

POLICY NAME:	Flexible Working (incorporating Agile Working)
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LINKS TO ANY OTHER POLICIES/PROCEDURES	Information Governance Policy & Health & Safety Policy; Flexible Working toolkit
CONSULTED WITH:	Policy Development Group

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MANAGER RESPONSIBLE FOR REVIEW (Must be Authors Line Manager)	Deputy Chief People Officer	



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**AT ALL TIMES, STAFF MUST TREAT PATIENTS WITH RESPECT
AND UPHOLD THEIR RIGHT TO PRIVACY AND DIGNITY.**

1. WHAT THIS POLICY COVERS

In accordance with the Employment Act 2002, WWL has a statutory responsibility to carefully consider all requests for flexible working made by employees. This policy outlines who is eligible to make a formal flexible working request, the procedure that should be followed and issues that will be considered when deciding whether to agree to the request.

2. PRINCIPLES

- 2.1 WWL has a strong commitment to improving working lives and will support you in positively exploring ways in which you can better balance your work and personal lives, this includes considering where you feel you are able to undertake your role in an agile way.
- 2.2 WWL will make every effort to accommodate your request for flexible working, including where reasonable adjustments are required to support you, if you have a disability, so you are supported to have flexible arrangements agreed which are equitable to your team members.
- 2.3 To make the best use of WWL's available estate we encourage managers to remain open to discuss and agree agile ways of working with their team members.
- 2.4 There may be exceptional circumstances, where agreeing to new working arrangements, such as those requested under flexible working applications will need to be minimised, due to major operational responses, such as a national pandemic. In these circumstances it may be appropriate for authorisations and/or approvals to be assigned at a more senior level, to ensure consistency and the ability to maintain effective services at a divisional and/or organisational level. Divisional Directors (Operational or Clinical) will have the authority to define this within their areas of responsibility. It is expected that this would be for a defined temporary period only.
- 2.5 If you have a flexible and/or agile working arrangement agreed you are still required to ensure you follow the Trust's policies and procedures and your terms and conditions of employment whilst working in any location, including at home.

3. RESPONSIBILITIES

- 3.1 Managers will ensure that all staff making a request for flexible working are treated equally and fairly and will not unlawfully discriminate against any individual on the grounds of any protected characteristics.
- 3.2 Managers are responsible for ensuring all team members are provided with transferable or duplicate equipment to ensure a team member can work in a flexible way should they approve an application for agile working. This would include any team member who required specialised equipment as part of a health and safety assessment. Managers should treat all team members equitable in this regard. Additional investment should be considered as a reasonable adjustment and not cause a barrier to supporting an application.
- 3.3 You are responsible for alerting your manager at the earliest opportunity if you are aware of changes to your health and wellbeing that may impact your ability to do your job.
- 3.4 Line managers are responsible for completing any relevant ESR forms linked to any agreed flexible working arrangement and/or liaising with payroll if amendments to pay are required

4. POLICY IN PRACTICE

4.1 Eligibility

4.1.1 All employees of WWL are eligible to make a request for flexible working.

4.1.2 There is no limit to the number of requests you can make for a flexible working arrangement to be considered by your manager however you should consider fully what you are requesting and not repeatedly request the identical working arrangement.

4.2 Options for flexible working

4.2.1 There are numerous ways you can change your current working hours and pattern, including moving to:

- Annualised hours – working your contracted hours flexibly throughout the year without affecting your regular salary payment.
- Term time working – concentrating your work hours within school term times to provide time off to look after children during school holidays.
- Voluntary reduction in working time – working fewer hours for an agreed period.
- Part-time working – where working hours are less than your standard full-time hours. (Any part time request by a doctor in training should be made via a LTFT (less than full time) application to Health Education England and not via this policy and process)
- Compressed hours working – where your contracted working hours are compressed into fewer days.
- Job sharing – you and one or more people share responsibility for your current role.
- Flexitime – working flexible hours during the day within defined limits.
- Flexible Retirement – accessing your pension whilst remaining working
- Agile Working – the location where the hours are worked, which may include some or all of the work from differing locations including their home.
- Self-rostering – where staff agree to organise themselves to work shifts/hours that need to be covered at the appropriate skill mix to meet the needs of the service, overseen by the line manager.

