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**SUPPORTING THE
WORK-LIFE BALANCE**

Revised: October 2005



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SUPPORTING THE WORK-LIFE BALANCE



Ministerial Foreword

This PIN publication sets important standards designed to retain the skills and experience of all staff in NHSScotland. The NHS Reform (Scotland) Act 2004 enshrined staff governance in legislation, thus giving the fair and effective management of staff equal prominence with the management of clinical and financial standards. It was made clear in 2003 that implementation of PIN publications is a ministerial expectation. The embedding of staff governance in legislation¹ and the inclusion of PIN policy and practice in Agenda for Change terms and conditions for NHS staff now reinforce the fact the implementation of PIN policy and practice is not optional. **All organisations within NHSScotland must meet or exceed best practice outlined in this document.** The model policies should be adapted to suit local needs and reflect local structures and resources, however, any variation from the model should result in the provisions being exceeded for staff. NHS employers must recognise that all PIN publications – new and old – carry the same status.

The Staff Governance Standard gives a clear commitment that staff throughout NHSScotland will be treated fairly and consistently. Explicit in the achievement of this Standard is the implementation of this PIN publication on Supporting the Work-Life Balance. I expect NHSScotland employers to work in partnership to retain the skills and experience of all staff through implementing the provisions in this document. Implementation of these policies and practices helps NHS employers across Scotland to offer a consistently high quality working environment, which in turn enhances organisational ability to recruit and retain staff, and deliver the best quality of services possible.

Performance against the Staff Governance Standard and the implementation of this and other PIN publications will be assessed in partnership using the Self-Assessment Audit Tool and will form an integral part of the Performance Accountability Framework against which NHS Boards, Special Health Boards and their constituent parts will be reviewed.

A handwritten signature in black ink that reads "Andy Kerr". The signature is written in a cursive, flowing style.

Andy Kerr, MSP
Minister for Health and Community Care

¹ through the NHS Reform (Scotland) Act 2004

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DEVELOPMENT GROUP

The group that originally produced the “Family Friendly” PIN is as listed below. They are listed within the role and the organisation that was correct at the time of the original publication of the document.

Convenor:	Taroub Zahran	Organisational Development Manager, Greater Glasgow Primary Care NHS Trust
Secretary:	Kevin Hanlon	Scottish Executive Health Department
Members:	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 General Hospital 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

The review of the “Family Friendly” PIN has been undertaken by the PIN Board.

1. INTRODUCTION

This PIN aims to assist the NHS operate a 24 hour, 365 day service, whilst supporting staff to balance home life with the demands of work. Consistent with this is the need for both the service and its staff to adopt flexible working practices. The ability to work flexibly clearly opens up career opportunities to a greater range of individuals, which in turn leads to development of equality of opportunity.

The model policies which follow offer a menu that can be utilised by a vast range of staff throughout their working lives, and therefore support the work-life balance.

Flexibility and support for the work-life balance are issues critical to the NHS in terms of workforce development, recruitment and retention and maintaining a committed, motivated workforce. Over the next five to ten years and beyond it will be those employers who have implemented policies that encourage such issues who will be successful in recruitment and retention, given known workforce demographics.

We must do all that is necessary to help make the NHS the employer of choice. This PIN is a significant step towards that achievement.

2. MAIN REPORT

2.1 Definition of work-life balance

Throughout their career, individuals will face differing demands on their time and energies at home as well as at work. "Work-life balance" is a concept that applies to all staff - male and female, full- and part-time - who are seeking to achieve a balance between these differing demands.

2.2 Principles and values

Achieving work-life balance within an organisation demands willingness on the part of staff, managers, clinical leaders, and trade union/professional organisation representatives to explore how flexible employment practice can support the organisation as a whole to achieve its objectives. This will challenge all partners to create a fundamental cultural change at all levels.

The principles and values which underpin this are:

- • Managers, clinical leaders, trade union/professional organisation representatives and staff themselves are key in the implementation of work-life balance policies. All partners have a key role and responsibilities in the implementation of policies to ensure transparency and equity in decision-making processes.
- • Staff must take responsibility when making requests for access to the provisions of work-life balance policies, exercising their rights reasonably and doing everything they can to balance their own needs with those of the service, including patients and colleagues.
- • NHS employers must promote and extend equity of access to work-life policies including, in particular, flexible working, thereby contributing to expanded equality of opportunity within NHSScotland.

There are specific responsibilities on employers and employees in this context.

2.2.1 The responsibilities of NHS employers in this context will be to:

- (a) work in partnership with trade unions and professional organisations to put and keep in place policies and procedures that meet or exceed the minimum standards as defined by this PIN document;

- (b) ensure management and trade union representatives at all levels are familiar with agreements and arrangements to support the work-life balance through joint training; and
- (c) audit the implementation of agreements.

2.2.2 The responsibilities of trade unions/professional organisations in this context will be to:

- (a) work in partnership with NHS employers to shape policies and procedures that meet or exceed the minimum standards as defined by this PIN document, recognising that in some cases implementation may best be achieved through an incremental approach; and
- (b) provide appropriate joint training for its representatives in local policy.

2.2.3 The responsibilities of employees in this context will be to:

- (a) recognise that with rights come responsibilities;
- (b) make use of local policy fairly and reasonably; and
- (c) be prepared to agree solutions and working arrangements that take account not only of the individual's needs, but also of the needs of colleagues and the service.

2.3 Legal framework and NHS conditions of service

Employers must ensure that their work-life balance practices are consistent with the requirements of the following legislation. This legislation underpins the model policies provided in this document.

2.3.1 Sex Discrimination Act 1975

This Act legislates against discrimination on the grounds of sex.

2.3.2 Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000)

This Act legislates against discrimination on the grounds of race, which includes a statutory duty to promote race equality by publishing a race equality scheme.

2.3.3 Disability Discrimination Act 1995

This Act legislates against discrimination against an individual on the grounds of disability.

2.3.4 Employment Relations Act 1999

This Act gives employees rights to parental leave and time off for dependants, reviewed and improved maternity, paternity, adoption and fostering rights.

2.3.5 Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000

These Regulations provide a part-time worker with a right not to be treated less favourably than a comparable full-time worker.

2.3.6 Employment Equality (Religion or Belief) Regulations 2003

These Regulations legislate against discrimination on the grounds of religion and belief.

2.3.7 Employment Equality (Sexual Orientation) Regulations 2003

These Regulations legislate against discrimination on the grounds of sexual orientation.

2.3.8 Civil Partnership Act 2004

This Act means that same-sex couples across the UK can have their relationships legally recognised. Any couple that registers a civil partnership will have the same rights as a married couple in areas such as tax, social security, inheritance and workplace benefits.

2.3.9 NHS Reform (Scotland) Act 2004

This Act provides a duty in relation to the management of staff within NHSScotland, which includes a statutory duty on NHS organisations to implement the Staff Governance Standard.

2.3.10 NHS terms and conditions handbook / General Whitley Council handbook

These handbooks contain nationally negotiated terms and conditions of service applicable to NHS staff, and in some cases exceed minimum legal requirements.

2.4 Benefits for NHSScotland

As well as the benefits for staff outlined below, an organisational culture that promotes work-life balance also directly benefits the organisation in the following ways:

① Recruitment

NHSScotland needs to take account of the changing expectations of the workforce and the wider labour market. Trends show that employees and potential recruits will be more likely to choose to work in organisations that can match their own expectations. Flexible working patterns encourage recruitment from a diverse range of applicants.

2 Retention

Evidence indicates that staff are more likely to stay with an organisation where flexible working arrangements are available. Organisations that recognise the needs of staff will reduce wastage of skills, ability and experience as people will remain within the workforce. Work-life balance policies allow employers to reduce turnover rates, which may in turn result in savings on recruitment, training and induction costs. Flexible working opportunities are one of the main reasons women choose to return to work after maternity leave.

3 Quality and effectiveness

Increasing the ability to balance work and life responsibilities has been shown to increase quality of life. In turn, this can lead to increased motivation, greater job satisfaction, improved job performance, increased productivity levels and ultimately improved service delivery.

4 Increased organisational ability to meet service demands

Flexible working increases the ability, through effective workforce planning, to match staff availability with service demand.

5 Reduced absenteeism

Evidence suggests 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 personal responsibilities. This results in a more productive workforce with lower absenteeism costs, which serves to improve the quality of services.

6 Health at work

Work-life balance policies are a key contributor to the reduction of stress at work and the improved wellbeing of staff. More guidance on the management of stress at work is included in the PIN on Managing Health at Work.

7 Equality and inclusion

Work-life balance policies are available to all staff to meet their individual needs and responsibilities, as their circumstances change throughout their working life, thus promoting equality across the workforce.

8 Staff satisfaction

Work-life balance policies provide an opportunity to combine paid work with other activities, allowing for more effective management of work-life responsibilities, leading to a more varied and balanced lifestyle.

2.5 Policy framework

NHS organisations should seek to balance the needs of their staff with the requirements of delivering high quality services for patients. This document includes a number of model policies which aim to help employers identify the most effective means for their organisation to support staff achieve a work-life balance.

2.5.1 Flexible Working

Flexible working encompasses a range of options as listed below.

- ① **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 (Appendix B).
- ② **Career break policy**, which details provision for staff who wish to have longer periods of time off without giving up employment (Appendix C).
- ③ **Reduced working year**, where people work during fixed periods such as the school term and/or during school hours but not during school holidays (Appendix D).
- ④ **Flexible working and self-rostering**, where staff can choose their own start and finish time around fixed core hours, or use periods of work of differing lengths within an agreed overall period, or compress longer working hours into a shorter working week (Appendix E).
- ⑤ **Annualised hours**, where people work a specified number of hours each year, with the hours unevenly distributed throughout the year (Appendix F).
- ⑥ **Home working**, where people work from home for all or part of their hours (Appendix G).
- ⑦ **Phased retiral**, where a person nearing retiral can agree a schedule of reducing hours as they near retiral (Appendix H).

