

FLEXIBLE WORK PRACTICES POLICY[®]

DOCUMENT SUMMARY/KEY POINTS

- This policy has been developed to assist SCHN to implement flexible work practices equitably and with transparency.
- The use of FWP is supported by SCHN as a means of assisting employees to balance work and life commitments.
- The Sydney Children's Hospitals Network (SCHN) is committed to delivering quality services to patients and families, and this is the key consideration in reviewing applications for Flexible Work Practices (FWP).
- The New South Wales Public Service Commission's Flexible Working in the NSW Public Sector Toolkit (http://www.dpc.nsw.gov.au/flexible_working/home) provide the foundations of this policy.
- Approval of all requests for FWP will be reviewed with due consideration of the potential impact on our quality service delivery.
- FWP are to be *negotiated by mutual agreement* between the employee and the employer.

CHANGE SUMMARY

- Minor review – some links in Section 7 needed updating.
- Forms and templates to support the implementation of FWP in SCHN are available on the [Workforce Services Flexible Work Practices intranet page](#) to support the implementation of this policy.

Approved by:	SCHN Policy, Procedure and Guideline Committee	
Date Effective:	1 st March 2016	Review Period: 3 years
Team Leader:	Manager Workforce Development and Culture	Area/Dept: Workforce

READ ACKNOWLEDGEMENT

All managers and employees requesting FWP must read and acknowledge (either in writing or via email) that they understand the requirements of this policy.

Managers must ensure that all staff on leave at the time of publication of the policy are provided with a hard or electronic copy of the policy, and request an acknowledgement of receipt.

TABLE OF CONTENTS

1	Flexible Work Practices in SCHN	3
	<i>Implementation of SCHN Flexible Work Practices Policy</i>	<i>4</i>
2	Guiding Principles	4
3	Flexible Work Practices Options	5
3.1	FWP supported in SCHN.....	5
	<i>Flexible working hours</i>	<i>5</i>
	<i>Job sharing</i>	<i>5</i>
	<i>Part time leave without pay</i>	<i>6</i>
	<i>Request to reduce hours to temporary part time</i>	<i>6</i>
	<i>Compressed Working Weeks</i>	<i>6</i>
	<i>Extended Leave Without Pay</i>	<i>6</i>
	<i>Working from home</i>	<i>6</i>
4	Management of Flexible Work Practices	7
4.1	Application and Approval Process.....	7
4.2	Approving Compressed Working Weeks as FWP ¹	9
4.3	Approving Working from Home FWP.....	9
5	Terminating a FWP	10
6	Review mechanisms	11
7	Documentation of Requests for Flexible Work Practices	11
8	References	12

1 Flexible Work Practices in SCHN

The New South Wales Public Service Commission's definition of Flexible Work Practices (FWP) is adopted for SCHN as:

Flexible working includes any work arrangement that changes standard hours, days or location of work on a temporary or permanent basis, such as:

- *changing the hours worked on any given day or working to a staggered roster*
- *changing the number of days worked each week as part of a reduced work week or reducing the total hours worked each week on a temporary or permanent basis in a job share or part-time arrangement*
- *using paid or unpaid leave entitlements for extended breaks from full-time work or a career break*
- *working closer to, or at, home on an ad hoc or regular basis to undertake project or routine work.*

The Sydney Children's Hospitals Network (SCHN) recognises the importance of supporting employees to balance work, family and other aspects of their lives and, SCHN is committed to supporting employee work life balance through the provision of FWP. The individual benefits of FWP have been documented to provide assistance in managing stress and workload in providing care to patients with complex and chronic conditions, which results in reduced staff turnover. The organisational benefits include retention of skilled employees, improved employee morale, encouragement of continued participation in the workforce, decreases staff turnover and decreases in absenteeism.

This policy provides employees with information and the procedures to request and document FWP, using standardised templates. It also provides a transparent and responsive decision-making process. The policy aims to assist in offering as much flexibility as possible without negatively impacting on service delivery, patients and colleagues.

The operation of a high quality, 24/7 specialist paediatric health network is the priority for all SCHN employees. Given the specialist knowledge and skills required in some roles, it is a reality that some positions and skill sets are more easily able to accommodate FWP than others. In requesting FWP, all employees are encouraged to become familiar with this policy and to approach the application process in a spirit of mutual benefit. It is important to remember that FWP are not an Award entitlement – they are negotiated subject to approval by mutual agreement, between the employee and the employer for a fixed time period.

