# 26 GB
Flexible Working Policy

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<td>Version</td>
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<td>Approved by</td>
<td>Governing Body</td>
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<tr>
<td>Name of author/originator</td>
<td>Toni-Dee Downer</td>
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<tr>
<td>Owner (director)</td>
<td>Elaine Newton, Director of Governance and Compliance</td>
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<td>Date of approval</td>
<td>April 2017</td>
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<td>Date of last review</td>
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<td>Review to be completed by</td>
<td>April 2019</td>
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Equality statement

NHS Guildford and Waverley aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. We take into account the Human Rights Act 1998 and promote equal opportunities for all. This document has been assessed to ensure that no employee receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

Members of staff, volunteers or members of the public may request assistance with this policy if they have particular needs. If the member of staff has language difficulties and difficulty in understanding this policy, the use of an interpreter will be considered.

We embrace the four staff pledges in the NHS Constitution. This policy is consistent with these pledges.

See next page for an Equality Analysis of this policy.
Equality Analysis

Equality analysis is a way of considering the effect on different groups protected from discrimination by the Equality Act, such as people of different ages. There are two reasons for this:

- to consider if there are any unintended consequences for some groups
- to consider if the policy will be fully effective for all target groups

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<tr>
<th>Name of Policy:</th>
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<th>Assessment conducted by (name, role):</th>
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Who is intended to **follow** this policy? Explain the aim of the policy as applied to this group.

Employees in all areas, and at any level, are entitled to submit a request for flexible working regardless of their length of service.

Who is intended to **benefit** from this policy? Explain the aim of the policy as applied to this group.

It is the policy of the CCG to offer members of staff, wherever managerially and financially possible and service provision can be properly and safely maintained, and the opportunity to apply for flexible employment or flexible working.

1. **Evidence considered.** *What data or other information have you used to evaluate if this policy is likely to have a positive or an adverse impact upon protected groups when implemented?*

   Demographic data
   - The results of consultations or recent surveys
   - Comparison between your policies and functions and similar policies and functions in other public bodies
   - Analysis of complaints of discrimination (none received)
   - Recommendations of inspection and audit reports

2. **Consultation.** *Have you consulted people from protected groups? What were their views?*

   The review of this policy has been consulted with Staff Partnership Forum and is in accordance with NHS terms and conditions of employment which is a nationally agreed terms of appointment for NHS staff; therefore this is compliant to all equality requirements.

3. **Promoting equality.** *Does this policy have a positive impact on equality? What evidence is there to support this? Could it do more?*

   Positive effect. As detailed in the Equality Statement, policies can be made available in
different formats for CCG staff with different communication needs, on a case by case basis.

4. Identifying the adverse impact of policies

Identify any issues in the policy where equality characteristics require consideration for either those abiding by the policy or those the policy is aimed to benefit, based upon your research.

a) People from different age groups:
No adverse impact predicted from this policy.

b) Disabled people:
No adverse impact predicted from this policy.

c) Women and men:
No adverse impact predicted from this policy.

d) Religious people or those with strongly help philosophical beliefs:
No adverse impact predicted from this policy.

e) Black and minority ethnic (BME) people:
No adverse impact predicted from this policy.

f) Transgender people:
No adverse impact predicted from this policy.

g) Lesbians, gay men and bisexual people:
No adverse impact predicted from this policy.

h) Women who are pregnant or on maternity leave:
No adverse impact predicted from this policy.

i) People who are married or in a civil partnership:
No adverse impact predicted from this policy.

5. Monitoring  How will you monitor the impact of the policy on protected groups?

Appeals and complaints made to line managers will be brought to the attention of the Human Resources team and reported to the Governing Body
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1. Introduction and Policy Objective

1.1. Guildford & Waverley CCG is committed to improving the working lives of its staff. The CCG believes in flexibility in both its working and employment arrangements where managerially and financially possible. This will allow us to continue to provide an excellent, caring service to both patients and clients.

