



# Flexible Working Policy

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Version Control Sheet			
This must be completed and form part of the document appendices each time the document is updated and approved			
Date dd/mm/yy	Version	Author	Reason for changes
23/07/20	3	Katy Chadwick, Human Resources Manager	Review extended by six months
15/05/21	3.1		Review date extended by a further six months
30/06/22	4	Lauren Newton, HR Manager Jayne Taylor, Workforce Business Partner	Incorporating NHS Employers Section 33. Balancing work and personal life
8/12/2023	5	Eleanor Palmer-Rigby, Assistant Director of HR Dr D Bury, Consultant	Inclusion of section 4.22 and Appendix 11 to reflect additional specific agreements for Medical and Dental staff

<b>Consultation / Acknowledgements with Stakeholders</b>		
<b>Name</b>	<b>Designation</b>	<b>Date Response Received</b>
Vicki Higgins	Head of HR (Interim)	12/04/2022
Linda Alexander	HR Advisor	12/04/2022
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## 1 Introduction / Purpose

The Trust recognises the importance of creating a working environment where employees are valued, supported and benefit from good employment practices that promote a healthy work-life balance. All flexible working requests should demonstrate how the needs of the service can be achieved along with how it is possible for the individual to create a healthy work-life balance.

## 2 General Principles / Target Audience

This document describes the flexible working options available to employees and outlines the process for requesting flexible working. It describes how managers will give serious consideration to all work-life balance requests.

### 2.1 Benefits to Flexible Working

Benefits to the Trust:

- Staff feel valued and more motivated, more productive and more likely to stay.
- A wider pool of candidates for new posts.
- Reduced absenteeism, sickness and stress.
- A reputation as an employer of first choice.

Benefits to Staff:

- A better balance between work and life, on and off duty.
- Job satisfaction and a better working environment.
- Reduced stress and work pressure.
- Choice and influence over working time.

## 3 Abbreviations

WTR	Working Time Regulations
HR	Human Resources
JNCC	Joint Negotiating Consultative Committee
JLNC	Joint Local Negotiating Committee
SAS	Specialty and Associate Specialist doctors
LED	Locally Employed Doctors
Trust	Locally Employed Doctors
WFH	Working from home

## 4 Policy

### 4.1 Principles

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

- Flexible working offers benefits to both the Trust and our Employees and should be regarded positively
- Managers should focus on what could be achieved and supported in relation to requests, rather than what cannot, and should conduct initial exploratory conversations to facilitate the request at an early stage, in a bid to reaching a mutually agreeable outcome
- Service delivery, service standards and other colleagues should be considered when making decisions
- Safe working practices as outlined in the Working Time Regulations (WTR) Policy (CORP/POL/221 (1)) and other health and safety documents must be adhered to.
- Where – following full exploration – it has not been possible to support a request, either in full or part, managers should look beyond their team to see if a solution can be offered which could be mutually agreed.
- Flexible working arrangements for fixed term periods are subject to regular review.
- This policy should be read in conjunction with the following documents (See Section 5):
  - Working from Home Policy
  - Hybrid Policy (not applicable to Medical and Dental Staff)
  - Senior doctor Job Planning policy (not applicable to Agenda for Change staff)

## 4.2 Entitlement to Request Flexible Working

All employees have a contractual right to request flexible working, and this can be made at interview or after day one of their employment start date.

Employees can make more than one flexible working request per year and can do so regardless of the reasons for them.

## 4.3 Flexible Working Options

There is wide range of flexible working options available to all employees. The following flexible working options are described in more detail in Appendices 1 to 10:

- Part-Time
- Job Share
- Staggered Hours
- Temporary Reduced Hours
- Compressed Hours
- Annualised Hours

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- Term Time Only Working
- Homeworking (occasional / temporary and long-term arrangements)
- Non-Standard Working Patterns
- Employment Break Scheme

#### 4.4 The Application Process

A flowchart to guide managers and employees on the Flexible Working application process, is available on One HR - [Flexible Working | oneHR \(bfwh.nhs.uk\)](https://bfwh.nhs.uk) (3)

##### 4.4.1 Submitting an Application

To apply for a flexible working arrangement, employees should complete the online Flexible Working Application Form, available on OneHR - [Flexible Working | oneHR \(bfwh.nhs.uk\)](https://bfwh.nhs.uk) (3)

##### 4.4.2 Medical and Dental Staff

This policy applies to all staff including Medical and Dental colleagues. Those wishing to apply for flexible working must read the information detailed in Appendix 11 and guidance issued by the BMA, and the BDA (links below) before making any application.

BMA:

[www.bma.org.uk/pay-and-contracts/contracts/consultant-contract/consultant-part-time-and-flexible-working](https://www.bma.org.uk/pay-and-contracts/contracts/consultant-contract/consultant-part-time-and-flexible-working)

BDA: (Please note link is only accessible to members of the BDA)

<https://bda.org/advice/ba/Documents/ER%20-%20Flexible%20working.pdf>

[BDA Information Sheet](#)



BDA Guidance  
Advice \_ Flexible wo

BMA Specific advice for Junior Doctors in training:

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjI6ZfS3JL9AhUIQ8AKHVjMBmIQFnoECA8QAQ&url=https%3A%2F%2Fwww.bma.org.uk%2Fadvice-and-support%2Fcareer-progression%2Ftraining%2Fflexible-training&usg=AOvVaw2vzhJAMiITiCm288IBQ9p>

##### 4.4.3 Consideration of an Application

After receiving an online application, the line manager should aim to meet with the employee within 14 days (and not later than 28 days). The meeting should explore the

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desired work pattern in depth and how best it might be accommodated. It also provides an opportunity to consider other options if it is difficult to accommodate the original request.

- The employee has the right to be accompanied by a trade union representative or work colleague. The responsibility is on the individual to make the arrangements to be accompanied. However, managers are encouraged to liaise with staff side, so that mutually agreeable arrangements can be made for the meeting.
- If an employee fails to attend a meeting without reasonable cause on more than one occasion, then the application may be treated as withdrawn. Where an application is treated as withdrawn, the manager should write to the employee to confirm.

