an agreement to abide by the terms and conditions of the career break.
    - 6.4 Managers will be reminded by the personnel department at the end of each financial year of their need to ensure that staff on career breaks have complied with the minimum 10<sup>1</sup> days work requirement.
    - 6.7 All documentation in relation to the scheme is available from the personnel department.
  7. Employee Commitment
    - 7.1 Staff who participate on the scheme will be obliged to advise their manager of any change in circumstances e.g. address.
    - 7.2 Staff on a career break must be available for at least 10 days in each year of the scheme (pro rata for shorter breaks) should they be required to work, attend courses or receive professional updating.
    - 7.3 If the career break lasts for more than 1 year, employees will notify their manager of their intention to continue the break at least 3 months prior to the end of each year.
    - 7.4 Staff will be asked to make an annual commitment to the scheme and its terms and conditions.

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<sup>1</sup> The exact number will vary depending on the individual medical, nursing or dental registration requirements.

## 8. Management Commitment

- 8.1 The organisation is committed to ensuring that as far as is reasonably practicable employees on a career break shall be offered priority consideration for any post at the same grade and undertaking the same type of work as that undertaken prior to the career break. Employees will be entitled to refuse up to 3 offers after which the organisation is under no obligation to make any further offers and the employment relationship will have ended.
- 8.2 The organisation will guarantee to provide career break participants with at least 10 days paid employment per year (pro rata for shorter breaks) in order to keep abreast with changes and developments in the service. This may include training courses and professional updating.
- 8.3 To make an annual re-commitment to the scheme with the employee.
- 8.4 A monthly information pack will be available to staff on a career break advising of any relevant changes in service conditions etc.

## 9. Return to Work

- 9.1 While no guarantee of return to a particular post can be given, every effort will be made to place individuals in posts of similar grade and responsibility to that held prior to the break, and will take into account the employee's experience, achievements and qualifications.
- 9.2 Three months notice of an intention to return to work must be given to the line manager concerned. During this period copies of the internal vacancies bulletin will be sent to participants in the scheme by the personnel department.
- 9.3 If prior to the commencement of a career break an employee works in a part time/job share arrangement every effort will be made to allow the employee to return on that basis. However, there is no guarantee that this will always be possible.
- 9.4 To ease the transition back to work the employee may be allowed to work on a part-time basis for up to three months before returning to full duties. This must be discussed with the manager at the time of notifying the employee's wish to return to work.

## 10. Terms and Conditions of Service

### General Conditions

- 10.1 A period of absence on a career break shall not be regarded as a break in service although the break will not itself count as reckonable service.

- 10.2 Periods of paid employment during the break will count as reckonable service.
- 10.3 As an employee has continuous employment whilst on a career break, any entitlements accrued prior to the break will not be lost.

## Superannuation – [AWAITING ADVICE FROM PENSIONS AGENCY]

- 10.4 Maintenance of superannuation contributions while on a career break is viable only for employees who intend taking a break of no more than 1 year.
- 10.5 As the career break constitutes continuous service, superannuation contributions would be maintained for those on a break of less than 1 year.
- 10.6 While on a career break, superannuation contributions would be deducted regardless of whether the employee's service is unpaid non-reckonable or paid reckonable. When an employee returns to work following a career break their superannuation contributions for that unpaid period will be deducted from their subsequent pay over a corresponding period. Any tax rebate for which the employee is eligible while on the career break can be used to offset superannuation arrears.

## 11. Sick Leave

- 11.1 While on the scheme employees would not be entitled to sick pay as full pay is calculated on the average earnings for a 8 week period ending with the last pay day prior to the period of incapacity for work.

## 12. Annual Leave

- 12.1 An employee on a career break will retain accrued entitlement for annual leave. There will be no entitlement to annual leave while on a career break.

## 13. Maternity Leave

- 13.1 Employees will retain the same entitlement to Maternity Leave as that accrued prior to going on a career break. Only reckonable service while on a career break will count towards additional entitlement.
- 13.2 While on a career break employees will not normally be entitled to Maternity Pay as full pay is calculated on the average of the eighth week period from the 22<sup>nd</sup> week to the 15<sup>th</sup> week prior to the expected date of confinement.

## APPENDIX 1

APPLICATION FOR A CAREER BREAK  
YEAR 1

To be completed by the applicant in consultation with their manager.

Full Name .....

Post held .....

Location .....

Ward/Dept .....

Home address .....

.....

Home Telephone .....

Reason(s) for Career Break .....

Date commenced employment .....

Start date of Career Break .....

Proposed Return Date .....

## EMPLOYEE

I wish to apply for an extended period of unpaid leave under the Career Break Scheme. I understand continued acceptance of the Scheme will require me to undertake xx days paid work with the employer each year and that I must not carry out any other substantive employment during the Career Break. I accept and will abide by the condition of the Scheme and undertake to return to work for a minimum of twelve months at the end of the Career Break. I understand that a failure to comply with the terms and conditions of the Career Break will result in termination of employment.

Signed ..... Date .....

## LINE MANAGER

I support this application and confirm that the applicants work performance is satisfactory. I will ensure appropriate arrangements are made to maintain contact with the applicant, including arrangements for temporary work, training and general information for the duration of the break.

Signed ..... Date .....

Approved/Rejected (delete as appropriate)

If rejected give reasons .....

.....

.....

Signed ..... Date .....

## TEAM BASED SELF ROSTERING

### Introduction

What is team-based self-rostering?

Team-based self-rostering is a “bottom up” approach to scheduling work, giving people more control over the pattern of their working week. Parameters are set by agreeing in advance the levels of staff and skill mix required hour-by-hour throughout the working day. Staff put forward the times they would like to work and times they would like to protect away from work. This information is then used to compile shift patterns that match individual preferences as closely as possible, whilst maintaining agreed levels of cover at all times. There may be no requirement for staff to work their ‘contracted hours’ on a weekly or indeed monthly basis. Self rostering programmes can enable staff to ‘bank’ hours worked over or under contractual hours. Hours can then be taken back or extra hours borrowed as dictated by the personal circumstances of staff. Although self rostering was originally piloted with nursing personnel, it can, in theory, lend itself to all disciplines and staff groups within the NHS.

Why undertake team based self rostering?

Rigidity of working practices has been identified as being one of the prime reasons for leaving the NHS. Team-based self-rostering involves a basic shift in the way people think about work. Conventional rostering represents a job as something that is done between the same fixed times each day, with staffing patterns decided by the manager. Self-rostering means agreeing the staffing levels and skill mix required at any time in the day, then giving staff the ability to schedule their working day collectively to meet these requirements.

The aim is that people have more flexibility to plan their work around other commitments and responsibilities, whilst still fulfilling the needs of the service. The effect is that even those who do not take up this flexibility will feel differently about their role because of the greater control they have been given. Team-based self-rostering can spark fundamental changes in the way that teams co-operate together and reflect on their work.

Where does the idea come from?

Even if it is foreign to hierarchical organisations, team-based self-rostering is not a new idea. What has given it fresh relevance is the increasing complexity of peoples’ lives creating the need for more flexibility in work patterns, and the possible use of computers to support the scheduling process. In the 1980’s, two orthopaedic surgeons in Sweden designed a

computer software system – TimeCare – specifically for use in hospital wards and operating theatres. There are now several variants to this proprietary system, although team-based self-rostering can also be managed without using computers at all.

What are the benefits of team-based self-rostering?

Team-based self-rostering carries benefits for staff and for the organisations they work for.

The benefits for staff include:

- more control over the scheduling of their own working lives
- a stronger voice in the planning of team activity
- previously unrecorded extra time at work is noted and carried forward in a “time bank”
- linking start and finish times more efficiently to travel arrangements
- linking start and finish times to family care arrangements
- opting for fewer, longer shifts where appropriate (within the requirements of the Working Time Directive)
- attending appointments without losing a whole shift
- more discretion to be at work for significant events in patient care
- extra days off if the bank of hours builds a surplus
- line managers are spared the pressures of allocating shifts to staff.

The benefits for the organisation include:

- diffuses conflicts and tensions over shift allocation
- enables a better match between staffing levels and delivery of care
- encourages development of stronger team spirit
- the setting-up process enables a review of the staff resources/care needs
- opens the way for new care initiatives, such as evening and weekend clinics and extra theatre sessions
- improves retention (once staff have worked in a self-roster environment, very few want to give it up)
- reduces reliance on agency/bank staff.

For patients and users of NHS services, these benefits can be expressed as:

- better motivated staff ensuring better quality of care
- more effective use of finite staff resources to deliver more care
- improved access to care through extended work patterns.

What are the pitfalls?

Possible pitfalls for staff:

- for some staff, fixed and unvarying shift patterns are necessary because of existing arrangements for travel, childcare, etc. These needs have to be taken into account
- there may be earnings issues around unsocial hours working
- where there are shortages of key staff, flexibility can be restricted
- reluctance to use a computer to input preferences on a computer-managed scheme
- selfish behaviour and pressure from other staff in agreeing shift times.

Possible pitfalls for NHS organisations:

- existing management culture may be challenged by control of rostering being devolved to staff
- assessment of required staffing levels and skill mix can expose shortages
- the issue of handovers may be difficult to resolve.

For patients and users, the problems can be that:

- the pattern of the day may become less structured
- presence of individual staff members may be less predictable.

All of these problems can be addressed and resolved through discussion within the team and commitment to making the scheme work.

Doesn't everyone want to work at the same times?

In a large, mixed team preferences for different working times should balance out: some staff preferring mornings to evenings, or more hours in term time than school holiday time, or long shifts to short shifts and vice versa. Where an initial survey shows that there will be intense competition for the same times, team members will have to weigh this against the

benefits in deciding whether to adopt the scheme. The distribution of hours worked among staff can be regulated by attaching extra “points” to unpopular work times. Over the roster period, staff are expected to accumulate equal numbers of these “points”. The computer software or manual system will keep track and build this information into the roster schedules.

Where does team-based self-rostering work best?

It works best in a large mixed team where there is a variety of personal circumstances among staff, and different preferences about work patterns. The presence of part-time staff can increase the range of choice for team members, and help to blur full-time/part-time distinctions within the team. The scheme is suitable for round-the-clock shift patterns, or for extending the “9 to 5” day. It can become a trigger for adding an early-morning or early-evening component to an existing service as staff take advantage of the extra flexibility.

### Implementation Guidelines

Evidence from NHS sites where self rostering has been piloted suggest that there is no single way to structure a project to introduce self rostering that will prove successful for all. However, some critical success factors have been identified. Below is a template for best practice that will guide NHS sites through finding the right solution for themselves.

#### Ask the team

The first step is to assess the support among staff for team-based self-rostering. Although there are benefits to the service in implementing a successful scheme, its first purpose is to give staff more control over when they work. There may be differences of opinion among existing staff about how desirable this is. But the scheme’s impact on future recruitment and retention should also be considered.

## Explore the key questions

In discussions with staff, these questions need to be considered:

- Would staff value more flexibility in their working lives?
- Will there be any effect on the delivery/continuity of patient care and how can a gain in quality of care be ensured?
- Will it help to retain existing staff and recruit new staff?
- Will it reduce absences and the need for bank or agency staff?
- Will it be fair to all?
- Could it impact on equal opportunities policy?
- Will a computer system be required or will a manual system work?
- Will it affect overtime or unsocial hours earnings?
- How will handovers be managed when there aren't clear shift changes?

## Set the parameters

Before a team-based self-rostering scheme can be introduced, principles and parameters must be agreed. These will include:

- agreeing minimum and maximum staff levels for each hour of the day
- agreeing skill, grade and gender mix, hour by hour
- agreeing "veto" hours and any "core" hours
- the preferences for hours to be worked by each member of the team
- protected time periods for each member of the team when they specifically do not want to work
- agreed limits as to how much time owed or time owing can accrue to each team member.

## Compare agreed staffing levels with actual establishment

Is there a match between required staffing levels and staff available? If there is a mismatch, what steps can be taken to correct it?

## Select an operating system

The operating system which processes staff requests and produces the rosters is a key element. This can be done manually with pencilled preferences input to a shift chart and then confirmed in ink. Now, various proprietary computer systems will automatically process the information from staff to produce recommended rosters. However, computer programs

may be difficult to program where complex skill mixes have to be achieved, and require basic keyboard skills from staff. Some form of manual system is probably desirable in the early phases of implementation, and for smaller or less complex teams.