4.2.2 Please see the Flexible Working Guidance document for further information (available on the intranet).

4.3 Remuneration and benefits

4.3.1 For all of the flexible working arrangements listed previously, WWL can arrange for payments to be made regularly, regardless of when hours are worked over the course of the year.

4.3.2 Payments would be made as though you were working a standard working week. This would involve recalculating your annual remuneration based on your new working arrangements and making regular payments in instalments on your current weekly or monthly payment basis.

4.3.3 It is important to note that moving to any flexible arrangement may result in changes to your annual leave and sick pay entitlements and you should seek advice about any likely impact before making a final decision.

4.4 Stages

4.4.1 Making an application for change

If you wish to apply to change your current way of working, complete a Flexible Working Request Application Form (available on the intranet) and send to your manager and HR. You should include details on:

- whether the change is requested on a temporary or permanent basis
- the nature of the change you seek

- the date you would like the change to be introduced.
- It would also be helpful to advise if the request is to support a reasonable adjustment for any disability you have (as set out in the Equality Act 2010)

If you are a member of a trade union, your representative can support you with your application.

After receiving your application, your manager will arrange to meet with you to discuss your request. The meeting will provide an opportunity to discuss your desired work pattern in depth and how best it might be accommodated. It will also provide an opportunity to consider other working patterns, should accommodating the desired work pattern in your application prove difficult. Your manager will also complete any relevant risk assessment required, e.g. Team/Individual Agile Working Risk Assessment.

4.4.2 Decision

After your meeting, your manager will confirm in writing their decision to you. When deciding they will consider:

- the impact your requested change would have on service delivery
- how the change would affect your colleagues
- what the financial impact on WWL would be.

If your manager is unable to agree to the request due to one or more of the reasons outlined, before an outcome is finalised your manager must look at further options beyond your immediate team but still within the organisation that could be agreed with you. In this case your manager will escalate to the manager over the service / department to seek to explore options to support your application within your wider service and team.

If your request has been agreed, the letter will confirm the new working arrangements and start date. Please note that if you agree to the change, you will have no automatic right to return to your original pattern of work if you wish to change again in the future. You and your manager should build in review periods to understand any changes in your personal needs are considered alongside current service requirements.

For consultants and SAS doctors any changes will be formalised via a job plan review.

If your request has been refused, the letter will give the reason(s) and tell you how you can appeal.

4.4.3 Appeal

Should you wish to appeal a decision to refuse your request, you can do so using the appeal stage within the WWL Grievance Policy.

4.4.4 Timescales

All applications, including any appeals, must be considered and decided on within a period of three months from a manager first receiving the application, unless you agree with your manager to a longer period of time (this should be no more than 30 days in addition).

4.4.5 A flow chart summarising the Flexible Working Request process is available on the intranet.

4.4.6 Further guidance is available via the Flexible Working Guidance Document on the intranet.

4.4.7 Template letters to support this process are available on the intranet.

5. TYPES OF FLEXIBLE WORKING

5.1 Term Time Working

5.1.1 Term time working is defined as working part-time or full-time hours during school term periods and not working during the school holiday periods.

5.1.2 The salary of an employee working on a term-time basis will be paid on a monthly basis and averaged over a 52 week period.

5.1.3 If work on a term-time basis, you will not be eligible to request additional leave outside of school holiday periods. Pro-rata annual leave entitlement will be incorporated into the calculation for your pay.

5.1.4 It is you and your line manager's responsibility to review the term time calculation annually to ensure that it correctly reflects the number of weeks per annum that the employee will work and takes account of any increases to contractual annual leave entitlement.

5.2 Agile Working

5.2.1 Agile working means that you are able to work remotely from your own home or another suitable location which is not your usual place of work and combine it with working in your normal WWL work location depending on the needs of your role, your team and your own preferences.

