Flexible working can help everyone to strike a balance between the demands of employment and responsibilities outside of work, enabling ways of working that help you work at your best.

This pocket guide will give RCN reps a quick overview of the benefts of fexible working and information to share with members who may need your support to gain access to fexible working. It can be used when you are out and about or as a reminder when preparing for meetings.

You will fnd a more comprehensive overview of fexible working options, relevant legislation, information to support discussions with employers, policy development, and case studies in the RCN publication *Working Flexibly to Support a Healthy Work-life Balance: a guide for RCN representatives.*

The UK health care workforce includes a high percentage of parents and individuals with other caring responsibilities such as looking after relatives.

Until recently, flexible working practices were often described as "family friendly" meaning it was primarily used to support that balance between work and caring responsibilities.

The right to request flexible working has since been extended to cover all employees, so the RCN uses the term "employee friendly" to describe policies that encourage a good work-life balance for all.

An ageing workforce means that health and social care employers have to look at ways of enabling staff to work productively and effectively for longer. This can mean providing flexible working hours and pension schemes that allow staff to access flexible retirement opportunities and enable them to remain fulfilled in their work as they near the end of their careers.

Flexible working requests can be

Employee-friendly policies benef t health and social care employers, enhancing their business/service delivery. Increased demand for nursing staff means that attracting and retaining employees makes good business sense and positively impacts on staff ng for safe and effective care.

The overall benef ts to employers and managers include:

Lower staff turnover: This leads to reduced recruitment and training costs and better continuity of care. In times of nursing shortages, employee-friendly employers can compete more effectively for nurses in a tight labour market

Reduced absenteeism: Research shows that carers may take up to 12 days off a year, usually as sick leave, because caring arrangements break down. Absenteeism is costly to employers and puts extra strain on other staff, lowering morale

Employee-friendly arrangements demonstrate the translation of policy statements into practice.

The cost of providing employee-friendly working arrangements can be more than offset by the reduction in recruitment, staff turnover, absea
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From September 2021, NHS employers (in England and Wales) are required to comply with the guidance provided in the **NHS Terms and Conditions of Service Handbook** (Section 33: Balancing work and personal life).

NHS employees covered by section 33 of the handbook:

- have the contractual right to request flexible working from day one of their employment
- they can also make an unlimited number of applications for flexible working per year, without having to justify requests or provide specific reasons.

Managers are required to give meaningful consideration to all applications and follow locally agreed processes for monitoring the outcomes. There are also new requirements for better centralised oversight of processes to ensure greater consistency of access to flexible working. This includes an escalation stage for circumstances where a line manager is not initially able to agree a request.

Employers will be expected to promote flexibility options at the point of recruitment and through regular staff engagement through one-to-ones, appraisals and team discussions.

The new handbook provisions provide for the following stages once a flexible working request is received:

1.

Flexible working across the four countries

- The above provisions apply in England and Wales, with similar measures expected

Independent health and social care employers determine their own policies, but these must comply with the following minimum legislative requirements.

All employees have the statutory right to ask for f exible working if they:

- are an employee (but not an agency worker or in the armed forces)

- have worked for the employer

It is important to look at your organisation's local policy on f exible working which should set out how to make f exible working requests.

There are many forms of f exible working. It can describe a place of work, for example homeworking, or a type of contract, such as a temporary contract.

Other common variations include:

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Standard 11 of the RCN's *Nursing Workforce Standards* states that rostering patterns

This section outlines how you can support members to access flexible working.

Empower them to take the initiative and to do some preliminary thinking

- Signpost them to your organisation's policies and the process for making a flexible working request. You may wish to refer to our *Working Flexibly to Support a Healthy Work-life Balance: a guide for RCN reps* which details a range of flexible working options.

- Get them to think about the work-life balance that they would like to achieve and how flexible working arrangements could help them do this.

- Ask them to think about what some of the benefits might be to their team and wider organisation of their proposed pattern. Will other team members be negatively impacted?

Meet with them to discuss their request

- Talk through potential f exible working options with them.

- Manage their expectations about what can be realistically achieved with limited resources and service delivery demands – help them to recognise that not every request can be accommodated. Do not make promises to members that you cannot keep. It's important not to get emotionally involved in individual cases.

- Prepare for some of the questions their line manager might ask as this will help them have a better conversation. For example, if a later start would mean missing handover, could this be given by someone else?

Meeting with their manager

Suggest an initial informal discussion with their line manager about the possibilities and options f rst, especially if they are hesitant about making a formal request.

- Consider if there are any other alternative patterns that will help them achieve f exible working, or whether there are parts of their request that could be agreed. Ask their manager to consider other areas they would be interested to work in on a f exible basis.

- Explore alternatives if their manager is not able to agree to a request in their current work context. There may be other teams within the organisation where their request might be considered and agreed. For example, hours could be shared

Consider the following actions:

- Get up to date with your organisation's HR strategy, business plan and relevant policies. Have they have been reviewed recently and are they 'employee-friendly' good practice? If relevant, check if they have been updated to reﬂect the provisions in Section 33 of the *NHS Terms and Conditions of Service Handbook* (England and Wales).

- Ensure you are part of policy development. Request an invitation to the HR policy forum where policies are discussed prior to ratiﬁcation or suggest a joint management and staff forum if there isn't one.

- Find out how staff feel about current provision. Does the lived experience of members reﬂect the aspirations of the policy? Request a staff survey or work with other reps in the organisation to seek feedback from members.

- Identify examples of best practice in similar organisations.

Ask members to let you know about schemes that they have heard about that work well elsewhere, so you can champion their introduction.

- Encourage the development of good monitoring and evaluation systems for employee-friendly policies to ensure processes are fair and equitable.

- Encourage members and teams to be supportive of other colleagues' needs to work flexibly.

Supporting managers

Managers are key to the success of any flexible working policy implementation, but that doesn't always mean that they have an understanding or experience of implementing flexible working arrangements.

Encourage managers to:

- become familiar with your organisation's flexible working policy

- regularly explore nursing staff's needs and wishes, sharing what options might be available to help staff think about whether they might make a request

- approach conversations about flexible working with individuals and teams openly and creatively - having regular conversations with teams about flexible working is valuable to help find solutions and accommodate team needs

- be flexible in thinking about new ways in which work/shifts can be organised and challenge traditional methods of working

- discuss flexible working options with staff approaching retirement

- discuss and negotiate re-entry strategies to work prior to or during maternity leave/a career break that takes account of the nursing staff's working time needs.

Case studies and useful tips for nursing staff and managers about practices that can facilitate employee-friendly working arrangements can be found in *Working Flexibly to Support a Healthy Work-life Balance: a guide for RCN reps.*

Royal College of Nursing:
www.rcn.org.uk/get-help/rcn-advice/flexible-working

Working Flexibly to Support a Healthy Work-life Balance: a guide for RCN representatives (RCN, 2022)
rcn.org.uk/working-flexibly

NHS Scotland's policy around
f exible working currently forms
part of the larger Supporting the
Work-Life Balance Partnership
Information Network.
**www.sehd.scot.nhs.uk/dl/
DL(2021)29.pdf**