The manager should seek the employee's agreement to delay the meeting if there are legitimate reasons for the meeting not being convened within 28 days of the request being submitted.

#### 4.4.4 Reaching a Decision

The manager must write to the employee within 14 days of the meeting to confirm the decision and complete the online application process, confirming the outcome.

A temporary flexible working agreement should normally be for a fixed period with regular reviews held with the manager and staff side.

If the change has an impact on pay or contractual changes, the manager must complete an Assignment Change Form. In the case of Medical and Dental staff this should also be recorded on the job plan or job schedule (where applicable). (See Section 5)

If the flexible working request cannot be facilitated within the existing role, then managers should look at similar roles, where vacancies exist, in different environments for the employee to consider.

If the request for flexible working cannot be agreed and/or an agreement on an alternative flexible working arrangement can also not be agreed, the manager must write to confirm the outcome and the reasons for this. Please refer to template letter in the following link - [Flexible Working | oneHR \(bfwh.nhs.uk\)](https://www.bfwh.nhs.uk) (3)

#### 4.4.5 Trial Periods

The manager should consider whether a trial period is appropriate, to assess the suitability of the flexible working option.

During or at the end of a trial period, the manager should meet with the employee to review whether or not to extend the arrangement or for them to revert to their previous working pattern if it has been agreed that the trial has been unsuccessful.

#### 4.4.6 Business Grounds for Declining a Request

Recognised business grounds for declining an application include:

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- The additional cost: the employer will consider if it costs more to replace the hours of work e.g. agency cost.
- Detrimental effect on the ability to meet patient / customer / service demands.
- Inability to reorganise work among existing staff or recruit additional staff.
- A detrimental impact on practice, e.g., ability to retain clinical skills.
- A detrimental impact on quality, e.g., continuity of care, skill mix.
- Reorganisation of staff structure.

It is not legitimate to turn down a request for flexible working on the grounds that others may want the same arrangement. If the department receives only one request for flexible working, it is recommended they agree to the request for a fixed period so that others can have the same opportunity later.

**NB: All documentation relating to flexible working requests must be retained on the employees' personal file.**

#### 4.5 Appeal Process

Any employee has the right of appeal against a declined flexible working application.

An appeal must be lodged in writing within **14 days** following the receipt of the letter declining the application.

A more senior level of manager than who made the decision will consider the reasons for the appeal. The purpose of the appeal is to consider the decision made by the manager who declined the flexible working request.

The manager hearing the appeal should review the appeal, the reason for the refusal, what alternatives have been considered and/or offered and make a final decision on the request. This process should take no longer than 14 days from receipt of the appeal.

There will be no further right of appeal.

#### 4.6 Abuse of Flexible Working Options

For a flexible working process to be successful, there has to be an element of trust between the employer and the employee.

Further advice on the use of timesheets and/or appropriate declarations can be obtained via the E-Rostering Policy, the Trust's Counter Fraud Specialist or Workforce Advisory Service.

Suspicious of abuse will be referred to the Trust's Counter Fraud Specialist for detailed information gathering. Should such an investigation find reasonable grounds to suspect an offence has been committed, further action will be taken, in accordance with the Trust's Counter Fraud and Corruption Policy (4) and/or the Trust Disciplinary Policy (5; 6).

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## 5 References and Associated Documents

1. **BTHFT - Policy.** Working Time Regulations (WTR). [Online]
2. **NHS Employers.** NHS Terms and Conditions of Service Handbook. *Handbook amendment number 47.* [Online] 01 07 2022. [Cited: 04 07 2022.] <https://www.nhsemployers.org/publications/tchandbook>.
3. **BTHFT - OneHR.** Flexible Working. [Online] [Cited: 04 07 2022.] <https://www.bfwh.nhs.uk/onehr/hr-policies-advice/flexible-working/>.
4. **BTHFT - Policy.** Fraud, Bribery and Corruption Policy. [Online] 26 04 2021. [Cited: 04 07 2022.] <http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-136.pdf>. CORP/POL/136.
5. —. Disciplinary Policy. [Online] 31 05 2019. [Cited: 04 07 2022.] <http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-525.docx>. CORP/POL/525.
6. **BTHFT - Procedure.** Disciplinary and Appeal Procedure. [Online] 19 05 2021. [Cited: 04 07 2022.] <http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-PROC-636.docx>. CORP/PROC/636.
7. **BTHFT - Policy.** Attendance Management Policy. [Online] 11 01 2021. [Cited: 04 07 2022.] <http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-011.docx>. CORP/POL/011.
8. **NHS Business Authority.** NHS Pensions. [Online] [Cited: 04 07 2022.] <https://www.nhsbsa.nhs.uk/nhs-pensions>.
9. **BMA Guidance** – Consultant part-time and flexible working (online) 20<sup>th</sup> July 2021 <https://www.bma.org.uk/pay-and-contracts/contracts/consultant-contract/consultant-part-time-and-flexible-working>
10. **BDA Guidance** - <https://bda.org/advice/ba/Documents/ER%20-%20Flexible%20working.pdf>
11. **BTHFT – Senior Doctor Job Planning Policy**  
<http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-533.docx>
- 12 BMA – Flexible Training – guidance for junior doctors  
<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjI6ZfS3JL9AhUIQ8AKHVjMBmIQFnoECA8QAQ&url=https%3A%2F%2Fwww.bma.org.uk%2Fadvice-and-support%2Fcareer-progression%2Ftraining%2Fflexible-training&usq=AOvVaw2vzhJAMiITcM288IBQ9p>
- 13 **BTHFT Homeworking Policy**  
<http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-622.docx>
- 14 **BTHFT Hybrid Working Policy**  
(link to follow once policy is ratified)
15. **BTHFT E-Rostering Policy**  
<http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-128.docx>