2.5.2 Special Leave

NHS conditions of service provide for staff entitlement to compassionate leave and special leave, and NHS employers must ensure that they have a policy in place in order to address a range of staff needs. The model policy at Appendix I groups these responsibilities to encompass:

- provision to allow a carer to meet their responsibilities for a relative, partner or dependant;
- arrangements for time off when there is for example a serious illness or death of a close relative or dependant;

- arrangements for time off for essential civic and public duties; and
- arrangements for time off to deal with domestic or unforeseen crises.

2.5.3 Parental Policies

- ① **Maternity leave policy**, which details provision for antenatal care and maternity leave (Appendix J).
- ② **Paternity leave**, which details provision for fathers' time off for antenatal appointments and paternity leave (Appendix K).
- ③ **Breastfeeding policy**, which details provision of breastfeeding facilities for mothers returning to work (Appendix L).
- ④ **Parental leave policy**, which details provision for time off work to look after a child or make arrangements for a child's welfare (Appendix M).
- ⑤ **Adoption and fostering guidance**, which details provision for staff who are adopting or fostering children (Appendix N).
- ⑥ **Childcare Guidance**, which offers information on childcare provision or support (Appendix O).

2.6 Implementing work-life balance policies

Successful implementation of work-life balance policies relies on:

2.6.1 Organisational culture

Commitment to work-life balance policies must come explicitly from each NHS organisation. Board members need to recognise and accept their corporate responsibility for developing an organisational culture in which these policies are implemented and meaningful for all staff.

Where organisations feel that service demands challenge this, conscious efforts must be made, in partnership with staff and their representatives, to find a balance through creative and effective solutions. This might include examining individual and departmental workloads, assessing the distribution of work across the organisation, and revisiting organisational priorities where possible.

2.6.2 Strategy, policy and publicity

2.6.2.1 Resources

Each Board has a responsibility to allocate resources to support the development of work-life balance policies where necessary and appropriate.

2.6.2.2 Policy development

Area Partnership Fora or equivalent should lead the development of work-life balance policies and monitor their progress, provide reports to the Staff Governance Committee and link with local partnership structures as appropriate.

2.6.3 Implementation and practice

2.6.3.1 Implementation

In implementing work-life balance policy and practice, Boards should:

- ◦ plan any reorganisation of work;
- ◦ assess contractual implications;
- ◦ identify resource implications associated with the implementation of the policies;
- ◦ agree a timetable for change;
- ◦ pilot new working patterns if necessary;
- ◦ provide clear advice for managers on the range of work-life balance employment options they can offer staff who wish to balance personal and work responsibilities; and
- ◦ regularly review other relevant procedures (such as selection criteria) to ensure that they do not present barriers to those wanting to balance personal and work responsibilities.

2.6.3.2 Raising awareness

Organisations should ensure that existing and new policies are widely and effectively publicised and promoted. A strategy for routinely publicising and promoting work-life balance policies, practices and facilities to all staff should be agreed in partnership. This might include:

- ◦ providing information on work-life balance policies and facilities through recruitment procedures, staff handbooks and induction;
- ◦ using in-house newsletters and annual reports to show how and where progress is being made;
- ◦ promoting good practice internally and externally;
- ◦ communicating the benefits of developing work-life balance initiatives; and
- ◦ revising recruitment and selection procedures to ensure that flexible working arrangements are positively promoted - for example, by making it clear in advertising that flexible employment opportunities are offered.

2.6.3.3 Training

Delivery of policy must be supported through appropriate and comprehensive training and development of those who have responsibility for its implementation.

2.7 Outcomes and success criteria

The Staff Governance Self-Assessment Audit Tool offers a clear structure within which organisations can measure their progress in relation to the Standard. The fourth arm of the Staff Governance Standard requires staff in NHSScotland to be treated fairly and consistently, and implementation of PIN policy is part of the self-assessment criteria used to measure this element of the Standard.

Measurement against the Standard is carried out by the Area Partnership Forum or equivalent, which then produces an action plan for the approval of the Staff Governance Committee, and completes mandatory quantitative (statistical) and qualitative returns which are audited by external auditors appointed by Audit Scotland. This information is then used in the Annual Review process by the Scottish Executive Health Department. The role of trade union/professional organisation representatives is key to this process, and incorporated in legislation.

The extent to which NHS employers' work-life balance policies have been successfully implemented can be measured through the following indicators:

- recruitment levels and the organisation's ability to fill vacancies (this might be measured by the length of time taken to fill vacancies);
- equity of access to policies that support a work-life balance, to training opportunities and to promoted posts;
- retention and staff turnover levels – retention of staff should be increased as demonstrated by reduced turnover rates;
- increased quality and effectiveness of service delivery as the potential for staff stress due to managing competing priorities is reduced;
- sickness absence levels – an effective special leave policy, for example, will mean that staff do not take sick leave to manage domestic responsibilities;
- change of culture to one in which a long-hours culture is discouraged;
- robust and effective monitoring;
- organisational reputation – status as a good employer with supported, well-trained managers implementing policies that work to the benefit of staff, the organisation and ultimately patients and users of services.

There are clear cost benefits associated with this, although it is recognised that such significant cultural change will not be achieved overnight. Nonetheless, it is important that NHS Boards and Special Health Boards take an incremental approach in order to realise long-term benefits.

APPENDIX A: PROCEDURE FOR MANAGING FLEXIBLE WORKING REQUESTS

1 Introduction

All individual applications for flexible working must be made on the Flexible Working Application Form attached at Annex 1. The completed form should then be submitted to the employee's line manager. This application should be acknowledged in writing by the line manager (see Annex 2).

There are two exceptions to this: the procedure for women returning from maternity leave who wish to job share is described in the model job share policy, and the procedure for introducing annualised hours is described within the annualised hours policy.

2 Submitting a Flexible Working Application Form

The following procedure must be followed:

2.1 Initial Meeting

The line manager will hold a meeting with the employee to discuss the application within 28 days of the date on which the application was received. Where the circumstances warrant it, this period can be extended by mutual agreement.

2.2 Communication after Initial Meeting

The manager will inform the employee of their decision in writing within 14 days of the date of the initial meeting.

2.3 Request accepted

If the request is accepted, the line manager must confirm this in writing to the employee, specifying the new working pattern and the date from which it will take effect. The line manager must also complete a Change Form for the Payroll Department.

2.4 Request unsuccessful

Non-acceptance of an application for flexible working can only be for valid and objective service/operational reasons and the line manager must, therefore, confirm these reasons in writing to the employee [Annex 2].

The employee should also be provided with details of the formal appeal procedure.

There is also the provision that, before progressing to appeal, it may be preferable for the manager and the employee to seek advice on resolving the matter from an appropriate member of the HR team and a Staff Side Representative. This approach will not preclude the employee's right to raise a formal appeal in the event that they consider that the matter has not been satisfactorily resolved.

3 Appeal Procedure

A member of staff can appeal against the decision to refuse their application by submitting a Notice of Appeal form [Annex 3] to the HR team within 14 days of receiving written confirmation that their application for flexible working has not been successful. The notice of appeal must be dated and clearly set out the grounds of appeal.

3.1 Appeal Hearing

A hearing will be held to discuss the appeal within 14 days of the Notice of Appeal form being received by the HR team. The Appeal Panel will consist of a manager who is at a more senior level than the manager who made the original decision and a member of the HR Team, neither of whom should have been involved in making the original decision.

N.B. A hearing will not be required where, within 14 days of the Notice of Appeal form being received by the HR team, the matter has been satisfactorily resolved informally as outlined above.

3.2 Notice of the Decision

The employee will be informed, in writing, of the outcome of the appeal within 14 days of the hearing.

Where the appeal is upheld, the notice of the decision will specify the new agreed working pattern and the date on which it will take effect. The line manager must also complete a Change Form for the Payroll Department.

Where the appeal is unsuccessful, the notice of the decision will state the grounds for the decision and an explanation of the reason that these grounds were found to apply.

The Appeal Panel may refer the matter back to the line manager for reconsideration if it is felt that new factors that need to be taken into account have emerged.

3.3 Extension of time limits

The above times can be extended but only if both parties agree in writing to an extension.

3.4 Representation

Employees are entitled to be represented by a trade union or professional organisation representative (including full-time Trade Union Officers), a fellow member of staff, or a friend or relative not acting in a legal capacity, at all stages of the procedure.

3.5 Service Reasons for Refusing a Request

An application can only be refused for valid and objective service/operational reasons where it is considered that a change to the employee's work pattern would:

- create an unacceptable additional burden of cost;
- have a detrimental effect on the organisation's ability to meet a service demand;
- have a detrimental impact on service quality;
- have a detrimental impact on the performance of either the organisation or the employee;
- result in an inability on the part of the organisation to re-organise the work of other staff;
- result in an inability on the part of the organisation to recruit additional staff; or
- include periods where there would, regularly, be insufficient work for the employee to undertake.

In addition, there may be occasions where planned organisational changes, or government legislation, might make it impracticable for the organisation to accede to an employee's request for flexible working.

3.6 Withdrawal of Application

The organisation will treat an application as withdrawn if the employee has:

- notified their manager in writing that their application is being withdrawn;
- failed, without reasonable cause, to attend a meeting/ Appeal Hearing convened under the procedure on more than one occasion; or
- refused, without reasonable cause, to provide information which the organisation considers necessary to assess whether the employee's request to work flexibly should be granted.

The withdrawal of the application will be confirmed in writing to the employee.

APPENDIX A, ANNEX 1**Flexible Working Application Form****1 Personal Details**

Name

Job title

Payroll number

Department

Location

2 Describe your current working pattern below, i.e. days/nights/hours/times worked:**3 Describe the working pattern you wish to work in future below, i.e. days/nights/hours/times worked:****4 I would like this working pattern to start from: _____**

5 Impact of the new working pattern

Please give details of how you think the requested work pattern will affect the department:

6 Accommodating the new work pattern

How do you think this can be managed/resolved?

I hereby apply to work a flexible working pattern that is different from my current working pattern and confirm that I meet the following eligibility criteria:

- I have been continuously employed by this organisation for at least 26 weeks at the date of application; and
- I am not an agency worker; and
- I have not made another application to work flexibly during the past 12 months; or
- I have made other applications to work flexibly during the past 12 months, but circumstances have changed which I have detailed in 5 above.

