

FLEXIBLE WORK PRACTICES POLICY®

DOCUMENT SUMMARY/KEY POINTS

- This policy has been developed to assist SCHN to implement flexible work practices in alignment with the stated organisational values and the Network's service delivery requirements.
- 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 implementation of flexible working is a New South Wales Government priority. The New South Wales Public Service Commission have developed a suite of resources to support flexible working. These can be accessed [here](#).
- FWP are to be *negotiated by mutual agreement* between the employee and the employer, as distinct from employee entitlements that are awarded by industrial agreements.

This document reflects what is currently regarded as safe practice. However, as in any clinical situation, there may be factors which cannot be covered by a single set of guidelines. This document does not replace the need for the application of clinical judgement to each individual presentation.

Approved by:	SCHN Policy, Procedure and Guideline Committee	
Date Effective:	1 st April 2021	Review Period: 3 years
Team Leader:	Associate Director	Area/Dept: Workforce

CHANGE SUMMARY

- Significant policy review to ensure alignment with best practice principles.
- 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.
- **26/11/21**: Minor review. Inclusion of a stafflink email address and links to the intranet resources were updated, see Section 7.
- **6/12/21**: Minor review. Updated the policy with the 6 month agreement length as directed by CE.

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.

This document reflects what is currently regarded as safe practice. However, as in any clinical situation, there may be factors which cannot be covered by a single set of guidelines. This document does not replace the need for the application of clinical judgement to each individual presentation.

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1 Flexible Work Practices in SCHN

The New South Wales government commitment to increasing workplace flexibility creates an opportunity to change our conversations.

“Flexible working is about rethinking the where, when and how your work can be done, in a way that maintains or improves service delivery for the people of NSW. It does not mean every role, or every individual, can or should (or has to) work flexibly but it does mean that everyone can begin a conversation about what type of flexible working is available to them, regardless of the reason they are seeking it”. (sourced from PSC website on 1 June 2020 <https://www.psc.nsw.gov.au/workplace-culture---diversity/flexible-working>)

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, 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.

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 six (6) months. If an employee wants to seek an extension of the arrangements, they must submit a new application every 6 months.

1.1 Implementation Framework to support Flexible Work Practices in Sydney Children's Hospitals Network

A framework has been developed to outline the key considerations for reviewing all requests for flexibility, and the process for implementation (see the following page). The implementation framework stresses the need to consider all requests for workplace flexibility as an opportunity to display the SCHN CORE values in action, and that each individual request for flexibility is located within a systemic and relational approach between the organisation, job role, team and individual.

Within 12 months, all new FWP agreements, and renewal of existing agreements must be negotiated within this Implementation Framework, and as outlined in 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.

Implementation Framework to support Flexible Work Practices in Sydney Children's Hospitals Network

All staff can have a conversation with their manager to request flexibility in how they complete their work. Each request will be considered within this Framework.

The SCHN CORE Values in Action

COLLABORATION
<p>Our key focus is our Service Delivery Does the request for flexibility contribute to the provision of excellent patient care?</p> <p>Does the request for flexibility consider the impact on colleagues and other services?</p>
OPENNESS
<p>Our key focus is on having Clear Expectations Can our performance expectations be met if this flexibility is granted?</p> <p>How can open and honest communication continue to occur if this flexibility is granted?</p>
RESPECT
<p>Our key focus is Employee Wellbeing Will the employee's well-being be enhanced if the request for flexibility can be supported?</p> <p>Is the request for flexibility respectful of the impact on service delivery and the whole team?</p>
EMPOWERMENT
<p>Our key focus is Trust How does the request for flexibility demonstrate mutual cooperation?</p> <p>Is the request for flexibility an opportunity to innovate in how we deliver services?</p>

A Systemic and Relational Approach

Our Organisation
<p>Consistency: How do we convey our values and culture? Clarity: Are decisions transparent and reasonable? Authenticity: Is our rationale credible, and encouraging of innovation?</p>
Your Role
<p>Does your role meet these three criteria? 1. You can perform your duties at a location where appropriate? 2. Most of your role's tasks and processes are well defined 3. To be successful in your role, you do not require highly interdependent work</p>
Your Team
<p>Interdependency of team members: are other people reliant on working together with you on complex projects or tasks where you work in partnership? Dynamics of team member contributions: will working flexibly create a bottleneck in work process or work outcomes that may impact negatively on someone else? Manager Capacity: Does the manager have the capacity and capability to manage well through changes affected by flexible work? Trust: Has the team demonstrated the ability to work cooperatively through challenges and an ability to depend on each other when this really counts?</p>
You as an Employee
<p>Readiness and comfort: Can you work safely if you are working flexibly? Life circumstances: Do you have competing personal demands that you need flexibility to manage? Do you have a well-defined space to work? Performance: Can you demonstrate that your performance will not be impacted by flexibility? Strengths and Connectedness: Working flexibly (and remotely in some cases) does not suit everyone - what structure and interactions do you need to be successful in your role?</p>

How do we implement this together?