Questions to consider are:

- Are all team members comfortable with using a computer keyboard?
- If not, what support or training can be given?
- Where could the computer be sited to give all team members access?
- Will it be possible to integrate the computer system into the information management and technology (IMT) systems operating across the organisation?
- Availability of IT support
- Who will be responsible for putting in the time it takes to prepare a roster manually from information supplied?

#### Trial the system

A time-limited trial will give team members a taste of self-rostering. Evidence suggests that three months is the minimum period for the effect to be assessed; six months will provide a better picture of how well it works. All members of the team should be given the opportunity to express their views during this trial.

At the end of this period, the effect of the scheme can be assessed:

- What is the general team view?
- Monitor staff take up of flexibility
- Have patients expressed views?
- Are any individuals unhappy with the scheme and, if so, for what reasons?
- How has the service been affected?

It may be appropriate to trial the scheme with a “team within the team”; but it should be large enough to make the trial a valid basis for assessment.

#### Implement and monitor

Given that problems identified in the trial can be resolved, the scheme can be carried forward; it will be important to continue to monitor staff attitudes to its operation. Do team members want it to continue? Have patients or the service been affected? Are modifications needed?

Communicate the initiative to other teams, if it is successful.

Self-rostering will work effectively where these factors are present:

- effective team working
- sensitivity to individuals' working time requirements within the team
- managers with good team
- leadership skills.

With this information, the system will produce a roster that matches individual preferences as closely as possible whilst maintaining the agreed staffing levels. Where there is competition among too many people to work at the same time – or too few to meet staffing levels at any time – the system distributes these hours among staff to achieve fairness over the whole roster period.

The system ensures equity of treatment for all members of the team. Team members may negotiate among themselves to modify shifts, but these must be entered into the roster in advance.

## Earnings

Any intention to alter pay through changing shift patterns should be negotiated through the normal channels. Otherwise it may lead to rejection of a system that would suit both staff and the organisation. Increased flexibility may take some staff into periods that attract enhanced payments. Are such payments appropriate where the shift period is self-selected?

Some groups have not worked unsocial hours in the past and therefore not attracted additional payments, for example therapists. Increasing flexibility for those groups raises the issue of whether such additional payments should be made. If so, the pay budget could increase significantly.

## Training

There may be a need for training for managers and staff in the following areas:

- An understanding of the concepts and cultural changes involved in self-rostering.
- Techniques for managers to assess the scope for flexibility balanced with the preferences of individual staff within the agreed parameters.

Each initiative will need to consider how to provide training in the self-rostering system and who should provide it. The starting point should be to consult those who are responsible for general management training within the organisation.

## GOOD PRACTICE

### Evidence base

*Time Care* is currently being piloted with 19 NHS Trusts in England. An initial pilot was limited to nursing personnel, but the second stage has incorporated PAMS, portering, catering and ancillary personnel in addition to nurses. As early as 3 months into the second pilot, changing trends in work patterns were beginning to emerge. Both qualitative and quantitative data were collected and collated from pilot sites.

### Examples

Rainbow Paediatric Surgical and Orthopaedic Unit, Wigan Infirmary

23 bedded surgical ward, one of 19 sites to pilot a computer based self rostering package.

*Initiative:* To implement the scheme on a trial basis and assess its impact on staff and patient care.

*Challenge:* To introduce staff to the scheme, train them in its use and overcome suspicions and 'tech-fear'.

*Approach:* Self rostering invokes a 'bottom up' approach to planning work time. The computer package provided a tool for planning staff rosters, incorporating preferences keyed in by individual members of staff. It allowed staff to distribute hours worked over the schedule period, vary shift lengths to match home and other commitment, select preferred orthodox work times, protect precious time periods and build up, or draw on a bank of hours.

*Notes:* Early difficulties arise because staff were more used to being told what hours to work rather than making their own choices, and they were used to being told who would lead shifts. Maintaining a correct skill mix required close attention

*Results:* Evaluation of the pilot showed benefits for staff and patients. Staff on the ward did not want to go back to traditional rostering systems. The Sister reported that 'the target was taken off my back'. Across the pilot schemes, staff perceived the greatest benefit to be the greater control they were given over their working lives. Where self-rostering became established, managers and staff described a more committed and motivated workforce providing better continuity of care.

Birmingham Children's Hospital,

Intensive care unit, 18 beds

*Aim:* To engage staff in decision-making about on and off-duty working hours.

*Process:* Staff have been involved in planning patterns of work to suit team members with young families and those who travel long distances from home to work. Over 150 full and part-time staff are involved. Both long days and 7.5 hour shifts are incorporated. A G-grade sister co-ordinates staff at G-grade; a designated F-grade member of staff co-ordinates the F-grade staff; two E-grades co-ordinate E and D-grade rotas. The full rota is put together and checked by a G-grade sister. Guidelines have been developed to ensure appropriate skill mix and unsociable hours fairly distributed.

Medical Admissions Ward, Antrim hospital, United Hospitals Trust,  
Northern Ireland

Pilot continued until end March 2000. An interim audit took place through staff questionnaires and by measuring levels of absenteeism. Initial results suggest that:

- • Staff morale appears to have been enhanced
- • Off duty rosters are now prepared for 4 –5 week periods, which mean that people can pre-plan their personal time.
- • Staff have displayed greater flexibility and are willing to work extra hours or cover sick leave as they know they can take back this time when it is convenient to them, but within the needs of the service
- • Duties can be changed at short notice, by staff either arranging for colleagues to cover their duty or, if sufficient staff are available, utilising their personal time Bank allocation (Given, 1999).

## Conclusions

Evidence suggests self rostering can give staff a greater control over their lives, and that this in turn brings perceived benefits to NHS organisations. While not changing the total hours that staff work, they are more able to balance work and home lives. In sites that have established self rostering, managers and staff have described a more committed and motivated workforce providing better continuity of care to patients. Staff were also less likely to leave when personal circumstances changed (NHS Executive, 1998).

## QUOTES

Staff using self rostering systems such as *Time Care* have commented:

- “Child care arrangements run more smoothly”
- “More scope for personal activities”
- “Able to visit school plays and other events.”
- “Able to make appointments without booking a whole shift off”
- “Extra holiday if Time Bank builds up” “ You can request what you want without feeling you are asking for favours.”
- “ I like the choice in hours – it gives you the opportunity to have a life outside work.” (From Vernengo, A ‘Making friends with flexible working.’)

## Sources

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## TERM TIME WORKING AND SCHOOL TIME CONTRACTS

### A Definition

*Term time working allows employees to remain on a permanent contract and gives them the right to unpaid leave during school holidays. This is particularly suitable for those with domestic responsibilities, as term time allows carers of school age children to work during the school term but to take unpaid leave during school holidays.*

### Who is it Suitable For?

Unlike job-sharing or career break schemes, which can be undertaken for a range of reasons, term time working is normally much more focussed specifically to accommodate out-of-term periods. The scheme is often used by both male and female employees who have direct caring responsibilities for children of school age.

### Benefits for Staff

- • Overcoming Child Care Difficulties - this style of working may allow employees who are parents of school age children to overcome the difficulties of finding suitable child care during the school holidays.
- • Increased Leisure Time - this style of working can enable carers to engage more fully with their children during school holiday periods, helping to create a balance between work and family life.
- • Regular Remuneration - with this style of working, salaries can be paid over the twelve month period on an equals basis so that there is no time in the year when the staff are financially less well off.

### Potential Issues for Staff

- • Reduced Salary - this type of working will clearly lead to a reduction in salary which might also affect superannuation contributions and final pension benefits.
- • Return To Work - Employees may have difficulties in readjusting to the working environment following this type of extended break.

### Benefits for Employers

- • Improved Recruitment Base and Retention - helps both attract and retain employees with school age children who might otherwise take a complete break from employment.
- • Improved Staff Morale - improves staff morale through continuity of employment, where otherwise new staff would need to be recruited.

- Peaks and Troughs - in some jobs there may be seasonal variation to work patterns. This type of working may allow employers to improve efficiency costs.

### Potential Issues for Employers

- Organisation of Workload - this type of working may require increased organisation of workload in order to meet service needs.
- Suitable Cover - for many jobs within the service, there will be a need to cover posts throughout the year. Consideration needs to be given to how such jobs will be covered.
- Impact on other Staff - it is vital that organisations consider the impact on other staff where one member of the team is working a term time arrangement, i.e. provisions for cover, annual leave arrangements, etc.

### How it Works

A term time contract is a permanent contract which continues during school holidays through periods of paid and unpaid leave. The member of staff can either be a full time or part time employee during this time at work.

Staff on term time contracts are usually expected to take their paid annual leave during the school holiday period and not during term time, although some organisations allow a small amount of paid leave (for example, a maximum of 5 days) to be taken for emergencies or domestic difficulties which may arise from time to time. Agreement is then reached between the member of staff and their manager on how much additional unpaid leave is required to cover the school holiday period and when exactly paid leave will be taken. These arrangements should be made as much as a year in advance if possible.

#### For Example

Mr. X desires to be at home with his children during the school holidays as follows:

2 weeks at Easter  
9 weeks in Summer  
2 weeks at Christmas

Total 13 weeks.

Mr. X has an annual leave entitlement of 5 weeks. This leaves an additional 8 weeks which he agrees to take as unpaid leave. Mr. X's salary is therefore made up of 52 weeks less 8 weeks unpaid leave to a total of 44 weeks. This is then paid in equal installments over 12 months. Public holidays should be calculated on a pro-rata basis.

## School Time Contracts

School time contracts may be offered in addition to term-time contracts or as an alternative to them. For school time contracts a member of staff may commence work early or just after they take their child to school and finishes work in time to collect their child from school. The ability to access this facility will depend on the type of job undertaken by the member of staff and the impact such working hours would have on the service they provide. Terms and conditions for such contracts are in line with part-time and/or term time conditions.

## FLEXI TIME WORKING

### FLEXI-TIME SYSTEMS

#### What is Flexi-Time?

Flexi-time is a system whereby staff can vary their contracted working hours within agreed set limits by varying their start and finish times and lunch breaks provided they are present at work during what are commonly called “core times”. Staff can build up a debit or credit of hours worked within an agreed period (normally 4 weeks). These hours can then be consolidated into for example, a day or two half days off in the agreed period.

Flexi-time has a widespread history both inside and outside the NHS but has usually been restricted to lower grades of administrative and clerical posts. Organisations should assess whether or not this system can be extended to other grades and disciplines.

#### Benefits

There are benefits for both staff and the organisation in the use of such a scheme. These include being able to fit personal or domestic circumstances around the start and finish of the working day, being able to miss the rush hour traffic, choosing to work early or late when there is more peace and quiet and fewer interruptions. Being able to accrue extra hours that you can take as time back at a later date. It helps ease issues of dealing with lateness through disciplinary channels, reduces absenteeism among staff who might otherwise take the whole day off rather than be late. It can enable an extension of working hours which might help the staffing of peak demand and can improve the ability to recruit and retain staff.

#### Developing the System

Any agreement drawn up should contain the agreed “core times” as well as the “bandwidth times” i.e. the full span of the working day with the earliest start time and the latest finishing time. It should also include the number of accrued hours allowed in the given period of settlement as well as details of how this time may be taken i.e. one full day or two half days. The settlement period is usually a period of four weeks with thirteen of these periods in a year.

The document should also lay out the procedure for applying for flexi-time as well as informing of the consequences of abuse of the system. It should also make provision for any staff who wish to continue to work the normal recognised hours. Copies of any relevant documentation used within the system should be attached.

As with other options in flexible working policies proper consideration to a request for flexi-time should be given and only where there are good sound organisational reasons for refusal should this happen. In such circumstances a full explanation should be given to the member of staff.

## FLEXI-TIME AGREEMENT

### 1. Introduction

The (name of organisation) being an employer committed to the principles of family friendly working recognise that as one of a range of options this Flexi-Time agreement gives staff considerable discretion in their starting and finishing times each day.

### 2. Hours of Duty

Working hours per week are (enter no.)

Staff will work from (enter time) each (enter days of week) with a minimum of 30 minutes and a maximum of 2 hours lunch break, taken between (enter times). This is known as core time.

Core time must be worked by all staff.

Each member of staff will have discretion within agreed limits to work any balance outstanding of the (enter hours) at times of their choosing but all departments must endeavour to have adequate staffing levels during the working day.

