

Family Friendly & Flexible Working

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Family Friendly & Flexible Working Policy

Contents

- 1. INTRODUCTION3
- 2. RESPONSIBILITIES3
- 3. TIME OFF FOR DEPENDANTS AND OTHER SPECIAL LEAVE4
- 4. FLEXIBLE WORKING9
- Appendix 1: Application Form to Request Flexible Working.....13
- RELATED POLICIES15
- Tables16

Family Friendly & Flexible Working Policy

1. INTRODUCTION

As a key part of our business focus on "Workforce Care", BrisDoc recognises the importance of our employees achieving a good 'work-life balance'. We believe in creating a well-managed, flexible working environment that supports staff, promotes their welfare and development, and respects their need to manage a healthy and productive balance between their work and their life outside work.

In support of this commitment, this document sets out a range of flexible employment options available to staff, who are employed on a permanent or fixed term contract, either on commencement or during their employment.

2. RESPONSIBILITIES

2.1 BrisDoc Directorate

- Ensures that the aims and objectives of this policy are in keeping with statutory requirements.
- Ensures that these policies are carried out throughout the company and are available for all employees.

2.2 Employee

- To make all requests according to the procedures as outlined in this policy
- To understand and not abuse the support offered as outlined in this policy

2.3 Line Manager

- To inform the Workforce Department when an employee uses any form of Special Leave.
- To consider seriously all requests for flexible working from team members and to ensure that arrangements agreed do not compromise patient, workforce or resource care.

2.4 Workforce Department

- To ensure that all procedures are carried out correctly.
- To ensure that the procedures do not become subject to discrimination
- To record details of any Special Leave used.

2.5 Legal Responsibilities

BrisDoc is legally obligated to ensure that the following pieces of Legislation are taken into account when dealing with the procedures outlined in this policy.

- Equality Act 2010
- Employment Relations Act 1999
- Employment Rights Act 1996
- Maternity and Parental Leave etc Regulations 1999
- Parental Leave (EU Directive) Regulations 2013
- Jack's Law - Parental Bereavement Leave 2020
- The Employment Relations (Flexible Working) Act 2023

BrisDoc will also ensure that all procedures are in line with its Equality and Diversity Policy.

Family Friendly & Flexible Working Policy

3. TIME OFF FOR DEPENDANTS AND OTHER SPECIAL LEAVE

The following guidelines aim to be beneficial to those employees with dependants. BrisDoc abides by its legal obligations and also where permissible, reserves the right to use discretion when dealing with requests for any of the procedures outlined in this policy.

Please note that any breach or fraudulent activity connected with this policy will lead to disciplinary proceedings.

3.1 Definition of “Dependant”

A ‘**dependant**’ may be classified as any of the following:

- Spouse or Partner
- Child or Step Child
- Parent or Parent-in-Law
- Any person who lives in the same household as an employee, who lives as a member of the family. (Please note this does not include employees, tenants, lodgers, or boarders.)
- In the case of injury or illness; a dependant may be anyone who reasonably relies on the employee for assistance, for example, where the employee is the primary carer or the only available person to help in an emergency.

3.2 Time off for Special Leave

BrisDoc is not legally obligated to provide paid “special leave”. However, at BrisDoc’s discretion, special leave may be granted on a paid basis up to a maximum of 5 days in any 12 month period. This will be pro rata’d for part time staff. Examples of when paid special leave will be approved include:

- Carers Leave (see section 2.2.1)
- Compassionate Leave (see section 2.2.2)

3.2.1 Carers Leave

Carers Leave is time off for Dependants for the purposes of care, or an unexpected emergency requiring an employee to assist or attend to a dependant.

An **unexpected emergency** may be classed as any of the following:

- If a dependant falls ill
- If a dependant is injured or assaulted
- To deal with an unexpected disruption or breakdown of care arrangements for a dependant.
- To deal with an unexpected incident involving an employee’s child/dependent during school hours.

Family Friendly & Flexible Working Policy

If a situation arises that does not appear on this list, the employee must speak to their line manager, who may use discretion if the unexpected event is classed as an emergency requiring 'Carers Leave'. Reference should be made to the Workforce Team for further guidance in such circumstances.