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<b>Appendix 1: Part-Time Working</b>	
<b>Definition</b>	Contracted to work less than the full-time hours for the post.
<b>Points Managers Need to Consider</b>	<ul style="list-style-type: none"> <li>• How many working hours a week are required to cover the post?</li> <li>• If part-time working is agreed how will the remaining hours be covered?</li> <li>• What hours does the employee want to work?</li> <li>• Do you need the employee to be flexible in terms of hours / days worked?</li> <li>• What will be the handover arrangements between the part timer and colleagues?</li> <li>• Are there any additional costs arising from the employee working part time?</li> <li>• Terms and conditions will be applied on a pro rata basis. Annual leave and bank holidays must be calculated please see the Annual Leave policy and related documents.</li> <li>• Part-time employees will receive payments for the overtime at plain time rates until their hours exceed standard hours of 37½ hours average per week.</li> <li>• Are adequate processes in place to monitor/audit the employee's attendance and rostered working hours accurately? i.e., Timesheets or a declaration</li> </ul>
<b>Points Employee need to consider</b>	<p>Terms and conditions will be applied on a pro-rata basis. Salary and all pay related benefits are reduced pro-rata to the full-time entitlement, e.g.</p> <ul style="list-style-type: none"> <li>• Salary increases</li> <li>• Pension</li> <li>• Redundancy Pay</li> <li>• Annual Leave</li> <li>• Paid Special Leave</li> <li>• Sick Pay</li> <li>• Maternity Pay</li> <li>• Bank Holidays</li> </ul> <p>The following are some of the questions that you may want to consider before you request part-time working:</p> <ul style="list-style-type: none"> <li>• How will the demands of the job be met if you work fewer hours?</li> </ul>

## Appendix 1: Part-Time Working

- Will someone else need to take over part of your job or cover for the times when you are not there?
- What will be the impact on your colleagues?

There are occasions when your colleagues or your manager may need to contact you with work related queries outside your contracted hours.

You will need to ensure that an effective handover system is in place for periods of the week that you are not at work.

You may be subject to an audit with regard to your roster and the actual hours you have worked

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<b>Appendix 2: Job Sharing</b>	
<b>Definition</b>	<p>Job-sharing is a way for two people to cover one post. Each person has a permanent part-time post. They split the hours, pay, holidays and benefits between them according to how many hours they each work. Job Sharing could be one way to attract and retain people and extend the range of skills and experience brought to the job.</p> <p>Two main types of job-share are on offer:</p> <ul style="list-style-type: none"> <li>• Shared role - there is no division of duties. The job-share roles are interchangeable. This works well for jobs where the work flows continuously. It demands a high level of communication and co-ordination, and cooperation between the job share partners.</li> <li>• Separate roles - works well when work can be split into different client groups or projects. Each person has their own caseload or project, which they focus on during working hours.</li> </ul> <p>The duties of the post can be split in a variety of ways including:</p> <ul style="list-style-type: none"> <li>• Split day, e.g., morning or afternoon</li> <li>• Week split, e.g., two and a half days per job share</li> <li>• Alternate week</li> </ul>
<b>Points Managers Need to Consider</b>	<ul style="list-style-type: none"> <li>• Be clear whether the job is split into a shared responsibility or split into separate tasks and responsibilities.</li> <li>• Ensure that job sharers have the same access to professional development and training as full-time staff.</li> <li>• Establish effective means of communication between job sharers and managers including attendance at team meetings.</li> <li>• Ensure that the job share partners realise that if one job-sharer is absent for a long period or leaves, the partner will be offered the extra hours in the first instance.</li> <li>• Are adequate processes in place to monitor/audit the employee's attendance and rostered working hours accurately? i.e., Timesheets or a declaration</li> </ul>
<b>Points Employee need to consider</b>	<p>Salary and other benefits are reduced pro-rata to the full-time entitlement, as per any part time worker.</p> <p>The following are some of the points that you may want to consider before submitting a job share request:</p> <ul style="list-style-type: none"> <li>• Job share will be possible only when a sharer can be found that enables the established hours for the post to be filled.</li> </ul>

## Appendix 2: Job Sharing

- Entitlements associated with the length of service will be individually applied on a pro-rata basis.
- Both job sharers are responsible for organising handovers effectively and maintaining regular contact with each other, to maintain a seamless service.
- For job share agreements to work effectively there needs to be a high level of coordination and communication. It may be necessary for your job share partner, your manager and other colleagues to contact you outside your normal contracted hours.
- If your job share partner resigns, you will be offered the extra hours in the first instance. If you decline to increase your hours, and a new job sharer cannot be found, the post will revert to full time and all reasonable efforts will be made to redeploy you.
- You may be subject to an audit with regard to your roster and the actual hours you have worked.

<b>Appendix 3: Staggered Working Hours</b>	
<b>Definition</b>	<p>Allows normal start and break times to be altered, whilst maintaining the number of contracted hours. For example, working from 10am – 6pm rather than from 9am – 5pm.</p> <p>Hours may be staggered on a permanent or temporary basis, on all or some working days.</p>
<b>Points Managers Need to Consider</b>	<ul style="list-style-type: none"> <li>• Agree in advance start and finish times to ensure that service needs are met.</li> <li>• Evaluate the impact of staggered working hours on staffing levels, skill mix and service delivery.</li> <li>• Minimum break times must be taken during the working day. See the Trust’s Working Time Policy for more information.</li> <li>• Staggered hours are not normally appropriate for roles that require a handover to an oncoming shift.</li> <li>• Consider whether there are any particular health and safety or security issues that arise from working the new hours.</li> <li>• Are there any additional costs arising from the employee working staggered hours?</li> <li>• Are adequate processes in place to monitor/audit the employee’s attendance and rostered working hours accurately? i.e., Timesheets or a declaration</li> </ul>
<b>Points Employee need to consider</b>	<p>The following are some of the questions that you may want to consider before submitting your request for staggered working hours.</p> <ul style="list-style-type: none"> <li>• How will the demands of your job be met if you work staggered hours?</li> <li>• Will someone else need to take over part of your job or cover for the times when you are not there?</li> <li>• What will be the impact on your colleagues?</li> <li>• There may be times when you need to be flexible to cover absent colleagues.</li> <li>• You may be subject to an audit with regard to your roster and the actual hours you have worked</li> </ul>