Any balance outstanding must be worked within the hours of (enter times for morning and afternoon core times). The period between (enter earliest and latest times for start and finish) is known as the bandwidth. During this period staff must up their working week. Working outside this bandwidth will only be allowed if authorised by direct line manager (or other named person).

Appointment with General Practitioners, Dentists or Opticians will not normally be treated as authorised absence and must be arranged outside core time. Hospital appointments will still be authorised absence within core time periods.

### 3. Settlement Period

The settlement period will be 4 weeks and there are 13 such periods in a year.

Debit or credit up to (enter no of hours) may be carried forward to the next settlement period. During the settlement period a whole day or 2 half days may be taken off in lieu of credit accumulated or in anticipation of credit to be accumulated during the settlement period. Prior notice of time off in lieu would be appreciated in order that staffing levels can be maintained.

#### 4. Record of Hours Worked

Each employee will record their own time when commencing and leaving work, including lunch breaks on the appropriate documentation. At the end of each day an employee should enter the total time worked.

At the end of each week/month a copy of the flexi recording sheet should be submitted to the appropriate line manager or other named person.

#### 5. Treatment of Authorised Absences

Absences through sickness, attendance at courses, annual leave and other leave of absence with pay will be regarded as (x hours x minutes per day). The hours of authorised absence should be entered on return. For the purpose of recording a half day will be defined as x hours x minutes.

#### 6. Leave

For annual, compassionate, sick leave etc, time will be credited on the record sheet on the basis of 1 full day or 1/2 day of the working week.

#### 7. Overtime

Staff who are required by their manager to work in excess of their full time hours (or the full time equivalent of a part-time member of staff) will be entitled to overtime rates. For hours worked up to between x am and x pm, staff may choose either to accrue lieu time or to claim an overtime payment. Hours worked before x am and x pm will attract normal Whitley Council overtime rates.

#### 8. Part Time Staff

This agreement will also apply to part time staff with the relevant changes to work times.

## FLEXIBLE WORKING HOURS

### Definition

Flexible working hours is similar to flexitime in that staff choose their own working hours. It also combines well with other ways of working flexibly such as home working and a compressed working week. Flexible working may be a valuable tool in easing pressures on managers, and particularly senior managers.

### How It Works

Flexible working hours may be used in a variety of ways. One option is to provide total flexibility so that work can be done, either at home or in the workplace. People can work whichever hours they choose, bearing in mind the constraints of the business needs. This could be early morning, evenings or weekends; in fact whichever suits them best.

The system can work well because managers have to focus on outputs, rather than judging people on the hours spent in the office.

Such arrangements should be agreed locally between staff and managers and the recommendations of colleagues are included. This system can be applied to people both on full and part time contracts.

An alternative approach is to specify a band width, for example an 8am to 7pm, with a maximum number of hours worked each day. These flexible working hours can then be condensed or compressed. For example, a typical 37 hour, five day week can be condensed into 4.5 days; a 28 hour four day week can be condensed into 3.5 days. Home working can also be included in this system.

## ANNUAL HOURS WORKING

### Introduction

#### 1. What is annual hours working?

Annual hours systems provide a way of organising working time by contracting with staff to work an agreed number of hours per year rather than a standard number each week. The actual number of hours worked by a member of staff during the week will then be “flexed” to match workload requirements. As well as hours being varied week to week, they may also be varied seasonally and/or according to fluctuation of service demands. Annualised hours are used to match attendance of staff to the periods when they are most needed by services.

Fluctuations in hours worked may be predictable or not reflecting the often uncertain patterns of demand for services such as in an acute hospital. Annual hours working can offer a flexible and efficient way of deploying staff by matching staffing levels more closely with variances in workload. For staff, annual hours working offers greater flexibility and the opportunity to better manage working hours to allow individuals to tailor the time they spend at work and at home. For employers, in time this can lead to reductions in staffing costs through efficient allocation of staffing levels and the reduction of overtime costs or use of agency or bank staff.

Under more traditional working arrangements, the demand for services may result in overtime or premium rates of pay at busy times or overstaffing when demand is low. With annualised hours, a yearly staff plan is drawn up in advance so that staff know when they are expected to work on a regular basis. This forms the bulk of their agreed hours. A proportion of the annual hours are kept in reserve to be committed at short notice. Staff know in advance when these reserve shifts are planned and are effectively on standby. They are paid for regular hours plus the small percentage of reserve hours which they may or may not be asked to work. The bank of reserve time is the key to the success of the system. It allows for short-term swings in demand or activity, sickness and unexpected staff problems, and reduces the need for costly overtime arrangements.

#### 2. Where are annual hours systems used?

Annual hours systems have been used in some sectors of the UK economy for close to two decades. Originally they were used mainly for manual workers, usually in continuous production facilities, in manufacturing industries. Increasingly the concept of annualised hours is being applied across a variety of organisations and range of disciplines in the service sector including the NHS.

### 3. Benefits of annual hours systems

The potential benefits of using an annual hours system for an employer, is primarily the flexibility offered in terms of matching staff deployment to service demands and for staff in organising their home and work life balances.

- • Flexibility and staff and employer satisfaction – this is one of the primary reasons for implementing an annual hours system. For staff, annual hours working can offer the opportunity to better meet the demands of working life with time at home better matched to individual need. The ability to vary hours of work across the day, week, month or year means that employers are able to match the availability of staff hours to operate within service requirements.
- • Staffing/workload matching –significant amounts of staff time can be lost as a result of mismatches between required and actual staffing. Traditional 9-5 work patterns or roster arrangements which may have rosters drawn up one month in advance may not match service demands on a weekly, monthly or annual basis. On wards, staffing rosters may have to be changed frequently in order to cope with unpredictable and fluctuating patient needs resulting in disruption to staff members and considerable nursing and management time spent on re-arranging rosters and trying to find bank or agency staff.

Mismatches of staff time to service demands tend to be less pronounced in wards or areas where patient or service demands can be predicted reasonably accurately, for example, in orthopaedics where generally it is known in advance how many patients would be booked in for treatments such as hip replacements, It is however more difficult to predict what demands will be placed on, for example, maternity units. Fluctuations in patient intake may lead to high fluctuations in overall workload of ward staff where the problem of mismatch between staffing and workload is highly evident. Difficulties of mismatches of staff time to workload are more widespread than solely in ward settings and annual hours working may be beneficial in support services, administration and other clinical disciplines.

- • Reduction of use of bank or agency staff – health service employers frequently have to approach bank or agency staff to fill staffing gaps for all types of clinicians. While bank or agency staff may offer relatively low costs, labour efficiency and the lack of sickness absence problems, other problems which may be major, may be experienced. Examples of these are that bank or agency staff may not be available when required either because they are not qualified to work in the area of need or because they are already working elsewhere or for other employers.

Developing a more flexible approach such as annual hours systems allows rostering which is more responsive to patient needs and enable flexible deployment of existing experienced staff to enable short-term fluctuations in activity to be serviced by meeting peak and troughs in workload.

- • Reduction of overtime and on-call costs – where on-call systems are operated, they may be scheduled too far in advance to predict fluctuations in service demands and may not allow sufficient flexibility in meeting peaks of need. This can result in resources being wasted and extra costs being incurred when staff are not needed or having insufficient staff on-call at times when there is an urgent need for them. Staff costs may be better controlled through the flexibility offered by annual hours working by reducing the cost impact of staff deployment decisions particularly those associated with “inappropriate” use of bank or agency staff, overtime and time-owed to existing staff.
- • Effective patient care – evidence from the private sector suggests that productivity is better and performance more effective. For the NHS the use of annual hours could improve the effectiveness of patient care and increase patient satisfaction by ensuring that appropriately qualified staff and services are available when patients want and need them and that those staff have higher satisfaction in meeting the needs of those patients as a result of being able to better meet their own needs to have an adequate work-home balance.
- • Organisational change – annual hours systems are sufficiently flexible to accommodate changes in working times and arrangements and may be effectively introduced to redesigned and reconfigured services as well as to existing services bringing benefits to both staff and patients. The system may be useful where an overall reduction of staffing is required.
- • Reductions in absenteeism – as a result of improved flexibility for staff affording them the opportunity to better match their hours worked/off to their home needs. It has been documented that lower absenteeism and sickness have resulted.
- • Simplified pay administration – staff are paid the same monthly salary throughout the year regardless of the exact number of hours they work each month.

#### 4. Drawbacks of annual hours working

- • Development of an annual hours system – the diversity of approach which comes with increased flexibility means that it is unlikely that any one model of annualised hours working can be offered as a

blueprint. Staff, their representatives and managers in any one area or organisation will have to identify the best solutions to their own staffing requirements and tailor the design of their annual hours system accordingly. It is unlikely therefore to offer an “off the shelf” policy for flexible working.

- • Removal of overtime payments – the removal of overtime payments may mean a cut in total pay for those staff who depend heavily on overtime working. Although some staff may earn less, most employers consolidate the value of overtime payments and other enhanced payments into the annual salary (see “Implementation”). In addition for many staff annual hours working offers the security of a guaranteed amount of salary, reduced working hours, present holidays and sensible breaks between the hours worked.
- • Developing the system – developing the system requires accuracy and significant effort. Very accurate work scheduling is essential as absenteeism could lead to difficulties in service delivery. Therefore, adequate assessments need to be made before implementation of a scheme, of workflows, demand patterns and efficiency.
- • Staff, colleague and manager perceptions – staff who do not fully understand the concept of annualised hours may have some suspicion of the scheme and for those participating in it. To this end it is essential that adequate briefing sessions and documents are provided to staff, representatives and managers explaining the purpose and working of the scheme.

## 5. Implementation Guidelines

Annual hours working is likely to be a useful mechanism where:

- • staffing levels do not match the level of patient activity and dependency
- • there are unforeseen peaks in workload
- • sickness absence cover has to be provided at short notice
- • staff are frequently asked to work extra shifts or hours at short notice
- • bank or agency staff are required to provide cover
- • staff from other wards are needed to “help out”

Annual hours working may be appropriate in a range of other settings but the above circumstances describe where an annual hours system may bring greatest benefit to both staff and managers in providing services. The above condition can lead to uncertainty and informal flexible working for staff, increased costs and decreased quality of patient care.

## Starting the project

- a. **Partnership** - It is essential that plans to introduce annual hours working are developed in conjunction with trade union/professional organisation representatives from the earliest possible stages.

Pilot areas for the introduction of the system should be identified and full briefings given to staff and managers on what the system involves, the benefits, drawbacks and anticipated outcomes. Full staff participation should be encouraged.

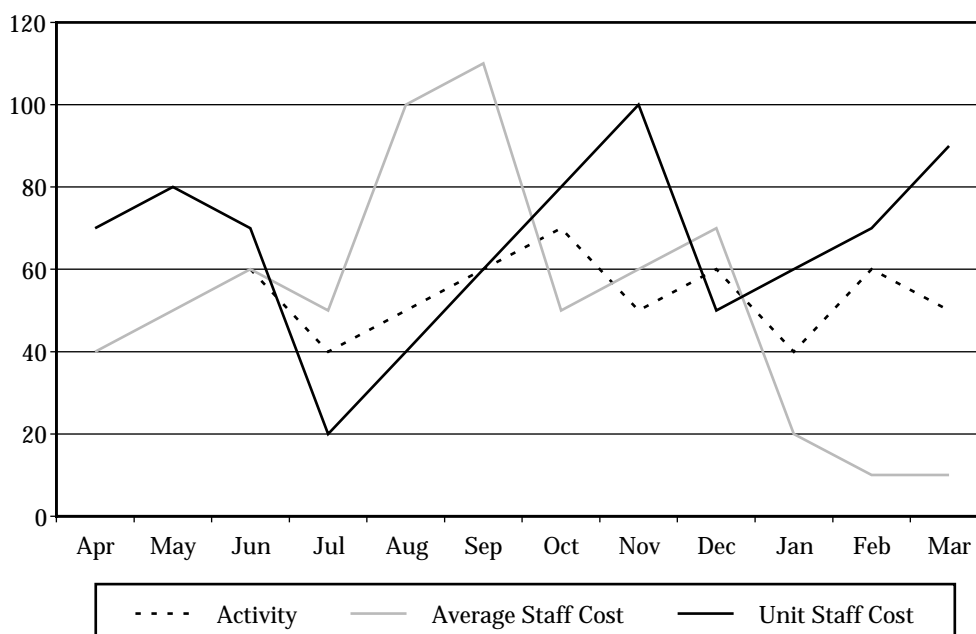
Once pilot areas are identified a substantial data gathering and analysis exercise is required.

