



## **FLEXIBLE AND REMOTE WORKING POLICY AND PROCEDURE**

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## ASPECTS CARE

### FLEXIBLE AND REMOTE WORKING POLICY

#### Flexible Working

Employees are better motivated, and more able to provide effective and quality services to clients, when they can strike a healthy balance between their work and other aspects of their life outside work.

Aspects Care Ltd provides a range of flexible working practices that will help employees achieve the balance between work and life outside work, ensuring it is better able to recruit and retain employees with the skills it needs, whilst improving its ability to provide services at times and locations more convenient to service users. These include:

- Flexible working hours
- Home working
- Job share
- Job transfer
- Reduced hours
- Annual hours contracts
- Term time working
- Team based self rostering
- Crisis leave
- Career breaks

When looking at the need to balance work and life outside work it is recognised that in such a diverse workforce, employees will have many and varied commitments and interests outside work that they will need to balance with their work commitments.

Under provisions set out in the Employment Rights Act 1996 and regulations made under it, all employees have a statutory right to request flexible working provided they have worked for the Company for 26 weeks continuously at the date the application is made. An employee can only make one statutory request in any 12 month period. Employees who have been employed for less than 26 weeks do not have a statutory right to request flexible working.

The diverse nature of the workforce and the need to ensure working patterns are responsive to the needs of a wide range of communities and client groups mean that decisions on how best to ensure flexible working are best left to senior management.

When considering the practicalities of more flexible ways of working it must be recognised that the ability of Aspects Care to deliver high quality and responsive services to local communities must not be compromised, but rather it should be enhanced by any changes in working practices.

When considering the needs of an individual employee for more flexible working arrangements, account must be taken on the possible impact on the effectiveness of the team within which that individual works. However, this is much less likely to be an issue when managers demonstrate that they recognise the diverse needs of all the individuals in a team, and that they maximise and value the contribution each individual makes.

### **Making an application**

If an employee wishes to make a statutory request for flexible working they must make their request in writing to senior management, setting out:

- The date of the application, the change to working conditions they are seeking and when they would like the change to come into effect.
- What effect they think the requested change would have on the employer and how, in their opinion, any such effect might be dealt with.
- That this is a statutory request and if they have made a previous application for flexible working and the date of that application.

### **Handling the request**

On receiving a request, the relevant manager will arrange to discuss it with the employee as soon as possible. If there is likely to be delay in discussing the request the manager will inform the employee. Such discussion does not have to be face to face and if the manager and employee agree it can be held by phone or some other way. A discussion may not always be needed, such as when the manager is happy to accept a request.

Where a discussion is arranged face to face the employee can be accompanied by a work colleague or trade union representative at the meeting. If the manager or employee cannot make the initial date, then another date and time will be

arranged. However, if an employee does not keep to the meeting and any subsequent rearranged one without a reason then the Company will deem the application as withdrawn and notify the employee of the decision.

Each application will be carefully considered looking at the benefits of the requested changes in working conditions for the employee and the business and weighing these against any adverse business impact of implementing the changes. The Company has no statutory obligation to grant a request to work flexibly if it cannot be accommodated on the business grounds.

Having considered the application, the manager will let the employee know their decision, to either:

- Accept the request and establish a start date and any other action, such as what changes will be made to the employee's terms and conditions; or
- Confirm a compromise agreed at the discussion; or
- Reject the request, setting out clear reasons and any permitted appeal process.

The decision will be communicated to the employee in writing.

### **Trial Periods**

We may decide to trial the new pattern of working before confirming this as a permanent contractual change. This would be to consider if the new arrangements work well for both parties. You would be advised if this was the case and what the duration of the trial would be. Regular reviews would take place to discuss any issues that may arise. At the end of this time period, the change would either be confirmed as a permanent change if it has been successful, or you would revert back to your previous working arrangements.

### **Appeals**

An employee will be allowed to discuss a refusal to grant their request if there is new information that was not available to the Company at the time they made their original decision or if the employee thinks that the application was not handled reasonably in line with the Company policy. The Company allows the employee to be accompanied by a work colleague or trade union representative at the appeal meeting. An appeal does not have to be dealt with face to face and if the manager and employee agree it can be held by phone or other method. Any appeals will be dealt with as quickly as possible.

All requests will be dealt with in a timely manner and the consideration process will be completed within three months of first receiving the request, including any appeal. If for some reason the request cannot be dealt with within three months then the Company may extend this time limit, provided the employee agrees the extension.

### **Flexible working hours**

Flexible working hours, with a reduced reliance on rigid hours of work, allows employees to work more flexibly, and often has the benefit of extending the hours within which a service can be provided.