<b>Appendix 4: Temporary Reduced Hours</b>	
<b>Definition</b>	<p>Temporary reduced hours allow an employee to reduce their working hours for a specific period of time with the intention of returning to their original hours in agreement with the manager.</p> <p>The options on offer include:</p> <ul style="list-style-type: none"> <li>• Working a shorter day</li> <li>• Taking a half-day or day off per week</li> <li>• Taking blocks of time off at regular intervals</li> </ul>
<b>Points Managers Need to Consider</b>	<ul style="list-style-type: none"> <li>• Evaluate the impact of reduced hours on staffing levels, skill mix and service delivery.</li> <li>• Discuss with other team members how the work will be covered before allowing someone to temporarily reduce their hours.</li> <li>• You need to agree the distribution of hours with the employee, taking into account the needs of the service.</li> <li>• Consider how long the temporary arrangement will run for and whether a review stage is needed.</li> <li>• Annual leave and bank holidays must be calculated please see the Annual Leave policy and related documents.</li> <li>• Are adequate processes in place to monitor/audit the employee's attendance and rostered working hours accurately? i.e. Timesheets or a declaration</li> </ul>
<b>Points Employee need to consider</b>	<p>Salary and all pay related benefits are reduced pro-rata to the full-time entitlement, as for part timers.</p> <p>The following are some of the questions that you may want to consider before submitting your request for temporary reduced hours:</p> <ul style="list-style-type: none"> <li>• How will the demands of your job be met if you work fewer hours?</li> <li>• Will someone else need to take over part of your job or cover for the times when you are not there?</li> <li>• What will be the impact on your colleagues?</li> <li>• You may be subject to an audit with regard to your roster and the actual hours you have worked</li> </ul>

<b>Appendix 5: Compressed Hours</b>	
<b>Definition</b>	Compressed hours result in the employee maintaining their full-time hours but working fewer days e.g., a 9-day fortnight or a 4-day week.
<b>Points Managers Need to Consider</b>	<ul style="list-style-type: none"> <li>• Assess the impact on patient care, colleagues and the quality of the service.</li> <li>• Will the employee be able to provide the same level of service if they work fewer days and longer hours?</li> <li>• An employee working compressed hours have to comply with the Trust Working Time Policy which sets out the rules on rest breaks and daily and weekly rest.</li> <li>• Are adequate processes in place to monitor/audit the employee's attendance and rostered working hours accurately? i.e., Timesheets or a declaration</li> </ul>
<b>Points Employee need to consider</b>	<p>The following are some of the questions that you may want to consider before submitting your request for working compressed hours:</p> <ul style="list-style-type: none"> <li>• Will someone else need to take over part of your job or cover for the times/shifts when you are not there?</li> <li>• What will be the impact on service delivery?</li> <li>• What will be the impact on your colleagues?</li> <li>• What will be the impact on the cost of running the service?</li> <li>• You may be subject to an audit with regard to your roster and the actual hours you have worked</li> </ul>

<b>Appendix 6: Annualised Hours</b>	
<b>Definition</b>	<p>Under an annualised hours contract the employee agrees to work a set number of hours per year.</p> <p>The number of hours worked may vary on a seasonal basis or from one week to another.</p> <p>A common form of annualised hours contract is term time only working</p>
<b>Points Managers Need to Consider</b>	<ul style="list-style-type: none"> <li>• You need to be clear about the suitability of annualised hours, taking into account variations between busy and quiet periods and the frequency of unpredictable events.</li> <li>• Determine the staffing requirements to run the service efficiently and factor in provision for annual, sick and other forms of leave.</li> <li>• With respect to term time only working, you must agree at the beginning whether annual leave falls within term time or within the school holidays.</li> <li>• It is important to seek advice from HR on how the annualised hour's contract will operate and then discuss the advice with the employee at the earliest possible opportunity.</li> <li>• Daily and weekly break times must be taken in line with the Trust Policy.</li> <li>• Are adequate processes in place to monitor/audit the employee's attendance and rostered working hours accurately? i.e., Timesheets or a declaration</li> </ul>
<b>Points Employee need to consider</b>	<p>Your basic salary will be paid in equal monthly instalments, regardless of the actual number of hours worked in that period. Unsocial hour's payments will be paid in arrears, as usual.</p> <ul style="list-style-type: none"> <li>• What will be the impact on service delivery?</li> <li>• What will be the impact on your colleagues?</li> <li>• Do you want to take your annual leave during school holidays or within term time?</li> <li>• You may be subject to an audit with regard to your roster and the actual hours you have worked</li> </ul>

<b>Appendix 7: Term Time Only working</b>	
<b>Definition and Principle</b>	<p>The school term time will be deemed to be 40 weeks, unless otherwise stated. Term time working means an employee works only during term times. The employee is away from work out of term time.</p> <p>It is accepted that schools only open for 39 weeks of the year, therefore the employee on a term time only contract will be expected to undertake any mandatory training on the additional week to make up 40 weeks as per contract of employment.</p> <p>Term time working allows employees to the right to both paid and unpaid periods of leave during the school holidays. Term time working is focused specifically to accommodate out of term periods.</p>
<b>Points Managers Need to Consider</b>	<p><b>Salary</b></p> <p>The annual salary will be based on the number of hours it is proposed the employee will work in the year, plus payment for annual leave entitlement. For administrative purposes, the employee's pay is spread into twelve equal payments. However, this means that the monthly payment received is not directly related to the hours worked in that month. Therefore, if the employee leaves the Trust when part of any one year has been completed, their pay will be re-calculated so that the proportion of the annual salary received matches the proportion of the working year completed. Any shortfall in pay will be paid in their final payment, and any overpayment will similarly be deducted.</p> <p>You are paid for 40 working weeks (TTO) plus annual leave and public holidays. This is deducted from the 52 weeks and the difference is deducted, non – pensionable over 12 months. This is shown as an adjustment on your wage slip so that pension contribution is based on your full pay and not the lesser amount, with a monthly deduction for term time working. (See Appendix 7.1).</p> <p><b>Pension</b></p> <p>Pension contributions will be the standard monthly percentage deduction. Further information can be obtained from Payroll.</p> <p><b>Annual Leave</b></p> <p>An employee's annual leave entitlement is determined by the length of NHS aggregated service, with leave entitlements increasing on the completion of 5 and 10 years aggregated service.</p> <p>An employee will receive a pro rata entitlement to annual leave, based on the whole time leave entitlement, inclusive of 8 general public holidays and is paid as part of an employee's salary.</p>

## Appendix 7: Term Time Only working

An employee on a term time only contract is required to work during the school term. There is no entitlement to take annual leave within term time; exceptional circumstances may be considered by your line manager.