1.2. This policy covers all employees within the CCG and will supersede all other relevant policies under previous terms and conditions of employment held by individuals who have transferred into the CCG from other NHS organisations.

2. Legislative Framework/ Core Standards

2.1. In April 2003, the UK Government introduced the ‘right to request flexible working’ which historically applied to parents and certain other carers. The legislation was extended from 30 June 2014 to include all employees with at least 26 weeks' continuous employment, regardless of parental or caring responsibilities. Employers have a duty to consider a request in a reasonable manner and can only refuse a request for flexible working if they can show that one of a specific number of grounds apply.

2.2. If a request is rejected, it must be for one of the following business reasons as set out in the legislation:

2.2.1. the burden of additional costs,
2.2.2. an inability to reorganise work amongst existing staff
2.2.3. an inability to recruit additional staff
2.2.4. a detrimental impact on quality
2.2.5. a detrimental impact on performance
2.2.6. detrimental effect on ability to meet business demand
2.2.7. insufficient work for the periods the employee proposes to work
2.2.8. a planned structural change to the organisation

3. Roles and Responsibilities

3.1. Managers

3.1.1. It is the responsibility of line managers to ensure that:

- Consideration is given to the request for flexible working in accordance with set procedure.
- They adhere to the time limits as set out in this policy.
- To provide the appropriate support and information to the employee throughout the course of the application.
• They only decline a request where there is a recognised business need.
• They review flexible working patterns at agreed intervals to ensure the pattern is still valid/effective and with consideration as to the performance and behaviour or the individual within the role e.g. attendance/achievement of objectives/outputs. Where the pattern is not working consideration needs to be given as to whether there is a requirement to review the arrangement.

3.2. Human Resources

3.2.1. HR is responsible for offering advice to Line Managers and for ensuring that the relevant documentation as outlined in this policy is recorded on the employee’s personnel file.

3.2.2. HR is responsible for supporting the process and advising managers where appropriate and promoting best practice.

3.2.3. HR are responsible for reviewing the content as required, and submitting any recommended updates and/or legislative changes to the remuneration committee for approval and the Governing Body for ratification on a biennially basis.

3.3. All employees

3.3.1. It is the responsibility of employees to ensure that:

a) Applications are made in advance of when the employee wishes the change to take place.
b) To provide a carefully considered application with as much detail as possible.
c) To be prepared to discuss their application with their manager in an open and constructive manner
d) To be flexible where a mutually agreed compromise is required.
e) To agree to regular review periods to ensure the pattern of working is still valid and meets the needs of the business as well as themselves.

3.4. The Governing Body and Remuneration Committee

3.4.1. The Guildford and Waverley CCG Governing Body is responsible for ensuring that sufficient resources are provided to support the requirements and application of the people management policies across the CCG and that compliance with the necessary legislation and professional conduct is maintained; monitoring the application of policies and outcomes, for equality.
3.4.2. GWCCG Governing Body is responsible for approving the policy and procedure and leading the development of a culture that embraces dignity and respect for all.

3.4.3. The Remuneration Committee will review and approve any recommended changes or updates to this policy biennially, to be ratified by the Governing Body.

3.4.4. Biannual analysis on the implementation of this policy will be provided to the Governing Body.

4. Scope

4.1. Any employee with at least 26 weeks of continuous service has a statutory right to request flexible working. However the CCG has taken the view that employees in all areas, and at any level, are entitled to submit a request for flexible working regardless of their length of service.

4.2. It is the policy of the CCG to offer members of staff, wherever managerially and financially possible and service provision can be properly and safely maintained, and the opportunity to apply for flexible employment or flexible working. Members of staff who are considering applying for any of the schemes outlined in this policy should first discuss their needs with their line manager and their director and then apply using the Flexible Working Application Form available from HR or on the CCG’s intranet Staff Portal.