Requests for all FWP should be considered jointly in light of relevant Award provisions and this policy document. All Award entitlements can be accessed by NSW Health employees through the NSW Ministry of Health intranet page (available from the SCHN intranet page).

All requests for permanent variations to individual contracts of employment must be requested in writing in accordance with appropriate Award entitlements, and negotiated by the employee with their line manager.

To ensure effective service delivery in a constantly changing and evolving health service all SCHN Flexible Work Practice (FWP) agreements are temporary, for a maximum of twelve (12) months. If an employee wants to seek an extension of the arrangements, they must submit a new application every 12 months.

Implementation of SCHN Flexible Work Practices Policy

All new FWP arrangements must be made in accordance with this policy. Within 12 months of implementation, all existing individual SCHN FWP arrangements must be renewed against the provisions of this policy. Managers should seek assistance from the Workforce Managers when reviewing existing employee FWP arrangements that are outside of the provisions of this policy.

2 Guiding Principles

1. Effective staff rostering enables a degree of flexibility for all employees – where possible this should be used in the first instance to assist staff in managing their work/life balance and other life commitments.
2. All parties should make every effort to reach a positive outcome through negotiation and agreement that enables equitable access to flexible work practices.
3. The responsibility to initiate a reasonable request meeting the guiding principles for FWP rests with the employee.
4. The requested FWP must be considered in respect of SCHN service goals, including quality, safety, productivity and cost effectiveness and services to patients, families, internal and external clients.
5. The employee and manager will endeavour to collaborate to develop mutually acceptable agreements.
6. All employees (except staff on temporary contracts of less than 13 weeks) are eligible to apply for FWP, irrespective of role or gender, in an attempt to meet caring and life commitments and to achieve work/life balance.
7. Excepting emergency arrangements (up to a maximum of three (3) weeks), all requests for FWP must be formalised. Approvals, evaluations and agreements must be documented, provided to all parties and copies placed on the employees personnel file, located in Workforce Services.
8. Employees on annual FWP agreements must continue to submit applications for leave and maintain an approved method for recording time and attendance.
9. Employees should not be discriminated against for requesting FWP. All applications will be reviewed and assessed equitably by managers and where required Executive staff.

3 Flexible Work Practices Options

Prior to requesting FWP, it is important to acknowledge that certain options are suitable for some work areas and/or roles and not others. For example, positions involving daily, continuous contact with patients and families are not suited to “working from home” arrangements, and will not be considered.

Employees who work 24/7 rosters are encouraged to discuss their needs for shift flexibility with their managers, in an attempt to identify jointly workable solutions.

This policy does not entitle a shift worker to seek a permanent variation in shifts or “fixed shifts”, as this potentially compromises service delivery and is not equitable to all team members who work on the same 24/7 roster.

SCHN *Nursing Roster Guidelines* are to be used to negotiate shift preferences for nursing staff working rotating rosters through the development of an Individual Roster Arrangement Form, up to a maximum duration of twelve months. Any nursing staff that do NOT work rotating shifts need to request FWP of up to 12 months duration by submitting an application using the FWP Policy.

All employees (except staff on temporary contracts of less than 13 weeks) are entitled to access various forms of leave to assist in meeting short-term absences. Employees should refer to their relevant Award to understand their leave entitlements, or they can speak with their manager to discuss their entitlements. Exhausting existing leave balances should be considered as the first option in responding to requests for flexibility to meet short-term absences.

Access to time-in-lieu is to be negotiated as a local and separate Award entitlement, and is not a flexible work practice. All time-in-lieu accrual must be pre-approved by the manager and hours must be accurately recorded to show a running balance of hours accrued and time-in-lieu taken. Refer to the NSW Health Rostering Resource Manual (Version 2.0) for best practice guidelines and example timesheets.

All FWP agreements must be reviewed every 12 months. No FWP arrangements are indefinite due to changing work patterns, whole of team considerations and service delivery requirements. However, there are no limits on how many requests for FWP an employee can negotiate whilst employed in SCHN.

3.1 FWP supported in SCHN

The following FWP are supported in SCHN, dependent on job role and meeting service delivery requirements.

Flexible working hours

Requests to vary hours of work to meet personal or carer obligations for children, the aged, other family members or other life commitments. For example, an employee working a non-rotating roster of 40 hours per week may work three days from 8.30am to 5.00pm and two days from 7.30am to 4.00pm to accommodate picking children up from school.