Applicant's signature _____ **Date** _____

APPENDIX A, ANNEX 2

Confirmation of receipt of a Flexible Working Application Form

(To be completed by the line manager and returned to the employee)

Dear

I confirm receipt of your completed Flexible Working Application Form dated _____.

I will arrange a meeting with you within 28 days of the date of your application in order to discuss it with you. In the meantime you may wish to consider whether you wish to be accompanied at that meeting by a Trade Union/Staff Side representative, a colleague or a friend/relative not acting in a legal capacity.

Please let me know, as soon as possible, if you will be accompanied in order that I can include your representative in the arrangements for the meeting.

Yours sincerely,

Confirmation that a Flexible Working application has been unsuccessful

(To be completed by the line manager and returned to the employee)

Dear

Following our meeting on _____ at which we discussed your application for flexible working, I have now considered your application and regret that I am unable to accommodate your request for the following service/operational reason(s):

This (these) reason(s) apply in the circumstances because:

[The line manager should also explain here why any other work patterns that may have been discussed at the meeting were inappropriate.]

You have the right to appeal against this decision by completing the attached Flexible Working Appeal Form, clearly stating your grounds of appeal and sending this to _____ (name) of the Human Resources Team at _____ (address).

Receipt of your Appeal Form will be acknowledged in writing and a hearing to consider your appeal will be held within 14 days of receipt of the form.

You will be notified of the outcome of your appeal within 14 days of the hearing.

Yours sincerely,

APPENDIX B: MODEL JOB SHARE POLICY

1 Introduction

This organisation is committed to equal opportunities and the promotion of flexible, employee-friendly working practices for all members of staff. By implementing this job share policy, the organisation aims to create an environment which will allow all employees to utilise their skills, talents and experience and thereby allow it to both recruit and retain a well motivated and committed workforce.

This organisation will actively promote job sharing by ensuring that all job advertisements state that applications will be welcomed from candidates seeking a job share opportunity.

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

Job share is designed to increase the variety and seniority of work available to those not seeking full-time employment, without reducing the number of full-time jobs in the organisational structure. It is intended to:

- increase the pool of labour from which the organisation can draw staff;
- increase employment opportunities for people committed to caring for children, partners, or other relatives;
- make it easier for employees returning from maternity leave to cope with career and family, thus retaining the benefits of their skills and experience;
- enable existing employees to reduce working hours (e.g. for personal/domestic reasons; as a pre-retirement option, etc);
- improve possibilities of career development for people who do not work full-time;
- allow employees to broaden their experience and increase job satisfaction by undertaking a wider range of responsibilities at work; and
- allow employees to pursue outside interests.

2 How Job Share Might Arise

Job sharing can be introduced into a post in a number of ways:

- An existing employee formally applying to management for a job share arrangement to be agreed in respect of the post they occupy.
- An internal application being made by one member of staff to share a post.
- A joint internal application being made by two or more existing employees as a unit to share a post.
- An external application being made by a candidate to job share a post.
- A joint external application being made by two candidates as a unit to job share a post.
- Two or more separate applications being made, whether internal or external, which can be matched together to form a job share unit.

3 General Principles

3.1 Eligibility

The opportunity to request a job share is open to all members of staff, as well as to prospective members of staff, irrespective of the grade or level of the post.

3.2 Sharing of Duties

The sharing of the duties and responsibilities of a post may take several forms. The aim in all cases is to ensure the most efficient means of operation. Division may be into projects, tasks, clients or merely time, as the case may be.

Great care should be taken not to confuse working arrangements with the job description. Although the duties may be divided, the overall responsibility must be shared. One partner should not be able to monopolise the most prestigious areas of work.

The partners should always be in a position to claim that at some time each had fulfilled the duties and responsibilities of the whole post.

Hours should be organised to suit both the service and the employees. However, it is understood that the hours/days/weeks agreed with either job sharer should always be such that should a part vacancy occur, the working arrangement to be advertised will form a sufficiently viable package to attract new applicants.

3.3 Women Returning From Maternity Leave

Women returning from maternity leave particularly benefit from job sharing. It may enable them to adjust their work patterns to

their new domestic responsibilities. It will mean that the organisation will retain their services and the skills that may otherwise be lost. For those employees who are on maternity leave and who wish to job share the following procedure applies.

- An individual should notify their manager at the earliest opportunity (but at least two months prior to the return to work date) of their wish to job share. This notification requirement must be made clear to the employee before she commences maternity leave.
- If the job is felt to be unsuitable for job sharing the manager will seek to find an agreed alternative job share. Two months prior to returning from paid maternity leave the employee will receive copies of the organisation's Jobs Bulletin and can apply for job share vacancies.
- The employee may wish to consider the use of unpaid maternity leave to allow the manager more time to find a suitable job share. The requirement to return for three months to retain maternity pay applies equally to women returning from maternity leave on a job share basis and will commence at the date of return.

4 Terms and Conditions

The general spirit and intention of the scheme is that all terms and conditions of service should be applicable to job sharers on a pro-rata basis.

4.1 Contract of employment

Each partner to a job share will hold an individual contract of employment. The postholder's job title will be that given to the established post with the endorsement "(job share)" – for example: "Medical Secretary (job share)".

The hours to be worked will be individually stated for each partner to the job share.

4.2 Rate of Pay

Pay rate will be pro-rata to the salary grade for the number of hours worked. Commencing salary and increments will be determined in accordance with NHS terms and conditions.

4.3 Annual Leave

The standard annual leave entitlement under NHS terms and conditions of service will apply pro-rata to the number of hours/ days worked.

4.4 Public and Extra Statutory Holidays

Public and statutory holidays will be agreed between the job share partners and their line manager to ensure that a pro-rata division is maintained and legislative entitlements honoured.

4.5 Sick Pay

Job sharers shall have applied to them the provisions of the appropriate NHS terms and conditions of service pro-rata to the number of hours worked.

4.6 Maternity Leave

Job sharers shall be entitled to the appropriate NHS terms and conditions relating to maternity leave. Payment will be applied on a pro-rata basis.

4.7 Changeover/Overlap Arrangements

Where continuity is regarded as an essential requirement of the job share, such arrangements must be achieved within the normal established total hours, subject to management discretion.

4.8 Car Allowances

Entitlement to car allowances will be determined according to the nature of the post. Full entitlement will be payable to each car user.

4.9 Car Leasing

Individual job sharers who are eligible can apply for a car under the organisation's leasing scheme.

4.10 Superannuation

All job sharers will be able to join the NHS Superannuation Scheme. However, because job sharers are on reduced pay this also means that they will pay less into the fund and in turn will get lower pension benefits for the period of the job share. Job sharers should consult the Scottish Public Pensions Agency to discuss their particular circumstances.

4.11 Overtime

Overtime will be payable if an individual job sharer works more than the full time hours per week for the post (following management approval).

4.12 Training

Job sharers shall have access to training opportunities on the same basis as full-time employees with respect to day release qualification courses, e.g. if a course requires full day release, half a

day shall then be credited to working time and half a day shall be taken in the job sharer's own time.

In respect of work-related training courses, job sharers will be paid only where attendance coincides with their normal working hours. However, where training takes place on a day when a sharer does not normally work they should be allowed time off in lieu.

4.13 Notice Periods

Normal notice periods will apply.

5 Selection Procedure

Where a job share request is approved, the post holder will continue at full time hours until a job share partner is found. If a job share appointment to the "part" vacancy cannot be made within three months from the day of the first advertisement, the post holder will remain at full time and the job share cannot be progressed. Under these circumstances, full consultation will take place with the job sharer and his/her trade union/professional organisation representative and attempts would be made to redeploy the remaining job sharer into another suitable post.

Where a job share is approved, it will be the responsibility of those involved in the selection process to ensure that the skills and the experience of the prospective job sharers are sufficient to undertake the full duties of the post, as detailed in the person specification.

Each job share applicant will be required to complete an application form for the post and each shortlisted candidate will be interviewed separately in accordance with normal recruitment practice.

Where appropriate, according to the nature of the post, job sharers seeking a partner through advertisement will be given the opportunity to meet shortlisted applicants before the interview. This will in no way constitute part of the recruitment process.

Job sharers shall be treated in the same way as full-time employees in relation to promotional opportunities.

6 Termination/Resignation

In the event of the resignation of one job share partner, the vacancy shall not be advertised until the remaining sharers have been offered the opportunity to take up the remaining hours.

7 Working Arrangements

There are various ways in which the working week may be divided for job sharers. Possible options include working on a half day basis, a half weekly basis or alternating days. As far as possible, working hours must be agreed by both job sharers and line management. In normal circumstances job sharers will not be required to cover their partner's absences, though they may opt to do so in specific instances.

The working patterns of job sharers shall not be altered without full consultation and after attempts have been made to reach agreement.

8 Individual Responsibility

Each job sharer is responsible individually for the satisfactory performance of his/her own duties. They are not responsible for their partner's conduct and capability and, for the purposes of the disciplinary and grievance procedures, job sharers will be treated individually.

9 Monitoring, Review and Evaluation

This policy will be monitored, reviewed and evaluated every two years by the Area Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

APPENDIX C: MODEL CAREER BREAK POLICY

1 Introduction

This organisation is committed to equal opportunities and the promotion of flexible, employee-friendly work practice opportunities for all members of staff. By implementing this career break policy the organisation aims to create an environment which will allow all employees to utilise their skills, talents and expertise and thereby allow it to both recruit and retain a well motivated and committed workforce.

The purpose of the career break policy is to allow staff an opportunity to leave their employment on a long-term basis (normally between one to five years), mainly to undertake further education or to fulfil domestic commitments. The policy will enable staff to keep up to date during their career break and help them return to work at the end of the break.

Arrangements for those participating in Voluntary Service Overseas (VSO) or equivalent are different, and separate policy should be applied for those taking a career break for this reason.

2 Definition

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

3 Purpose

The policy 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 a course of further education, bringing up children or having cared for a dependent relative. A career break will not be allowed for the purpose of taking up alternative employment.

4 Eligibility

All staff must have a least 12 months' service with the organisation to be eligible to take a career break.

Some examples of where applications could apply are in the context of:

- caring for a dependent relative;
- continuing childcare following a period of maternity leave; or
- undergoing further education and training of benefit to the organisation.