Flexible working can be introduced for an individual or team. The arrangements will be tailored to meet the needs of employees and service users. The options that could be considered would include:

- Flexible shifts
- Flexible starting and finishing times
- Spreading the total hours worked over a greater or smaller number of working days.
- Flexible working can be introduced on a permanent basis, or can be used on a temporary basis to assist an individual having to manage a change in their personal circumstances.

### **Job share**

Job sharing provides the opportunity for individuals who have commitments which prevent them working full time, to continue to use their skills and training by sharing the role and responsibilities of one full time job.

Except where it can be clearly demonstrated that job sharing is not a practical option or is to the detriment of the service being provided, all full time jobs in Aspects Care will be considered suitable for job share, irrespective of status, grade or job content.

With this proviso advertisements and job particulars will state that the vacancy can be filled on a job share basis, and employees will be encouraged to look at the benefits of job share should changes in their personal circumstances prevent them from continuing to work full time.

## **Job transfer**

Where a long term change in personal circumstances prevents an employee from being able to comply with the working arrangements of their job, and it is not possible to change these to meet the needs of the individual, the employee will be entitled to apply for a transfer to a job with more suitable hours of work.

Where the individual fulfils the job requirements of a similar job on the same pay/grade, or one at a lower rate of pay or grade, a job transfer will be arranged through Aspects Care.

The assessment of an individual's ability to meet the job requirements of a suitable vacancy will be undertaken by Human Resources in collaboration with the managers concerned. If the job requirements are met the individual will be transferred, and there will be no need to advertise the vacancy.

An individual transferring job in these circumstances will be subject to the pay and terms of conditions of the job into which they are transferring. There will not be any entitlement to protection of any of the terms and conditions of the previous job.

## **Reduced hours**

Employees may at any time seek a reduction in their hours worked on either a temporary or permanent basis.

## **Annual hours working**

In services where there are predictable fluctuations in activity levels for employees over different times of the year, managers and employee are encouraged to look at the benefits of annual hours working, both to employees and in terms of the range and quality of services provided.

Annual hours schemes of working distribute the hours worked by employees to coincide with actual levels of service. Whilst they will more usually be introduced for work teams, they can also be applied to individual employee.

The main benefits to employees are:

- Ability to modify working patterns to suit personal circumstances

- Level salary payments each month, even though hours worked will vary
- Knowing personal work rosters well in advance

For Aspects Care the main benefits are:

- Staffing levels more easily matched to fluctuations in workload
- Less reliance on agency and temporary staff to cope with workload peaks

### **Term time working**

Where service requirements allow, employees may opt to work during school term time only. Such a pattern of working can be part of an annual hour's contract, or can be agreed as part of an employment package where the individual is effectively on unpaid leave for the balance of the school holidays not covered by annual leave entitlement.

### **Crisis leave**

There will be occasions when employees need time off, or are prevented from attending for work, in order to deal with unforeseen urgent domestic situations, other than bereavement for which compassionate leave should be sought, or dependants leave

Employees are encouraged to immediately contact their manager to discuss the situation with their manager, and to seek the support of the manager in helping them resolve the issue through re-scheduling hours worked, or giving unpaid crisis leave. The aim is to ensure that employees do not feel the need to go absent, or to take time off as sick leave, in order to deal with the crisis.

Many domestic crises can be resolved on the day in question, with the employee arranging to arrive late or leave early. Where more time off is required the manager concerned will agree how this can best be facilitated, by agreeing a more flexible pattern of working over the shorter term, or where this is not possible by agreeing unpaid crisis leave.

The amount of unpaid leave granted will depend on the personal circumstances of the employee, and the nature of the difficulty being faced.

Where an individual has more than three episodes of unpaid crisis leave in any 12 months the manager will review the situation with the employee concerned.

## **Career breaks**

Aspects Care recognises that there will be occasions when individuals want to take a break from work, with the intention of returning later. There will be a variety of reasons for taking a career break, and there are no stipulations for which the break is required.

A career break is unpaid and can be for a period of up to three years. If an employee wishes to take a career break, they must write to senior management requesting to do so detailing the planned time they wish to have a break from work. Each request will be considered on its individual merits. At the end of the career break the individual will be re-employed at the same grade or level of pay unless they qualify for a pay increase due to National Minimum wages or increase changes to pay banding. Except for some short breaks it will not be possible to re-employ someone in the same job. When determining how long a career break can be the key consideration will be the skills and experience of the individual concerned, and the extent to which these will still be required at some time in the future.