- b. **Gathering data** – information on both patients/service activity and staff is required to allow the design of the annual hours system.

In terms of staffing, it will be necessary to collate information on an annual basis to assess how many staff are in post; how they are deployed; assess use of bank/agency staff; turnover; current shift patterns and rotas; absence rates and patterns; and staff costs.

If the example of a ward setting is used as the service provision unit, the information on patients that is required is monthly bed state over the period of a year; admissions patterns; discharge patterns; total patient days; numbers of day cases; and patient dependency levels.

As a tool to allow analysis of trends the information could be plotted as follows:



(From this example it can be seen that staff costs and availability are not matched to patient activity/dependence with periods during the year when staff are under significant pressure and other times when demand for staff time is lower against availability and staff costs, therefore, are high).

- c. Analysing data - To assess whether or not annual hours would be appropriate data should be checked to see whether or not there are peaks and troughs in activity; against the fluctuations of service demand over a 24 hour period/service provision time; the extent to which there are high levels of emergencies and when they occur; whether or not there are seasonal variations in activity/demand; and the extent to which staff costs may be unpredictable.

The data considered against these factors will help to inform as to whether or not the existing system of staff allocation is working well and supports decision making as to the need and desirability of proceeding to develop an annual hours system.

From the perspective of staff, an annual hours contract may be requested by only 1 or 2 staff for whom such a system would provide the opportunity to have a better home/work balance. Operating the system for small numbers of people with a service area has been proven effective provided the analysis of service demands has been undertaken to inform the design of the working pattern.

- d. Designing the system – it is recommended that annual hours working systems are introduced on a pilot basis in a simple or small number of sites and that clear evaluation criteria are agreed at the outset. A steering or evaluation group may be useful and this should be constituted on a partnership basis. Pilots areas may have only a small number of staff on annual hours contracts and need not necessarily involve whole teams.

Involving staff - It is essential that staff and their representatives are involved in working out the details of the system in order to capitalise on their knowledge and experience and to gain ownership and understanding of the system.

- Calculating hours to be worked:

The hours that a person is required to work may be calculated as in the following example:

For a full time nurse the hours would be:

Contracted hours = 39 hours per week X 52.25 weeks (takes account of leap years) = 2038\*

Holiday hours = 39 hours per week X 5 weeks = 195

Public holidays = 10 = 78

Total work hours = 1843

Reserve hours = 39

Training and Development hours = 40

(\* numbers rounded for ease of reference)

Therefore under the terms of the above example, a full-time nurse could be contracted to work 2038 hours per year. Of these 195 hours are scheduled for leave and 78 for public holidays. In some systems staff are asked to designate, for example, a minimum of two fortnightly periods during the year when they are unavailable to work although usually other requests would be considered.

After holiday hours have been deducted, 1765 hours remain of which 1725 hours are allocated as ward contact time. Included in this are 39 hours as reserve hours in a year. The reserve time can be agreed as “banked hours” which can be called upon in times of staffing shortage or peak activity. In addition, reserve time may be allocated as training and development time and in this sample system, the time of 40 hours per annum would be guaranteed by the employer as reserved for training and development and not ward contact hours. Part-time workers would also receive a guarantee of the same quantity of training time.

Maximum and minimum working hours per week are also agreed with the 48 hours, which may be as low as zero hours, set by the Working Time Directive as the norm for a maximum length of working week and a minimum to be agreed in line with service needs.

Over the course of a year the number of hours worked overall may vary by plus or minus an agreed percentage, for example, Northallerton NHS Trust used 10%, which can be carried over to the next year. Staff and managers record the number of hours worked by each member of staff and the

cumulative totals are regularly monitored to ensure the account will be kept within the prescribed limits at the end of the year.

- **On/off duty and on-call** - Staff rotas should be planned to match service demands/patient need in line with the analysis undertaken. Where a member of staff wishes to take time off when they are scheduled to work, they must negotiate times with colleagues by agreeing to swap shifts with them. Work schedules include an on-call roster where appropriate. Staff on-call may need only to be contactable rather than at home and credit for on-call duty should be given. While off duty and on-call requests should be met after the needs of the service, as much choice and self-rostering of on-call as well as normal working, should be given. In calculating payment for on-call, one method is to convert Whitley Council on-call payments into a uniform monetary rate equivalent to, for example, an extra hours pay for each week-day period of on-call duty and two hours for week-end on-call duty.
- **Stand down arrangements** - Guidelines need to be developed appropriate to the service area to provide for standing down of staff where demand is low. Arrangements for how credit is to be given should be included in the guidelines for example, if a member of staff has worked 2 hours of a 6 hour shift and is then stood down, they could be given credit for half the shift i.e. 3 hours. If however, they work 4.5 hours of a 6 hour shift they may only be given 5 hours of credit.
- **Salary arrangements** - Where annual hours systems have been implemented arrangements for calculation of enhanced payments have varied usually on a range of 12.5%-18% of salary which is then consolidated into base salary. The total salary then becomes the annual salary for the member of staff and is paid in 12 equal monthly payments. Another mechanism that is used is that the enhancements are pulled into "flexibility payments" which are paid as an additional allowance to basic pay. In exceptional circumstances and in the interests of service delivery, staff may agree with their manager to be paid an additional amount at their current rate of pay in order to buy back hours for their annual hours schedule. This may be where a member of staff has had to work in excess of their usual contract due to unforeseen circumstances in their service area and it may be preferable to carrying forward a surplus of hours worked.
- **Sickness absence** - various arrangements are possible under annual hours systems ranging from requiring staff to "make up" lost hours through sickness up to a certain cut-off point to paying all sick pay at basic rate of pay. one example is:
  - (i). where staff are rostered to work but are ill or absent without complying with normal procedures, they are paid for the hours but are required to work the hours lost

(ii). where staff are rostered to work and comply with the usual procedures, they received payment but are required to subsequently work the number of hours they were absent up to a maximum of 10 continuous days per period of absence.

(iii). for longer term absences of 10 days + , annual hours recording is suspended and payment is made on the basis of sick pay.

- **Contracts of employment** – should include confirmation that for the duration of the pilot a member of staff's participation in the annual hours system and that the individual has a right to revert to their original terms and conditions is voluntary, outline basic pay and flexibility payments where there are any, detail a facility for buying back hours, where such a facility has been agreed and include any revised sick pay arrangements. Flexible working conditions should also be detailed including arrangements for on-call and stand down and shift working on days/nights.

6. **Evaluation** - on going evaluation of the pilot in order to effectively manage the system will be required. In addition evaluation of staff and managers experiences and of the effectiveness of the system should be undertaken in order to inform revisions to the system where necessary.

Evaluation criteria should be established at the outset of a pilot and could include assessments of the effectiveness of communication of the scheme, the effectiveness of the partnership approach, the difficulties and opportunities experienced in running the scheme, the extent to which gaps between staffing and workload have narrowed, including pressures on staff, the effectiveness and quality of patient care, financial performance, the need for bank/agency staff.

## Conclusion

The anticipated benefits of annual hours working are:

- Closer match between staffing and workload
- Opportunity for staff to achieve a better home-work balance
- More efficient, flexible and cost effective use of staff
- More use of own staff and less of bank/agency staff
- Reduction in workload variation, pressure and anxieties
- Increased interest in patient/user need

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## APPENDIX 1

### Sample Guideline for Stand Down

Stand down is credited with one hour plus the hours worked

Stand down can only be instigated by the nurse in charge of the shift

Stand down should normally be given to the most appropriately graded staff member who is either over or level with target hours

Stand down arrangements will normally not apply less than 2 hours before the end of a shift

Stand down should not be given to night staff a). after 1.15am or b). at 9.15pm. Unless staff member agrees

### Sample Guideline for On Call

On call is rostered on the On Duty after consultation with staff member

On call should either be rostered or agreed between nurse in charge and staff member with maximum notice, i.e. at end of shift for following 24 hours

On call should normally be given to the most appropriate graded member of staff who is either over or level with target hours

On call period may be for the period of a full shift. It must not exceed 12 hours

On call should if possible be used fairly amongst the staff members working Annual Hours, as it would have to be the most appropriate graded person

On call staff will need to agree with their managers a time they can be contacted regarding whether or not they are required to work

On call credited for one hour plus the hours worked

On call person will carry a "bleep" and is responsible for returning it to ward as soon as possible once call period is over

On call person should contact ward as soon as "bleeped" to confirm the time required to work

On call can be worked on days off provided this is offered by the staff member

On call person is not required to stay at home - this is the reason why a "bleep" is supplied.

## PART-TIME WORKING

It must first be noted that many NHS employers have a large number of part-time employees because the posts they hold have been designated as part-time in the establishment. These posts although part-time should still allow the holders the right of access to the range of 'family friendly' options.

This is different from the concept of part-time working or reduced hours working as one of the range of options which can be accessed under the banner of 'family friendly' policies.

### Definition of part-time

Part-time working allows employees to reduce their full-time hours to less than their normal within a range of options i.e. half days, shorter days, a reduced number of full days or an agreed number of hours in an arranged pattern. It should be noted that although an employee may request to reduce to part-time working hours this may only be for a specific period of time and may in due course wish to have the option of return to full time.

### Points to include

Where a request is made for a change from full-time to part-time, full consideration should be given to this and only refused where there are good and sustainable reasons for doing so. Time scales in relation to the initial request should be inserted. Terms and conditions in these instances should be on a pro-rata basis. Employees who have exercised this option should still have equal access to training and career development. This point should be borne in mind by those who are responsible for the organisation of training.

Part-time working is of benefit in recruiting and retaining staff. It can offer greater flexibility in the workplace. It can often have the effect of lower stress levels for the employee and greater concentration levels. It may also lead to reduced absenteeism in certain instances.

## PART TIME WORKERS POLICY

	Page No
Introduction	
Reasons for the Legislation	121
Implementation in the UK	121
Purpose of This Guidance	121
Compliance Guidance	
Reorganising Hours	122
Promotion for Part-Time Workers	122
Access to Training	122
Best Practice Guidance	
Widening Access to Part-Time Work	124
Recruitment	124
Making a Wider Range of Jobs Available Part-Time	124
Jobsharing	125
Requests to Increase and Decrease Hours	125
Requests to Transfer Between Full-Time and Part-Time	
Employment	125
Refusal by Workers to Change from Full-Time to Part-Time	
Employment or Vice Versa	126
Providing Information to Workers	126
Providing Information to Representative Bodies	127
Making Part-Time Work More Accessible	127
Considering Requests to Work Part-Time	127
Considering a Request to Increase Hours or Work Full-Time	128
Other Measures to Facilitate Part-Time Working	128
Training	128
Weekend or Evening Working	130

## INTRODUCTION

### Reasons for the Legislation

Less-favourable treatment of part-time workers is not widespread in the UK. However, where it does occur, it can affect a variety of terms and conditions, including pay, holidays and non-wage benefits.

It was partly in order to combat these residual cases of less-favourable treatment across the EU that the Part-time Workers Directive was drawn up. The Directive aims to end less favourable treatment of part-time staff in order to support the development of a flexible labour market, by encouraging the greater availability of part-time work, and increasing the quality and range of jobs which are considered suitable for part-time work or job-sharing.

The Directive was approved at the European level by representatives of public and private sector employer's associations and the European TUC (the 'social partners'). The UK was represented by the CBI and TUC, both of whom voted in favour of the agreement. The Government also support the proposals.

### Implementation in the UK

The Government has implemented the Directive in the UK by way of regulations and guidance in order to take account of the specific nature of the British labour market. This will ensure that it does not impose unnecessary burdens on business.

### Purpose of this guidance

This document complements the Notes accompanying the Regulations on part-time work. It provides further information on complying with the law. And it offers examples of how to adopt best practice in relation to part-time working.

## COMPLIANCE GUIDANCE

### Reorganising hours

Reorganising the hours of work is a contractual matter between employer and worker. However, in reorganising workloads, employers will need to avoid treating part-time workers less favourably than full-time staff. They should also be aware that in certain situations, they may be vulnerable to claims for indirect sex discriminations.

#### To comply with the law:

- • **In reorganising workloads, part-time workers should not be treated less favourably than full-time workers, unless this treatment can be objectively justified.**

### Promotion for part-time workers

If individual companies and the economy as a whole are to reap the full benefit of the flexibility part-time work can offer, then more types of jobs and levels of management must be opened to part-time workers. The process outlined below for considering requests by part-time workers to move to part-time hours will help in this, but part-time workers should also be given equal opportunity to seek promotion. Not only is this an area where an employer could be open to a claim of less favourable treatment, but applying opportunity fairly will bring benefits to the employer.