5.2.2 Whilst we are supportive of colleagues working from outside the UK in emergency or other exceptional situations, when it's necessary for specific roles or for short periods of time, due to the potential complex legal and tax implications, we are unable to support long term arrangements or requests for permanent relocations outside the UK.

5.2.3 Further information is available within the WWL Line manager guidance on supporting Agile Working document and the Agile Way of Working FAQs. Specific health and safety guidance and a risk assessment template is also available within the Managing the Health and Safety of Agile Workers document. This is available on the intranet.

5.2.4 There is no right for you to work in an agile way including at home and so any such working is voluntary and by agreement with your manager.

5.2.5 To work effectively, agile and/or working from home has to primarily meet the business needs of the service as well as you. Whilst not all jobs are suitable for agile and/or homeworking, any request will be considered on its merits.

5.2.6 Regular conversations on how you are managing working in an agile way should be part of routine discussions with your manager. This will ensure that if there are any problems or concerns they are addressed as soon as possible.

5.2.7 If circumstances or the needs of the service change, or if it is determined that the agile arrangement should end for another reason, your manager will discuss this with you, and you'll receive reasonable notice to return to working at your WWL base. If you wish to appeal this decision, you may use the WWL Grievance Policy. If you do not wish to continue working in an agile way including from home and this has been in place for some time, you should arrange to meet your manager to discuss possible options for returning to work at a WWL location.

- 5.2.8 Whilst working in an agile way and/or at home can help with dropping off and picking up children, it should not be used to replace childcare arrangements.
- 5.2.9 You must only use WWL authorised equipment when working from another location or from home and you must not allow anyone not employed by WWL to use any WWL equipment. If you wish to purchase any equipment yourself, at your own expense to compliment your WWL equipment/work (such a mouse or keyboard), you should discuss this with your manager to ensure it complies with all UK safety regulations and will not disrupt or damage WWL equipment in anyway. Occasionally you may be requested or need to attend a WWL location whilst your equipment is tested or updated. You will need to be available during working hours to do this.
- 5.2.10 It is your responsibility to check if your agile arrangements require you to hold business use car insurance and ensure this is in place whilst you undertake your role in this way.

5.3 Working from home

- 5.3.1 The WWL Home Working booklet provides relevant information for those working regularly at home. This can be found on the intranet. It is important that your wellbeing is supported when you are working from home. This includes being part of a team and ensuring regular communication and support. It is also important that you consider how to maintain your own health and wellbeing while working from home.
- 5.3.2 All homeworking (whether regular or occasional) should be agreed before this arrangement commences between you and your manager, so you both understand how your role will be fully undertaken and how your manager can be assured of this. What may require to be checked from your workload and how often should be discussed and agreed also.
- 5.3.3 Line managers will ensure that each decision to allow regular homeworking is based on a sound business case. IT and Information Governance advice must be sought from the IM&T and IG departments if unsure. Equipment, including hardware and software and systems, will be subject to review in line with Trust policies.
- 5.3.4 IT support for Trust issued equipment and software used for homeworking will remain the responsibility of the IM&T Service Desk. However, issues concerning Wi-Fi, broadband or dial-up connectivity remain the responsibility of the employee and their Internet Service Provider (ISP).
- 5.3.5 If approved, regular homeworking will be authorised subject to completion of the Health, Safety and Security Self-Assessment Checklist by the employee for the purpose of carrying out specific tasks agreed with the manager. The employee declaration must also be completed. Templates are available within the Managing the Health and Safety of Agile Workers document.
- 5.3.6 You and your managers must familiarise yourselves with the Managing the Health and Safety of Agile Workers document and risk-assess the appropriateness of the home working before it commences.
- 5.3.7 If you work from home on a regular basis you are expected to meet the cost of travelling to your WWL work base when come into your office or base in the normal way. If you are required to travel to other locations as part of the job, you can claim for this expense in accordance with the Trust Travel and Subsistence policy.

5.3.8 WWL will not pay any additional lighting and heating costs and will not meet any additional costs of insurance. WWL will be responsible for any necessary insurance of equipment supplied to you and employee liability insurance.