Each application will be considered on the merits of the individual case and, where possible, 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 or delayed, clearly explaining the reasons for doing so.

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 the Area Partnership Forum or equivalent.

5 Duration of Career Break

The maximum period for a career break is five years. A member of staff may, however, make a number of breaks throughout their employment provided that the total periods of absence do not exceed five 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 using the agreed Flexible Working Application Form. Applications should be made at least three months before starting 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 HR department which requires an agreement to abide by the terms and conditions of the career break.
- 6.4 Managers will be reminded by the HR department at the end of each financial year of their need to ensure that staff on career breaks have complied with the minimum 10 days' work requirement.
- 6.5 All documentation in relation to the policy is available from HR.

7 Employee Commitment

- 7.1 Employees are expected to fulfil the following requirements while on a career break. The purpose of this is to maintain his/her skills, knowledge and expertise to enable a smooth transition back to work. In particular, s/he is required to make him/herself available, as deemed necessary, to undertake a minimum of two weeks' paid employment per annum, as agreed with their Head of Department. This may include:
- attending any seminars or meetings to which s/he is invited by the organisation;
 - maintaining his/her professional membership or state registration where this is required for employment purposes;
 - keeping knowledge updated by reading relevant professional journals and attending professional meetings, journal clubs, etc; and
 - attending a minimum number of training sessions, as agreed with the head of department to update and refresh her/his knowledge and skills.
- 7.2 Employees who participate in the scheme will be obliged to advise their manager of any changes in circumstances, such as home address.
- 7.3 If the career break lasts for more than one year, employees must notify their manager of their intention to continue the break at least three months prior to the end of each year.

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 three 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 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 HR.
- 9.3 If, before starting 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 return 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

10.1 General Conditions

- 10.1.1 A period of absence on a career break shall not be regarded as a break in service for NHS continuous service purposes, although the break will not itself count as reckonable service. For the purposes of the Employment Rights Act 1996 the period of absence will not be regarded as continuous service.
- 10.1.2 Periods of paid employment during the break will count as reckonable service.
- 10.1.3 As an employee has continuous employment whilst on a career break, any entitlements accrued prior to the break will not be lost.

10.2 Superannuation

- 10.2.1 Maintenance of superannuation contributions while on a career break is only possible for members of staff who are

taking a break of one year, or less. As the career break constitutes continuous service, superannuation contributions will be maintained for those on a career break of less than one year.

10.2.2 For those employees who take a career break of longer than one year, superannuation contributions will only be deducted in respect of the 10 days per annum (or pro-rated period) that they undertake paid work for the organisation. This will ensure that they remain members of the superannuation scheme during the course of their career break and will be eligible for benefits.

10.2.3 When a member of staff returns to work following a career break, their superannuation contributions for the unpaid period will be deducted from subsequent pay over a corresponding period. Any tax rebate to which the member of staff is entitled as a result of their career break may be used to offset superannuation arrears.

10.3 Lease Cars

A member of staff who is provided with a lease car will be required to return the car to the Car Leasing Section for the period of their career break if it has a scheduled duration of over 12 months.

However, as the full leasing cost of the vehicle will be borne by the employee if it is retained during a career break, s/he is advised to discuss the matter with a member of the Car Leasing Team prior to embarking upon such a break.

In the event of a lease vehicle being returned, a termination fee may apply.

10.4 Organisational Change

The Organisational Change policy will apply equally to employees on career break and, consequently, where redeployment attempts are unsuccessful normal redundancy procedures will apply.

Redundancy payments will be calculated in accordance with NHS Terms and Conditions.

10.5 Sick Leave

Employees on a career break are not entitled to receive sick pay except during the 10 days of paid employment which they are required to undertake each year.

10.6 Annual Leave

Employees on a career break will only accrue annual leave for any paid employment carried out for the organisation during their career break (as described at 7.1).

10.7 Maternity

A member of staff who discovers that she is pregnant during the course of her career break should seek advice from HR at the earliest opportunity to ensure that she receives appropriate maternity benefits.

11 Monitoring, Review and Evaluation

This policy will be monitored reviewed and evaluated every two years by the Area Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

APPENDIX D: MODEL REDUCED WORKING YEAR POLICY

1 Introduction

This organisation is committed to equal opportunities and the promotion of flexible employee-friendly work practice opportunities for all its staff. By implementing this 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.

2 Definition

Flexible working in the form of a reduced working year can take a number of forms. One of the most common examples is that of term-time working, which is a formal agreement whereby the duties and responsibilities of a post are carried out (either full-time or part-time) during school terms. It allows employees to remain on a permanent contract and gives them unpaid leave during school holidays. The salary of the post is reduced proportionately to the hours worked by the post-holder. These principles would apply regardless of whether a reduced working year contract is explicitly linked to school terms or not.

A reduced working year represents an opportunity for staff to work during certain agreed periods of the year while maintaining their career prospects and personal development.

3 Operation of the Policy

An application to request a reduced working year contract 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 a reduced working year contract, a full explanation will be given by the line manager.

Employees on reduced working year contracts are expected to take their contractual entitlement to paid annual leave during pre-agreed periods of leave (such as the school holidays). Subject to local agreement, a maximum of five days' contractual paid leave may be held to be taken with prior notice at times outwith holiday periods for needs which may arise from time to time.

Each employee must agree with their manager how much additional unpaid leave is required to cover the leave period and when exactly paid leave will be taken. These arrangements should be made at the start of the reduced working year agreement.

4 Calculation of Pay

There are two options available for payment of staff who work reduced working year contracts. Option 1 allows for twelve equal payments over the year to be made using a formula to deduct monies due for unpaid leave. Option 2 makes payments to staff on the basis of what they actually work and deductions for periods of unpaid leave.

4.1 Option 1

Once an employee has agreed with their manager how much unpaid leave will be taken, their paid annual leave allocation (this will include public holidays due on a pro rata basis) will be recalculated. This calculation will take account of the unpaid period of leave (no annual leave will be accrued during unpaid leave).

Following this calculation the annual salary will be calculated on a pro-rata basis for the period of paid employment. This figure will then be paid in twelve equal payments throughout the year.

4.2 Option 2

Once an employee has agreed with their line manager how much unpaid leave will be taken and when, the line manager must inform payroll. The necessary deductions to pay for the periods of unpaid leave will be made the month they occur.

5 Review

This policy will be reviewed every two years by the Area Partnership Forum or equivalent.

APPENDIX E: MODEL FLEXIBLE WORKING POLICY

1 Introduction

This organisation, being an employer committed to the principles of work/life balance, recognises that, as one of a range of options, this Flexible Working agreement gives staff some discretion in their starting and finishing times each day. This agreement details the procedure for requesting flexible working, and describes two types of flexible working:

- Flexi-time; and
- Self-rostering.

Other types of flexible working which may be used (but are not referred to in this policy) include voluntary hours and the compressed working week.

2 Right to request flexible working

All employees who meet the eligibility criteria outlined in Section 2.3 below have the right to request flexible working.

2.1 Scope

Eligible employees are able to request:

- a change to the hours they work;
- a change to the times when they are required to work; or
- a change to the place they are required to work.

An acceptance of an employee's request for flexible working will result in a permanent change to that employee's terms and conditions of employment (unless otherwise agreed). The employee has no right to revert back to the previous working pattern.

2.2 Eligibility

To be eligible to make a request, the employee must:

- have been continuously employed by this organisation for at least 26 weeks at the date of application;
- not be an agency worker; and

- not have made another application to work flexibly during the previous 12 months. This does not preclude a manager agreeing with an employee that their request can be sanctioned within that time period in circumstances where the request was originally refused, but the work environment can now sustain the change requested.

2.3 Application

An employee can only make one application for flexible working in any 12 month period from the date on which any previous application was made.

3 Flexi-time

3.1 Hours of Duty

Core working time falls between [enter time] each [enter days of week] with a minimum of 20 minutes and a maximum of two hours for a lunch break, taken between [enter times].

Each member of staff will have discretion within agreed limits to work 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. Staff will normally work their contracted hours during this bandwidth, and working outside this bandwidth will only be allowed if authorised by direct line manager [or other named person].

3.2 Personal Appointments

Members of staff making appointments with GPs, dentists or opticians, etc are expected to ensure that wherever possible these take place outwith core times.

On occasions it may be necessary to take these appointments during core time as hospital appointments, for example, may not be within the control of the individual. These appointments will be regarded as time on duty but must nevertheless be sanctioned by the departmental manager and recorded as 'absent on business'.

If the appointment is likely to be for more than half a day, it should be taken as special leave and, as such, must be authorised by the individual's departmental manager.

3.3 Settlement Period

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

Debit or credit up to [enter number of hours] may be carried forward to the next settlement period. During the settlement period a whole day or two 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 is needed in order that staffing levels can be maintained.

3.4 Record of Hours Worked

Each employee will use appropriate documentation to record their own time when starting and leaving work, including lunch breaks. 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.

3.5 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].

3.6. Leave

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

3.7 Overtime

Staff who are required by their manager to work more than 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] a.m. and [x] p.m., 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 overtime rates according to NHS terms and conditions of service. Any flexi/time back not taken after three months should be paid as overtime, in line with NHS terms and conditions of service.

3.8 Part-time Staff

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

4 Self-rostering

4.1 Definition

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. Self-rostering can lend itself to all staff groups within the NHS, and works best in a large mixed team where there is a variety of personal circumstances among staff, and different preferences about work patterns.

4.2 Benefits of team-based self-rostering

4.2.1 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 and family care arrangements;
- opting for fewer, longer shifts where appropriate (within the requirements of the Working Time Regulations);
- being able to attend appointments without losing a whole shift; and
- more discretion to be at work for significant events in patient care.

4.2.2 Benefits for the organisation include:

- potential conflicts and tensions over shift allocation may be diffused;
- a better match between staffing levels and delivery of care;
- development of stronger team spirit;

- an opportunity to review the match between staff resources/care needs, and the potential for new care initiatives, such as evening and weekend clinics, extra theatre sessions, etc;
- improved retention of staff (once staff have worked in a self-roster environment, very few want to give it up); and
- reduced reliance on agency/bank staff.

