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<b>Author</b>	Liverpool Community Health Business Human Resources
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<b>Approving Committee</b>	Executive Committee
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<b>Next Review Date</b>	05/2018

This document is a valid document, however due to organisation change some references to organisations, organisational structures and roles have now been superseded. The table below provides a list of the terminology used in this document and what it has been replaced with. When reading this document please take account of the terminology changes on this front cover

<b>Terminology used in this Document</b>	<b>New terminology when reading this Document</b>
Liverpool Community Health (LCH)	Mersey Care NHS Foundation Trust

This policy is deemed non-contractual and will transfer with their incorporated procedures but was agreed as being a necessary addition during staff side negotiation

**FOR OFFICE USE ONLY (Work Stream submission check)**

This document is compliant with current best practice guidance

This document is compliant with legislation required in relation to its content

What change has this document undergone in the policy alignment process relating to the South Sefton Transaction?

None     Minor     Major     This is a new document

This document has been reviewed and is no longer required

Does this document impact on any other policy documents?

Yes , if yes, which policies are effected? [Click here to enter text.](#)

No

Signed:

Date: 25/05/2017

**SUPPORTING STATEMENTS** – this document should be read in conjunction with the following statements:

### **SAFEGUARDING IS EVERYBODY'S BUSINESS**

All Mersey Care NHS Foundation Trust employees have a statutory duty to safeguard and promote the welfare of children and vulnerable adults, including:

- being alert to the possibility of child/vulnerable adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child/vulnerable adult;
- knowing how to deal with a disclosure or allegation of child/adult abuse;
- undertaking training as appropriate for their role and keeping themselves updated;
- being aware of and following the local policies and procedures they need to follow if they have a child/vulnerable adult concern;
- ensuring appropriate advice and support is accessed either from managers, *Safeguarding Ambassadors* or the trust's safeguarding team;
- participating in multi-agency working to safeguard the child or vulnerable adult (if appropriate to your role);
- ensuring contemporaneous records are kept at all times and record keeping is in strict adherence to Mersey Care NHS Foundation Trust policy and procedures and professional guidelines. Roles, responsibilities and accountabilities, will differ depending on the post you hold within the organisation;
- ensuring that all staff and their managers discuss and record any safeguarding issues that arise at each supervision session

### **EQUALITY AND HUMAN RIGHTS**

Mersey Care NHS Foundation Trust recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the *protected characteristics* of age, disability, gender, race, religion or belief, sexual orientation and transgender. The Equality Act also requires regard to socio-economic factors including pregnancy /maternity and marriage/civil partnership.

The trust is committed to equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as a major employer. The trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

Mersey Care NHS Foundation Trust also is aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

Mersey Care NHS Foundation Trust is committed to carrying out its functions and service delivery in line with a Human Rights based approach and the FREDA principles of **F**airness, **R**espect, **E**quality **D**ignity, and **A**utonomy

Liverpool Community Health NHS Trust

Flexible Working Policy

Flexible Working Policy

Version Number:	V2
Ratified by:	People, Performance & Culture Committee
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Changes / Alterations Made To Previous Version (including date of changes)	<u>Section 5.6 – Decision to agree request</u> Reference to fostering arrangements has been added.

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## **1. Introduction**

The Trust is committed to creating an environment where staff are valued, supported and benefit from good employment practices that promote a healthy work-life balance, whilst ensuring fair and equitable treatment throughout. The Trust further continues to commit to ensuring all employees have an equal right and opportunity to request flexible working. Each request made 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.

The Trust also encourages innovative ideas in relation to working arrangements in order to maximise the contribution employees can make throughout their working lives. This should enable the employee to have some control, choice and flexibility to achieve the work life balance sought, along with ensuring the needs of the business are met something which have a positive effect on the overall delivery of patient care.

The Trust is keen to promote a culture where requests for flexible working are always received positively, and are agreed mutually so that service provision is unaffected. In all cases service delivery must remain paramount and should not be compromised or adversely affected.