Job sharing

An arrangement where one role is shared between two part-time employees. This option is only available to SCHN employees if both employees can demonstrate that they can

effectively meet the job requirements (may require assessment/appointment if a different role or change from current role), maintain effective communication and share the workload without impacting on service provision. Flexibility is required in terms of days of work and leave coverage to ensure service provision is not negatively impacted.

All job sharing arrangements are to be negotiated in collaboration with the manager, and with the assistance of Workforce Services consultants. Requests can only be accommodated if the job-shared position could reasonably be filled in terms of hours and days worked.

All job-share arrangements are to be trialled and evaluated for up to six months before requesting a permanent variation to a contract of employment (under Award provisions).

Part time leave without pay

Allows a temporary reduction from working full time to work part-time, using annual leave entitlements or leave without pay for the balance of the full time hours. This option could be used as a return to work strategy after illness, parenting leave or a phased exit before retirement.

Request to reduce hours to temporary part time

Working part-time enables continuity of employment and accrual of benefits, such as annual and sick leave on a proportionate basis. It may encompass working fewer hours per day or fewer days per week or a combination of both. Approval of days/shifts to be worked is subject to service and rostering requirements. If flexibility of hours is unavailable in one work area, flexibility may be offered in a different work area, subject to service delivery needs and management approval.

Compressed Working Weeks

A compressed working week is where an employee works their agreed hours over fewer working days per week or fortnight (i.e. longer hours over less work days).

Extended Leave Without Pay

Available for any purpose desired by the employee eg. extending parental leave, study, travel, personal and professional development and volunteer work. The maximum duration that can be approved is 12 months, after which the employee will be expected to return to work. Staff requesting extended leave without pay should exhaust accrued leave entitlements before accessing leave without pay.

Working from home

An option when the employee's work role allows for their work to be completed off-site. It is a legislative requirement that the home work environment meets work health and safety requirements. As a FWP, all working from home arrangements must be pre-approved by the line manager, and cannot commence until an assessment of the home work station has been completed (either through a self-assessment or by a Work Health and Safety practitioner). This can be an effective interim arrangement that allows an employee to continue their work during temporary or unforeseen circumstances which prevents them from being in the workplace.

4 Management of Flexible Work Practices

Managing flexible work is part of good management practice and develops a positive workplace. It requires an open conversation between the employee, who needs to negotiate the flexibility, and the manager, who needs to consider alternatives and to be open to changing existing practices.

To ensure that both employees and managers are aware of the terms and conditions of the approved FWP, written agreements are to be developed and signed by all parties to outline agreed work hours, work to be performed and any special arrangements for communication and accountability, using the templates provided to support the implementation of this policy.

All FWP agreements must be monitored regularly and reviewed annually to address service issues and monitor service impact. Any negative service impacts must be immediately addressed.

Amendments and temporary variations to FWP, such as varying days or hours can be requested by either the employee or the manager, and must be negotiated by mutual agreement. If the agreement changes, this must be recorded on the FWP Agreement and placed on the employee's personnel file.

It is acknowledged that managers play a critical role in assisting employees to manage their work/life commitments through being flexible in response to emergency situations. If an employee requests ad-hoc flexibility up to a maximum of three weeks, a FWP agreement does not need to be completed (an email or memo record of the request and approval is sufficient), however all other aspects of this policy need to be adhered to.

If an employee is not performing satisfactorily at the time of requesting FWP, this situation needs to be addressed immediately and should not be used as the only reason for refusing FWP. The performance issues may be related to the external stressors that the employee is experiencing, which may be better managed through requesting temporary FWP. However, if an employee has commenced a documented performance improvement or disciplinary process, it may be appropriate to refuse a request for FWP, given the need to provide ongoing support and supervision to assist the employee to improve their performance.

If a manager has reservations about supporting a request for FWP, it may be possible to negotiate a trial of the arrangement for a shorter time period. All approved FWP must be reviewed three months after commencement to identify if there are any issues that need to be addressed. The arrangement can be terminated by either party as per Section Five of this policy.

4.1 Application and Approval Process

All applications for FWP will be reviewed against the questions contained in the "[Decision Making Checklist for Managers Info Sheet](#)" that supports the implementation of this policy. All requests for flexible work practices will be reasonably considered, in respect of three key criteria in approving the request;

- Patient care or service delivery will not be compromised or negatively impacted.
- SCHN will not incur any additional costs (inclusive of penalty or overtime rates). Reasonable employee related costs (eg. VPN access for staff working from home) are acceptable.
- The workload of other team members (including managers) will not be increased.

