

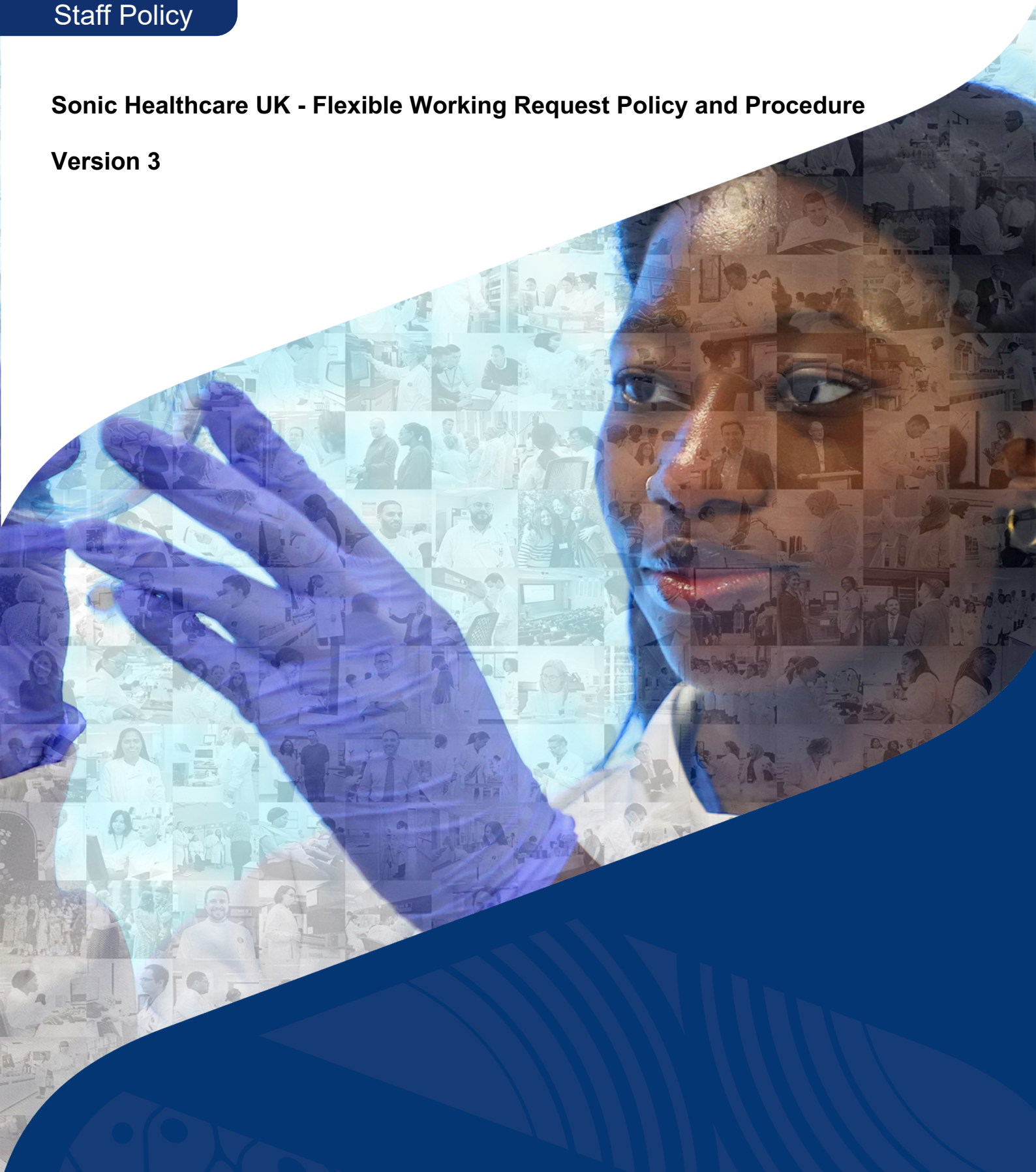


**SONIC HEALTHCARE
UK**

Staff Policy

Sonic Healthcare UK - Flexible Working Request Policy and Procedure

Version 3



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1 Introduction

- 1.1.1 Sonic Healthcare UK is committed to providing equality of opportunity in employment for its staff and to developing work practices and policies that support work-life balance. The Company recognises that, in addition to helping employees balance their work and personal lives, flexible working can improve the use and retention of staff, raise staff morale and reduce absenteeism.
- 1.1.2 Sonic Healthcare UK aims to encourage dialogue between managers and staff about flexible working with a view to facilitating agreement on changes to an individual's working arrangements wherever such changes are reasonably practicable and subject to the service needs.