## **2. Aims and Objective**

The aim of this policy is to ensure that the Trust continues to create an effective workforce by working in partnership with employees to help them achieve a healthy work-life balance and ensuring all service needs are met.

The policy clearly sets out the process that should be followed when addressing a flexible working request. It provides guidance and advice to both the manager and employee.

## **3. Scope**

This policy applies to all employees of the Trust.

## **4. Duties**

### **4.1 Director of Human Resources and Organisational Development**

The Director of Human Resources and Organisational Development is responsible for ensuring that this Policy is fully implemented and that there is a continuing commitment to the training of managers in the implementation of policies.

### **4.2 Managers**

Managers are encouraged to promote flexible working practices in the workplace and should direct staff to this policy. Managers also have a responsibility to:

- apply the principles of this policy
- ensure that staff are aware of and understand the policy
- Ensure consistent policy application across the Trust in order to achieve a balance between organisational requirements and individual needs
- ensure that staff are updated with regard to any changes to this policy
- ensure NHS Managers Code of Conduct is adhered to.

### 4.3 Staff

All employees who wish to apply for any of the flexible working arrangements are required to follow the stated application process.

### 4.4 Business Human Resources

Business Human Resources will:

- provide support and advice to staff on any aspect of their employment, terms and conditions of services
- promote the policy and give general guidance and support to managers
- promote consistent policy application across the Trust in order to achieve a balance between organisational requirements and individual needs
- monitor and review the implementation and operation of the policy

### 4.5 Staff Side Representatives

Staff Side Representatives have a key role to play in the welfare of staff. They contribute to discussions and subsequent actions on matters concerning all aspects of staff welfare. Staff side will also inform and advise their members on the interpretation of the Flexible Working Policy and guide them in making applications that meet the needs of the individual concerned and supports the Trust in service delivery.

## 5. Policy

There is a statutory right for employees who have a minimum of 26 weeks' continuous service and who have parental responsibility for a child aged sixteen and under (or 18 and under where the child is disabled), or have caring responsibility for qualifying adults, to request to work flexibly in order to facilitate their care.

However the Trust has extended this right so that **all employees** can request the right to work flexibly from the first day of their employment. The underpinning principle will be that service delivery needs are of primary concern and that no new system of working should have a detrimental effect on patient care or create problems for other employees.

Employees requesting to work flexibly will be treated equally and fairly in the workplace with equal rights to training or promotion opportunities and will not receive less favourable treatment as a result of working flexibly.

### 5.1 Recruitment and Selection

All advertisements for vacancies will include reference to the organisations commitment to flexible working principles. However, the requirements for service delivery and patient focused services will remain paramount.

The Recruitment Guidelines for managers explain the principles of flexible working. Managers are encouraged to discuss with candidates at interview their preferred and flexible working patterns in line with meeting service needs.

### 5.2 Employment

Managers are encouraged to promote flexible working practices as part of their own management objectives. As part of this, managers must ensure that staff are made aware of the flexible working guidelines.

### **5.3 Flexible Working Options**

The Trust has a number of flexible working options available and continues to develop new ways of working to give the employees the opportunity to balance work and personal commitments. The range of flexible working patterns available to staff are listed below. This list is not exhaustive and other options may be considered.

- Part Time Working
- Job Sharing
- Temporarily Reduced Working Hours
- Term Time Working
- Flexi-time
- Annualised Hours
- Compressed Working Hours
- Self Rostering
- Time Off in Lieu
- Home Working
- Staggered hours

For more detailed information on each option please see Appendix 5.

### **5.4 Flexible Working Request**

All requests for flexible working should be made in writing using the flexible working request form (Appendix 1). The employees should submit the request form to their line manager, giving as much notice as possible. It is expected that flexible working requests will be submitted at least 2 months in advance of the date of the proposed change.