4.2.3 Benefits for patients and users include:

- 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.

4.3 Implementation Guidelines

There is no single way to structure a project to introduce self-rostering that will prove successful for all. However, the following critical success factors have been identified:

4.3.1 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.

4.3.2 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?

4.3.3 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; and
- agreed limits as to how much time owed or time owing can accrue to each team member.

4.3.4 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?

4.3.5 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. Various 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 existing organisational IT systems?
- Is IT support available?
- Who will be responsible for putting in the time it takes to prepare a roster manually from information supplied?

4.3.6 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?
- What has been staff's uptake of the scheme?
- 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.

4.3.7 Implement and monitor

Given that problems identified in the trial can be resolved, the scheme can be carried forward, but 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; and
- managers with good leadership skills.

4.4 Earnings

Any intention to alter pay through changing shift patterns should be negotiated through the normal channels, to avoid rejection of a system that would suit both staff and the organisation. Increased flexibility may take some staff into periods that attract enhanced payments.

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.

4.5 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; and
- 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.

APPENDIX F: ANNUALISED HOURS

1 Introduction

Annualised 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. Annualised hours working can offer a flexible and efficient way of deploying staff by matching staffing levels more closely with variances in workload. For staff, annualised 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.

2 Benefits of annualised hours systems

2.1 Flexibility and staff and employer satisfaction

This is one of the primary reasons for implementing an annualised hours system. For staff, annualised 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 workload with staff availability.

2.2 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 annualised hours working may be beneficial in support services, administration and other clinical disciplines.

2.3 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 annualised 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 peaks and troughs in workload.

2.4 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 annualised 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.

2.5 Effective patient care

Evidence from the private sector suggests that productivity is better and performance more effective. For the NHS the use of annualised 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-life balance.

2.6 Organisational change

Annualised 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.

2.7 Reductions in absenteeism

It has been documented that lower absenteeism and sickness have resulted due to improved flexibility for staff, affording them the opportunity to better match their hours worked/off to their home needs.

2.8 Simplified pay administration

Staff are paid the same monthly salary throughout the year regardless of the exact number of hours they work each month.

3 Drawbacks of annualised hours working

3.1 Development of an annualised 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 annualised hours system accordingly. It is unlikely therefore to offer an "off the shelf" policy for flexible working.

3.2 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" at section 4 below). In addition for many staff annualised hours working offers the security of a guaranteed amount of salary, reduced working hours, pre-set holidays and sensible breaks between the hours worked.

3.3 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.

3.4 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.

4 Implementation

Annualised 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; or
- staff from other wards are needed to "help out".

Annualised hours working may be appropriate in a range of other settings but the above circumstances describe where an annualised 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.

4.1 Starting the project

4.1.1 Partnership

It is essential that plans to introduce annualised 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.

4.1.2 Gathering data

Information on both patients/service activity and staff is required to allow the design of the annualised 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.

4.1.3 Analysing data

To assess whether or not annualised 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 annualised hours system.

From the perspective of staff, an annualised hours contract may be requested by only one or two staff for whom such a system would provide the opportunity to have a better

work-life 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.

4.2 Designing the system

It is recommended that annualised 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. Pilot areas may have only a small number of staff on annualised hours contracts and need not necessarily involve whole teams.

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.

4.2.1 Calculating hours to be worked

Annualised hours contracts are equally appropriate for all grades of staff wishing to work full-time and part-time hours.

A full-time nurse, for example, would be contracted to work 1955 hours on an annualised hours contract (based on a 37.5 hour full-time working week for nurses). This number of hours will include annual leave and public holiday allocation appropriate to that member of staff.

Maximum and minimum working hours per week are also agreed within the 48 hours (set by the Working Time Regulations) 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 number of hours, for example, 30 hours, 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.

4.2.2 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 be at home, and credit for on-call duty should be given in accordance with terms and conditions specified under Agenda for Change. 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.

4.2.3 Stand down arrangements

Guidelines need to be developed appropriate to the service area to provide for standing down 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 two hours of their shift and is then stood down, they could be given credit for one hour, i.e. three hours in total. There is no benefit to standing staff down less than two hours before the end of their shift, as they would still be entitled to an hour's credit.

4.2.4 Salary arrangements

Where annualised hours systems have been implemented, arrangements for calculation of enhanced payments (for example 15% of salary) are 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 annualised 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.

4.2.5 Sickness absence

Various arrangements are possible under annualised 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. Examples include:

- • 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;

- where staff are rostered to work and comply with the usual procedures, they receive 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; and
- for longer term absences of 10 days or more, annualised hours recording is suspended and payment is made on the basis of sick pay.

4.2.6 Contract of employment

An annualised hours contract should include confirmation of the duration of the pilot, and confirm the fact that a member of staff's participation in the annualised hours system and the individual's right to revert to their original terms and conditions is voluntary. It should also 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.

5 Evaluation

Ongoing 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 and the need for bank/agency staff.

APPENDIX F, Annex 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 two 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 the 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 annualised 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 is 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.

APPENDIX G: MODEL HOME WORKING POLICY

1 Applicability and Definitions

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

1.1 Working at Home (see Section 4)

This is 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 the employer's premises.

Sections 1-4 only of this policy apply. The annexes do not apply.

1.2 Working from Home (see Section 5)

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 section 4. Annexes 1 to 3 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 workforce to ensure no direct or indirect discrimination takes place.

This policy should be read in conjunction with the organisation's Equal Opportunities policy.

3 Rationale

There are a number of reasons why homeworking, and working at home is desirable, including:

- providing greater flexibility;

- increasing scope to meet the organisation's commitment to equal opportunities, e.g. it may enable a person with disabilities to do a job they otherwise would not be able to do;
- reducing energy consumption and pollution from unnecessary car journeys;
- broadening the traditional recruitment market and gaining access to alternative labour markets;
- attracting and retaining staff;
- providing a working environment which enables work to be carried out effectively and efficiently.

Key points to bear in mind are that:

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

4 Working at Home

4.1 Definition

'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.

4.2 Guidance for working at home:

- Working at home should be used to undertake specific work activities.
- Frequency and duration of working at home should be agreed with the manager and relevant colleagues.
- Reasonable notice of a wish to work at home must be given.
- 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.
- Staff working at home may be recalled to work premises at short notice.
- In cases where staff working at home are frequently recalled to work premises at short notice, working arrangements should be reviewed.

- Individuals and colleagues/managers should jointly monitor the impact of time spent working at home.
- 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.
- Perceived problems caused by staff working at home should be addressed within departments and/or teams.
- Staff working at home must be contactable by telephone.
- 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 workplace.

5 Working from home (Homeworkers/Teleworkers)

5.1 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.

5.2 Criteria to determine suitable posts

The manager and HR representative 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

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

Stage 2: Health and Safety Assessment

Individuals who are planning to work from home should complete the attached self-assessment form

(Annex 1) to ascertain whether the home needs to be assessed by a risk assessor. 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 Annex 2.

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.:

- • competency to deliver the role effectively without supervision;
- • understanding of the impact of homeworking on the home environment;
- • self-motivation, self-discipline and possession of good time management skills;
- • clarity of role, deadlines and objectives with feedback;
- • clarity of personal development plan and monitoring arrangements.

The above selection criteria will be reviewed according to the needs of the service, and may vary dependent on the specific job roles.

5.3 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.

- 5.3.1** The manager should ensure that each homeworker has the opportunity to meet and discuss ideas at least once a week.
- 5.3.2** 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.
- 5.3.3** Clear objectives are required with specific targets and the organisation of work into a series of a 'deliverable' segments.

- 5.3.4 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.
- 5.3.5 Homeworkers shall be supplied with relevant I.T. support, e.g. e-mail, telephone conference facilities, computer, etc to allow them to work effectively.

5.4 Terms and Conditions of Employment

The terms and conditions set out below must be agreed before homeworking begins.

5.4.1 Place of Work

- 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.
- 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.
- 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.
- 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.
- The organisation, by prior appointment, has the right to enter the employee's 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.

5.4.2 Hours of Work

Hours of work will be as for staff based in work premises.

5.4.3 Domestic Arrangements

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 homeworker's hours of work.

5.4.4 Reimbursement of Expenses

Reimbursement of business travel costs will be based on the home address as the normal place of work and will be in line with organisational policy.

5.5 Equipment and Workstation

- The organisation will provide, for homeworkers, equipment as outlined and agreed as 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 excepted, and for reporting any damage or malfunction to the line manager.
- The homeworker shall be responsible for ensuring that equipment and furniture purchased meets health and safety requirements as outlined within Annex 2.
- 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 organisation's 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.
- 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.

- 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 Disability Employment Adviser to advise on equipment available under the access to work scheme.

6 Taxation and Insurance Arrangements

- 6.1 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.
- 6.2 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 employee's home). However, homeworkers may contact the Inland Revenue to confirm their individual circumstances.
- 6.3 Insurance arrangements are a joint responsibility between the employee and the employer. Homeowners must provide evidence of adequate insurance cover prior to commencing homeworking.

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. The line manager will take a compassionate approach to requests made due to exceptional personal circumstances.

Homeworkers will be required to co-operate in enabling the organisation's property to be removed upon termination of employment.

8 Monitoring and Review

'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.

APPENDIX G, Annex 1: Health and Safety Audit: Homeworker's Self Assessment

This form must be completed by the individual planning to work from home and be counter-signed by their manager. 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 a risk assessor. This form should be completed and returned to HR before the organisation agrees to a member of staff working from home.

Name			
Address			
Telephone No			
Department			
Job Title	Please forward a copy of your job description with this completed form		
		<i>Please tick appropriate box</i>	
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 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, and suitable lighting within the home to perform the role effectively and in 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 homebase?		
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 adequate for homeworking? e.g. are there sufficient sockets, etc? <i>(Consult a qualified electrician if necessary)</i>	Yes	No
If you believe there is additional information we may require in relation to health and safety issues of working at home, please set this out below.			

APPENDIX G, Annex 2: Homeworking Health and Safety Issues

In accordance with Section 2(1) of the Health & Safety at Work etc. Act 1974 ("HASAWA") 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; and
- (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 (Annex 1). 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 the employer, the homeworker's 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 (PUWER) 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 out 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 homeworker's 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 is 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 the organisational 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

In accordance with 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.