In the event of an emergency concerning a dependant the following procedure applies:

- The employee must inform their Line Manager as soon as is reasonably possible. If possible, also inform them of the likely duration of their required time off to deal with the emergency. If the emergency is expected then the employee may have rights to another type of paid leave, otherwise they are free to use their Annual Leave entitlement or unpaid leave to cover the period of time required off work.
- The Line Manager must allow 'reasonable' time off for the employee to deal with the emergency, whether this be 2 days, or more. The length of time is dependent on the conditions and nature of the emergency.
- In line with our Equality and Diversity Policy, BrisDoc will not make any decisions regarding 'Carers Leave' based on any form of discrimination whether favourable or unfavourable. BrisDoc will ensure that each request for 'Carers Leave' is treated fairly and with consistency.
- If the employee wants to continue to care for the dependant once the initial emergency has been resolved, they must refer to the other types of leave outlined in this policy or use their Annual Leave allowance or unpaid leave.
- The employee has the right to return to work to the same terms and conditions of employment after taking a period of Carers Leave.

3.2.2 Compassionate Leave

BrisDoc recognizes that in the case of an unfortunate event of a loss or bereavement, an employee will need time off to grieve for their loss.

An employee is allowed 'reasonable' Compassionate Leave in order to deal with their loss.

The time allowed can range from just a few hours off or up to a number of weeks leave.

For example, BrisDoc may agree special compassionate leave in the following circumstances:

- 1 day paid leave to attend the funeral of a close relative/partner/friend.
- Up to 5 days paid leave (pro rata) upon the death of a partner, dependant, close relative or friend.
- Up to 5 days paid leave (pro rata) in circumstances where a partner, dependant or close relative has a terminal illness. You may also take up to three months unpaid leave, which may be taken in a block or as separate days depending on your needs and the needs of the service.

In line with our Equality and Diversity Policy, all cases which require compassionate leave will be treated fairly and with consistency.

On other occasions, employees can request to take Annual Leave or unpaid leave.

Family Friendly & Flexible Working Policy

3.3 Special leave for Parents¹

Time off for Dependants Leave is time off for any BrisDoc employee to care for dependants in the event of an emergency. This is inclusive of the event of a death of a dependant. This is a right of every employee under the Employment Relations Act 1999. Both Carers and Compassionate leave is included in this Time off for Dependants Leave.

3.3.1 Parental Bereavement Leave

In addition to Compassionate Leave, The Parental Bereavement Leave Act 2020 provides for parents to take a maximum of two weeks off following the death of a child. This law is for any parent who loses a child under the age of 18, or has a stillbirth after 24 weeks of pregnancy. Employees are entitled to the leave regardless of length of service. Other workers will be entitled to unpaid leave.

Parental Bereavement Leave must be taken within a period of 56 weeks, beginning with the date of the death of a child. No notice will be required for leave taken immediately after a child's death, although the employee is asked to contact BrisDoc as soon as they feel able to inform them of their absence. If leave is taken after the initial period following the death, a recommended one week's notice should be given to BrisDoc before taking Parental Bereavement Leave. When giving notice, BrisDoc requests the following information:

- (a) the date of death
- (b) the date on which any period of absence is to begin
- (c) whether the employee intends to take one- or two-weeks' parental bereavement leave.

The minimum amount of leave that a parent can take is 1 week, and the maximum is 2 weeks. Leave can be taken as a single block of 2 weeks or as two separate blocks of one week taken at different times across the 56-week period. This flexibility is to help support leave when it is most needed i.e. in the early days or over the first anniversary of the death of a child. Once the period of leave has commenced, it cannot be altered.

Employees continue to benefit from all terms and conditions of employment during the period of absence.

We recognise that for many parents, a longer period of leave than that provided for under the Parental Bereavement Leave Act 2020 will be required. We will work flexibly staff members and line managers as to how best to manage this.

There are a number of organisations that provide support for parents and families, including Grief Encounter a BrisDoc Community Fund Partner. For Further information and resources please contact the workforce team.

Parental Bereavement Leave Pay

¹ For a definition of 'parent', please read: <http://www.legislation.gov.uk/uksi/2020/233/regulation/4/made>

Family Friendly & Flexible Working Policy

For employees with more than 26 weeks consecutive service, Employees will be eligible for Full pay for up to 2 weeks duration of parental bereavement leave. This is inclusive of statutory bereavement leave pay currently the lesser of:

- (a) £151.20;
- (b) 90% of the normal weekly earnings of the person claiming statutory parental bereavement pay

For employees with less than 26 weeks consecutive service, there is no statutory right to paid leave however, please discuss with the workforce team for further information in this situation.