The employee should provide information on how their proposal meets the needs of the service, and should suggest, if necessary, how work could be reallocated.

Before submitting the application, the employee needs to consider whether the proposed change of their work pattern is compatible with the needs of the service and the effect that will have on both their own work and that of their colleagues'..

The application must specify a start date for the proposed change and should also specify whether the request is for a permanent or temporary change. Only one application for consideration of flexible working can be made in any 12 month rolling period.

### **5.5 Meeting with Line Manager**

Once an employee's line manager is in receipt of the completed flexible working request form, they should arrange a meeting with the employee as soon as reasonably practical. This meeting must take place within 28 days of receipt of the form. At this meeting the request will be discussed and the issues detailed in the flexible working form will be considered.

The employee may be accompanied at the meeting by a recognised trade union representative or a workplace colleague. The manager may ask for a Business Human Resources (HR) representative to be present at this meeting. Further advice can be obtained from Business HR.

## **5.6 Decision to agree a request**

Agreement of flexible working will initially be on a temporary basis, and all agreed requests will be reviewed after a period of between 3 and 6 months. The flexible working arrangements will be reviewed between the employee and their line manager to determine whether the arrangement can be made permanent.

If the change is made permanent there will be a change to the employee's terms and conditions of employment. At this point there will be no right for the employee to revert to their previous pattern of working at a future date. Similarly, there is no scope for the Trust to insist that the employee revert to his or her previous working pattern. It is important, therefore, that employees give careful consideration to the working patterns that will be best suited to their needs and to any financial and pension implications the change will have on them in cases where a drop in salary is a consequence.

Where the flexible working request is agreed and is based upon childcare arrangements it may be reasonable for a discussion to take place on the continuation of flexible working when a child reaches 16 or in the case of short term fostering arrangements, when they come to an end. However, as stated above, the change is considered permanent and there is no obligation on the employee or the trust to amend the working arrangements at that time.

Upon agreeing a request the manager must provide written confirmation to the employee of the specific detail of the outcome within 14 days of the meeting. The request form (Appendix 1) must be signed by the manager to give authorisation. A model letter to be used within this procedure is attached as Appendix 3. Any special requirements requested by a member of staff, such as the revised hours to attend training sessions, meetings etc. should be discussed and confirmed in writing. The line manager should also confirm with the employee how breaks, health and safety, training, changes to annual leave entitlement and any other terms and conditions are affected following the working arrangements change.

## **5.7 Decision to turn down a request**

It may not always be possible to agree a flexible working request; this may be due to a variety of reasons including those identified in Appendix 2. In circumstances where a request cannot be agreed, advice can be sought from a Business HR Representative prior to informing the employee.

The decision must be provided in writing to the employee within 14 days of the meeting, although this time frame can be extended by mutual agreement. The written notification should include:

- the business grounds for refusing the request
- an explanation of why the business grounds apply to the application
- details of the employees right to appeal

A copy of the application including the decision outcome must be sent to HR Shared Services for monitoring purposes. A model letter to be used with this procedure is attached as Appendix 4.

## 5.8 Appeals

If an employee is dissatisfied with the decision reached they have a right to appeal. If they wish to exercise this right, they should do so in writing, addressed to the next level of line management within 14 days of written receipt of the original decision.

A meeting will be arranged to discuss the grounds for appeal within 14 days of receipt. The outcome will be communicated in writing to the employee within a further 14 days. If the appeal is accepted, the line manager will meet with the employee to discuss the new proposed work pattern and start date. The employee has the right to be accompanied by a recognised trade union representative or a workplace colleague to any appeal meetings or formal procedures which have the aim to resolve any disagreements with managers over the interpretation or implementation of this policy. The manager may ask an HR representative to be present at this meeting.

There is no further right of appeal after this stage.