5.3.9 It is your responsibility to check if you need to tell your home insurers, mortgage lender, and local authority. WWL will not accept liability for damage caused to your home or its contents.

6. HEALTH AND SAFETY AND WORKING HOURS FOR AGILE AND HOME WORKING

- 6.1 Under the Health and Safety at Work Act 1974, the organisation is responsible for employees' safety at work, and this applies to agile or homeworking. However, you also have an obligation to ensure that you take reasonable care not to harm yourself or others.
- 6.2 The Trust will provide appropriate equipment to ensure your health, safety and welfare is adequately safeguarded.
- 6.3 The Health, Safety and Security Self-Assessment Checklist must be completed prior to agile or working from home commencing. You and your manager must familiarise yourselves with the Managing the Health and Safety of Agile Workers document, available on the intranet, and risk-assess the appropriateness of the working arrangement prior to commencement.
- 6.4 The Trust reserves the right to check the employee's homework areas for health and safety purposes.
- 6.5 The working hours will be those set out in the employee's contract of employment. The line manager needs to clarify and agree at the outset of the arrangement, what hours the employees should work and be clear whether these are required at specific times of the day or specific days of the week.
- 6.6 Employees working from home are still subject to the Working Time Regulations 1998, unless they have signed an opt-out form. For those employees who have not signed an opt-out, the regulations require them not to work more than 48 hours in each 7 day period, averaged over a 17 week period; to take regular breaks throughout the day (minimum of 20 minutes every 6 hours); have 11 hours consecutive rest in every 24 hour period; and to have a 24 hour rest period in every 7 days, averaged out over a 14 day period.

7. SECURITY AND CONFIDENTIALITY

- 7.1 Employees are responsible for ensuring the security and confidentiality of Trust property and all Trust information, files, documents etc. within their possession.
- 7.2 Employees must not permit confidential Trust documents or data to be viewed or accessed by non-Trust or other unauthorised persons.
- 7.3 In undertaking the risk assessment, consideration must be given to the layout of the workplace to ensure that sensitive or confidential data or documentation cannot be viewed or accessed by unauthorised persons.
- 7.4 Employees must only use Trust authorised equipment when working at another location or from home.
- 7.5 Security and confidentiality issues are a particular concern for agile/homeworking and the Information Governance policy must be complied with.

- 7.6 Adequate security measures must be in place before an employee accesses Trust IT systems from home (e.g. firewall and Anti-virus protection).
- 7.7 Employees will be held responsible for the loss or damage to equipment and/or data where it is found they have not followed policy/guidance. This may also be dealt with under the Trust Disciplinary Policy.
- 7.8 Equipment provided by the Trust remains the property of the organisation and must not be used by others not employed on Trust business and must be returned by employees if the agile or working from home arrangement ceases.

8. SENIOR MEDICAL STAFF

Senior medical staff are expected to work in a flexible and responsive way that allows them to react to changing service demands and professional goals. This will be set out in their job plan, which will be reviewed at least once a year. The agreed job plan will record any mutual agreement that a doctor can work for any proportion of their contracted hours from home. The same principles, as set out in this policy, will apply to any such decisions. For consultants and SAS doctors, any changes will be formalised via a job plan review.

9. FLEXIBLE RETIREMENT

- 9.1 A variety of flexible retirement options are available to you dependent on which part of the pension scheme you are in. The impact on your benefits will vary depending on the section of the pension scheme you are in and flexible retirement option you wish to take. You should discuss your flexible retirement options with the payroll department and NHS Pension Scheme before making any decisions with regards to drawing pension. Website: www.nhsbsa.nhs.uk or Helpline: 0300 3301 346 or Email nhsbsa.pensionsmember@nhsbsa.nhs.uk
- 9.2 All retirements should be notified to the Payroll Department at least four months in advance, to allow sufficient notice to the Pension's Agency.
- 9.3 If you are in the 1995 section of the NHS Pension Scheme and wish to retire and return, you are required to take a 24 hour break and work 16 hours or less a week for at least one full calendar month. If you are in the 2008 section of the NHS Pension Scheme and wish to retire and return, you are required to take a 24 hour break only.
- 9.4 Details of other flexible working arrangements are described within the Flexible Working Guidance document (available on the intranet).