Agreement is then reached between the employee and the manager on the distribution of paid and unpaid leave. These arrangements must be made and recorded prior to the commencement of the annual leave year (1<sup>st</sup> April – 31<sup>st</sup> March). See Appendix

If an employee changes their contracted hours during the year, they will have their entitlement recalculated on completed months service (the hours used for the calculation of a particular month will be the hours that have been worked the greater throughout the month).

See Appendix 7.2 for an example of calculation for term time only annual leave.

### **Maternity / Paternity Leave**

Legislative entitlements and Trust Policy will apply with regards to time off from work with pay. Employees on a term time contract will continue to accrue annual leave whilst on maternity leave.

### **Sickness Absence**

Term Time Workers will be entitled to receive sick pay in accordance with Trust Policies and Procedures.

Sick pay and monitoring will only apply for the days/hours of sickness absence that occurs when the employee is working or on designated paid annual leave.

When an employee is sick during a period of planned annual leave, they must notify their manager or nominated representative as per the relevant Sickness Absence Management Policy (7).

### **Access to Training**

Term Time working employees will have the same access to training information, and opportunities. Term Time Workers will be expected to make themselves available for statutory and mandatory training and key training initiatives even if they fall within the non-working time, though every effort will be made to arrange training dates that avoid conflict with the employee's non-working time.

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<b>Appendix 7: Term Time Only working</b>	
<b>Points Managers Need to Consider</b>	<ul style="list-style-type: none"> <li>• You need to be clear about the suitability of term time working, taking into account variations between busy and quiet periods and the frequency of unpredictable events.</li> <li>• Determine the staffing requirements to run the service efficiently and factor in provision for annual, sick and other forms of leave.</li> <li>• It is important to seek advice from HR on how the term time contract will operate and then discuss the advice with the employee at the earliest possible opportunity.</li> <li>• Daily and weekly break times must be taken in line with the Trust Policy.</li> <li>• Are adequate processes in place to monitor/audit the employee's attendance and rostered working hours accurately? i.e., Timesheets or a declaration</li> </ul>
<b>Points Employee need to consider</b>	<p>Your basic salary will be paid in equal monthly instalments.</p> <ul style="list-style-type: none"> <li>• What will be the impact on service delivery?</li> <li>• What will be the impact on your colleagues?</li> <li>• Do you want to take your annual leave during school holidays or within term time?</li> <li>• You may be subject to an audit with regard to your roster and the actual hours you have worked</li> </ul>

**Appendix 7.1: Example of Wage Slip with TTO Deduction**

**If Undelivered please return to :**

Blackpool Victoria Hospital NHS Foundation Trust  
 Payroll Dept, Aster Offices, Whinney Heys Road, B'Pool, FY3 8NR

**COPY PAY ADVICE -PRIVATE AND CONFIDENTIAL**

Blackpool Victoria Hospital  
 Blackpool  
 Lancashire  
 FY3 8NR

ESR382 Monthly

2/01233/BA

Assignment Number	Employee Name	Location		
Department Hospital Therapi	Job Title	Payscale description		
	Sal/Wage 22236.00	Inc Date 05 SEP 2009	Std Hours 30	PTSsal/Wage 17788.90
	Tax Office Name Blackpool 1	Tax Office Ref 065/VZ20585	Tax Code 961L CUMUL	NI Number xxxxxxxxxx

*Pay and Allowances (=-Minus Amount)*

Description	Wkd/earned	Paid/Due	Rate	Amount	Description	Amount	Balance C/F
Basic Pay		130.36	130.36	11.3718	PAYE	89.80	
1482.40					NI D	67.92	
Term Time reduction				0.0000	NHS pension 5.6%	86.45	
-206.48							

*Year to Date Balances ( THIS Employment Only)*

*This Period Summary*

Gross Pay 9191.53		Taxable Pay 8595.89	Pensionable Pay 1543.81	Taxable Pay 1250.88
NI Letter	D	Tax Paid 596.80	Tax Period 7	Non-Taxable Pay 0.00
NI Pay 191.53	Other NI Pay	Previous Taxable Pay 0.00	Frequency Monthly	Total Payments 1337.33
NI Conts 457.46	Other NI Conts	Previous Tax Paid 0.00	Period End Date 31 Oct 2015	Total Deductions 244.17
Pensionable Pay 10636.89		Pension Conts 595.64	Pay Date 28 Oct 2015	NET PAY 1093.16

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## Appendix 7.2: TTO Leave Calculation

### Calculation of Annual Leave Entitlement

Calculation of annual leave entitlement is as follows:

Annual leave entitlement:

#### **Table 1**

27 days AL + 8 Public Holidays	35 days	$35 \text{ days} / 5 = 7 \text{ weeks}$
29 days AL + 8 Public Holidays	37 days	$37 \text{ days} / 5 = 7.4 \text{ weeks}$
33 days AL + 8 Public Holidays	41 days	$41 \text{ days} / 5 = 8.2 \text{ weeks}$

There may be a change in the number of public holidays dependent on when Easter falls so the calculation will have to be adjusted accordingly.

52 weeks in the year minus the annual leave and public holidays

$52 - 8.2 \text{ weeks} = 43.8 \text{ weeks}$

Term time no. of weeks (40 in most cases) divided by no. of weeks as above, multiplied by AL&PH entitlement (**See table 1**).

**e.g.,  $40 / 43.8 \times 8.2 = 7.49$  (round to 2 decimal places)**

Add the term time no. of weeks + the no. of AL&PH allowance in weeks.

**e.g.,  $40 + 7.49 = 47.49$  weeks to be paid to the employee**

This means that the employee has 47.49 weeks paid and the remaining 4.51 weeks would be unpaid annual leave.