It should also be borne in mind that part-time staff may be willing to work full-time on promotion, because the extra pay available would allow them to afford childcare or buy in the necessary help.

#### To comply with the law:

- • **Previous or current part-time status should not of itself constitute a barrier to promotion to a post, whether the post is full-time or part-time.**

#### To comply with the law:

- • **Part-time workers should receive the same hourly rate as comparable full-time workers.**

### Access to Training

Access to training is essential if part-time workers are to work effectively, and employers are to make the most of their staff. There is a strong business case for making sure that staff are equipped to do their job well,

and their skills are up-to-date. Investing in training, when well-targeted, is investing in the future of the enterprise. It also shows a commitment to workers which will pay dividends in increasing the level of staff morale and commitment to the organisation.

Part-time workers often encounter difficulty in obtaining access to training – especially career-orientated development or vocational training. Either they are excluded entirely, or, though they are in theory entitled to attend, their other responsibilities prevent them from participating because of the inconvenient hours. Denying part-time workers access to training will obviously be less favourable treatment.

**To comply with the law:**

- • **Employers should not exclude part-time staff from training simply because they work part-time.**

## BEST PRACTICE GUIDANCE

### Widening access to part-time work

#### Recruitment

The Regulations do not cover external recruitment. However, if recruiting employers do not consider applications from people who want to work part-time or job-share, then they will be limiting the field of applicants and may not recruit the best person for the job. They may also in certain situations be vulnerable to claims for indirect sex discrimination.

**As best practice, we recommend that:**

- • **Employers should review periodically the posts they are offering to assess if they could also be performed by part-time workers.**
- • **When approached by an applicant who wishes to work part-time, employers should give consideration as to whether part-time work arrangements could fulfil the requirements of the post.**

### Making a wider range of jobs available part-time

Part-time workers often suffer from others' perception that they are not interested in moving on from the job they are doing. Just because someone works part-time does not mean he or she does not want to continue developing a career. Reducing or blocking the chances of part-time workers to move around the organisation may demoralise them, or cause them to look for other job opportunities elsewhere. Conversely, allowing part-time workers to apply for other posts ensures that they employer will be able to pick the best person for the job, and will not be shutting out talented individuals.

It may not be necessary, or even practical, to check every post in an organisation for its suitability for a part-time worker. However the fact that a post is currently being done full-time should not be used to prevent people who wish to work part-time from applying for it. The post can be looked at using the process outlined below for dealing with requests for reduced hours. Sometimes the hours the post necessarily requires are incompatible with the hours the applicant currently works. If the applicant would otherwise be suitable for the job, the recruiter could discuss with the applicant whether they would be able to work other hours in order to fit in with the demands of the job.

**As best practice, we recommend that:**

- • **All levels of the organisation including skilled and managerial positions, employers should seek to maximise the range of posts designated as suitable for part-time working or job-sharing.**

## Job-sharing

Job-sharing arrangements are a special form of part-time work, where a full-time job is divided between two part-time workers. The job can be divided in a number of ways to suit the circumstances of the workers and their employer. For example, one may work mornings, the other afternoons, or each may work 2½ days a week. Sometimes there is a hand-over period when both job-sharers are working.

This arrangements means both job-sharers have predicable hours, which allows them to make other arrangements (for example, childcare), while the employer knows there will always be cover. The employer also benefits from having two people working on a project, with their combined energy, skills and experience, rather than one, and is likely to have cover when one job-sharer is away or on holiday.

However, it can be difficult to organise a job-share arrangement, because of the need to find two workers who can do the job, are capable of working together and who want to work complementary hours. Some large companies and organisations organise a database of people who want to job-share. This can be particularly useful in helping women with children who wish return to work find a suitable job-share 'partner'.

**As best practice, we recommend that:**

- • **Employers seriously consider requests for job-sharing.**
- • **Larger organisations should keep a database of those interested in entering job-sharing arrangements.**

Requests to increase and decrease hours

Requests to transfer between full-time and part-time employment

Currently, there is no legal right for a worker to be able to change his or her hours of work. This is a matter for negotiation between the worker and the employer. However, there have been some legal cases concerning women returning to their employer from maternity leave, where the courts have ruled that refusing them part-time hours was indirect sex discrimination. This case law means that employers need to think carefully whether there is a good business reason for refusing such a request. Also, if an organisation allows women to change their hours, then they must treat requests from men on the same basis or be liable for claims of direct sex discrimination.

**As best practice, we recommend that:**

- • **Employers should look seriously at requests for part-time working, and where possible explore with their workers how this change could be accommodated.**

- • **Employers should consider establishing a procedure for discussing with workers whether they wish to change from full-time to part-time employment for any reason.**

Refusal by workers to change from full-time to part-time employment or vice versa

Changing the total number of hours a worker works has profound implications for the commitments that person can take on outside the workplace. An increase in hours may hamper caring arrangements. A decrease in hours may cause serious financial difficulties.

In some cases, the operational needs of an organisation may make it necessary to change the number of hours that worker work. This is a contractual matter, and must be agreed with the workers concerned. Full consideration should be given to the circumstances of individual workers, and changes should be made with as much notice as possible. In some cases, insisting that a part-timer works full-time can constitute indirect sex discrimination.

Providing information to workers

Giving part-time workers less information on vacancies than full-time workers would be less favourable treatment. While it is unlikely that an employer would have a deliberate policy of denying information to part-time workers, organisations should examine their practices to see if there is anything which might disadvantage part-time workers. If a lot of vacancies are filled by word of mouth, managerial discretion, or other informal management practices, does this make it harder for part-time workers to find posts in areas which do not have any part-time workers? These points are important as part of an overall equal opportunities policy. Employers need to be able to consider the best possible candidates for available posts. Equally, workers need to make informed decisions about varying their hours, or transferring between full-time and part-time work. Information on particular posts needs to be made available where part-time workers can see it. It also needs to be circulated in plenty of time, so that potential candidates have the opportunity to consider and plan any necessary changes in their out-of-work routine.

**As best practice, we recommend that:**

- • **Employers should periodically review how individuals are provided with information on the availability of part-time and full-time positions.**
- • **Organisations should consider how to make it easier for workers to vary their hours, including transferring between part-time and full-time work, to the benefit of both workers and employers.**

## Providing information to representative bodies

Larger firms may have formal and informal bodies for representing the workforce in discussions with management, such as partnership forums and works councils. These bodies may find it useful to be kept informed about certain aspects of the organisation's use of part-time workers. The exact details of what information is required should be worked out with the representatives themselves. Topics could include:

- The overall human resources policy in regard to part-time work, and plans to change it;
- How many part-time workers there are, where they are employed in the organisation, and what grade or level they are at;
- Whether any requests to change hours have been refused, and if so, why;
- What training opportunities there are for part-time workers, and what the take up is of these;
- What is being done to ensure part-time workers have equal access to promotion?

## Making part-time work more accessible

From time to time a worker may ask to be allowed to increase or decrease the hours he or she works. Below are set out a number of factors which an employer could take into account when considering whether to agree to such a request. This will make it easier for the employers to know whether part-time working would be advantageous to their organisation.

Any worker requesting a change in hours should try to present a good argument why this would help the organisation. Part-time work may not always be appropriate to the situation. The worker should be prepared to accept a refusal, if there are good reasons for it, or look for alternative ways of reshaping the job.

## Considering requests to work part-time

When workers request to work part-time, it is helpful if their employer has a procedure for handling their request. This could include some of the factors listed below. Even where a recognised procedure exists, there may be need to be discussion focusing on the worker's tasks and responsibilities, and how a change in hours can fit in to the wider team. This may require employer and worker to invest time and effort in order to work out an arrangement which suits them both. A successful solution will ensure that the job gets done, and the morale of the worker is enhanced.

Some of the factors to be taken into account may include:

- Does someone need to be present in this post during all hours of work?
- Can the post be filled as a job-share?
- Is there a suitable candidate for a job-share? Could one be recruited?
- Can all the necessary work be done in the hours requested?
- Can the job be redefined to make it easier to do part-time?
- Is there another job of similar level which the worker could do part-time?
- Is the change for a known reason?
- How much would it cost to recruit and train a replacement if the worker left?
- What benefits would the organisation get from this arrangement?  
E.g. more commitment, keep a valued member of staff, a better skilled worker if time is used for training or education, lower wage bill, keep staff cover for peak periods.
- Effect on the morale and commitment of other staff.

Considering a request to increase hours or work full-time

Some of the factors to be taken into account may include:

- Is there sufficient work for those hours?
- Could the extra hours be used to reorganise a number of jobs more efficiently?
- Can the organisation afford the increase in pay?
- Will the increase save money on recruitment?

Other measures to facilitate part-time working

In larger organisations, it may be appropriate to consider:

- Would it be cost-effective to provide childcare facilities onsite?
- Could a contribution towards childcare costs be offered?
- Both large and small organisations might consider whether it would be appropriate to consider introducing flexible forms of working, such as term-time working, lunch-time working, flex-time, and home-working, a parental leave scheme and reduced hours working.

Training

Employers should also look at whether their training is arranged in a way which is inconvenient for part-time workers. For example, it can be

difficult for part-time staff to attend residential courses if they have other commitments. It would be easier if they were able to attend courses which run at times when they are normally working. Employers should ensure that the needs of part-time workers are given proper weight when the structure, time and location of training is being planned.

**As best practice, we recommend that:**

- • **The provision of training should be arranged so as to ensure that it is as conveniently located and timed for part-time staff, unless this is not possible.**

Part-time workers should not lose out in their training simply because of their part-time status. In cases where employers cannot tailor the time and location of training to suit part-time as much as full-time workers, a range of other options should be looked at. Measures which might be considered to support the career development of the part-time worker include:

- • Paying the part-time worker (at their normal rate of pay) for the extra hours they attend outside their normal working hours.
- • Offering an equivalent course from an alternative provider at a convenient time and place.
- • Offering the comparable level and quality of training in another area.
- • Offering other training methods, such as open or distance learning courses. Employers with few part-time workers may consider this too expensive, but their full-time workers may also benefit from being able to use different styles of learning.

In a fast-changing job market, it is as important for part-time workers as for full-time workers to prepare for their future. Employers should consider all applications for vocational training and development on their merits. Addressing the career development needs of part-time workers will also help employers to retain their staff.

In certain circumstances, part-time work can offer a form of training in its own right. Workers who are taking a career break, for example, parents or carers, can find periods of part-time work a useful way to keep in touch with developments in their organisation. Employers should consider what training, on and off the job, would be most useful for workers in this situation. Properly handled such an arrangement can be a significant benefit to the employer. Not only does the organisation keep the services of the worker during the career break, but when the worker returns he or she will be able to play a full role in the organisation straight away.

## WEEKEND OR EVENING WORKING

For some staff who have dependants it may not be possible for them to commit to the regular Monday-Friday work pattern but are able to work at week-ends or in the evening when a partner or other family member is able to care for the dependant(s).

Some services may benefit from and provide opportunities for staff to work at week-ends or evenings. This may prevent valued staff from leaving the service altogether.

Where such arrangements are possible, Whitley terms and conditions and part-time entitlements should apply.

Organisations may wish to agree such arrangements with a review period of 1-5 years in order to accommodate the changing service needs and demands and to provide clarity to staff that such arrangements are to support their need for flexible working in their current circumstances and that it may not be possible to sustain such flexibility on a permanent basis as this might then disallow other staff such an opportunity.

## WORKING AT HOME/WORKING FROM HOME/TELEWORKING

### 1 Applicability and Definitions

This policy applies to any post where work is performed at or from home instead of at or from employers premises for a significant proportion of the contractual working hours.

#### 1.1 Working at Home (Section 1)

Where staff wish with the approval of their manager to work at home for part of their working time even though their contract of employment requires them to have their office based on employers premises.

Pages 1-3 only of this policy apply. The appendices do not apply.

#### 1.2 Working from Home (Section 2)

Where staff are required in their contract of employment to have their office based in their home even though they may work other than at home for part of their working time. Such staff will be referred to hereafter as "Homeworkers".

All of this policy applies, with the exception of page 3. Appendices 1 to 4 inclusive apply.

### 2 Equality

The organisation is committed to promoting and practising equal opportunities in employment. This includes giving wherever practicable staff the opportunity to work more flexibly.