2 Purpose

- 2.1.1 The purpose of this policy and procedure is to outline the flexible working options available within Sonic Healthcare UK and to clarify the rights and responsibilities of the individual and the Company with regards to flexible working.
- 2.1.2 It also provides a framework within which staff can apply to work flexibly and ensures that a fair, transparent and consistent approach is taken towards such requests, in balance with service needs.

3 Duties

3.1 Employee's Responsibilities

- To have awareness of this policy and procedure and how to request flexible working.
- To carefully consider their proposed working pattern, if it is realistic and the effect it would have on their terms and conditions of employment (e.g. salary, annual leave, pension)
- To submit a completed application form requesting flexible working to their Line Manager on CoreHR.
- To ensure a flexible working application is made at least one month before the date they wish their proposed working pattern to commence, unless extenuating circumstances necessitate urgent consideration.
- To recognise the requirement to be flexible and be prepared to consider alternatives.

3.2 Line Manager's Responsibilities

- To ensure employees are aware of the policy and procedures for requesting flexible working.
- To ensure that they all requests are dealt with fairly and transparently and in accordance with the policy and procedure.
- To ensure a high quality of service to patients and service is maintained in the planning and approval of flexible working arrangements, taking into account staffing levels and skill mix required.
- To work with the employee to endeavour to find a suitable compromise if the original request is not possible.
- To adhere to the process and timescales stated in the Flexible Working Policy and Procedure. Where - for extenuating circumstances - this is not possible the applicant must be informed in writing at the earliest opportunity with a reasonable explanation.
- To provide staff with appropriate support and information during the course of the application for flexible working. This includes ensuring staff are aware of the implications (if any) on the individual's terms and conditions of employment (e.g. salary, annual leave, pension).
- To only decline a flexible working request if the reason given complies with the statutory business related reasons outlined in this document, being careful to act fairly and equitably and to explain the reasons behind the decision in writing to the applicant.
- To be aware of responsibilities to make reasonable adjustments and not to discriminate unlawfully against an employee (according to the Equality Act 2010) when responding to any flexible working request.
- To ensure that copies of all flexible working documentation are sent to Human Resources to be held securely on the central HR file.
- To ensure that employees working flexibly (or considering working flexibly) have equality of access to training, development, and career development.
- To submit a fully completed change form in a timely manner, to ensure any agreed change to working hours is actioned without delay.

3.3 Human Resources Department Responsibilities

- To provide interpretation and advice on this policy and procedure to ensure that it is followed, fairly, objectively and consistently.

- To ensure that effective implementation and embedding of this policy and procedure through education and regular monitoring activity.

4 Definitions

- 4.1.1 **Flexible working:** the term 'flexible working' describes a type of working arrangement which gives some degree of flexibility on how long, where and when staff work. The flexibility can be in terms of working time, working location and/or the pattern of working.
- 4.1.2 **Part-time working:** an arrangement whereby the employee works fewer hours than the full-time hours for the post, either by reducing the hours worked each day, and/or by reducing the number of days worked. Payments and other entitlements such as annual leave will be allocated on a pro rata basis.
- 4.1.3 **Job sharing:** where two employees share the same duties and responsibilities of one full-time post. Each individual works part-time in the same position. In the majority of cases the post shared is equivalent to a full time position but this is not prescriptive.
- 4.1.4 **Working from home:** an arrangement where it is agreed that an employee may work some of their hours from home. Any arrangement here must be managed in line with the Working from Home Policy & Procedure.
- 4.1.5 **Staggered hours:** this arrangement which enables employees to determine work patterns on a planned basis. The arrangement works by enabling employees working in a team to work slightly different start and finish times, with varying break times, by agreement with their manager to ensure service coverage.

5 Policy Development

- 5.1.1 Every 2 years or in light of legislative changes or further guidance being issued and at Management or Staff Side request.