## 6. Associated Documentation and References

### 6.1 Relevant Legislation

- Employment Rights Act 1996
- Employment Relations Act 1999
- Employment Act 2002
- Work and Families Act 2006
- Flexible Working (Procedural Requirements) Regulations 2002
- Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002
- Equality Act 2010

### 6.2 Associated Policies

- Special Leave Policy
- Maternity Leave Guidelines
- Fostering Guidelines
- Supporting Positive Attendance Policy
- NHS Managers Code of Conduct

### 6.3 Useful Contacts

Business Human Resources

[www.liverpoolch.nhs.uk](http://www.liverpoolch.nhs.uk)

Tel: 0151 296 7722

Working Families Advisory Service

Tel: 0151 285 4680

The following organisations/ websites provide useful information and advice. The Trust does not take responsibility for the availability, or content, of the advice or information offered.

ACAS

[www.acas.org.uk](http://www.acas.org.uk)

Department of Trade and Industry

[www.dti.gov.uk](http://www.dti.gov.uk)

Equal Opportunities Commission  
[www.eoc.org.uk](http://www.eoc.org.uk)  
Tel: 0845 601 5901

Trade Union Congress  
[www.tuc.org.uk](http://www.tuc.org.uk)  
Tel: 020 73878570

## **7. Implementation – Training and Resources**

The Trust acknowledges the importance of awareness and skills training for managers to ensure the effective implementation of this Policy. Working in partnership, Business Human Resources will provide appropriate support through a variety of means including informal Policy Briefings or Guidance Toolkits.

## **8. Policy Governance**

### **8.1 Equality and Diversity**

The Trust is committed to an environment that promotes equality and embraces diversity in its performance as an employer and service provider. It will adhere to legal and performance requirements and will mainstream equality and diversity principles through its policies, procedures and processes. This policy should be implemented with due regard to this commitment.

To ensure that the implementation of this policy does not have an adverse impact in response to the requirements of the Equality Act 2010 this policy has been screened for relevance during the policy development process and a full impact assessment conducted where necessary prior to consultation. The Trust will take action when necessary to address any unexpected or unwarranted disparities and monitor workforce and employment practices to ensure that this policy is fairly implemented.

This policy and procedure can be made available in alternative formats on request including large print, braille, moon, audio cassette, and different languages. To arrange this please contact the Equality & Diversity Team in the first instance.

Liverpool Community Health NHS Trust will endeavour to make reasonable adjustments to accommodate any employee with particular equality and diversity requirements in implementing this policy and procedure. This may include accessibility of meeting venues, providing translation, arranging an interpreter to attend meetings, extending policy timeframes to enable translation to be undertaken, or assistance with formulating any written statements

### **8.2 Management and Review of Policy**

The Business HR team will be responsible for the management of this policy and will file and monitor all the flexible working applications. This procedure will be reviewed on a two year basis in accordance with the Trusts HR Policy Review Programme or sooner should there be a change in employment legislation.

**Appendix 1 - Flexible Working Request Form**

This form should be completed and forwarded to your manager. A meeting will be arranged to discuss your request and the content of this form within 28 of the receipt of the form and you will be advised of the decision within 14 days of the date of the meeting. Your Manager must then forward the completed form to Business Human Resources for monitoring purposes.

**Section A – Employee to complete**

<p><b>Personal Details</b></p> <p>Name:</p> <p>Grade:</p> <p>Job Title:</p> <p>Department:</p> <p>Line Manager:</p> <p>Current hours worked per week and working pattern:</p>
<p><b>Flexible working option requested (please tick)</b></p> <p>a) Part time working (preferred hours/days of week <input type="checkbox"/></p> <p>b) Term time only working <input type="checkbox"/></p> <p>c) Other (please specify):</p> <p>Is your request for a temporary change or permanent change:</p> <p>If temporary, please state length of time you would wish this arrangement to be established:</p> <p>Date of Commencement of Proposed Change:</p>
<p><b><u>Please state the reason/s for this request:</u></b></p>

**Service Needs**

Will you be able to continue to perform all current duties within the proposed working pattern?