Employees who are granted career breaks will be required to keep in touch with Aspects Care during their absence, and to attend any update training arranged during the break. Any requirement to undergo retraining on re-entry will be a condition of the career break.

## **Remote Working**

### **Scope**

The policy applies to any member of staff that has authorisation to work as a remote worker as part of their contractual agreement, this will include:

- working across sites using “hot desk facilities” (unless specified site office accommodation is identified as alternative bases)
- authorised working from home
- facilitating work in non-company settings



## **Excludes**

This policy will not apply to personnel that are employed as dedicated community-based support workers who routinely visit service user's homes or support them in the community.

Although the full application of this policy may not be appropriate for the services detailed above, the lone worker and the dealing with violence and aggression policies must be adhered to. In addition managers of these services will also be required to ensure that detailed risk assessments have been completed and that the risks are managed so far as is reasonably practicable.

## **Definitions**

Remote working can be used to describe an employee who works away from their identified contracted work base. Common terms used for remote working include:

- Home working – where the employee works mainly in their own home or uses their home as a base when they work in different places. Included as part of their contractual agreement.
- Mobile working – working from any location, or in transit
- Agile working – dividing time between the main site and other locations other than their contracted place of work
- Teleworking or telecommuting – working in a location that is separate from a central workplace, by using telecommunication technologies.

## **Reason for development**

Whilst the vast majority of Aspects Care staff cannot complete remote working due to the nature of support work there are a number of individuals within the organisation for whom remote working maybe appropriate.

Remote working is recognised as being a valuable mode of working in complex multi-site based organisations. It brings benefits to both the employer and employee because of the flexibility that it provides. It should also be recognised that in addition to the benefits, remote working can also introduce risks that will need to be managed these will include:-

- working in isolation
- risk to personal security
- risk of damage/theft of Aspects Care's equipment
- data protection risks
- a temptation to utilise work areas that are not conducive and do not meet the requirements of health and safety legislation, particularly in relation to the use of display screen equipment
- A lack of clarity on working times/home life balance
- Increased complexity for supervision

This policy has been developed to incorporate legislative requirements and best practice guidance for this specialised field of working to enable recognised risks both to the employee and Aspects Care to be managed and the benefits of remote working to be optimised. It also aims to promote a cohesive framework that is in line with the broader risk management arrangements of Aspects Care.

## **Aim**

The policy aims to provide a framework to ensure the safety of personnel who are working remotely and also protect the security of personnel, information and trust assets. It will also aim to ensure that employees are utilising resources (including time) appropriately and effectively

## **Standards**

The stages below outline the standards that must be observed for remote working:

Step 1 – the need for remote working is identified:

- Consider the benefits to Aspects Care and the employee
- Using the checklist provided in appendix 1 consider the hazards/risks associated with remote working. Detailed risk assessments will need

to be completed for hazards/risks that cannot be addressed locally and be managed in line with the trust Risk Management Policy.

- If remote working risks can be managed to an acceptable level proceed to step 2.

Step 2 – agree the scope of remote working this will include (but is not exhaustive) clear definitions on:

- The locations that remote working will be permitted from, this should include details of identified office/hot desk facilities available from each base
- The individuals working hours. (clearly identifying the actual hours to be worked) • Equipment that is authorised for use to include IT equipment, mobile phones, clinical equipment, general work equipment (to include any reasonable adjustments for disabled staff)
- Arrangements for the transportation and storage of equipment
- Authorised mode of transport to be used between locations i.e. public transport, trust vehicle, private vehicle
- Agreed method of contact/communication with base, to include the frequency that the contact is required

Step 3 – provision of training/awareness - due to the fact that remote workers can be isolated from their main work base it is important they may require additional training and information to include:

- Lone working arrangements
- Information on local environmental safety issues and contacts to local emergency services
- Risk assessments relevant to their working activities, this should also include details of risk management controls that must be adhered to
- Signposting to relevant policies and procedures
- Job specific training

Step 4 – Review Remote working practices should be reviewed at regular intervals the review should include:

- The frequency of review
- A review of all relevant risk assessments and the initial checklist to ensure that they remain valid and if the risk management controls that were put in place have been sustained
- A review of incidents (to include any lessons learned from previous incidents)
- A wellbeing review for the remote worker (this may include a buddy scheme)
- A productivity review (to include work/life balance)

### **Individual Staff Responsibilities**

Individual members have staff who have authority for remote working have a duty to:

- Adhere to policies and procedures that are in place
- Report hazards, risks to their line manager
- Escalate safety concerns to their line manager
- Attend training as required