In order to calculate leave in hours we would do the following:

Multiply the no. of weeks annual leave paid by the weekly hours

**$7.49 \times 37.5 \text{ hours} = 280.87$  annual leave entitlement**

This would be the number of hours which need to be plotted for the school holidays on the annual leave card

**Appendix 8: Occasional / Temporary Home Working and Home Working Arrangements**

<p><b>Definition</b></p>	<p>Employees can ask to work from home on an occasional, ad hoc basis or for a Temporary agreed period of time.</p> <p>Long term Home Working Arrangements may be considered where a specific job does not have to be completed at work and where there is clarity around what will be accomplished at home. There will need to be review periods built into a long-term arrangement.</p> <p>Employees have to fulfil their contractual requirements when working at home e.g., hours of work, breaks and duties.</p> <p>Employees cannot work from home and care for a family member at the same time.</p>
<p><b>Points Managers Need to Consider</b></p>	<ul style="list-style-type: none"> <li>• Employees must be linked to the Trust computer network via an internet connection and be contactable by phone. Employees can be reimbursed for work related telephone calls.</li> <li>• The Health and Safety, Security, Financial, HR and IT issues</li> <li>• Employees working from home must be prepared to attend meetings on Trust premises and are subject to standard performance management practices.</li> <li>• Managers must ensure that the training and development needs of the employee working from home are met.</li> <li>• Temporary home working can be cancelled due to unforeseen or urgent circumstances.</li> <li>• Is the job suitable for home working?</li> <li>• Will there be an increase in workload for other employees?</li> <li>• Agreement must be reached on communication while home working.</li> <li>• How the employee’s performance will be monitored, including appropriate output measures</li> <li>• Are adequate processes in place to monitor/audit the employee’s attendance and rostered working hours accurately? i.e., Timesheets or a declaration</li> </ul>

**Appendix 8: Occasional / Temporary Home Working and Home Working Arrangements**

**Points Employee need to consider**

- Before requesting to work from home on a temporary or long-term basis, give consideration to the impact on service delivery.
  - Requests to work from home must be agreed with your manager in advance.
  - When working from home you must be accessible at all times via email or phone during agreed working hours.
- Working hours may be subject to a more detailed inspection.
- Costs incurred as a result of working from home need to be identified in advance and agreed with the manager.
  - When working from home you can be required to work at Trust premises at short notice.
  - The Trust reserves the right to terminate home working agreement where it is reasonable to do so.
  - Not everyone is suited to home working. Can you work well in isolation?
- You may be subject to an audit with regard to your roster and the actual hours you have worked

<b>Appendix 9: Non-Standard Working Patterns</b>	
<b>Definition</b>	A pattern of work that is not standard for the ward or department, for example, working a 12-hour shift when everyone else works a 7.5 hour shift or working days only when everyone else works days and nights.
<b>Points Managers Need to Consider</b>	<ul style="list-style-type: none"> <li>• Evaluate the impact of non-standard working hours on staffing levels, on skill mix and service delivery.</li> <li>• Minimum break times must be taken as per the Trust's Working Time Policy.</li> <li>• Be clear with the employee about what the arrangements are and how long they will last and confirm in writing.</li> <li>• Consider whether there are any particular health, safety, welfare or security issues that arise from working outside of the 'normal pattern'.</li> <li>• Are there any additional costs arising from the employee working non-standard patterns.</li> <li>• If you agree to non-standard patterns of working these should be granted for a fixed term, subject to regular review.</li> <li>• Can you facilitate a non-standard working pattern by drawing up the employees off duty in conjunction with the manager of the employee's partner?</li> <li>• Are adequate processes in place to monitor/audit the employee's attendance and rostered working hours accurately? i.e., Timesheets or a declaration</li> </ul>
<b>Points Employee need to consider</b>	<p>The following are some of the questions that you may want to consider before submitting your request for non-standard working hours:</p> <ul style="list-style-type: none"> <li>• How will the demands of your job be met if you change your hours or pattern of working?</li> <li>• Will someone else need to take over part of your job or cover for the times when you are not there?</li> <li>• What will be the impact on your colleagues?</li> <li>• You may be subject to an audit with regard to your roster and the actual hours you have worked</li> </ul>

## Appendix 10: Employment Break Scheme

<p><b>Definition</b></p>	<p>An opportunity for an employee to take between 3 months and 2 years leave. The period of leave from work is unpaid but the contract of employment is not terminated. Breaks may be taken as one period or more than one period up to the Trust maximum of 2 years. A separate application must be made for each episode.</p> <p>If the break is for 12 months or less, the employee can return to the post they held prior to going on leave. If the break is for more than 12 months they will return to an equivalent job with the Trust, but not necessarily the same job.</p> <p>Employees who have been continuously employed for at least 12 months by the Trust are eligible to apply. Requests will only be granted if service needs allow.</p> <p>Employees who wish to extend their break should submit their request to extend in writing to their manager as soon as possible and, for employees on breaks of 12 months or more, no later than 6 months before the break is due to end. If the manager does not allow the employee to extend the employment break, they should do this in writing.</p> <p>If the employee wishes to return earlier then they must give 3 months written notice for an employment break of up to 12 months and 6 months' notice for breaks of more than 12 months.</p> <p>Employees must confirm in writing their intention to return on the agreed return to work date at least 3 months before the employment break is due to end.</p> <p>For further information on the Employment Break Scheme, please see the NHS Terms and Conditions of Service Handbook.</p>
<p><b>Points Managers Need to Consider</b></p>	<p>The issues you need to consider before agreeing to an application include:</p> <ul style="list-style-type: none"> <li>• The duration of the break;</li> <li>• The cost of covering the absence</li> <li>• How easy it is cover the absence</li> <li>• Current and anticipated skills/qualification shortages</li> <li>• The needs of the service – current and future;</li> <li>• Past investment in training / skills / knowledge of the employee;</li> <li>• Any forthcoming organisational change</li> <li>• Managers should keep in touch with the employee. As such Keeping in Touch Days should be agreed prior to the employee embarking on their break.</li> </ul>