6 Policy Principles

- 6.1.1 Managers and employees should bear in mind the following principles when considering a request for flexible working arrangements:

- 6.1.2 The implementation of any flexible working arrangements should not compromise service delivery, clinical standards, health and safety or other legislative requirements or increase risk to staff, patients/service users or the Company.
- 6.1.3 Flexible working arrangements must be fair and equitable to all employees across the Company and within the relevant work group and should not be to the detriment of other employees.
- 6.1.4 The Company will be as accommodating as possible in responding to requests, but no employee has an automatic entitlement to flexible working approval.
- 6.1.5 Employees will be informed in writing and provided with 5 working days' notice of any formal meetings to review their flexible working request. Should the meeting be rescheduled for any reason, it will then take place within the next 5 working days, unless otherwise agreed.
- 6.1.6 Employees have the right to representation and as such, have the right to be accompanied by their Trade Union Representative or fellow employee to any formal meetings to review their flexible working request.
- 6.1.7 Any rejection of a request to work flexibly must be due to one of the 8 reasons listed in section 7.4 of the policy and in line with the duty to make reasonable adjustments under the Equality Act 2010. The reasons for rejection should be clearly detailed to the employee in writing.
- 6.1.8 Pay and benefits will be adjusted on a pro-rata basis, and the effects of the proposed change should be fully explained to the individual before any contractual change is effected.
- 6.1.9 An approved flexible working request results in a binding change to an employee's terms and conditions of employment. For any permanent reductions in hours, this means that an employee does not have rights to revert to their full-time position, except where it is expressly stated that the reduction is time-limited or subject to regular review.
- 6.1.10 In addition, the Company may be required to consider flexible working options as part of the duty to make reasonable adjustments for employees with a disability or with dependants who have a disability, and/or to staff who are returning from maternity/paternity/adoption leave.

6.1.11 An employee who wishes to take an audio recording of a formal meeting themselves, should submit their request to do so to the HR representative at least four working days prior to the meeting. Audio recordings are only permitted, if all parties consent to the recording taking place. The employee will be required to provide the HR Representative with a copy of the audio recording within five working days of the meeting.

6.1.12 Audio or video recording should not be undertaken in secret or without the consent of all parties. An employee may be prevented from relying on that audio/video recording at any subsequent internal meetings or appeals, and possibly in any legal proceedings. Any attempt to covertly record a meeting without authorisation from all parties present may result in disciplinary action

7 Policy Procedure

7.1 Flexible Working Arrangements

There are many different types of flexible working arrangements, further details of which are set out in the definitions section of this policy (section 3). Such arrangements may be agreed on the following terms:

- **Time-limited arrangement** e.g. to undertake a short course of study for a specified period.
- **Trial period:** where the manager and/or the individual are unsure whether the arrangement will work in the long term, and it is reasonably practical to do so, a period for the individual to trial the flexible working arrangement for a defined period (with regular review) might be arranged. In this case, the manager and the employee will need to agree to vary the time scales for making the final decision on whether the flexible working arrangement is agreed.
- **Permanent:** where the flexible working arrangement is agreed on a permanent basis – there is no automatic right to revert back to the previous working pattern.

7.2 Applying for a Flexible Working arrangement.

7.2.1 An employee wishing to change their working conditions through a formal flexible working arrangement should in the first instance speak to their line manager. The line manager should advise the employee to submit a request using the Flexible Working Application Form on CoreHR.

7.2.2 The employee should indicate on the form the following information:

1. The proposed hours and proposed shift changes.
2. The date of the last flexible working request
3. The proposed adjustment i.e. whether or not the request is for a permanent or time-limited change to the employee's existing working arrangements.

7.2.3 The application must be fully completed and submitted at least one month (other than in exceptional circumstances) in advance of the start date of the proposed flexible working pattern. Failure to supply all required details on the form may result in the request not being considered.

7.3 Response from the Manager

7.3.1 Once the line manager has received the completed form from the employee, they should firstly ensure that the employee is eligible to make a request. Clarity on eligibility criteria can be found at www.Gov.uk. If the conditions are not met, the line manager should inform the employee in writing that the request cannot be considered and state the reasons why, and the application form on CoreHR should then be deferred/rejected.