The organisation will review the composition of Homeworkers as a proportion of the work force to ensure no direct or indirect discrimination on grounds of race, gender, religion or disability.

This policy should be read in conjunction with the Equal Opportunities Statement and Code of Practice.

### 3 Rationale

There are a number of reasons why Homeworking, and Working at Home is desirable, including:

#### 3.1 Providing greater flexibility.

- 3.2 Increasing scope to meet the organisations' commitment to equal opportunities. e.g. may enable a person with disabilities to do a job they otherwise would not be able to do.
- 3.3 Reducing energy consumption and pollution from unnecessary car journeys.
- 3.4 Broadening the traditional recruitment market and gaining access to alternative labour markets.
- 3.5 Attracting and retaining staff.
- 3.6 Providing a working environment which enables work to be carried out effectively and efficiently.

#### Key Points

- 1. Staff should not lose out financially in terms of job satisfaction or in terms of career prospects.
- 2. Those working from home/teleworking should have the same employment rights as office-base workers.
- 3. It should be possible to review the practice regularly and, if necessary, to revert to previous arrangements.

## SECTION 1

### WORKING AT HOME

- 1 Definition
  - 1.1 'Working at Home' occurs when an employee wishes, with the approval of their manager, to work at home for part of their working time even though their contract of employment requires them to be based on work premises.
- 2 The following guidelines apply when Working at Home:-
  - 2.1 Working at home should be used to undertake specific work activities.
  - 2.2 Frequency and duration of working at home should be agreed with the manager and relevant colleagues.
  - 2.3 Reasonable notice of a wish to work at home must be given.
  - 2.4 Once there is an agreement that an individual is to work at home for a part of a day, given day or given period of days, the arrangement should be respected in so far as possible.
  - 2.5 Staff working at home may be recalled to work premises at short notice.
  - 2.6 In cases where staff working at home are frequently recalled to work premises at short notice, working arrangements should be reviewed.
  - 2.7 Individuals and colleagues/managers should jointly monitor the impact of time spent working at home.
  - 2.8 Staff working at home are required to carry out their work duties during their normal hours of work. Any domestic arrangements such as childcare/carer arrangements must remain in place throughout the hours of work.
  - 2.9 Perceived problems caused by staff working at home should be addressed within departments and/or teams.
  - 2.10 Staff working at home must be contactable by telephone.
  - 2.11 Where an employee works at home more than 50 days in any one calendar year that employee's manager shall actively review ways of working with particular regard to location of the work place.

## SECTION 2

### WORKING FROM HOME (HOMEWORKERS)/TELEWORKERS

#### 1 Definition

Staff are referred to as 'Homeworkers' where they are required in their contract of employment to have their office based in their home even though they may be other than at home for part of their working time.

#### 2 Criteria to determine suitable posts

The manager and relevant personnel officer will agree the number and type of jobs to be operated in line with this policy. If a current member of staff requests to work from home they will participate fully in these discussions.

Selection is undertaken in the following stages:

##### Stage 1: The Nature of the Role

- 2.1.1 The role requires a high degree of personal concentrated work with very limited interaction and can be done at home in isolation from colleagues.
- 2.1.2 The role effectively has no need for or would derive limited benefit from an office base.
- 2.1.3 There is no 'face to face' service at the work base (the home).

##### Stage 2: Health and Safety Assessment

- 2.2.1 Individuals who are planning to work from home should complete the attached self-assessment form (Appendix 1(a)) to ascertain whether the home needs to be assessed by an Occupational Health Adviser. The purpose of any such assessment is to establish the suitability of the home for working against Health and Safety standards and the requirements as specified within Appendix 1(b).

##### Stage 3: Capability, Personal and Role Development

Selection must be in accordance with the competencies and criteria which have been identified as essential to being able to work productively and competently in the home environment i.e.:

- 2.3.1 Competency to deliver the role effectively without supervision.

- 2.3.2 Understanding of the impact of homeworking on the home environment.
- 2.3.3 Self-motivation, self-discipline and possession of good time management skills.
- 2.3.4 Clarity of role, deadlines and objectives with feedback.
- 2.3.5 Clarity of personal development plan and monitoring arrangements.

The above selection criteria will be reviewed on a business requirement basis and may vary dependant on the specific job roles.

### 3 Regular Information/Support/Communications

The following provides guidance to managers and staff to ensure that those who work from home form an integral part of a team.

- 3.1 The manager should ensure that each homeworker has the opportunity to meet and discuss ideas at least once a week.
- 3.2 In addition to regular and detailed team briefings, line managers will ensure that there are regular communications, as appropriate, made between the office based team and homeworkers. Homeworkers and their managers should meet on a regular basis to evaluate and develop effective communication links. Homeworkers should receive all relevant information, briefing papers and internal departmental communications.
- 3.3 Clear objectives are required with specific targets and the organisation of work into a series of a 'deliverable' segments.
- 3.4 Homeworkers should be allocated a work area using principles of 'hot-desking', if appropriate, within work premises for the time they are expected to attend.
- 3.5 Homeworkers shall be supplied with relevant I.T. support e.g. e-mail, telephone conference facilities, computer to allow them to work effectively.

### 4 Terms and Conditions of Employment

The terms and conditions set out below must be agreed prior to commencement of homeworking.

#### 4.1 Place of Work

- 4.1.1 The contract will define the normal place of work as the employee's home. Should the individual move to a different

home address, then the suitability of those premises will be assessed and homeworking will only continue with the employer's express agreement.

- 4.1.2 The contract shall provide that the employee is required to attend work premises at reasonable notice and for whatever periods may be necessary. Purposes may include meetings, reporting sessions, submission of completed work, and training.
  - 4.1.3 At the determination of the organisation the employee will be required to live within a reasonable travelling distance of work premises for meetings, briefings, training etc. in line with arrangements for office based staff. This requirement will be specified at the time of advertising and when notifying staff of homeworking.
  - 4.1.4 There may be occasions, as a result of system or equipment failure, when the employee will be required to work from work premises. Arrangements will be agreed between the line manager and employee prior to commencement of homeworking.
  - 4.1.5 The organisation, by prior appointment, has the right to enter the employees home to inspect equipment and methods of storage, including a right of access to filing cabinets and to computer files relating to the organisations' activities.
- 4.2 Hours of Work
- 4.2.1 Hours of work will be as for staff based in work premises.
- 4.3 Domestic Arrangements
- 4.3.1 Homeworkers are required to carry out work duties during their normal hours of work. Any domestic arrangements such as childcare/carer arrangements must remain in place throughout the homeworkers hours of work.
- 4.4 Reimbursement of Expenses
- 4.4.1 Reimbursement of business travel costs will be based on the home address as the normal place of work and will be in line with organisation policy.
- 4.6 Equipment and Workstation
- 4.6.1 The organisation will provide, for homeworkers, equipment as outlined and agreed under 3.5 above. The organisation

will be responsible for installation, maintenance, repair and removal as required. Stationery and similar office materials will be supplied by the employer.

The organisation will, at its discretion and up to specified limits reimburse the homeworker for the previously agreed purchase of essential equipment e.g. desk, chair, filing cabinet.

The Homeworker is responsible for keeping all such equipment in good condition, reasonable wear and tear accepted, and for reporting any damage or malfunction to the line manager.

4.6.2 The homeworker shall be responsible for ensuring that equipment and furniture purchased meets health and safety requirements as outlined within Appendix 1(b) attached.

4.6.3 On termination of the contract of employment the employer will have the right to enter the homeworker's home immediately to recover all its property including equipment, software and copy documents and files. Without prejudice to the organisations' legal right, entry should always be by mutual agreement.

Alternatively, the homeworker may opt to keep the equipment and/or furniture in exchange for a payment equal to the original cost, less 3% of the value per month of service since its purchase, otherwise the employer will have the right to remove the equipment.

4.6.4 The homeworker shall arrange for a business telephone line to be installed solely for business usage, as applicable, and all call and rental charges will be invoiced to the employer.

4.6.5 Additional and/or specialist equipment may be required, due to a Homeworker's disability. On such occasions it may be appropriate to have the workplace assessed by the local Placement, Assessment and Counselling Team (PACT) to advise on equipment available under the access to work scheme.

#### 4.7 Intellectual property and data protection

4.7.1 Please refer to Appendix 4.

## 5 Taxation

- 5.1 Based on current legislation, it is not expected that there should be any additional personal taxation or Benefit in Kind implications on the Homeworker as a result of working from home.
- 5.2 It is not expected that there will be any Capital Gains Tax implications if the room used for working from home is dual purpose (i.e. occupies under 10% of the employees home). However, homeworkers may contact the Inland Revenue to confirm their individual circumstances.

## 6 Insurance

- 6.1 Full guidelines on insurance are attached in Appendix 2.

## 7 Withdrawal from Homeworking

'Homeworking' is regarded as a long term commitment both for the organisation and staff. Notwithstanding this, homeworkers may seek to discontinue the arrangements and request to be based in work premises. The organisation will agree where it deems this practicable.

- 7.1 The line manager will take a compassionate approach to requests made due to exceptional personal circumstances.
- 7.2 Homeworkers will be required to co-operate in enabling the organisations' property to be removed upon termination of employment.

## 8 Monitoring and Review

- 8.1 'Homeworking' undertaken within the organisation will be monitored and reviewed on a yearly basis to ensure that the terms of this policy are operating effectively.

## HEALTH AND SAFETY AUDIT

### Homeworkers Self Assessment

This form must be completed by the individual planning to work from home and counter-signed by their manager to confirm agreement.

The purpose of this form is to ascertain whether a full health and safety assessment should be undertaken on the individual's home environment by an Occupational Health Adviser. This form should be completed and returned to the personnel department prior to the organisation agreeing to a member of staff to work from home.

Name	
Address	
Telephone No:	
Department	
Job Title:	Please forward a copy of your job description with this completed form

Question No	Question	Please tick appropriate box	
1.	Do you anticipate spending more than 20% of your time working at your homebase?	Yes	No
	If yes, do you anticipate spending more than 50% of your time working at your homebase?	Yes	No
2.	Do you have a room at home which will be used specifically as an office base?	Yes	No
	If you have answered no to this question, within which room in the home will the work be undertaken?		

	How much space in this room will be required to carry out your role effectively?		
	Is there sufficient space within this room to carry out your role effectively?	Yes	No
	Is there adequate ventilation, reasonable temperature, suitable and sufficient lighting within the home to perform the role effectively and with comfort?	Yes	No
3.	Will you be using your PC continuously for an hour or more at a time?	Yes	No
	Will you be using the PC every day?	Yes	No
	If not, how often will you be required to use your PC at your home base?		
4.	Do you have adequate first aid provisions in the home?	Yes	No
5.	Are you likely to have to carry or move heavy loads in the home as part of your role?	Yes	No
	If yes, what manual handling activities will be undertaken in the home?		
6.	Is your electricity supply suitable for homeworking? e.g. are there sufficient sockets etc.?  <i>Consult a qualified electrician if necessary</i>	Yes	No
<p>In order that we can address all the potential risks to your health it is important that the needs of individuals working at home are fully addressed. If you believe there is additional information we may require please set this out below.</p>			

## HOMEWORKERS HEALTH & SAFETY ISSUES

In accordance with Section 2(1) of the Health & Safety at Work etc. Act 1974 (“HSWA”) there is a duty on every employer “...to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all its employees”.

In particular, the employer is responsible for:

- (a) the provision and maintenance of the organisation’s equipment and systems of work that are safe and without health risks.
- (b) ensuring safety and absences of health risks in the use, handling, storage, and transport of articles.
- (c) the provision of information, instruction, training and supervision necessary to ensure health and safety.

The employer will make a suitable and sufficient assessment of all the risks to the health and safety of their Homeworkers by identifying any hazards in the home, assessing the risks those hazards might pose to the Homeworkers, and other occupants of and visitors to the home, and taking appropriate action to remove those risks or reduce them as far as possible. The Homeworker is required to assist in that process by completing a preliminary Health and Safety Self Assessment Audit (Appendix 1(a)). This assessment should take place before a new employee, or existing member of staff is designated a Homeworker and then reviewed on a regular basis.

Homeworkers are required to take reasonable care for their own health and safety and that of other persons who may be affected by their acts and omissions at work in the home. Without prejudice to the organisation’s duties as employer, the homeworkers’ duties in this regard are likely to be significant because the working environment is not under the employer’s control.