3.3.2 Parental Leave

Parental Leave is an **unpaid leave of absence** for those employees of BrisDoc who are parents or have parental responsibility for a child under the age of 18 years old. This type of leave is different from carers leave. Under the Maternity and Parental Leave etc Regulations 1999 and the Parental Leave (EU Directive) Regulations 2013, an employee can take up to 18 weeks' unpaid parental leave for the purpose of looking after a child or making arrangements for their welfare.. Parental leave is designed to help employees spend more time with their children striking a better balance between their work and family commitments. Ordinary Parental Leave should not be confused with Shared Parental Leave (please see separate policy on Shared Parental Leave).

All requests for parental leave must be approved by the employee's Line Manager and the Workforce Department. You are entitled to up to 18 weeks' unpaid parental leave per child if you:

- have at least one years continuous service with the company
- are the parent of a child who is under 18 years of age;
- have adopted a child under the age of 18 (the right to parental leave lasts for a period of five years from the date of adoption or until the child's 18th birthday, whichever is the sooner); or
- have acquired formal parental responsibility for a child who is under 18 years of age.

Procedure

- Parental leave must be taken in blocks of a week, unless it is taken to care for a disabled child, when it can be taken in days. You can take no more than four weeks' parental leave in any year. Part of a week counts as a full week in calculating parental leave taken for that year. For example, if you are full-time and take three days' parental leave and then return to work, one week is deducted from the 18 week entitlement.
- When requesting parental leave you are required to give a minimum of 21 days notice, specifying start and end dates. All requests should be made in writing to your line manager with a copy supplied to the Workforce Department.
- You may take parental leave if you have given notice of an expected date of child birth or adoption 21 days before the week in which the birth or adoption is expected.
- We will agree to the request unless it would be detrimental to the business to do so, in which case we will seek to postpone the parental leave. A decision to postpone parental leave will be notified to you not more than seven days after your notice was given.
- We will not seek to postpone parental leave when it has been requested to coincide with the birth or adoption of a child.

Family Friendly & Flexible Working Policy

- Parental leave will not be postponed for any more than six months from the date on which you requested it to start. You will be allowed to take the postponed parental leave even if it is postponed beyond the five-year limit.

BrisDoc are legally obligated to ensure that any employee that takes Parental Leave, returns to the same job and contract, unless agreed previously with the employee.

3.4 Other Special Leave – unpaid leave

BrisDoc recognises that there are special circumstances and events that may require an employee to request time off work outside of Annual Leave and they are not eligible for any of the other procedures outlined in this policy. Any decisions regarding 'Special Leave' are left to BrisDoc's discretion and the nature of the circumstances.

In line with our Equality and Diversity Policy, all requests will be treated fairly and consistently. Special Leave will not be denied or granted on the grounds of any discrimination.

Examples of appropriate 'Special Leave':

3.4.1 In Vitro Fertilization (IVF) Treatment

BrisDoc understands both the emotional and physical demands of undergoing IVF treatment and also wishes to support its employees who wish to undergo the treatment.

The following procedure applies for applications for Special Leave for the purposes of IVF treatment.

- The Employee makes their application in writing to their line manager (via letter or email) stating the dates and times they need off work to attend appointments. Employees must ensure they inform their line manager as soon as they have received notification from the hospital.

If the treatment is successful (i.e. from the point of implantation), the Maternity Policy will apply.

3.4.2 Religious Observances

BrisDoc recognises that many of its employees have different religious faiths, which could at various points in the year require that the individual does not work for a certain period of time. BrisDoc wishes to reasonably accommodate its employee's beliefs and values, so offers the option to its employees to be able to request 'Special leave' for the purposes of a religious observance.

BrisDoc ensures that no decisions regarding 'Special Leave for the purposes of a religious observance' are made because of any discrimination, whether favourable or unfavourable.

The following procedure applies for applications for Special Leave for the purposes of a religious observance.

- The Employee makes their application in writing to their line manager (via letter or email) stating the dates and times they need off work. Employees must ensure they give their line manager a reasonable amount of notice using the guidance in line with BrisDoc's Annual Leave Guidelines (i.e. a minimum of 4 weeks' notice if leave is 3 days or less. If the request is more than 3 days, BrisDoc requires at least 8 weeks' notice.