	Step	Responsibility of Employee	Responsibility of Manager	Timeframe
1	Verbally discuss the need for flexibility – what is required and how could this be provided without negatively impacting on service provision?	Initiate conversation	Consider proposal and alternatives	
2	Submit written application based on verbal discussion	Submit to line manager	Review application and provide feedback to employee Submit to Tier Three Director for their review	Response within 21 days from submission
3	Feedback to employee to advise outcome of the application	Complete agreements and required documentation	Provide feedback to the employee regarding the outcome of their application for FWP If approved, relevant agreement and documentation is to be completed, approved, and copies placed on the employees personnel file The employee can seek a review of their application by a Tier Two Director if it has not been supported by the Tier Three Director	Within 2 weeks of outcome Response within 21 days from submission
4	Documentation of FWP		Forward the approved FWP Agreement to Workforce Services to enable the agreed FWP to be entered into the employees personnel file	Within 2 weeks of the employee commencing FWP
5	Commencement of FWP	Fulfil agreed hours and work tasks	Monitor FWP Discuss progress with employee at 3 months to ascertain if the FWP is working as agreed or if variations are required	3 months after commencing
6	Review and Evaluation of FWP	Contribute to review process	Review of FWP is to commence at 9 months, to enable completion by 11 months Discuss findings of the review with the employee.	By 11 months after commencing
7	Termination or application for further FWP	Initiate conversation	Consider proposal and alternatives	Termination will automatically occur at end of the 12 th month, unless re-application by the first week of month 12

4.2 Approving Compressed Working Weeks as FWP ¹

To ensure optimal patient service delivery, SCHN only supports compressed working weeks (such as nine day fortnights) for individuals as temporary arrangements for employees who have extenuating personal circumstances (eg. caring responsibilities, study or career development needs or personal health issues).

A whole department or unit can seek a permanent variation in their hours of work through normal industrial arrangements (separate from the provisions of this policy). These requests must be made in writing and considered by both the Tier Three Director/Manager and Tier Two Director, outlining the following;

- The enhancement to service delivery (eg extended clinical hours outside of core hours to meet service demand) and/or efficiency to be gained (eg savings in payment of overtime to deliver identified service demands in extended or out of core work hours) through implementing the variation.
- Submission of a two month roster for all employees of the department/unit to indicate how the departmental work hours (eg. Monday to Friday, 8.30am to 5.00pm) will be covered.

¹ Staff covered by the Trade Award and the Staff Specialist Award will be managed via award provisions.

4.3 Approving Working from Home FWP

SCHN is responsible for the health, safety and welfare of the employee at work and whilst working at the home based site, under the provisions of the *Work Health and Safety Act 2011 (NSW)*. As a FWP, Working from Home cannot be approved if the employee is responsible for providing dependent care during their agreed work hours (i.e. childcare, or care to aged or dependent adults). Employees with dependent care responsibilities are required to make alternate arrangements during agreed work hours so that they can successfully meet agreed work tasks while working from home.

Where appropriate, and only in response to family or emergency situations, line managers can grant approval for employees to work from home for up to three weeks, subject to the employee completing a WHS risk assessment checklist. If the employee needs to request to continue the FWP they need to return to working at their usual place of work and submit an application for FWP. Refer to the templates provided under Section seven of this policy.

If the organisation requires an employee to routinely work from home to fulfil their work role, this should be established in the letter of offer, and appropriate equipment and resources made available to the employee to fulfil their job role.

If an employee is on a return to work program from a work-related injury, that includes them working from home, it is the responsibility of SCHN to provide the required equipment and resources. If it is a non-work related injury, this responsibility rests with the employee.

If an employee requests to work from home as a FWP, it is the responsibility of the employee to provide the required equipment and resources to complete their work tasks.

Under no circumstances is an employee able to use their personal motor vehicle for work purposes whilst working from home, as they are not covered for insurance purposes. If the

employee is required to make scheduled work visits whilst working from home, the employee needs to access an SCHN pool vehicle.

All employees who are approved to work from home are expected to adhere to all NSW Health and SCHN rules and regulations, policies and procedures regarding security and confidentiality for the computer, its data and information, and any other information handled in the course of work.

Employees must appropriately dispose of confidential information, which is generated from the home office, and medical records must not be removed from SCHN workplaces.

All employees who are approved to work from home must be contactable during their agreed work hours via email and/or or phone.