Risk Assessments should take into account the following issues:-

### 1. Display Screen Equipment

A Homeworker will not be permitted to carry out a significant amount of work at a home based work station until such risk assessment has been carried out and any recommendations implemented. Such assessments shall be conducted by someone who has received relevant training. The “workstation” as defined in the Health and Safety (Display Screen Equipment) Regulations 1992 includes the display screen, the software, the keyboard, disk drive, telephone, modem, printer, documents holder, work chair, work desk, work surface, any other items peripheral to the display screen equipment, and the immediate environment around it.

## 2. Work equipment

The Provision and use of Work Equipment Regulations 1992 do apply to the home. Other equipment not comprising part of the “workstation” as defined above provided by the employer will nevertheless be suitable and sufficient for its purpose with proper information and training being given on how to use that equipment properly and safely. Particularly important will be proper storage facilities for paper files.

## 3. Handling Loads

Homeworkers should be warned of the hazards of handling loads. Steps will be taken to avoid the need for any hazardous manual handling by Homeworkers of loads relevant to their work in the home either altogether or, until risk assessments have been carried out.

## 4. Workplace

The Workplace (Health, Safety and Welfare) Regulations 1992 do not apply to the home but the standards they require provide a useful benchmark in carrying the overall risk assessment. The home workplace should have adequate ventilation, a reasonable temperature, suitable and sufficient lighting, sufficient space, and the floor should be kept free from obstructions or from articles or substances which could cause a homeworker to slip, trip or fall. If the employer approves the home as suitable it will be the homeworkers’ responsibility to maintain that safe and healthy working environment.

## 5. Electrical equipment

The Electricity at Work Regulations 1989 require electrical systems to be constructed and maintained, so far as is reasonably practicable, to prevent danger. Duties under the regulations fall on employers and employees insofar as they relate to matters under their control. The employer only responsible for electrical equipment which it supplies. However, before allowing a homeworker to work from home the organisation will ensure that the homeworker’s own electrical wiring is adequate for the purposes intended. Maintenance of the wiring is the Homeworker’s responsibility.

## 6. Substances and materials

The employer is only responsible for substances and materials it provides to Homeworkers. Procedures under the Control of Substances Hazardous to Health Regulations 1994 should be complied with. (Please refer to Health and Safety Policy)

## 7. Security

Staff who undertake to meet with members of the organisation or members of the public in the course of their employment should make appropriate arrangements to meet at the local work office or in a public building.

## 8. First Aid

Pursuant to paragraph 3 of First Aid at work the Approved Code of Practice and Guidance to the Health and Safety (First Aid) Regulations 1981 the employer will ensure that the homeworker has adequate and appropriate first aid provisions in the home.

It shall be a contractual obligation on the part of the homeworker to allow managers to have reasonable access to the home, by appointment, in order to carry out inspections for health and safety purposes.

The homeworker will be given sufficient training and information to enable the employer to comply with its duty to report and record the work related accidents, injuries and diseases referred to in the Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995.

## **HOMEWORKERS GUIDELINES ON INSURANCE (TO BE REVIEWED IN LINE WITH THE ORGANISATION'S PROCEDURES)**

### Employer liability insurance

The employer will potentially be liable at all times for loss, damage or injury caused by the proper use of furniture and equipment which it has installed in the Homeworker's home, irrespective of who suffered the loss. The employer will not be liable for any loss, injury or damage which is not directly connected with the furniture or equipment that it has installed in the homeworker's home.

A copy of the Employer Liability Insurance Certificate must be displayed in the part of the home to which it relates. This should be obtained direct from the Director of Finance.

### Public Liability Insurance

The employer will potentially be liable at all times for loss, damage or injury caused by the furniture and equipment which it has installed in the home, irrespective of who suffered the loss.

The employer will not be liable for any loss, injury or damage which is not directly connected with the furniture or equipment that it has installed in the home. Homeworkers should therefore ensure that they have adequate public liability insurance as part of their buildings or contents insurance (this is normally the case) to cover any possible incidents that may occur in their home, not related to the organisation's equipment, for which they may be deemed liable.

The homeworker must prevent unauthorised use of the organisation's furniture and/or equipment, and all visitors to their home (such as contractors and maintenance personnel) should be supervised for this purpose.

The provisions of the Occupiers Liability Act (1957 and 1984) render employees as occupiers of premises personally liable for any losses or damage sustained by visitors to the premises. Under the 1957 Act an occupier of premises owes a 'common duty of care' to all visitors. The duty is to take such care as is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he/she is invited or permitted by the occupier to be there. An occupier must be prepared for children to be less careful than adults.

Under the 1984 Act the duty is extended to persons other than visitors in respect of their suffering injury on the premises by reason of any danger due to the state of the premises or to things done or omitted to be done on them.

## Furniture and Equipment Insurance

Any equipment bought by the organisation is automatically covered by the organisation against loss and damage on the same basis as in other work locations.

## Home, contents and public liability Insurance

The homeworker will be responsible for arranging adequate insurance of their home and contents, including public liability, other than the items specifically insured by the employer. It is the homeworker's decision as to the level of insurance provided however, the employer require that public liability insurance is provided.

The employer will reimburse any reasonable additional premiums incurred if they are shown to be due to the presence of the organisation's equipment or the use of the property for business purposes, although this is not expected to be likely. Any requests should be directed to your line manager.

Evidence must be provided to the employer that insurers of the property have been advised in writing of the employee's working from home, as appropriate, and have acknowledged this in writing. A sample letter is attached in Appendix 3.

Any events or requirements arising from this advice must be advised to line management immediately, so that the organisation can respond as necessary.

The homeworker must ensure that insurance continues to force and that their line manager is advised should the Buildings or Contents Insurer(s) change. In these circumstances new consents must be obtained and forwarded to line management.

## Notification of Incidents

Notification is required of all incidents under the (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995).

In addition, insurers must be informed of actual or potential claim incidents, whether or not a claim is made against the policy or against the employer/Homeworker. The Director of Finance will provide homeworker's with full guidance as required on notification of incidents.

## Homeworker's own Insurance:

Incidents resulting in a claim against the homeworker's own insurance cover must be advised to their insurer.

Employer's Insurance:

Incidents resulting in claims against the employer's insurance cover must be reported.

Major incidents must be reported immediately by telephone to the Management Accountant, Finance Department.

## HOMEWORKERS EXAMPLE LETTER TO HOMEWORKER'S BUILDING AND CONTENTS INSURER(S)

NB The letter should be signed by the policyholder, who may not be the homeworker

Dear Sir,

Policy Number  
Insured Address

I write to inform you that I will shortly be working from home, at the request of my employer.

The work will be of up to 7 hours duration, \_\_\_\_\_ day to \_\_\_\_\_ day including computer, fax, filing cabinets and office furniture.

Additional equipment and furniture will be installed at my address, but this will be the property of, and will be insured by my employer.

Please note your records accordingly, and acknowledge receipt of this letter. Please also advise me if any additional premium is due.

Yours faithfully,

## HOMEWORKERS INTELLECTUAL PROPERTY AND DATA PROTECTION

1. Employees do not own the Copyright in work produced in the course of employment with the organisation unless there is a written agreement to the contrary.
2. It is the duty of the homeworker to take all reasonable precautions to protect confidential information relating to employment with the organisation which is stored in the home and, in particular, from other people residing in or visiting the home. Information is confidential where it is expressly stated to be confidential. Information can also be confidential where its nature or quality attracts confidence by implication, or where it is covered by the data protection legislation.
3. Information held on computer which contains data about any identifiable living individuals is likely to be subject to the Data Protection Act 1998. Homeworkers, as employees, do not need to register separately under this Act; they are covered by the organisation's Register entry. But homeworkers will need to know and understand their obligation to keep data about any identifiable living individuals confidential and secure, to operate within the terms of the organisation's Data Protection Register entry, and to comply with the 8 Data Protection Principles.
4. In practice the homeworkers obligations as set out above are best observed by keeping work life and domestic life separate. In particular, where there is a risk that other household occupants, might gain access to work related computer files these should be password protected. Great care should be taken not to inadvertently disclose passwords.
5. Computer files which are not contained in the organisations networked drives should be regularly backed up onto disc and stored away from the home. Managers are responsible for agreeing and monitoring procedures for ensuring the security of work, information, and data and files under the homeworker's control. Homeworkers should comply with the organisation's system's department procedures on virus checking and logging off when a computer is not in use.

## V-TIME (VOLUNTARY REDUCED WORKING TIME)

What is V-time?

V-time working means voluntarily reduced working for a specified period, usually to enable employees to manage other personal or caring commitments. V-time periods can last up to five years, but six months or one year are the most typical.

Reduced hours patterns enable people to continue to work when they are unable to fulfil the demands of full-time work because of caring and other responsibilities. They can also attract people who are qualified and able to work but are simply not interested in working full-time.

V-time schemes are intended primarily to enable staff to reduce their work commitment for a defined period, with a corresponding reduction in earnings. For organisations, it can have the effect of lowering salary costs during periods of reduced activity, or switching resources from one area to another. But its main contribution is to strengthen the loyalty and commitment of staff by enabling them to deal with responsibilities outside work without having to leave or change to a part-time contract.

Benefits of V-time

The advantages for organisations are:

- achieving required staffing levels when sufficient full-time staff cannot be recruited
- having more flexibility in staff planning to track peaks and troughs in activity, and to achieve appropriate skill mixes
- more resources in planning and delivering a 24-hour service – some part-time staff may be happy to work at times that are more awkward for some full-time staff
- having a greater range of skills and experience available within the team
- the extra freshness of people working for shorter periods
- not losing existing staff whose continuity of input will be valuable and who may subsequently resume full-time work
- the opportunity to view overall team activity as a set of processes and tasks – rather than a group of full-time job descriptions – and manage these more efficiently and sensitively.

The advantages for staff are:

- being able to work and earn when they might otherwise be unable to
- keeping skills up to date

- continuity of involvement with the team
- achieving a different balance between work and other aspects of life.

All of these advantages will contribute to a positive impact on quality of patient care.

## Drawbacks and Pitfalls of V-time Systems

What are the pitfalls?

The problems that organisations may have to address are:

- possible friction between full-time and reduced hours staff, arising from resentment of the latter's more flexible conditions
- ensuring that part-time staff are kept inside the communications and staff development loop
- possible additional costs through pro rata benefits and administration costs.

The problems for staff to consider are:

- managing their relationships with other full-time members of the team
- being pressured into working longer than the reduced hours agreed
- keeping continuity of professional development and access to training.

What are the implications for pensions and other benefits?

The general principle for pay, pension and other benefits is that these apply pro rata to the hours worked.

Within the NHS pension scheme, the final pension is calculated on final whole time equivalent salary rather than actual earnings, so someone opting to work part-time in the last years of a career does not reduce their pension entitlement other than in length of service.

As a general principle, the individual effect on pay, pension and benefits of any move to reduced hours working should be verified with payroll, the personnel department and SPPA.

## Designing the System

The two variables to consider are the period over which a V-time arrangement can run, and the level of reduction in working hours: most V-time schemes set a limit of six months or one year after which the employee resumes full-time

work, or the scheme is reviewed. Reductions in working hours range from 2.5% to 50%, but are mostly in the 10% to 20% range.

Before offering a V-time scheme to staff, parameters need to be set that meet the needs of the organisation whilst still offering worthwhile flexibility to individual employees.

The application procedure should deal with:

- eligibility of staff – any minimum service period?
- advance notice required
- an application
- how a request is submitted
- who reviews the request
- the criteria for agreeing or refusing the request
- timescale for a response
- review mechanism in the case of a refusal.

The form in which an employee takes the reduced time is a matter for negotiation, taking into account the needs of the organisation. The options are:

- to work a shorter day
- to take a half-day or day off a week
- to take short blocks of time off at regular intervals.

Predictability of the time off is key to a V-time scheme, so that managers are able to make provision accordingly.

V-time schemes give managers a range of choices in making up the hours taken off by employees:

- to redistribute or reschedule work within existing resources
- to offer more hours to part-time staff
- to create a development opportunity for other members of staff
- to accumulate hours from a group of V-time reductions to create a new full-time or part-time post.

### Terms and Conditions

V-time schemes mean pay, benefits and holiday entitlements are reduced pro rata. If staff on V-time work over their agreed hours, these are usually paid at the standard rate and only reach enhanced overtime rates if they exceed the normal full-time hours.