APPENDIX G, Annex 3: Homeworkers' Intellectual Property and Data Protection

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.

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.

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. However, 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 eight Data Protection Principles.

In practice, the homeworker's 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.

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.

APPENDIX H: MODEL PHASED RETIRAL POLICY

1 Introduction

(Name of organisation) recognises that the change from work to retirement is one of the most significant events encountered during a person's life. This policy aims to provide the best support and practical information to enable 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 65th birthday. It will be the responsibility of the HR department to contact all staff 13 months before their 60th birthday (55th in the cases of special classes) to enquire as to their intentions in regard to retirement. The HR 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 for this being 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.

APPENDIX I: MODEL SPECIAL LEAVE POLICY

1 Introduction

This organisation recognises that many staff balance the demands of work requirements with domestic responsibilities. While each member of staff is responsible for ensuring that they have appropriate care mechanisms in place to meet their personal responsibilities, this organisation endeavours to assist in circumstances where these arrangements have unavoidably broken down, or where additional pressures, outwith the norm, arise and for which time off work may be required.

All requests from staff must be dealt with on a strictly confidential basis and no undue pressure will be exerted on staff to divulge details which might breach their personal privacy.

2 Legal Framework

(i) The Employment Relations Act, 1999

All employees are provided with the right to take a reasonable period of unpaid time off work to deal with an emergency involving a dependant and not to be dismissed, or victimised, for doing so.

For these purposes, a dependant is defined as someone who lives in the same home as the member of staff and who is a spouse, partner, child, parent, grandparent, or other relative or person living in the same house, with whom the member of staff has a similar relationship.

This legislation does not provide a set amount of time off which can be taken but it is widely regarded that, in most cases, the amount of leave will be limited to one or two days at the most.

(ii) The Employment Act, 2002

Parents of children aged under 6 and of disabled children aged under 18, are provided with the right to apply to work flexibly and their employers have a duty to consider requests seriously.

This legislative right does not apply in the case of any other category of dependant.

3 Policy Rationale

The purpose of this policy is to allow for an appropriate response to:

- (a) the sudden and immediate need for a member of staff to provide care to a family member, dependant, close friend or colleague;
- (b) a family member, dependant, close friend or colleague of the employee suffering ill health;
- (c) a family member, dependent, close friend or colleague of the employee suffering a bereavement;
- (d) civic and public duties.

This could be where normal arrangements break down without notice, or where an urgent and unforeseen situation arises.

Examples of this include:

- a family member, dependant, close friend or colleague of the employee falling ill, being involved in an accident, or being assaulted, including instances where the victim is distressed rather than being physically injured;
- the need to make longer term care arrangements for a family member, dependant, close friend or colleague, who is ill or injured;
- to deal with the death of a family member, dependant, close friend or colleague, e.g. to make funeral arrangements, or to attend a funeral;
- to deal with an unexpected disruption, or breakdown, in care arrangements for a family member, dependent, close friend or colleague, e.g. when a child-minder or nurse fails to turn up; or
- to deal with an incident involving the employee's child during school hours, e.g. if the child has been involved in a fight, or is being suspended from school.

This organisation also recognises that the needs of staff who care for a family member, dependant or close friend who is elderly, disabled, or suffers ill health, 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.

The provisions of this policy are applicable to all staff, irrespective of length of service, hours of work, or grade and no employee will suffer any detriment as a result of making application for time off under these provisions.

As always, the extent and duration of such leave must be balanced by service needs, accepting the emergency and unforeseen nature of requests particularly in the early stages.

4 Time Off

The provisions for time off are as follows:

(i) Serious Illness/Bereavement Leave

Up to one working week's paid leave in the event of the serious illness, acute need or death of a family member, dependant, close friend or colleague. This can be extended by up to a further working week and it will be at the discretion of the manager whether this is paid or unpaid.

(ii) Domestic Emergencies

Up to one working week can be allocated as paid leave to deal with urgent and predominately unforeseen circumstances to which sick leave, annual leave, or any other form of specified leave is not applicable. This can be extended by up to a further working week and it will be at the discretion of the manager, taking into account the circumstances of the specific case, whether this is paid or unpaid.

(iii) Carer Leave – Short & Long Term

This provision is primarily for those who are required to provide care for a dependant.

- • **Short Term Carer Leave** allows for up to one working week's paid leave, which can be extended by up to a further working week of paid or unpaid leave, to deal with urgent unforeseen care needs. Thereafter and depending on the specific circumstances, a manager may agree a period of annual leave, or unpaid leave.
- • **Long Term Carer Leave** allows for the possibility of altering contractual work patterns to enable the employee's family life and work requirements to be balanced for an appropriate period.

Note: The references above to a "working week" mean the number of hours that an individual member of staff is contracted to work. For example, the working week of a member of staff contracted to work 37½ hours per week, is 37½ hours, while the working week for a member of staff contracted to work 20 hours per week, is 20 hours.

5 Serious Illness/Bereavement Leave

5.1 Definition

To provide reasonable support to members of staff at times of distress due to the unforeseen serious illness, or the death, of a family member, dependant, close friend or colleague.

5.2 Entitlement

Managers have the discretion to award paid leave of up to one working week in each occurrence of serious difficulty. In particularly distressing circumstances, the manager, in discussion with an appropriate member of the HR Team, may extend this by up to a further week of paid or unpaid leave.

5.3 Duration Criteria

In considering the amount of leave, the manager should take into account the specific circumstances, e.g. the relationship between the member of staff and the person in question, whether the member of staff has a responsibility for the estate of the deceased, the availability of other relatives or friends and the distance to be travelled in dealing with such matters.

5.4 Consistency

Managers should aim to be fair, consistent and sympathetic in applying this policy.

5.5 Notification

Members of staff must make their manager aware of the potential need for leave at the earliest opportunity and should keep in regular contact throughout that period.

5.6 Record Keeping

Leave should be recorded on the appropriate record card for future reference and to enable monitoring of its fair application throughout this organisation. It must also be notified to Payroll Department to ensure appropriate payment and recording.

6 Domestic Emergencies

6.1 Definition

Leave under this heading can be defined as arrangements granted when members of staff need to be absent from work under circumstances not covered by sick leave, annual leave, bereavement leave, maternity leave, paternity leave, parental leave, adoption and fostering leave, or flexible working arrangements.

This leave is provided as a short-term solution to help members of staff to balance the demands of their work and home responsibilities.

6.2 Entitlement

- Up to one working week can be allocated as paid leave by the manager, taking into consideration the amount of the time reasonably required to attend to the situation which has arisen.
- In cases of exceptional difficulty, the manager can extend this period for up to a further working week and, in discussion with an appropriate member of the HR Team, has the discretion to determine whether this should be on a paid or unpaid basis. It may, however, be considered appropriate for the member of staff to utilise annual leave under circumstances where the situation, while still important, has ceased to be an emergency.
- In exceptional circumstances, a member of staff may be faced with long-term difficulties and the manager, in discussion with an appropriate member of the HR Team, should consider other options to assist in the situation. This may include a reduction in hours, an alteration to the employee's shift pattern, a move to another post, etc.
- There should be no requirement for the approved number of days to be taken in one block.

6.3 Notification

Members of staff must make their manager aware of their potential need for leave at the earliest opportunity and should keep in regular contact throughout this period.

6.4 Record Keeping

Leave must be recorded in the appropriate record card for future reference and to enable monitoring of its fair application throughout this organisation. It must also be notified to Payroll Department to ensure appropriate payment and recording.

7 Carer Leave

7.1 Definition

Where members of staff are responsible for caring for a family member, dependant or close friend, work and home life can cause conflicting pressures. Carer leave is designed to encourage managers to adopt flexible working practices at times when employees need assistance to balance their caring responsibilities with their work commitments.

As recorded in 4 (iii), short-term Carer Leave allows for up to one working week's paid leave, which can be extended by up to a

further working week of paid or unpaid leave, to deal with urgent unforeseen care needs. Thereafter and depending on the specific circumstances, a manager may agree a period of annual leave, or unpaid leave.

7.2 Local arrangements

The needs of staff who care for family members, dependants, or close friends, can often be very simple, e.g. knowing that they will be able to leave work on time each day, or being able to make a telephone call home during the day to check that all is well. Alternatively, a variation in the working pattern, such as altered shifts, or earlier/later starting and stopping times, may provide an adequate solution.

Needs such as these may be relatively easy to satisfy and it is expected that the individual's manager will provide sympathetic support and strive to reach a mutually acceptable solution to the employee's requirements.

7.3 Short periods of time off

There may be circumstances when an employee needs a short period of time off, e.g. to deal with an emergency situation, to attend hospital, etc. In these circumstances, one of the arrangements shown in Section 4 can be utilised to allow the employee time off.

7.4 Long-term arrangements

There may, however, be times when the caring demands on the employee are such that s/he is forced to consider more extreme measures, such as a long-term reduction in working hours, in order to meet their caring commitments.

While each case must, quite obviously, be judged on its individual merits, this organisation is committed to ensuring that where the reason for an employee requesting a reduction in contracted hours is for the provision of care, his/her case will be considered sympathetically and will not be unreasonably denied.

Employees with caring responsibilities, who recognise the need to alter their contracted working hours on a long-term basis, should discuss the matter with their manager in the first instance. It may be considered appropriate for a member of the HR Team to be involved in these discussions.

Where the manager feels unable, because of the needs of the service, to accede to the employee's request, the employee should contact an appropriate member of the HR Team in order to investigate other alternatives, e.g. secondment, redeployment, etc. Under circumstances where it is agreed that redeployment is an

option, the employee concerned will be entitled to the full range of provisions available under this organisation's Redeployment Policy.

7.5 Other assistance

Employees with caring responsibilities are encouraged to take advantage of other facilities which already exist within this organisations and which may provide them with support or access to coping mechanisms, e.g. stress management initiatives, the Occupational Health Service who can arrange access to counselling, etc.

8 Other types of Special Leave

8.1 Definition

Other types of special leave are those where it is required to make available, special leave with pay for staff to be absent from work to perform 'essential civic and public duties'.