1.	Speak with you manager, either individually, or as a team based conversation, to explore the types of flexibility that may be possible.
2.	Explore the possibilities through an open and honest conversation. All requests to work remotely must meet three enabling criteria; <ol style="list-style-type: none"> 1. A safe physical workspace (evidenced through completion of a WHS checklist). 2. Access to required Information Technology, inclusive of phone and video capabilities. 3. Capacity to work independently at home, without carer responsibilities.
3.	If flexibility can be provided, develop a 6 month agreement that sets clear expectations on performance, communication, wellbeing and team connectedness.
4.	Reviews the agreement after three months to make sure it is working for all parties, and continue to have open conversations to reassess how the flexibility is working.
5.	At the end of 6 months, review and complete a new agreement (if requested).
<i>A relationship of mutual trust, respect, open communication and clearly defined deliverables is imperative for success.</i>	

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, achieving the outcome of mutually acceptable agreements.
3. The responsibility to initiate the conversation to make a reasonable request for FWP rests with the employee.
4. The requested FWP must be considered in respect of SCHN CORE values and service goals, including quality, safety, productivity and cost effectiveness and services to patients, families, internal and external clients.
5. All employees (except staff on temporary contracts of less than 13 weeks) are eligible to apply for FWP.
6. Excepting emergency arrangements (up to a maximum of three (3) weeks), all requests for FWP must be formalised. Approved agreements must be documented, provided to all parties and copies placed on the employees personnel file, located in Workforce Services.
7. Employees on annual FWP agreements must continue to meet all administrative service requirements, including submitting applications for leave and maintaining an approved method for recording time and attendance.
8. Employees should not be discriminated against for requesting FWP. All applications will be reviewed and assessed equitably by managers and Tier Two or Three organisational leaders.

3 When does the Flexible Work Practices Policy apply?

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 6 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 for best practice guidelines and example timesheets.

3.1 What types of flexibility can be requested?

Implementing flexible working requires us to rethink the where, when and how we work. Following are some examples of FWP that are supported in SCHN.

WHERE

Telecommuting/Remote working

Working at a location other than the official place of work. Mobile working, distributed work, virtual teams and telework are collectively referred to as telecommuting.

Working from a different location

An employee may work from an office closer to home or closer to meetings they need to attend during the day. This could also include workings hubs, other government buildings/locations.

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 a self-assessment of the home work station has been completed.

WHEN

Flexible working hours

Requests to vary hours of work to meet personal, life or carer obligations. 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.

Flexible Rostering

Employees submit requests for the shifts they would like to work and the days they want to be rostered off. The roster is then built in consideration of these requests.

HOW

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).

If a team makes a request to implement a compressed working week, these arrangements can only be agreed if the normal business/service delivery hours of the team will be fully and sufficiently covered.

Extended Leave Without Pay

Available for any purpose desired by the employee e.g. 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.

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 achieve innovation.

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 establish clear expectations on performance, communication, wellbeing and team connectedness, 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 key considerations outlined in the Implementation Framework. All requests for flexible work practices will be reasonably considered against these three criteria;

- 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 (e.g. 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 (either individual or team based)	Consider proposal and alternatives, and provide a verbal indication if you can support the request so the employee can complete the written agreement	With 2 weeks of request been made
2	Submit written agreement based on verbal discussion	Complete agreement	Review application and provide feedback to employee Submit to relevant Tier Two or Tier Three Manager for their information	Response within 21 days from submission
3	Feedback to employee to advise outcome of the application	Complete agreements and required documentation	Complete agreement, with copies provided to all parties and a copy forwarded to Workforce Services to be placed on the employees personnel file. The employee can seek a review of their application by a Tier Two or Tier Three Manager if the request has not been supported.	Within 2 weeks of agreement being signed Within 21 days of request for review
4	Commencement of FWP	Fulfil agreed hours and work tasks	Monitor FWP Discuss progress with employee at regular intervals to ascertain if the FWP is working as agreed or if variations are required	Review within 3 months
5	Termination or application for further FWP	Initiate conversation	Consider proposal and alternatives	Termination will automatically occur at end of the 6th month, unless re-application by the first week of month 6

4.2 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 6 month expiry. It is the responsibility of the employee to initiate the review of a FWP if they are submitting a new FWP application.

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 feels 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 completed documentation including both approved application form and completed agreement, and if required the working from home Health and Safety Checklist, must be emailed to SCHN-StaffLink@health.nsw.gov.au to 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>, in addition to resources that may assist employees to work more effectively when working remotely.

- [SCHN Flexible Work Practices Application Form](#)
 - A form to be completed and submitted to apply for up to 6 month Flexible Work Practices Agreement.

- [SCHN Flexible Work Practices Agreement](#)
 - An agreement to document the implementation and review of Flexible Work Practices.
- [SCHN Working from Home Work Health and Safety 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.
- [Information on Managing Flexible Working and Virtual Teams](#)
 - A presentation containing information on things to consider when implementing team based flexible working.
- [SCHN Workplace Flexibility Team Planner](#)
 - An excel spreadsheet that can be used to coordinate team members hours and flexibility.

8 References

1. NSW Public Service Commission. 2019/2020. Multiple resources to support flexible working, available at <https://www.psc.nsw.gov.au/workplace-culture---diversity/flexible-working>,
2. NSW Public Service Commission. 2017 Make Flexibility Count – Strategic Framework for the NSW Government Sector. Available at [file:///C:/Users/Owner/Downloads/Make-flexibility-count-report-2017%20\(1\).pdf](file:///C:/Users/Owner/Downloads/Make-flexibility-count-report-2017%20(1).pdf)
3. Gallup. 2020. Covid-19 A Leader's Guide to Developing a Work-From-Home Strategy.
4. [PD2016_046](#) Resolving Workplace Grievances.

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