If not, which duties do you believe will be affected?

Do you have any proposals as to how such duties could be reallocated?

Employee Signature: \_\_\_\_\_

**Section B- Manager to complete**

Proposal:    Agreed\* / Declined\*    \*Delete as appropriate

If the proposal has been **agreed**, briefly outline the arrangements that have been discussed, timescales, review periods, etc.

If the proposal has been **declined**, briefly outline the reasons, which led to this decision, which have been discussed with the member of staff.

The member of staff will receive a letter confirming the details of your discussion within 14 days of the date of your meeting.

Contractual amendment form completed and sent to Business HR if there is a reduction in hours:

Yes\* / No\* \*Delete as appropriate

Date copy of form forwarded to Business HR \_\_\_\_\_

Monitor/Review Period: \_\_\_\_\_ months

Manager's Signature \_\_\_\_\_ Date \_\_\_\_\_

**Please note once a decision has been reached this completed form must be sent to Business HR for monitoring purposes. The Trust has a statutory obligation to monitor requests for Flexible Working and the decisions reached.**

## Appendix 2

### Criteria for consideration when receiving a request for flexible working

The below criteria has been developed to enable managers to apply a consistent approach to requests. Any member of staff who wishes to request flexible working should set out the work pattern they are seeking and add their own suggestions as to how this work pattern could be met on the Flexible Working Request Form (Appendix 2).

The manager must consider: -

- The impact on the applicant's health and wellbeing if they are proposing to complete all of their current duties within the proposed working pattern.
- Additional costs to the Trust – e.g. will it cost more to replace the hours that the member of staff wishes to change, e.g. through agency staff.
- Impact on quality – consider the request against such issues as continuity of care and skill-mix of the department team.
- Impact on performance – whether, if agreeing to the request, this may have a potential detrimental impact on the individual's performance e.g. attendance at training events or retention of clinical skills.
- Ability to find extra staff – whether the hours that may be vacant should the request be honored, can be filled through advertising a part-time post or offering additional hours to other staff. There may be occasions where the hours available are small segments of time at times of day, which are unattractive and therefore difficult to fill.
- Impact on colleagues – the fairness of this decision, taking into account the personal and cultural requests of all staff within the department. If colleagues are expected to alter their work patterns significantly, it may not be justifiable to expect them to do this in order to accommodate a colleague's request.
- Precedent for other colleagues – the precedent being set when agreeing to a request. Each case must be considered against the criteria on an individual basis. Precedent alone cannot be used as a reason to agree to or refuse a request for flexible working.
- Insufficiency of work during the periods the employee proposes to work i.e. evenings/early morning
- Other reasons that the manager will need to specify – There may be significant additional reasons why a manager cannot grant a particular request which need to be included in the explanation given to the member of staff.

### Appendix 3

#### Model Letter: Agreement to Request

Dear

Re: Flexible working request

Further to your request to alter your working arrangements, I am pleased to confirm the following: -

Hours of work: \_\_\_\_\_ per week (excludes unpaid breaks)

Pattern of work: \_\_\_\_\_ (specify minimum break time)

Annual leave entitlement:

Training or other issues that will need to be detailed:

All other terms and conditions remain unaltered.

The new working arrangements will commence on \_\_\_\_\_ and will be reviewed on a regular basis for the next 6 months. At that stage, should the working arrangements be satisfactory to both yourself and the Department you will receive confirmation that they have been made permanent.

(\*Where applicable if hours have been reduced)

As the change to your working arrangements involves a reduction in hours, it is important that you contact the Trust's Pensions Officer on \_\_\_\_\_ to discuss any implications this may have on your pension agreements.

Whilst I am pleased to be able to confirm the above, I must highlight that there may be exceptional circumstances where you may be asked to alter your working pattern as a result of an urgent service need, such as in times of staff shortage. It is expected that such requests will be very few and that sufficient notice given, but this flexibility may be called upon to ensure the delivery of our service.