The legislative requirement for this is contained within the Employment Rights Act 1996 and covers a wide range of circumstances, a number of which are given below as examples:

- Justice of the Peace
- Attendance at court as a witness
- Members of a variety of public bodies including Children's Panels
- Jury Service
- Training with Volunteer Forces

This list is illustrative, not exhaustive.

8.2 Entitlement

Up to one working week per year can be allocated as paid leave by the manager taking into consideration the amount of time reasonably required to devote to the issue.

In exceptional circumstances the manager can extend this period for up to a further working week and in discussion with an appropriate member of the HR Team, has the discretion to determine whether this should be on a paid or unpaid basis. It may, however, be considered appropriate for the member of staff to utilise annual or unpaid leave.

8.3 Notification

Members of staff must make their managers aware of the potential need for leave at the earliest opportunity and, where appropriate should keep in regular contact throughout the period.

8.4 Record Keeping

Leave should be recorded on the appropriate record card for future reference and to enable monitoring of its fair application throughout this organisation. It must also be notified to Payroll to ensure appropriate payment and recording.

9 Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Staff Side Representative.

APPENDIX J: MATERNITY LEAVE

1 Pay and Leave

Within NHSScotland the entitlements to leave and pay as laid down in the relevant Terms and Conditions Handbooks exceed statutory minimums by a significant margin. This document aims to implement best practice in the processing of applications, management of pregnant workers and return to work arrangements.

2 Processing Applications

When an employee notifies her employer that she is pregnant, she should be issued with an information pack which explains in full her entitlement to pay and leave, together with details of any forms to be completed and timescales to be adhered to.

An employee should be written to upon receipt of her application form, detailing what she must do (if anything) and her 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 her confinement and maternity leave, providing information and support where required and a link to the workplace.

3 Management of Pregnant Workers

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

A risk assessment must be carried out 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 health and safety.

4 Return to Work Arrangements

Employees should be provided with information and support regarding return to work arrangements. These include:

- the right to return to her job under her original contract on no less favourable conditions;
- the right to request a return to work on flexible working arrangements;
- the right to parental leave; and
- provision of support for mothers who wish to breastfeed after they return to work.

5 Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Staff Side Representative.

APPENDIX K: PATERNITY LEAVE

1 Introduction

This organisation recognises that fathers (including same-sex partners) /adoptive parents 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. Employees meeting the required qualifying criteria have a statutory entitlement to take up to two working weeks' paternity leave within eight weeks of the birth of a child or placement of a child for adoption. In support of this, a Paternity Leave Policy has been developed for managers and staff.

2 Adoption

When a child is adopted, the employee, if they are the primary carer, will have access to leave under Adoption Leave Policy. The provisions for paternity leave will however also be available to the parent who is not the primary carer. Leave and pay will be available to eligible employees when a child up to the age of 18 is newly placed for adoption.

3 Qualifying Criteria

The main factor influencing paternity benefits is length of service with the employer. This policy therefore includes sections on entitlement to benefits that fathers may be entitled to receive during paternity leave.

To find out which section applies, work out the following details:

Start date with NHS		
Date baby is due (expected date of childbirth) or placement for adoption		
Expected Week of Confinement (EWC) (i.e., the week in which the baby is due) or placement for adoption		
Length of service at 15 weeks before EWC (i.e., week baby is due) or placement for adoption (Matching Week)?	If less than 26 weeks:	Go to Section 4
	If greater than 26 weeks but less than 1 year:	Go to Section 5
	If greater than 1 year:	Go to Section 6

In all cases the employee must have, or expect to have, responsibility for the child's upbringing and be the biological father of the child, or the mother's husband or partner (this may include the female partner in the case of same-sex couples) and expect to have responsibility for the child's upbringing. In the case of adoption, the Matching Week is used instead of the Qualifying Week.

4 Less than 26 weeks' continuous service

Employees with less than 26 weeks' continuous service leading into the 15th week before the baby is due (i.e., the Qualifying Week), will be entitled to up to two working weeks' unpaid leave.

5 More than 26 weeks' continuous service but less than one year's continuous service

An employee will be entitled to two working weeks' leave, during which they will receive Statutory Paternity Pay (SPP) if they have 26 weeks' continuous NHS service leading into the 15th week before the baby is due (i.e., the Qualifying Week) and meet the following:

- have average earnings up to and including the payday that falls on or before the Saturday of the Qualifying Week at least the weekly National Insurance lower earnings limit in force at the end of the QW; and
- continue to be employed by the NHS employer up to the child's date of birth.

In the case of adoption, the Matching Week is used instead of the Qualifying Week.

If an employee leaves employment prior to the birth of the child/placement for adoption there will be no entitlement to Statutory Paternity Pay (SPP). If an employee's contract ends after the baby is born/child is placed for adoption then the employee will still be entitled to SPP. However, if he starts work for a new employer SPP will not be paid for any week worked with the new employer.

6 More than one year's continuous service

An employee will be entitled to two working weeks' leave. In addition to SPP, employees who have more than one year's continuous NHS service leading into the 15th week before the baby is due (i.e., the Qualifying Week), will have their payment made up to the level of their normal full pay (which will be calculated as the average weekly earnings in the eight weeks leading up to and including the Qualifying Week).

7 Miscellaneous

7.1 Notice

In respect of a birth, employees must provide written notice (including by post, fax or email) in or before the 15th week before the baby is due, or as soon as is reasonably practicable (and no later than 28 days before the due date) specifying:

- the expected date of the baby's birth;
- the period of leave to be taken, i.e. one or two consecutive weeks;
- the date from which leave will be taken;
- that the employee is the baby's biological father; or married to the mother; or living with the mother in an enduring family relationship but not an immediate relative; and
- that the purpose of the leave is to care for the child or to support the mother.

In the case of adoption, written notice must be given no later than seven days after the matching date or as soon as is reasonably practicable, specifying:

- the matching date;
- the expected date of placement;
- the period of leave to be taken, i.e. one or two consecutive weeks;
- the date chosen to take leave from; and
- that the purpose of leave is to care for the child or support the child's adopter and that the employee is married to or living with the adopter in an enduring family relationship but not an immediate relative.

If an employee does not give 28 days' notice without good reason, the employer may delay the start of paternity leave and SPP until the full 28 days have passed.

In each case employees will have the right to vary the date originally notified by giving 28 days' notice, in writing.

Employees wishing to apply for Paternity Leave should complete the Application for Paternity Leave Form. Alternatively, the Inland Revenue's Self Certificate Form SC3 (SC4 for adoption) may be used. This form can be obtained from the Department of Social Security or downloaded from the Department of Trade and Industry's web page.

7.2 Pre-Birth and Pre-Adoption Leave

Requests for pre-birth leave, e.g., for attendance at ante-natal classes, will be considered in accordance with the Special Leave Policy. Requests for pre-adoption leave will be considered in accordance with the Adoption and Fostering Policy.

7.3. Stillbirths

A qualifying employee will be entitled to paid leave if their baby is stillborn after 24 weeks of pregnancy. If the baby is born alive at any point in the pregnancy but dies later, the employee will be entitled to paid paternity leave in the usual way.

7.4 Multiple Births

Entitlement to paternity leave for twins, triplets, etc is the same as for a single birth.

7.5 How leave is taken

Paternity leave must be taken as a full block, either of one week or two weeks. Paternity leave cannot be taken over two separate periods.

8 Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Staff Side Representative.

APPENDIX L: MODEL POLICY ON BREASTFEEDING

1 Introduction

This organisation aims to support and encourage mothers who wish to breastfeed after they return to work. We will:

- actively support the promotion of breastfeeding amongst our staff and patients;
- provide information about breastfeeding for pregnant workers;
- allow, wherever possible, flexibility in working hours, including regular breaks for employees who wish to breastfeed or express milk; and
- wherever possible and as necessary make available rest areas and dedicated storage space for the use of breastfeeding employees.

2 Preparing to Return to Work

The employee should arrange to meet their immediate line manager at least four weeks before the planned date of return to discuss working arrangements which will allow the individual to continue to breastfeed. To support the employee, the working pattern may need to be changed, e.g. temporarily changing hours of work or working conditions.

Employees should not be required to work shifts or to attend meetings that would involve excessively long working days which might be detrimental to breastfeeding.

Where practicable, time off during working hours should be provided to allow the employee to breastfeed if their baby is cared for nearby, or to express milk.

3 Facilities

Facilities available to breastfeeding mothers should include where possible:

3.1 Areas for rest/expressing milk

These should be clean and warm with a low comfortable chair and, where necessary, the facility to lie down. The area should have a

lock or have an arrangement for ensuring privacy. There should be hand washing facilities nearby. There should be an electric point for an electric pump if necessary.

3.2 Facilities for storing breast milk

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

4 Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Staff Side Representative.

APPENDIX M: MODEL PARENTAL LEAVE POLICY

1 Introduction

NHSScotland recognises that parents have a joint responsibility for the care and upbringing of their children and 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 practice to assist staff to balance family and work commitments. Parental leave is expressly for the purpose of allowing parents to spend quality time with their children and assist in balancing this with work commitments, thus improving their participation in the workplace.

2 Values and Principles

Managers and staff must show responsibility for ensuring transparency and equity in the implementation of this policy, balancing their own needs with due consideration of the needs of patients, colleagues and team members. Consideration should be given to the reasonableness of the duration and timing of leave especially during peak periods of annual leave and the impact this will have on the needs of patients, colleagues and team members. Flexibility should be demonstrated in circumstances where the normal notice cannot be given such as during adoption or at times of sudden illness.

3 Eligibility

The policy applies to all employees whether they are full-time or part-time, and have completed one year's qualifying service, who have a child or children under the age of 14 years.

To be entitled to parental leave employees have to:

- be a parent (named on the birth certificate) of a child who is under the age of 14 years; or
- have formal parental responsibility for a child who is under the age of 14 years; or
- in adoption cases, have formal parental responsibility for 14 years after the child is first placed with the family for adoption (or until the child's 18th birthday if that comes sooner); or

- in the case of a child with a disability, have formal parental responsibility up until the child's 18th birthday (for the purpose of parental leave, a disabled child is one for whom disability living allowance is paid).

