



# Human Fertilisation & Embryology Authority

## Flexible Working Policy

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# 1. Introduction

1.1 The HFEA (the organisation) believes that its staff members are its most valuable asset and is committed to attracting and retaining the very best, and utilising all the talent and experience available within. It also appreciates that the UK workforce is becoming increasingly diverse and includes a high percentage of parents and individuals with other caring responsibilities, as well as those whose interests and aspirations impact on their time. It therefore appreciates that the standard Monday to Friday, 9 am to 5 pm working week is, in many cases, incompatible with increasing demand for a better work-life balance.

The HFEA recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements that enable them to balance their working life with other priorities, including parental and other caring responsibilities, life-long learning, charity work, leisure activities and other interests. In turn it recognises that staffing levels must at all times remain in line with the demands of the business.

1.2 The policy covers the following options, but recognises that there may be alternatives, and that the working pattern that may suit any particular individual could be a unique one involving a combination of options:

- job-sharing;
- part-time working;
- compressed hours;
- time of in lieu
- term-time working;
- working from home;
- career breaks.

*“Although the HFEA is committed to providing the widest possible range of working patterns for its workforce, both management and employees need to be realistic.....”*

# 2. The business need

2.1 Although the HFEA is committed to providing the widest possible range of working patterns for its workforce, both management and employees need to be realistic and to recognise that the full range of flexible working options will not be appropriate for all jobs across all areas of the organisation.

2.2 Where an instance of flexible working is proposed the HFEA will need to take into account a number of criteria including (but not limited to) the following:

- the cost of the proposed arrangement;
- the effect of the proposed arrangement on other staff;
- the level of supervision that the post-holder requires;
- the structure of the directorate and staff resources;
- other issues specific to the individual's directorate;
- an analysis of the tasks specific to the role, including their frequency and duration;
- an analysis of the workload of the role.

### 3. Eligibility

3.1 Although it is recognised that not all of the flexible working patterns considered will be suitable for all sections of the HFEA's workforce, there should be no arbitrary barriers. Employees in all areas and levels of the organisation will be considered for flexible working regardless of their age, sex, sexual orientation, race, or religion or belief, or whether they have a disability, their level of seniority, their current working pattern, or whether they are employed on a permanent or fixed-term basis. However, there is no automatic right for employees to change to any of the flexible working patterns - each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on individual, team or organisational performance

### 4. Right to request flexible working

4.1 The Employment Act 2002 gives the right for employees with 26 weeks' continuous service, who have a child under the age of 17 (18 where the child is disabled) and parental responsibility for the child, to request a change to the number of hours that they work, the times that they work or their place of work. The right to request flexible working is also available to employees who have a minimum of 26 weeks continuous service and who have caring responsibilities for an adult aged 18 or over who is their spouse, partner or civil partner; a relative; or someone who lives at the same address.

4.2 While it is the organisation's policy to be flexible on working patterns for all its employees, in order to ensure that it is complying with its legal obligations concerning the right to request flexible working, there may be situations where precedence has to be given to those who are eligible for this right.

4.3 All requests for flexible working will be at the discretion of the line manager.

## 5. Flexible start & finish times

5.1 Employees should agree their usual start and finish times with their line manager, provided that:

- their total weekly contracted hours (usually, 36 hours, excluding lunch-breaks for a full time employee) are worked
- adequate supervision is available during these hours
- the needs of the business and colleagues can be met
- staff are present during core hours:

10am – 12noon

2pm – 4pm

## 6. Flexible working options

### ► Job-sharing

*What is it?*

6.1 An arrangement whereby two part-time employees share the responsibilities of one full time position.

In a 'shared responsibility' arrangement the individuals both carry out all the duties of the job, simply picking up the work where the other one left off, while in a 'divided responsibility' arrangement the duties of the position are divided between the two individuals, with each being able to provide cover for the other where necessary.



▶ Part-time working

*What is it?*

6.2 A system whereby the employee is contracted to work fewer than the standard number of contractual hours per year for the type of work in question.

▶ Compressed hours

*What is it?*

6.3 A system that permits employees to work their total number of contractual hours over fewer working days. Usually a five-day week is compressed into four days or four and a half days, or a 10-day fortnight into nine days

▶ Time off in Lieu

*What is it?*

6.4 A system whereby 'Time off in lieu' is time off that is taken instead of overtime by employees working beyond their contractual hours.

▶ Term-time working

*What is it?*

6.5 A system whereby the employee works under a permanent contract, but can take unpaid leave of absence during the school holidays.

Salary is usually paid in 12 equal monthly installments, although the employee could also be paid only for the time worked and receive no pay during the holidays. The contract usually specifies that no annual holiday should be taken during term time.



▶ Working from home

*What is it?*

6.6 A system whereby the employee carries out all or a proportion of his/her duties from home rather than on the employer's premises.

It may consist of the occasional day at home to coincide with a domestic requirement, or a regular arrangement of several days a week.

(Employees should refer to the home-working policy for further details).

▶ Career break/sabbatical/unpaid leave

*What is it?*

6.7 A system whereby the employee has an extended period of time away from paid work, often with a guarantee of a return to the same or a similar job at the end of the time. (see Special Leave Absence policy).

## 7. Time off in lieu (TOIL)

7.1 'Time off in lieu' is time off that is taken instead of overtime pay by employees working beyond their contractual hours. Only employees who are in bands 1 – 3 (up to Head level) are entitled to participate in the time off in lieu arrangements.

7.2 Where possible, the HFEA encourages its employees to take time off in lieu for overtime worked. However, employees will be allowed to take overtime pay if they have obtained the prior agreement of their line manager.