10. HUMAN RIGHTS ACT

Implications of the Human Rights Act have been taken into account in the formulation of this document and they have, where appropriate, been fully reflected in its wording.

11. INCLUSION AND DIVERSITY

The document has been assessed against the Equality Impact Assessment Form from the Trust's Equality Impact Assessment Guidance, please refer to the relevant EIA for further information.

12. MONITORING AND REVIEW

Every flexible working request received by a manager must be recorded on a Flexible Working Application form which needs to be fully completed and returned to the HR Department, Buckingham Row or via hadmin@wwl.nhs.uk

The HR Team will provide reports as to compliance with the Flexible Working policy.

This policy will be reviewed every 3 years. Earlier reviews may be required due to legislation changes or NHS direction/guidelines.

13. ACCESSIBILITY STATEMENT

This document can be made available in a range of alternative formats e.g. large print, Braille and audio cd. For more details, please contact the HR Department on 01942 77 3766 or email equalityanddiversity@wwl.nhs.uk

Appendix 1

EQUALITY IMPACT ASSESSMENT FORM Initial Assessment – Part 1

NOTE: Please use in conjunction with the EIA Guidance document

This document records the analysis undertaken by [Vikki McManus, Strategic HR Lead] to fulfil the requirements of the PSED as set out in section 149 of the Equality Act 2010. This requires the department to pay due regard to the need to:

1. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
2. advance equality of opportunity between people who share a protected characteristic and those who do not
3. foster good relations between people who share a protected characteristic and those who do not.

The protected characteristics which have been considered are:

- age
- disability
- sex
- gender reassignment
- marriage or civil partnership
- pregnancy and maternity
- race
- religion or belief
- sexual orientation.

Please note that in relation to the protected characteristic of marriage and civil partnerships, WWL is required to have due regard only to the first point (eliminate unlawful discrimination).

1. Name and outline of policy proposal, project, guidance, operational activity or organisational change?

Flexible Working Policy. This policy outlines who is eligible to make a formal flexible working request, the procedure that should be followed and issues that will be considered when deciding whether to agree to the request. The policy is the keystone to a toolkit of guidance & information for managers and staff in promotion, consideration and implementation of flexible ways of working.

2. Who is the target audience/who will be affected by the proposal?

a) If workforce is affected please fill in Table 1 to show the staffing profile split between the overall Trust workforce and those affected by the policy (based on the information available in ESR). If all of the local/Trust wide workforce is affected, you do not need to fill out Table 1 but note this here:

Policy applies to all Trust wide workforce

b) If service users/others are affected, please detail here:

Table 1: Proportion of staff affected by the policy

Data as at: DD/MM/YYYY

		Overall Trust		Staff affected by the policy	
		Headcount (A)	Percentage (B = $100 \times A / 6757$)	Headcount (C)	Percentage (D = $100 \times C / 456$)
Number of Staff					
Protected Details	Characteristic				
Gender	Male				
	Female				
Age	<=20 Years				
	21-25				
	26-30				
	31-35				
	36-40				
	41-45				
	46-50				
	51-55				
	56-60				
	61-65				
	66-70				
	>=71 Years				
Disability	Yes				
	No				

		Overall Trust		Staff affected by the policy	
		Headcount (A)	Percentage (B = 100xA/6757)	Headcount (C)	Percentage (D = 100 x C/456)
	Unknown				
Ethnicity	White British				
	BAME (all except White British)				
	Mixed				
	Asian				
	Black				
	Other				
	Unknown				
Pregnancy and Maternity	Pregnant / Planned Mat leave ^a				
	On Mat leave				
	Returned from maternity leave in last 12 months				
Religion Belief or	Atheism				
	Buddhism				
	Christianity				
	Hinduism				
	Islam				
	Jainism				
	Judaism				
	Other				
	Unknown				
Marriage or	Civil				