4 Entitlement

Employees who meet the above requirements will be entitled to 13 weeks' parental leave, for each child. Employees can choose to take parental leave at any time from a child's birth until their 14th birthday, or 18th birthday for a child with a disability.

During the first four weeks of this leave, the employee will receive pay, at their normal rate of pay (as if they had been at work). The remaining weeks will be unpaid.

This parental leave may be taken as either:

- a single block of 13 weeks; or
- an annual allowance; or
- under any other individual arrangements agreed between an employee and their line manager in line with service needs, e.g. single working days, blocks of one week, reduced working hours.

5 Notification of Intention to take Parental Leave

An employee who intends to exercise their right to Parental Leave must apply to their line manager, in writing via an application form. Employees must include in this form 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.

If the requested period of leave exceeds 4 weeks, at any one period, a minimum of two months' notice is required. However there will be occasions where notice cannot be given. On these occasions parents should give the notice as soon as reasonably practicable.

The line 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 annual allowance or under any other individual arrangement). It is good practice for this then to be confirmed in writing by the employee's manager.

If a partner is applying for parental leave around the time of the birth of their child, they may be required to produce a copy of the MATB1 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 where a valid/objective operational reason will be provided.

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 the leave is postponed beyond the 14-year limit the parent still has a right to take it.

The employee may at this stage opt to withdraw the request for parental leave and re-submit a request at a later date.

The manager should confirm the postponement arrangements, in writing, no later than seven days after the employee's notice to take leave is given. The manager should clearly state the reason 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.

6 Provision of Evidence

The employee must provide appropriate documentation to confirm that they are the parent or 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; or
- papers confirming the award of disability allowance for a child.

The employee only has to provide this information on the first occasion of applying for parental leave.

A full record of parental leave taken will be maintained by the organisation and transferred to any future employer.

7 Right To Return

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 the leave was for a period of four weeks or less.

If the leave is greater than four 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.

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.

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 practicable at the end of parental leave, the employee is entitled to return to a similar job which has the same or better status, terms and conditions as the employee's previous job.

8 Abuse of Parental Leave

Parental leave is to look after a child, which includes making arrangements for the good of the child. If the employee uses the leave for some other purpose, e.g. paid employment within the NHS, leave unrelated to the care of children, then this may be viewed as misconduct and the organisation will deal with this situation in accordance with the Management of Employee Conduct Policy.

9 Annual Leave

Annual Leave will accrue as normal during this period in accordance with the employee's current terms and conditions of service as at the time of commencing Parental Leave.

10 Review

This policy will be monitored on an annual basis to review its utilisation and impact on service provision.

11 Resolution of Disagreement

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Staff Side Representative.

APPENDIX N: ADOPTION AND FOSTERING LEAVE

1 Introduction

NHSScotland aims 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 in the initial stages of this process.

We recognise that the needs of adoptive or foster parents are at least as great as those of natural parents in establishing a relationship with the child and in developing new routines. The Adoption and Foster Leave Policy is therefore to enable a member of staff who wishes to adopt or foster a child to take a period of leave to enable the family to adjust to new circumstances. Where both parents are employed by the organisation leave can be shared or taken in entirety by the primary carer. However, in certain circumstances, e.g. where adoption involves a child with special needs, leave may be requested by both prospective parents. The organisation must also recognise that a single person may also adopt/foster a child.

2 Fostering

Fostering can be for varying lengths of time, from very short-term to long-term fostering and 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 determine the level of support they consider appropriate to their circumstances.

For very short-term fostering it would be more appropriate to consider time off under the Special Leave Policy. For longer-term fostering, the manager should consider providing time off under the arrangements for Adoption Leave/Pay (outlined below), Parental Leave or Career Breaks.

3 Adoption

Requests for leave to support adoption may be in two phases: pre-adoption and adoption.

3.1 Pre-adoption Leave

Staff who wish to take advantage of this leave should advise their line manager in writing as soon as they are notified by the

Adoption Agency that a child is to be placed with them for adoption and that time off may be required. The Adoption Agency must be the one which is legally approved within the UK and proof of appointment will be required to support requests for leave to attend court sessions, interviews and any other meetings required as part of the adoption process. In normal circumstances a maximum of five days (one working week) will be available for this purpose.

3.2 Adoption Leave – Returning to work

The appropriate application form and a Certificate of Adoption must be submitted in support of any request for adoption leave. Leave should be requested as soon after the Pre-adoption Leave as is practicable to allow managers to plan any such leave in advance of it being taken. Leave and Pay will be calculated in accordance with nationally agreed terms and conditions, in line with maternity leave and pay provisions.

- Adoption leave is calculated in whole weeks, beginning on a Sunday and ending at midnight on the following Saturday.
- On receipt of the completed application, the appropriate HR manager/line manager will calculate the entitlement to pay and leave using the guidance within the current terms and conditions of the employee and forward a letter to the applicant confirming these details.
- The employee must advise the HR manager/line manager of their intention to return to work at least three weeks before the date of return. Employees returning to work beyond the 26 week period of paid leave will only receive unpaid leave in support of future requests associated with this adoption process.
- The employee retains the right to return to work on no less favourable terms and conditions of employment than they enjoyed prior to taking the adoption leave.
- If the employee, having agreed to return to work, fails to return to work for a period of at least three months following the adoption leave they will be asked to repay their adoption pay.
- Employees who are unclear whether they wish to return to work following adoption leave may defer their payment until a more informed decision can be made.

3.3 Employees Not Intending to Return to Work

Leave and pay for employees not intending to return following adoption leave will be calculated in accordance with nationally agreed terms and conditions, in line with maternity leave and pay provisions.

3.4 Annual Leave/Public Holidays

Where possible, leave should be taken before the start of adoption leave. Employees will accrue annual leave while on both the paid and unpaid elements of adoption leave in accordance with nationally agreed terms and conditions. There will be no entitlement to public holidays during adoption leave and no entitlement to payment or time off in lieu for public holidays falling during a period of adoption leave.

3.5 Superannuation

The employee will be responsible for the employee element of superannuation contribution during the period of unpaid leave. On return to work the employee will be required to repay that sum to the Pay Department using an agreed method of payment.

3.6 Incremental Date

Any absence under this policy will count towards the normal increment and will not defer the normal incremental date.

3.7 Contractual Rights

The employee will retain all contractual rights except remuneration during any period of adoption leave.

3.8 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 26 weeks' paid leave. If the right to return to work cannot be exercised because of the termination of the contract, pay cannot be reclaimed.

4 Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Staff Side Representative.

**APPENDIX N, Annex 1:
Notification of adoption/fostering absence and/or application
for adoption/foster leave pay**

Section A (to be completed by all applicants)

Full Name	
Home Address	
Staff Pay Number	
Place of Work	
Job Title/Grade	
Start date and length of service	
Type of contract (e.g. permanent, fixed-term, etc)	
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:

(Please tick appropriate box)

1	no later than 26 weeks from the start of my period of adoption/fostering	
2	no later than 52 weeks from the start of my period of adoption/fostering	
3	I am uncertain at this time as to whether I will return to work.	

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 of the applicant's intention following a period of adoption/foster leave:

(Please tick appropriate box)

1a	No later than 26 weeks from the start of the adoption/foster leave or	
1b	No later than 52 weeks from the start of the period of adoption/foster leave	
	OR	
2a	I am aware the applicant does not intend to return to work or	
2b	The applicant is not sure whether they will return to work	

I acknowledge receipt of the application form and confirm that the information contained in it is accurate.

Signed Date

Designation

Section E (to be completed by the Human Resources department)

(Please tick appropriate box)

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. OR	
2	The applicant intends to resign following the adoption and is entitled to pay as detailed in the enclosed copy letter.	

Signed Date

Designation

APPENDIX O: CHILDCARE GUIDANCE

1 Introduction

It is important that NHSScotland organisations have readily available advice for employees on childcare. It may be that in some circumstances assistance can be provided for employees with childcare responsibilities.

The government's National Childcare Strategy created new opportunities for employers to help staff with childcare needs and this guidance sets out some of the support that may be considered.

Childcare support can be provided in a variety of ways which may or may not have a financial implication for the organisation. Any support initiative which incurred costs to the organisation would have to be carefully researched to ensure that the benefits of the scheme justified the financial outlay.

2 Childcare Support Options

Detailed below are options that could be considered by organisations. It is important that employees are involved in the consideration of options and their views on the value of implementing any options are obtained.

Options include:

2.1 Employer/Provider Partnerships

Partnerships between employers and childcare providers can have a number of advantages in setting up and running a childcare support 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 employees 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.

2.2 Out of School and Holiday Play Schemes

Out of school schemes provide facilities for school children in periods before and after the normal school day. 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 partnership with other providers may provide more options for staff. All schemes need to be registered with the Local Council, and the facilities officially inspected.

The New Opportunities Fund has been established to start-up new schemes and expand existing schemes for 3 – 14 year olds. The local authority will have more information on the scheme and requirements.

2.3 Childcare Vouchers

Childcare vouchers can be purchased by an employer for the use of their employees to pay towards childcare costs. Vouchers are taxed as a benefit by the Inland Revenue.

All employees who receive childcare vouchers have free and unlimited use of Childcare Solutions. This is a UK-wide childcare helpline which enables employees to find childcare provision. It also provides information and advice on a wide range of childcare and parenting issues.

2.4 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. 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 are required. The local authority early years education or social services department will provide further information on registration requirements.

2.5 Childminding Network

A childminding network can be set up by appointing a coordinator to help staff find a local childminder. Childminders, 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). The National Childminding Association can advise on starting up a local network.

2.6 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.

2.7 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 keep knowledgeable and act as 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 scheme takes into account 70% of the costs of registered or approved childcare when calculating the total tax credit depending on overall household.

The childcare tax credit 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.

Information is available for employers is also available from the Inland Revenue who operate an employers helpline: 0845 714 3143. A helpline is also in place for employees about Working Families Tax Credit: 0845 609 5000.

3 Conclusion

It is for individual employers to ascertain which support options will work for them and progress this locally. This guidance is included to provide background information that may be of use.



Partnership Forum

Performance Through People