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<b>Appendix 10: Employment Break Scheme</b>	
	<p>Employees may be required to attend training or to update skills during the break. These should be discussed at the Keeping in Touch Days and agreed.</p> <p>In the event of organisational change, the manager must consult with the employee in accordance with the relevant Change Management Guidance.</p>
<b>Points Employee need to consider</b>	<p>You must maintain your professional registration where this is a requirement of the post.</p> <p>You must not undertake paid work for any other organisation unless this is agreed with your manager.</p> <p>An employment break may commence immediately following maternity leave.</p> <p>Continuous Service: The period of the break will not count as reckonable service for the purposes of contractual entitlements, i.e., contractual redundancy payments, leave entitlements (annual, maternity or sick), and increments. Continuity of service prior to the break will be protected.</p> <p>Pension: Guidance on the effect of taking a break and the options available should be sought from the Trust's Pensions Officer prior to applying for the leave. Further information can be obtained from the NHS Pensions website at <a href="http://www.nhsbsa.nhs.uk/Pensions">www.nhsbsa.nhs.uk/Pensions</a> (8).</p> <p>National Insurance Contributions: National Insurance (NI) will not be paid by the Trust for the period of unpaid leave. You can continue to pay NI contributions but you must arrange this via your local Department of Social Security office. On return to work entitlements to Statutory Sick Pay, Statutory Maternity Pay and State Pensions can be affected if there has been a break in NI contributions.</p> <p>Salary Sacrifice: any salary sacrifice schemes must be paid in full prior to taking a period of leave. You should contact the payroll and benefits team to discuss.</p>

<b>Appendix 11</b>	<b>Medical and Dental Staff</b>
	Part time and flexible working for Medical and Dental staff is supported by the Trust, and by agreement between the Department of Health, the BMA and the BDA
<b>Part-time and flexible working principles</b>	<p>There are a number of principles underpinning the agreement with regard to part-time working:</p> <ul style="list-style-type: none"> <li>• To encourage flexibility as an aid to recruitment and retention</li> <li>• To ensure part-time medical and dental staff do not suffer direct or indirect discrimination because of their contractual status</li> <li>• To ensure that part-time medical and dental staff are able to keep up to date and continue their professional development</li> <li>• To avoid penalising employers who recognise the need for flexible working arrangements and the particular needs of those employees wishing to work part-time</li> <li>• Requests will be properly considered</li> <li>• Any agreements must be recorded on a job plan or job schedule in line with the Job Planning Policies, or contract arrangements, this includes where the work is taking place and thus if working from home is agreed this must also be recorded on the job plan or job schedule</li> </ul>
<b>Consultants/SAS Doctors</b>	<p>The Trust can offer part-time Consultant and SAS doctors contracts of between one and nine programmed activities.</p> <p>The division of PA's between direct clinical care (DCC) and other activities for part-time employees will be seen broadly as pro-rata of those for full time employees.</p> <p>However, it is recognised that part-timers need to devote proportionately more of their time to supporting professional activities (SPA), for example due to the need to participate to the same extent as full timers in continuing professional development.</p> <p>Consultants and SAS Doctors must be able to undertake all teaching, audit, and clinical governance activities required by</p>

	<p>the employer within the time allowed for supporting activities. As for full timers, DCC activities will not intrude on time for SPA except very occasionally in emergency situations.</p> <p>Apart from their timetabled activities, a part-time consultant or SAS Doctor should have no NHS commitment during the working week. Variations in the balance of activities will be a subject to agreement between the employee and the Trust. Any agreement will need to reflect the requirements for CPD agreed in appraisal and job planning reviews.</p> <p>Medical and dental staff working part-time will not be expected to carry the same workload as a full time employee. The assessment of the workload needed to fulfil the duties and responsibilities will be based upon the agreed number of DCC PA's in the job plan and as part of the process to request flexible working, the applicant will need to provide clarity on the work that will be impacted, and suggestions of how this could be addressed.</p> <p>All working arrangements must be recorded on the Job-Plan, including where the work takes place. This will include those situations where it is agreed that work can be done from home.</p>
<p><b>Locally Employed doctors and dentists</b></p>	<p>The Trust can offer part-time contracts to Locally Employed Doctors and Dentists.</p> <p>The Agreement on the number of PA's to be worked will take place during the job offer or job planning discussion.</p> <p>All working arrangements must be recorded on the Job-Plan, including where the work takes place. This will include those situations where it is agreed that work can be done from home.</p>
<p><b>Out of Hours/On call rota</b></p>	<p>Where the employee participates in an on-call rota on the same basis as a full-time colleague, they will receive the full value of an on-call availability supplement.</p> <p>If the participation in the rota is on a different basis, the staff member will receive the same supplement as an equivalent full-time employee on an equivalent rota.</p> <p>If an employee is on-call on a day that they do not normally work, time off in lieu or additional payment will be agreed.</p>

<b>Extra PA's and spare professional capacity</b>	Doctors and dentists wishing to undertake remunerated clinical work outside the main contract are obliged to offer their first spare professional capacity to the NHS. Part-time doctors who wish to use some of their non-NHS time to do private practice would be expected to offer up to one extra PA on top of the normal working week.
<b>Private Practice</b>	<p>Where the request to work part-time is in order that the doctor or dentist can undertake private practice, part-time contracts should not normally be for more than six programmed activities (PA's).</p> <p>Where a doctor or dentist wishes to work part-time mainly for reasons other than private practice, but still wishes to undertake some private work, they can be appointed on a contract for more than six PA's.</p>
<b>Returning from a flexible working arrangement</b>	Where a flexible working arrangement has been agreed, doctors and dentists may request to return to a regular pattern of work having provided normal contractual notice. This will be accommodated by the Trust wherever possible.