		Overall Trust		Staff affected by the policy	
		Headcount (A)	Percentage (B = 100xA/6757)	Headcount (C)	Percentage (D = 100 x C/456)
Civil Partnership	Partnership				
	Divorced				
	Legally Separated				
	Married				
	Single				
	Widowed				
	Unknown				
Sexual Orientation	Bisexual				
	Gay or Lesbian				
	Heterosexual or Straight				
	Other sexual orientation not listed				
	Unknown				
Gender Reassignment ^b	Yes				
	No				
	Unknown				

^a May not be recorded in ESR but disclosed to line manager

^b Gender Reassignment is not currently recorded in ESR. In the absence of our data, we will presume that 1% of our workforce are trans, which would reflect the best estimates of the overall UK trans population.¹

3. If any percentages in column D are significantly lower or higher than in column B in the same row, this may show that the policy has a disproportionate impact on that group. Please indicate in the table above which groups are disproportionately affected by filling the appropriate cells in yellow. Consideration of these groups will be required in a full Equality Impact Assessment (see Part 2 below). However, before completing Part 2, please complete the rest of Part 1.

4. Are there any gaps in the workforce data?

¹ [The truth about trans \(stonewall.org.uk\)](https://www.stonewall.org.uk)

Yes ☐

No ☐

If yes, provide details and any required actions to gather alternative sources of information:

5. You must also consider if some groups might be more adversely affected than others, even if their numbers are small or proportionate to their overall population.

Please complete Table 2 and consider each group. Does the proposed policy have potential to affect this group of people in a negative way? If so, add this group to the full Equality Impact Assessment (Tables 3-5 in Part 2). If not, please fill in the last page on this document only.

Table 2: Screening for positive and negative effects on groups

For each of the protected characteristics listed answer the questions below using Y to indicate Yes and N to indicate No	Sex (male / female)	Age	Race / Ethnicity	Disability (hearing / visual / physical / learning disability / mental health)	Religion / Belief	Sexual Orientation	Gender Re-Assignment	Marriage / Civil Partnership	Pregnancy & Maternity	Carers	Other Group	List Negative / Positive Impacts Below
Does the policy have the potential to affect individuals or communities differently in a negative way? <i>If yes, add this group to the full equality impact assessment (Part 2)</i>	N	N	N	Y	N	N	N	N	N	N	N	Disability Potential for negative impact for those staff with any physical disabilities to be unfairly disadvantaged in relation to agile working, where home working is considered as part of the application. Obligation of the Trust is to ensure compliant workstation for all staff in line with H&S regulations. Depending on costs involved and home environment may mean some individuals may not be supported to work in this way in comparison to other employees. Managers to ensure they consider equity of requests and support to all team members including those who may have specific equipment requirements.
Is there potential for the policy to promote equality of opportunity for all / promote good relations with different groups (have a positive impact on individuals and communities)?	Y			Y								Sex/Gender From staff in post data Trust is predominantly female in all but medical and dental staff groups. All divisions are predominantly female inclusive of corporate teams where majority of eligible staff may be able to apply for agile working arrangement. Flexible working arrangements of other kinds are available to all staff groups. Disability Where positive solutions to overcome any equipment barriers and support those staff with physical disabilities this would promote good relations and

												equality of opportunity.
In relation to each protected characteristic, are there any areas where you are unsure about the impact and more information is needed?	N	N	N	N	N	N	N	N	N	N	N	

Job Title	Strategic HR Lead	Signed			Dated	14 April 2022
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Part 2 – Full Equality Impact Assessment

6. Please use the Table 3 to describe the disproportionate effects and/or the negatively affected groups, identified in Part 1 (Table 1 and Table 2):

Table 3: Groups that are disproportionately or negatively affected by the policy.