On a 6 month or one year V-time agreement, return to full-time work is usually guaranteed for the employee. If the agreement is longer than this, or is renewed, the reduced hours may be reassigned on a permanent basis. At the end of this extended period the employee will have prior consideration but no guarantee of return to full-time employment.

## PHASED RETIRAL

What is Phased Retiral ?

Phased retiral is an acknowledgement by the employer that staff who are approaching retirement would benefit from a planned run down of working time along with help, support and access to a wide range of information and advice at this important time to enable them to prepare for a healthy and enjoyable retirement thereby entailing a smooth transition for work time to a well deserved leisure time.

## RETIREMENT POLICY AND PROTOCOL

### 1. Introduction

The (Name of employing organisation) recognises that the change from work to retirement is one of the most significant events encountered during a persons life and hopes that this policy will provide the best support and practical information to enable our employees to experience as smooth a transition from work to leisure as possible. This policy applies to all employees who retire from the age of 60 or in the case of mental health officers or special classes age 55. Employees with long service who are retiring on ill health grounds may also benefit from this policy.

### 2. Principles

All employees for whom this policy applies will be given the opportunity to access the benefits detailed in this policy. Employees who wish to continue to work until they are 65 may do so retiring the day before their 65<sup>th</sup> birthday. It will be the responsibility of the personnel department to contact all staff 13 months before their 60<sup>th</sup> birthday 55<sup>th</sup> in the cases of special classes) to enquire as to their intentions in regard to retirement. The personnel department will then arrange an individual interview with the member of staff 12 months before the actual date of retiral in order that a 'Retiral Plan' may be drawn up.

### 3. Working Hours Reduction

In order that an employee can adjust to the prospect of increased leisure hours, a gradual reduction in working hours will be introduced three months prior to retirement, for example :-

Third month before retiral - 4 days  
Second month before retiral - 3 days  
Last month before retiral - 2 days

During this time employees will receive full basic pay.

### 4. Preparation for Retirement

Employees will be given the opportunity to attend the pre-retirement course where they will have access to a wide range of information and be given their 'retiral pack.' To encourage a long and healthy retiral employees will have access to a health check and advice from the Occupational Health Department.

5. Staff Termination/Pensions Application

Pensions applications and notification of termination should be completed 4 - 6 months before the date of retiral in order to ensure that pensions are paid timeously.

6. Retiral Gift/Presentation

Staff retirals should be acknowledged with arrangements the responsibility of the line manager. It will be usual for a gift provided by the organisation to be provided to the member of staff leaving the service. In particular, long service should be acknowledged.

## COMPRESSED WORKING WEEK

### Definition

Employees are allowed to 'compress' some of their working weeks into fewer full working days, without reducing the total number of hours. This system is a variation on flexible working hours.

### How it works

Typically, a full-time employee may compress their hours into four and a half longer days rather than five; or into nine days out of ten. This gives them half a day off each week or a full day every fortnight. The hours are agreed with management well in advance.

Sometimes a maximum day is specified, for example, eight or nine hours, to ensure staff are fully productive and do not attempt to squeeze too many working hours into each day.

### Benefits

#### The Organisation

- • Increased motivation, leading to better productivity.
- • Little administration needed, although additional paperwork and special time-recording equipment may be needed.
- • Resources can be devoted to a busy part of the week.
- • Reduced need for authorised absences during working time, e.g. for medical appointments.
- • It is a useful system for solving short-term problems.

#### *Points to consider*

- • Adequate cover could be difficult to maintain, so popular days off must be fairly distributed.
- • Not all staff may be able to work a longer day because of the nature of the job e.g. receptionists

#### The Staff

- • Long weekends off.
- • Larger blocks of family and leisure time.
- • Avoidance of commuter traffic if not travelling at peak times due to long hours.
- • Less travelling costs if full days are 'saved' and staff are travelling off-peak.

#### *Points to consider*

- • May be tiring, especially for older workers.
- • Less leisure time during working days.
- • Overtime is virtually eliminated.

## The costs

There could be a loss of service provision, usually on Mondays and Fridays, if the scheme is not properly administered. If all staff want the same time off additional cover may be required or the office could virtually close.

Some employers have used compressed work schedules during the summer months to provide employees with longer weekends. These so called 'summer hours' schedules are very popular.

## Who is doing it ?

The CWW has grown in popularity since the early 1970s. Its popularity stems partly from its applicability to all sizes of organisation, however, as might be expected, it is more common in organisations with greater numbers of employees. The other driver of its popularity is its applicability across the range of organisation types.

The longer shift pattern of CWW allows more scope for overlapping of hours in order to meet peak workload requirements. In addition, the reduced number of working days allows matching to workload profiles where a limited number of specific days have greater resource requirements, for example wards at weekends.

The major benefit of CWW to employees is the additional days or days off, even though total hours may remain the same. This frees up quality time for the family, leisure and any other commitments. The result is not only better motivated staff, enhancing retention and productivity but also access to skilled employees who may not otherwise have been recruited had conventional hours been worked. Employees also benefit from reduced commuting (saving time and expense) and from reduced costs such as childcare and meals at work. A further advantage of the CWW is that staff may be more willing to cover for absent colleagues as they have more days off available for sacrifice.

## Disadvantages

- • Fatigue

Although it was noted earlier that CWW has been observed to reduce fatigue, the longer shift pattern may be inappropriate for jobs that are physically or mentally demanding or require a high level of constant alertness. Air Traffic controllers would be an obvious example.

- • Lack of continuity

CWW may also be inappropriate where continuity of staff on a daily basis is important. This would be required for example where the work activity of a day depends on detailed knowledge of the prior day.

- • 'Moonlighting by employees'

A further disadvantage of the practice is that extra days off made available to the employee could be used for other employment. This 'moonlighting' could affect the performance of the employee.

### Implementation

The similarities with flexi-time stretch to implementation.

## ZERO HOURS CONTRACTS

### CONTENTS

1. Introduction
2. Benefits for Employer and Employee
3. Legal Framework and Whitley Council
4. Contractual Entitlements of Employees
5. Review

#### 1. Introduction

It is recognised that work and home life can create conflicting pressures. Employment on fixed hours contracts can create pressures for employees who are unable to dedicate in advance to standard contracted hours. Employees may need to vary the hours committed at home and at work on a weekly basis depending upon the varying pressures of their home life.

Zero hours contracts provide the opportunity for employees to work as and when they are able to do so. Zero hours contracts can help to encourage a culture of flexible working practices to allow employees to balance family and home commitments. Zero Hours Contracts are those contract where the organisation is under no obligation to provide any working hours and the employee does not have to work any hours when requested.

#### 2. Benefits for Employers and Employees

The provision of Zero hours contracts will have many positive benefits for both employers and employees.

From the employer's point of view they help to reduce turnover, make it easier to recruit, reduce absence, and reduce use of agency costs and overtime. In addition to this zero hour contract employees tend to offer a higher level of commitment to the organisation. Often zero hours contracts are also used for the purposes of running a staff bank.

From an employee's point of view the employee will find a balance between home and work responsibilities. Employees have greater flexibility as they do not have to accept work, they can fit work around childcare or care for other relatives, and they have greater flexibility to pursue leisure activities. If the employee wishes to return to work in any other capacity there is no break in employment and the employee receives

the same training as other employees. This will result in less stress, greater ability to focus upon their work, improve working relationships. In addition employees are provided with the securities and protection offered to fixed hours contracted employees.

### 3. Legislative framework and Whitley Council Framework

There are many aspects of employment legislation, which underpins the creation of Zero Hours Contracts. These include: -

- • Sex Discrimination Act 1975
- • Disability Discrimination Act 1995
- • Employment Rights Act 1996 – with particular reference to continuity of employment
- • Working Time Regulations 1998 – with particular reference to annual leave
- • Part Time Workers Directive 2000 – with particular reference to increasing access to part-time work at all levels of skill and responsibility.

In addition to this, the employment of people of zero hours contract is also governed by the General Whitley Councils and other relevant and appropriate Whitley Councils e.g. Nursing and Midwifery, as well as local terms and conditions, such as discipline and grievance. These have to be borne in mind when formulating policies and contracts for Zero Hours employment

### 4. Contractual entitlements of employees on Zero Hours Contracts

Employees employment on Zero Contracts are entitled to the same basic terms and conditions of employment as those employees on fixed hours contracts. During Parental Leave the employee will remain employed but need not be paid and will not be bound by any contractual terms except terms relating to good faith and confidentiality which will also bind the employer.

#### 4a. Annual Leave

Employees employed on zero hours contracts are entitled to annual leave as laid down within the Working Time Regulations. The employee's statutory entitlement to paid annual leave equates to 1 hours leave for every 12 hours worked. This means that once an employee on a Zero hours contract works 12 hours they are entitled to 1 hours leave.

In order to ensure that they take this entitlement, the employee needs to be "booked" on to work, but then given the time off for annual leave. Maximum annual leave entitlements are those laid down by the Whitley Council for the particular job type of the postholder.

For employees who have two contracts of employment with their employer, one of which is for zero hours, they will not be entitled to annual leave in respect of hours worked on the zero hours contract. This is, however, on the understanding that they are already afforded their statutory paid annual leave entitlement under their other contract of employment.

4b. Sick Leave

Employees on zero hour's contracts are not entitled to Occupational Sick Pay and will only be entitled to Statutory Sick Pay, if they met the qualifying requirements.

4c. Increments

Employees on zero hours contracts may be entitled to increments as relevant to the salary scale for which they are employed on and as defined within the appropriate Whitley council Handbook.

Those employees who are currently employed on fixed hours contracts but also have a contract for zero hours, enabling them to undertake bank work, their incremental date will be the same as that date defined within their fixed hours contract. Thus they will be entitled to receive an increment for both contracts on the same date.

4d Superannuation

Employees on zero hour's contracts are entitled to become a member of the National Health Service (Scotland) Superannuation Scheme. Unless an employee decides to opt out of the scheme, their salary will be superannuable. However, if an employee has a fixed hours contract in addition to their zero hours contract, the number of days superannuable salary for which they are paying contributions cannot exceed 365 days per year.

4e. Record Keeping

Employers to ensure that they keep adequate and appropriate records of the hours worked by employees on Zero hours contracts.

4f. Continuous Employment and Reckonable Service

For Employees employed on zero hours contracts, their continuous employment is determined by their date of commencement with their employer. For the purposes of NHS conditions of service, previous service which is not counted as continuous may be reckoned for those purposes, subject to the rules set out in section 3.3 of the Whitley Council General Terms and Conditions of Service.

#### 4g. Health and Safety

The organisation has a written statement of general policy in terms of the Health and Safety at Work Act 1974. The organisation has a duty to ensure, so far as reasonably practicable, the health, safety and welfare at work of all its employees. Every employee is also under a duty to take reasonable care of themselves and others who may be affected by their activities at work, and to co-operate with their employers and others in meeting statutory requirements. Additionally they are required to report all accidents and to use any safety equipment provided for their protection.

Under the Fire Precautions Act 1971, employees must receive instructions and training on the action to be taken in the event of an emergency. All Zero Hours contracts employees must receive this training on a regular basis, repeated at regular intervals. It is, however, the employees responsibility to ensure they receive the training which is provided regularly by the organisation.

As for any employee, those employees employed on zero hours contracts, have a duty to take reasonable care of themselves and others who may be affected by their activities at work, and to co-operate with their employers and others in meeting statutory requirements.

#### 4h. Training

Employees employed on zero hours contracts are entitled to receive training as commensurable to employees on fixed hours contracts.

#### 4i. Communications

Employers should ensure that those employees employed on zero hours contracts, are communicated to appropriately and as commensurable to employees on fixed hours contracts.

#### 4j. Employees employed with two employers

The Working Time Regulations require employers to take all reasonable steps to ensure that employees do not exceed an average of 48 hours of weekly working time. Such steps would include enquiring whether an employee was working elsewhere or requesting that they be notified of an employee getting other work.

This can be easily done by, including a special box in a time sheet asking whether or not the person has another employer. Provided this question has been asked, the requirement has been carried out, irrespective of whether or not the employee is willing to answer the question. Managers will need to decide how they wish to be notified of an employee getting other work.

Employers would also be responsible for ensuring that they provide adequate rest breaks according to the hours worked for them.

4k. Registration

All staff who are required to register with their appropriate Professional Body are responsible for ensuring that their registration is up to date and in accordance with the regulations laid down by their professional body.

5. Review

This policy will be subject to review.