It is the responsibility of the employee requesting to work from home to conduct a self-assessment of their home work station to ensure it meets legislative requirements. The employee can request that the assessment is conducted by a suitably qualified SCHN Work Health and Safety practitioner if they do not feel suitably trained or able to conduct the assessment themselves. Clear goals and performance indicators are to be established in the approval process for employees who are working from home. It is the responsibility of the employee to demonstrate that these are being met.

5 Terminating a FWP

All FWP agreements can be terminated by either the employee or their manager, with a minimum of four weeks' notice (28 calendar days). The employer may terminate the FWP agreement in response to formal warnings in relation to conduct or performance issues with one week's notice (seven calendar days). Written advice must be provided to the employee by the manager outlining the reasons for the termination of the FWP. Copies of this advice should be placed on the employees personnel file kept by Workforce Services.

Once the conduct or performance issue is resolved, the employee can request to recommence the FWP, subject to approval and ongoing satisfactory performance.

All FWP agreements are automatically terminated if there are variations to the original agreement, on transfer or appointment to another position or work location, or where a new agreement has not been negotiated prior to the 12 month expiry. It is the responsibility of the employee to initiate the review of a FWP if they are submitting a new FWP application.

Managing the performance of employees accessing FWP should be discussed in the planning stage, and agreement reached on how performance will be measured and evaluated.

If an employee is not performing satisfactorily, the situation should be addressed immediately, including a review of the FWP if they are negatively impacting on the employee's performance.

6 Review mechanisms

An employee who feels that their request for FWP has not been fairly considered, or has concerns about the propriety of the application process, or feel that they are being disadvantaged by another employee's FWP is encouraged to talk with their manager about these concerns. If the employee is not satisfied with the manager's response, the relevant Tier Three and/or Tier Two Director has a final right of review in respect of approving the FWP, in consultation with the Workforce Services team. If an employee feels their request for FWP has not been reasonably considered in the review process, all other normal dispute processes will apply.

7 Documentation of Requests for Flexible Work Practices

Forms and templates have been designed for use by all employees and managers to apply, review and document requests for FWP. Copies of all completed documentation must be placed on the employee's personnel file, located with Workforce Services.

The forms and templates are available on the Workforce Services Flexible Work Practices intranet page: <http://intranet.schn.health.nsw.gov.au/our-people/flexible-work-practices>

- [SCHN Flexible Work Practices Application Form](#)

Completed by the employee requesting FWP and by their manager to document the approval process.

- *SCHN Flexible Work Practices Tools for Managers*
 - A [Decision Making Checklist for Managers Info Sheet](#) to assist managers when reviewing applications for FWP.
 - An [email or letter pro-forma](#) to advise that the request for FWP has been approved, subject to completing the required agreements.
- [SCHN Flexible Work Practices Agreement](#)

An agreement to document the implementation, review and evaluation of the FWP.

- [SCHN Working from Home Work Health and Safety Self-Assessment Checklist](#)

A self-assessment to be completed by the employee who has requested to work from home in either an emergency or unforeseen situation, or as part of a FWP Agreement.

- [SCHN Flexible Work Practices Working from Home Agreement](#)

Completed by the employee who has been approved to work from home as a FWP.

8 References

1. NSW Ministry of Health. 2014. Rostering Resource Manual (Version 2.0):
<http://www.health.nsw.gov.au/Performance/Documents/rostering-resource-manual.pdf>
2. Public Service Commission. 2014. Flexible Working in the NSW Public Sector Toolkit. Available at
http://www.dpc.nsw.gov.au/flexible_working/home,
3. NSW Health Information Sheet – Considering Flexible Work Requests. Available at
<http://internal.health.nsw.gov.au/jobs/empcond/Flexible-work-arrangement-requests.pdf>
4. [GL2007_023](#) Fatigue - Preventing & Managing Work Related Fatigue: Guidelines for the NSW Public Health System
5. [PD2010_007](#) Grievance - Effective Workplace Resolution
6. [PD2014_029](#) Leave Matters for the NSW Health Service (specifically Section 4.3 Flexible Work Practices Alternatives to FACS or Personal/Carers Leave

Copyright notice and disclaimer:

The use of this document outside Sydney Children's Hospitals Network (SCHN), or its reproduction in whole or in part, is subject to acknowledgement that it is the property of SCHN. SCHN has done everything practicable to make this document accurate, up-to-date and in accordance with accepted legislation and standards at the date of publication. SCHN is not responsible for consequences arising from the use of this document outside SCHN. A current version of this document is only available electronically from the Hospitals. If this document is printed, it is only valid to the date of printing.