▶ Accrual of TOIL

7.3 Employees who need to work more than their contractual hours should inform their line manager, where possible, before the date concerned, and get his/her approval. Employees are expected to manage the amount of overtime worked in cooperation with their line manager. It is generally expected that no more than 10 hours of time off in lieu may be accumulated in any one month.

7.4 Time off in lieu is accrued at the same rate regardless of when the work is done. Overtime work done during the week or weekend accrues time off in lieu equal to the time actually worked.

7.5 Usually, time off in lieu does not accrue for traveling to work/meetings or residential courses, unless the amount of time is over and above your normal travel to work time.

### ► Redemption of TOIL

7.6 Employee's requests to redeem time off in lieu will be granted at the discretion of their line manager, taking into consideration operational requirements such as the needs of the business and workload of other employees. Line managers are expected to allow staff as much flexibility as they can. However, it will not always be possible to allow staff to take the time off when they have requested it.

7.7 Employees must take time off in lieu within one month of accrual, where possible. Employees can carry forward time off in lieu beyond this period with the prior agreement of their line manager. Any entitlement that has not been taken within three months of accrual or within a period agreed previously with the line manager will be lost.

7.8 Line managers are responsible for monitoring the levels of time off in lieu that employees are accruing and ensuring that accumulations are in accordance with this policy.

7.9 When an employee moves to a different department, accumulated time off in lieu will be paid as overtime pay unless alternate arrangements are made. Time off in lieu paid as overtime pay will be charged to the department for which the employee was working when he/she did the overtime. Employees can obtain the agreement of their new line manager to carry over time off in lieu to their new department. The new department will absorb the associated costs of carrying over time off in lieu.

7.10 Employees who are leaving the organisation and have accrued time off in lieu must ensure that they use their TOIL, they will not be paid overtime to cover this.

## 8. Making an application for flexible working

8.1 An application to work flexibly must be in writing (email is acceptable) to the employee's line manager and must specify the following:

- the requested change and the date the employee would like this to be effective
- any impact this change may have on their employment and suggestions of how this may be overcome
- whether any previous request to work flexibly has been made and, if so, when

The changes to terms and conditions that the employee can request may only relate to hours, start/finish times and place of work.

## 9. Consideration of request

9.1 The HFEA will give serious and full consideration to all requests to work flexibly.

9.2 If a request cannot be agreed without further discussion a meeting will be arranged within 28 days to discuss this and consider alternative flexible options.

9.3 The employee is entitled to be accompanied at that meeting by a trade union representative or work colleague. If the employee or their representative is not available for the meeting then an alternative time suitable for all parties should be agreed and held within five working days.

9.4 If the Organisation cannot meet the request it will be on one or more of the following grounds:

- inadequate supervision during the requested hours of work
- functional need to interface with other staff
- the burden of additional costs
- the detrimental impact on meeting customer/service demands
- an inability to re-organise work among other existing staff
- an inability to recruit additional staff (this may particularly be the case where the request leaves 'odd' hours to be filled by another employee)

- a detrimental impact on quality or performance
- there is insufficient work available during the hours the employees is requesting to work
- other structural changes are planned

9.5 The outcome of the meeting to consider a flexible working request will be confirmed to the employee in writing within 10 days of the meeting, unless an extension is agreed.

9.6 If the requested change of working arrangements is accepted then the new terms and conditions that apply are permanent, unless stated otherwise.

9.7 The employee has no right to return to their old terms and the employer has no right to enforce a return unless a trial of the new terms has not proved successful, or a specific period has been agreed.

9.8 Where a refusal is necessary, the matter may be reviewed again after 12 months, taking the same considerations into account.

## 10. Trial Period

10.1 The HFEA may decide to offer the new way of working on a trial basis initially if it is not sure what the impact of it will be on business. In such circumstances, the change to the employee's terms and conditions of employment during the trial period is a temporary change to their terms and conditions of employment.

10.2 If the trial is not successful, the employee will revert back to their previous terms and conditions of employment. If the requested change of working arrangements is accepted at the end of the trial then the temporary terms and conditions will become permanent.

## 11. The Appeals Process

11.1 The employee has the right of appeal if their application to work flexibly is declined and must put their appeal in writing within 10 working days of receipt of the employer's decision, unless an extension is agreed. This appeal should be made to a Director, unless the request was made to a Director in the first instance. In this case the appeal should be made to the Chief Executive. The letter of appeal must clearly state the grounds for appeal and a further meeting will then be arranged in the same manner as the original hearing giving the employee the right to be accompanied.

11.2 Following the appeal hearing the HFEA will confirm the outcome in writing within a further 10 working days (unless an extension has been agreed) detailing any agreement that has been met or an explanation of the grounds for dismissing the appeal.

11.3 The decision at the appeal hearing stage is final.

## Requesting changes to working pattern – Procedure

Employee wishes to change their working pattern

Is there a child under 17 (or under 18 and has a disability?) or an adult requiring care, influencing this change?

Yes  
(Employment Act 2002 or Work & Families Act 2006 applies)

No  
The Act does not apply, but follow same process, as good practice

Employee to put the request in writing to their manager

Manager, along with HR support, gives serious consideration to the request

Consideration to include:

- Costs
- Any detrimental effect on the service?
- Ability to reorganise work or recruit additional staff?
- Any planned structural changes?
- Operational effectiveness at the proposed working periods.

If unable to agree the request the manager must:

- Hold a meeting within 28 days
- Give its decision within 10 working days
- Allow an appeal within 10 working days
- An appeal to be heard within 28 days
- Allow a further request after one year

If agreement reached:

- Confirm the detail of the change to the employee and colleagues
- Confirm with HR:
  - Type of change
  - Duration of change (permanent or fixed term), HR will prepare a signed agreement
- Confirm trial period

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