Family Friendly & Flexible Working Policy

- The following criterion applies:

1. The requested time off must be deemed a 'reasonable' length of time.
2. The religious observance must be valid.
3. Granting the leave will be subject to resourcing levels for the dates requested and therefore cannot be guaranteed

3.4.3 Appointments – e.g. Doctors, Hospital, Dentist, Opticians

BrisDoc recognises that all staff at some point will need to visit their own doctor, dentist, opticians or the hospital at times.

If possible, these appointments should be arranged out of working time. As this is not always possible, BrisDoc encourages staff to arrange appointments for either at the start or end of the employee's working shift in order to minimize any possible disruption to the actual shift and care of patients. BrisDoc would expect employees to make up the time taken to attend appointments although is willing to consider individual circumstances in which paid special leave may be approved.

4. FLEXIBLE WORKING

BrisDoc believes that the promotion of flexible working arrangements increases staff motivation, loyalty, reduces stress and encourages staff retention by enabling employees to balance their work life with their other priorities.

4.1 The Statutory Right

Under provisions set out in the Employment Rights Act 1996 and amendments made via the 2023 Employment Relations (Flexible Working) Act, all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly from the first day of employment, provided they meet the following eligibility criteria:

- they have not made more than two additional statutory request in the preceding 12-month period – the legislation states individuals can only make two statutory requests in any 12-month period.

4.2 Flexible Working generally

In addition to statutory rights, it is BrisDoc's policy to try and be flexible on working patterns for all employees, although priority will always be given to those employees who do have the statutory right to request flexible working so that BrisDoc can comply with its legal obligations. Employees may therefore wish to apply for flexible working to accommodate charity work, leisure activities, other caring arrangements or external study. All employees are eligible to apply for flexible working regardless of protected characteristics, their seniority, current working pattern, or whether they are employed on a permanent or fixed-term basis.

Employees can apply to vary the number of hours they work, the times they work or their place of work (between their home and BrisDoc's place of business). Although BrisDoc is committed to being flexible on working patterns for its employees, it must be recognised that the requirements of the business are paramount and it may not be appropriate or possible for

Family Friendly & Flexible Working Policy

flexible working arrangements to apply to all jobs across all areas of the business (please see section 3.4 for more information).

4.3 Flexible Working Options Available:

Part Time	Working less than 37.5 hrs per week
Annualised Hours	When an employee's hours are worked out over a year
Job Sharing	Sharing a single role with another employee.
Home working	Working from home
Casual Workers Agreement	Working on an ad hoc basis as and when required – also known as “bank work”. This arrangement will mean the individual is no longer an ‘employee’. They will be classed a ‘worker’ within UK employment legislation.
Compressed Working Hours	Employees cover their standard working hours in fewer working days e.g. working full-time hours across 4 days per week
Sabbatical / Career Break	If an employee has worked continuously for 10 years and over, they could apply for up to 13 weeks of unpaid Career Break Leave.

4.4 Procedure to apply for Flexible Working

In line with the [ACAS Code of Practice on handling requests for Flexible Working](#), the following procedure will apply:

Stage 1: Individual to put request in writing

- The employee must make their request for flexible working in writing to their line manager by completing Appendix 1.
- The application will be received in good faith, and all further decisions will be made purely on business grounds.

Stage 2: Manager's consideration of the request

- Once the manager has received a request in writing, they must not reject it without first consulting with the employee. The meeting with the individual should be held as soon as possible (unless they intend to approve the request then they will not need to necessarily have a meeting) and allow for reasonable discussion and consideration of the request. Either party may also request a member from the Workforce team to be present.

Commented [HH1]: There is an updated version of this currently in draft form - to review when published <https://www.acas.org.uk/about-us/acas-consultations/code-of-practice-flexible-working-requests-2023/draft-code>

Family Friendly & Flexible Working Policy

- The employee can be accompanied at any relevant meetings by a work colleague or trade union representative.
- If for any reason the employee does not attend the meeting and fails to notify of their absence, BrisDoc has the right to consider their application as withdrawn.