Protected Characteristic	Certain groups within this category identified as disproportionately affected? (e.g. certain ethnicities etc) – list detail below	Is the group negatively affected? If so, describe how.	Summary of evidence collected (Please consult with relevant staff network, if applicable)
Age:			
Disability:	Those staff with a physical disability requiring specialist equipment to support role and workstation.	Where an employee with specialist equipment applies for an agile working arrangement in accordance with this policy, the organisation has an obligation to ensure an appropriate and safe workstation is provided in any location the employee will work in excess of 1 hour. This may mean additional cost for the Trust in a duplication of specialist equipment if it is not mobile – the implication may result in managers not approving an agile working arrangement in comparison to another employee without this need.	Evidence from flexible working requests recorded shows 75 requests made, with only 1 request being associated to an agile way of working, approved with no disability requirements. Further evidence via Flexible Working requests as agile/home working is established as a way of working as a permanent outcome from Covid-19 pandemic response.
Ethnicity/Race:			
Gender reassignment			
Marriage/Civil Partnership			

Pregnancy/Maternity:			
Religion/belief:			
Sex:			
Sexual orientation:			
Other groups			

7. Are there any ways to avoid or mitigate any of the negative impacts that you have identified above?

Table 4: Mitigation to lessen the negative impact on groups that are disproportionately or negatively affected by the policy.

Protected Characteristic	Mitigation (please detail)	Summary of evidence collected (Please consult with relevant staff network, if applicable)
Age:		
Disability:	Managers to ensure equity of offer among team members and to seek solutions and offer equipment needed as reasonable adjustment to support staff member.	Evidence will be via recorded flexible working requests going forwards. Evidence of this management responsibility and commitment to staff is specifically stated within the policy and associated guidance.
Ethnicity/Race:		
Gender reassignment		
Marriage/Civil Partnership		
Pregnancy/Maternity:		

Religion/belief:		
Sex:		
Sexual orientation:		
Other groups		

8. If any impact cannot be mitigated, can the impact can be justified with evidence?

Table 5: Justification for non-mitigation of negative effects to protected groups

Protected Characteristic	Mitigation not possible? (Y/N)	Evidence to support justification
Race:		
Disability:	No – mitigation is possible – see 7.	
Sex:		
Age:		
Religion/belief:		
Sexual orientation:		
Gender reassignment:		
Pregnancy/Maternity:		
Marriage/Civil Partnership		
Other groups		

9. Can you identify any opportunities for the policy to advance equality of opportunity between people who share a characteristic and people who do not share it?

If the mitigation is applied for those flexible working applications where equality of opportunity would be at risk (i.e. agile/home working) is consistently applied then the policy will advance equality.

10. Can you identify any opportunities for the policy to foster good relations between people who share a protected characteristic and people who do not share it?

Agile and flexible working aims to allow everybody, as far as reasonably practicable, to be able to fit work and life balance better. This in turn will allow people to bring more of themselves to work and creates a culture of equity, which will lead to good relations between different groups.

11. Decision

Decision	Supporting conclusions
Proceed as planned with the policy	As noted within the assessment above.
Adjust the policy	
Proceed with policy despite negative impacts on equality (must be justified)	
Policy not pursued	

12. Review date: At each review of policy content.

13. Declaration

This document has been shared with the relevant HR Business Partner ☐

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

Sign off: 

Name/Title: Vikki McManus/Strategic HR Lead

Division: Workforce

Date: 19/05/2022

Appendix 2

POLICY MONITORING AND REVIEW ARRANGEMENTS

Para	Audit / Monitoring requirement	Method of Audit / Monitoring	Responsible person	Frequency of Audit	Monitoring committee	Type of Evidence	Location where evidence is held
13.1	Every flexible working request received by a manager must be recorded on a flexible working request application form which needs to be fully completed and returned to the, HR Department, Buckingham Row via HRadmin inbox.	Data report	Senior HR Business Partner (Workforce Informatics)	As required	People	Application Forms	HR Department
13.2	The HR Team will provided reports as to compliance with the flexible working policy.	Data report	Senior HR Business Partner (Workforce Informatics)	As required	HR Business Partners / Policy Development Group	Application Forms	HR Department