<b>Junior Doctors</b>	<p>Junior doctors requesting to work less than full time should contact the Trusts LTFT Training Champion who can provide advice and guidance.</p> <p>Junior doctors may apply for training as LTFT and the training routes and arrangements will be agreed in advance.</p> <p>Where junior doctor wish to apply to convert to LTFT for welfare and wellbeing purposes this can be done during one of two application windows annually. For all other opportunities a minimum of 12 weeks' notice must be provided.</p> <p>LTFT will commence only at rotation points, unless the reason is unexpected.</p> <p>Increasing back to fulltime, will only be allowed at a rotation change and with notice unless there are exceptional circumstances</p> <p>Initial application for LTFT will be in 2 windows; mid-March to mid-April, and mid-September to mid-October.</p> <p>Where possible trainees will be placed in a slot share occupying a full-time post with both trainees working 60%. If a slot share is not possible then working reduced hours in a full-time post will be considered. It is possible to work up to 80% which is the maximum for LTFT training.</p> <p>On-call should be pro-rata; however, <i>if willing</i>, a LTFT trainee can do the full-time on call provided the total hours worked do not exceed 40</p>
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<b>Appendix 12: Equality Impact Assessment Form</b>					
Department	Trust Wide	Service or Policy	Policy	Date Completed:	May 2022
<b>GROUPS TO BE CONSIDERED</b>					
Deprived communities, homeless, substance misusers, people who have a disability, learning disability, older people, children and families, young people, Lesbian Gay Bi-sexual or Transgender, minority ethnic communities, Gypsy/Roma/Travellers, women/men, parents, carers, staff, wider community, offenders.					
<b>EQUALITY PROTECTED CHARACTERISTICS TO BE CONSIDERED</b>					
Age, gender, disability, race, sexual orientation, gender identity (or reassignment), religion and belief, carers, Human Rights and social economic / deprivation.					
QUESTION	RESPONSE		IMPACT		
	Issue	Action	Positive	Negative	
What is the service, leaflet or policy development? What are its aims, who are the target audience?	.This Document is to ensure that all members of staff have clear guidance on processes to be followed. The target audience is all staff across the Organisation who undertakes this process. Policy developed to support current legalisation and NHS Terms and Conditions.	No action required at this time, but future review might see a change that will require action. Raise awareness of legislation and entitlements.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	

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Does the service, leaflet or policy/ development impact on community safety • Crime • Community cohesion	There is no identified impact on community safety/crime or community cohesion.	N/A	N/A	N/A
Is there any evidence that groups who should benefit do not? i.e. equal opportunity monitoring of service users and/or staff. If none/insufficient local or national data available consider what information you need.	Currently there is no evidence that shows who should benefit does not.	An Electronic system has now been implemented to apply for flexible working. The organisation will now have oversight and will be able to monitor and review the data relating the applications for flexible working and the outcomes of decisions.	This policy promotes a positive and inclusive approach to supporting our employees as well as raising awareness of legalisation entitlements.	No negative impact identified at this time.
Does the service, leaflet or development/ policy have a negative impact on any geographical or sub group of the population?	No negative impact has been identified in relation to any geographical or sub group of the population.	No action required at this time, but future reviews might see a change which requires action.	No impact identified at this time but might change at a future review.	No negative impact identified at this time.
How does the service, leaflet or policy/ development promote equality and diversity?	Ensures a cohesive approach for all staff to request flexible working.	No action required at this time, but future reviews might see a change which requires action.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.
Does the service, leaflet or policy/ development explicitly include a commitment to equality and diversity and meeting needs? How does it demonstrate its impact?	The policy does not explicitly include a commitment to equality and diversity but is inclusive in this approach in the process of staff requesting flexible working.	No action required at this time, but future reviews might see a change which requires action.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.
Does the Organisation or service workforce reflect the local population? Do we employ people from disadvantaged groups	. The Trust is reflective of the community it serves. The Trust employs people from disadvantaged groups i.e. those who have a disability/learning disability/low social economic status.	To continue monitoring staff across all protected characteristics and comparing with the local demographic figures from the Council and ONS.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.
Will the service, leaflet or policy/ development i. Improve economic social conditions in deprived areas ii. Use brown field sites iii. Improve public spaces including creation of green spaces?	This policy does not have any direct impact on the development to improve economic social conditions in deprived areas/use brown field sites/improve public spaces etc,	To continue monitoring this policy to ensure any review takes into account any changes re points i ii iii.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.
Does the service, leaflet or policy/ development promote equity of lifelong learning?	No it doesn't.	N/A	N/A	N/A
Does the service, leaflet or policy/ development encourage healthy lifestyles and reduce risks to health?	To support staff with a healthy a work and home life balance.	To raise awareness of legislation and entitlements for the organisation to oversee and monitor.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.
Does the service, leaflet or policy/ development impact on transport? What are the implications of this?	No it doesn't.	N/A	N/A	N/A
Does the service, leaflet or policy/development impact on housing, housing needs, homelessness, or a person's ability to remain at home?	No it doesn't.	N/A	N/A	N/A
Are there any groups for whom this policy/ service/leaflet would have an impact? Is it an adverse/negative impact? Does it or could it (or is the perception that it could exclude disadvantaged or marginalised groups?	No particular group has been identified as having an impact as a result of this policy, whether adverse/negative.	Continue to review the policy in line with legalisation.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.
Does the policy/development promote access to services and facilities for any group in particular?	No it doesn't.	No action required at this time but future reviews might see a change which requires action.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.

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<b>Appendix 12: Equality Impact Assessment Form</b>				
Does the service, leaflet or policy/development impact on the environment	No it doesn't.	No action required at this time but future reviews might see a change which requires action.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.
<ul style="list-style-type: none"> <li>• During development</li> <li>• At implementation?</li> </ul>				
<b>ACTION:</b>				
<b>Please identify if you are now required to carry out a Full Equality Analysis</b>		<b>Yes</b>	<b>No</b>	<b>(Please delete as appropriate)</b>
<b>Name of Author:</b>	Linda Alexander	<b>Date Signed:</b>		17/05/2021
<b>Signature of Author:</b>	Vicki Higgins			
<b>Name of Lead Person:</b>	Lauren Newton	<b>Date Signed:</b>		17/05/2021
<b>Signature of Lead Person:</b>				
<b>Name of Manager:</b>	Jayne Taylor	<b>Date Signed:</b>		17/05/2021
<b>Signature of Manager</b>				