Stage 3: Making a decision

- Managers should consider the request carefully looking at the benefits of the requested changes in working conditions for the employee and BrisDoc, weighing these against any adverse business impact of implementing the changes.
- BrisDoc's statutory right for considering a request can be up to 2 months. However, BrisDoc will always aim to provide a response to each request within one month of receiving the request in writing.
- All responses to requests will be confirmed to the individual in writing with a copy held in their personnel file.
- **If the application is successful**, the manager must inform the employee in writing of the new agreed working pattern, the date from which it is effective, ensuring that the notice is dated, stating that this is a permanent change to the terms and conditions of the employees employment (unless otherwise agreed)
- **If the application is refused**, the manager must inform the employee in writing of the business founded reasons that the application cannot be granted, and explanations of why these reasons apply. The individual must also be given a right to appeal the decision. The reasons for refusing a request could be any of the following
 - Planned Structural changes
 - The burden of additional costs
 - The detrimental impact on quality
 - The inability to recruit additional staff
 - The detrimental impact on performance
 - The inability to have the relevant shifts covered
 - The detrimental impact on ability to meet patient demand
 - Lack of available work for the employee to do in the proposed working pattern.
- Within 5 working days of the employee receiving the outcome, they have the option to appeal the decision in writing. There are no restrictions to the grounds of appeal.
- Within 14 days of receipt of the appeal, there must be another meeting to discuss the appeal.

Family Friendly & Flexible Working Policy

- Within 14 days of that meeting, BrisDoc must inform the employee of the final decision in writing.
 - If the decision is now to grant the application, then the letter must be as above detailed.
 - If the decision is to be again refused, the letter must state the grounds for the decision in direct relation to the concerns raised in the appeal. The letter must also have an explanation of the grounds of refusal.
 - There is no further right for the employee to appeal. The procedure having reached this point, formally ends.

Please note that each request for flexible working will be dealt with individually, taking into account the likely effects the changes will have on BrisDoc, the work of the department in which the employee is employed, the employee's work colleagues and the particular circumstances of the case. This means that if BrisDoc agrees to one employee's request, this does not set a precedent or create a right for another employee to be granted the same or a similar change to their work pattern.

Family Friendly & Flexible Working Policy

Appendix 1: Application Form to Request Flexible Working

Note to the employee

You can use this form to make an application to work flexibly under the right provided in law to eligible employees. Before completing this form, read the guidance on the right to request flexible working on GOV.UK and within section 3 of this policy, checking you are eligible to make a request.

You should note that under the right it may take up to 2 months for BrisDoc to consider a request. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your employer to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid.

Once you have completed the form, you should forward it to your employer (you might want to keep a copy for your own records). If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.

Note to the manager at BrisDoc

This is a formal application made under the legal right to apply for flexible working and the duty on employers to consider applications in a reasonable manner. You have two months after the day you received this application in which to decide whether to grant the request including any appeal

Forms accompanying the guidance have been provided for you to respond to this application.

Family Friendly & Flexible Working Policy

APPLICATION FORM TO REQUEST FLEXIBLE WORKING

Flexible Working Request (Change to working arrangements.) Please refer to BrisDoc's Flexible Working Policy prior to completion.	
Name of Co-owner	
Job title	
Department	
Name of Manager	
Date flexible working request submitted	

Please provide details of your current working pattern:

Please describe the changes that you wish to make to your current working pattern:

I would like this pattern to commence from:

I understand that this request will be considered in accordance with UK legislation regarding flexible working arrangements.

Co-Owner signature

Date.....

Please send a copy of the request form to your line manager

Family Friendly & Flexible Working Policy

MANAGER'S RESPONSE FORM TO REQUEST FOR FLEXIBLE WORKING

Date of Consultation

Summary of consultation	
Managers response: To be completed by the manager upon reviewing the request	Tick
Approved with effect from:	
Approved with some modifications, as per below	
Not Approved (<i>please tick below</i>):	

Reason for declining flexible working request (please tick)	Tick
Burden of additional costs	
Inability to reorganise work among existing staff	
Inability to recruit additional staff	
Detrimental impact on performance and/or quality	
Insufficient work for the proposed periods of work	
Planned structural changes	
Detrimental effect on ability to meet patient demand	

Explanation for declining, including discounted option

Managers Signature **Date**.....

Please pass a copy of this form together with the original request form and any subsequent letters to the People Team.

RELATED POLICIES

The following policies are relevant to the procedures detailed in this policy:

Family Friendly & Flexible Working Policy

- Maternity, Paternity and Adoption Policies
- Shared Parental Leave
- Annual Leave Guidelines
- Equality and Diversity Policy

Tables

Date	Reviewed and amended by	Revision details	Issue number
05/02/2024	SA	Update to reflect new changes to flexible working requests	5
22/01/2024	HH	Updated to new template	5
24/11/2023	HH	Updated to reflect legislative change re. increase from 1 to 2 flexible working requests per year	5