Please sign the copy of this letter and return it to me, to confirm acceptance of the revised working arrangements and the terms stated above.

If you have any queries regarding this letter please do not hesitate to contact me.

Yours sincerely

Name

Job title

## Appendix 4

### Model Letter: Request Declined

Dear

Re: Flexible working request

Further to our meeting on (date) regarding your flexible working request, I regret to inform you that your request has been declined due to (give reasons)

(In certain circumstances it may be appropriate to add: I will reconsider your request following )

You have a right to appeal against this decision, which can be done in writing to (name of next line manager) within 14 days of the date of this letter.

If you wish to discuss this further, please do not hesitate to contact me.

Yours sincerely

Name

Job Title

Contact details

## **Appendix 5**

### **Flexible Working Options**

#### **Part Time Working**

Work is generally considered part-time when employees are contracted to work for anything less than the normal basic full-time hours on a permanent basis. Full time hours for the Trust is 37.5 hours. Whilst reducing to part time work will not reduce the level of pensionable pay, it will reduce the rate at which future membership is built up. Therefore individuals are advised to seek advice directly from the Pensions Agency for a calculation of how their pension benefits would be affected should they reduce their working hours.

#### **Job Sharing**

Job sharing involves dividing a single full-time job between two (or more) people who share the responsibility, pay and benefits. Jobs can be shared between two people on a daily basis, with one sharer working mornings and the other afternoons, or on a weekly basis, with sharers working half a week each. Another method is for sharers to work alternate weeks.

#### **Temporarily Reduced Working Hours**

This is an arrangement that enables employees to work reduced hours for a specified period of time to deal with "special circumstances". This could include a family or personal emergency, or to undertake a particular course of training or development. An employee would be able to reduce their working hours for an agreed period. Salary would be reduced pro-rata to the whole time salary. An employee could thus reduce their hours by a daily amount of time or by a weekly amount i.e. could work short days or a short week.

#### **Term Time Working**

Term time working is defined as employees working on a full or part time basis during the education school terms. Unpaid leave is taken during the school holidays, although their pay may be spread equally over the year.

#### **Flexi-time**

Allows an employee to choose the hours they work within defined limits. There are set core times during the day when staff must be present. Start and finish times can vary. Contracted hours (37.5 hours per week) are made up by staff working the core time plus hours of their choice within the flexible time at the beginning and end of the day. This is calculated over an agreed period of time, usually a month.

#### **Annualised Hours**

An employee's hours are worked out for the year in two parts. Agreed set shifts (major part) and unallocated hours. Pay is set at a regular guaranteed monthly sum and the hours kept in reserve are owed to the company. This enables the employer to ask employees to come in at short notice to cover for colleagues and cope with demand.

#### **Compressed Working Hours**

Compressed working hours are when the work time is reallocated into fewer and longer periods during the week. This may include reorganising the basic hours normally worked over five days into either a period of four and a half days or nine days over a period of ten days.

#### **Self Rostering**

This is a work scheduling agreement where staff are given the opportunity to state their preference of working pattern before the rota is formally drawn up. The 'choice' is within agreed parameters, whilst meeting the needs of the service.

### **Time Off in Lieu**

Time off in lieu provides a flexible way to compensate staff for additional hours worked. When employees need to work beyond their normal starting and finishing times, they agree with their manager to take this time off at a mutually convenient date. A weekly timesheet must be completed by all staff to ensure that the hours worked over the year are monitored and at no time exceed 48 hours a week.

### **Home Working**

Home working allows an employee to meet their contractual obligations at a location remote from employers' workplaces on a temporary or permanent basis. If staff wish to work from home on an ad hoc basis to complete a specific piece of work then they must agree this with their manager in advance. Where an employee wishes to request an arrangement to work from home regularly, then they should make a flexible working application in accordance with this policy. Employees and their managers must be aware of the data security issues that apply to remote working and take appropriate precaution measures to minimise any relevant risks.