7.3.2 If the employee is eligible to make a new request then a meeting should be arranged to discuss the request as soon as is practically possible and ideally within 10 working days of receipt of the completed form. In some instances if the request is straight forward it may be agreed without the need for a meeting. The Flexible Working Application Form should be approved on CoreHR.

7.3.3 The manager will notify the individual, in writing, and specify the agreed contract variation and the date on which the new flexible working arrangement is to take effect, ensuring that Human Resources are also informed as appropriate. It should be stated whether the arrangement is permanent, or temporary, or subject to a regular review (in these cases an end date/review date will be specified).

7.4 Flexible Working Request Meeting and Outcome

- 7.4.1 Line managers must consider all requests carefully and need to consider the benefits of the change in working conditions for the employee as well as the impact the change may have on the business. The purpose of the meeting is to discuss in more detail the request being made. In considering the request, the line manager must ensure not to discriminate unlawfully against the employee. If the member of staff has stated that their request is for a reasonable adjustment to accommodate a disability, the line manager should seek advice from Human Resources and Occupational Health.
- 7.4.2 In arranging the meeting, the following principles will be followed by the line manager and employee:
- Meeting date confirmed to the employee in writing, giving a minimum of 5 working days' notice of the meeting, stating the employee's right to representation.
 - Employees have the right to be accompanied at this meeting by a trade union, professional association representative, or a colleague from within the Company.
 - A HR representative may also be in attendance.
 - The employee should notify the manager if they have any specific needs for the meeting, for example, due to a disability or language barrier.
 - The manager will look to provide an alternative date/time in the event the employee and/or representative being unable to attend the first date set for a flexible working request meeting.
 - If the employee fails to attend the alternative date without good reason, the Company can consider that the individual's flexible working request has been withdrawn.
- 7.4.3 The purpose of the meeting will be to discuss the flexible working application in more detail. Both manager and employee should be flexible and able to consider the needs of the employee, the team and the service, in line with the Responsibilities and General Principles set out above. Any changes to remuneration and other benefits should be mentioned if applicable. The aim should be to reach an agreement, if possible, satisfactory to both parties.
- 7.4.4 Following the meeting a decision should be made and the employee informed in writing of the outcome as soon as practically possible, ideally within 10 working days. Should there be a delay in a decision being made, this will be communicated to the employee in writing and a further extension date set.

7.4.5 If the line manager is unable to agree to the request and no alternative modifications can be agreed by both parties, the line manager can reject the request as long as the reason for the rejection falls within one or more of the 8 business reasons set out below:

1. Burden of any additional costs is unacceptable to the organisation
2. An inability to reorganise work amongst existing staff
3. Inability to recruit additional staff
4. The change will have a detrimental impact on quality
5. The change would have a detrimental effect on the business' ability to meet customer demand
6. Detrimental impact on performance
7. Insufficient work during the period the employee proposes to work
8. Planned structural changes

7.4.6 If the request is rejected, the letter confirming the decision should set out the reasons for the rejection and clearly state that the employee has the right to appeal the decision under the Sonic Healthcare UK Appeals Policy. A copy of the letter should be sent to Human Resources.

7.5 Withdrawal of Flexible Working Request

7.5.1 The Company will consider that a flexible working request has been withdrawn in the following circumstances, where an employee has:

- Notified the manager in writing that they wish to withdraw their request
- Without good reason, failed to attend a meeting or appeal arranged by the Company to consider the flexible working request and the next meeting arranged for that purpose

7.5.2 Once the manager has ascertained the reason for the employee's non-attendance as outlined above, the manager should write to the employee to confirm the withdrawal of the flexible working as soon as practically possible.

8 Appeals

8.1.1 If the employee is dissatisfied with the manager's decision following the Flexible Working Request Meeting, they have a single right of appeal, which will be considered in line with the Sonic Healthcare UK Appeals Procedure.

9 Document approval.

Document Approvals are recorded within the document record card within Sonic Healthcare UKs electronic quality management system (e-QMS).

Approved documents will be marked as active in the footer of the document. Documents that are not marked approved are not considered controlled. Printed copies are not permitted. Records of approval and reference copies of procedures are available from HR@tdlpathology.com.

10 Change Details

Change Request number	Change Detail	Implemented in Version Number
N/A	N/A	N/A