4.3. The following types of Flexible Working/Employment are available (which will not lead to the loss of opportunities for the member of staff concerned, or jeopardise service delivery):

4.3.1. **Part time contracts of employment** - Part-time working covers any arrangement where an employee is contracted to work anything less than typical full time hours for the type of work in question. The suitability of posts for part-time working will be stated in any internal or external advertisements.

4.3.2. **Job sharing** - Job sharing is where a person jointly agrees working arrangements with another person sharing the job and with the line manager concerned. The most common pattern might be for one of the two members of staff to work 2.5 days a week, with a short overlap period so that both staff can discuss the job and share work, e.g. one person works Monday, Tuesday, Wednesday (half day), the other person works Wednesday, Thursday and Friday (half day). The overlap period would thus be Wednesday for a half day. Alternatively, it may be possible for them to work alternate weeks.
4.3.3. **Flexible Working Hours** - Flexible working hours are an arrangement whereby, within set limits, members of staff may choose when to begin and end work outside of the CCGs standard working week of 37.5 hours, Monday to Friday 9am to 5pm, provided that they are present during certain core times as determined by the line manager and that within the week they work their total number of contracted hours. Where members of staff require greater freedom to organise their working time to suit their domestic or social needs, the adoption of flexible working hours will be considered if work demands allow and it is financially and managerially practicable and does not affect the delivery of work.

4.3.4. **Career Breaks** (Employment Break Scheme) – In accordance with the NHS Agenda for Change Terms and Conditions of Employment, staff with a minimum of 12 months continuous service within the NHS, are eligible to apply for a career break by taking unpaid leave for a period of up to 5 years (the minimum length of break available is 3 months). Such arrangements would need to be agreed with the line manager. The career break could be for domestic reasons (e.g. childcare, eldercare, to care for a dependant) or to undertake a course of study or for some other reason. Employees will be required to discuss with the nominated CCG NHS Pension representative in relation to continued Superannuation pension contributions and inform the Finance department of the proposed arrangements during the agreed leave period. At the end of the agreed leave, the member of staff would return to their post or an equivalent if the original post no longer exists, at the same salary as when they left (taking into account any annual pay rises).

4.3.5. **Unpaid leave** - Staff may request up to two weeks unpaid leave during a leave year, in addition to their normal paid leave. This may assist employees with children on holiday, or perhaps those who wish to travel abroad. This option is available in instances where no temporary replacement is needed. The examples above give an idea of how some types of flexible working may be applicable. This list is not exhaustive and staff are advised to discuss this with their line manager. Not every service can accommodate every type of flexible working hours. There is an expectation that individuals recognise the need to work flexibly for the needs of the service, as well as their personal requirements.

4.3.6. **Flexible retirement** - The NHS Pension Scheme allows for staff to consider various flexible working patterns as they approach retirement. These flexibilities include

- Wind down - work fewer days or hours within the current post
- Step down - move into a less demanding, lower graded role that still uses the staff member’s experience and skills
• Retire and return to the NHS - on reaching minimum retirement age, staff can opt to retire, take all their pension benefits and then return to NHS employment
• Draw down - open to members of the 2008 section of the NHS Pension Scheme - this allows staff to take a proportion of their pension benefits whilst continuing in NHS employment.

4.3.6.1. The flexible retirement options that may be available to you depend on the part of the pension scheme you are in. You can find out which section or scheme you are in through your Total Reward Statement or Annual Benefits Statement, available from your allocated NHS Pensions Representative. Please see the HR department for the contact details, or visit the following link: http://www.nhsbsa.nhs.uk/Pensions.aspx.

4.3.6.2. From April 2015 you may have membership in more than one part of the scheme so will need to ensure that if you wish to take up flexible retirement, the option you chose is applicable to all your pensionable membership.

4.3.6.3. NHS Employers have published two quick guides from the Working Longer Review Group, for employees and employers, about the flexible retirement options available through the NHS Pension Scheme. The guides provide an overview of the options available in the 1995, 2008 and 2015 Sections of the Scheme.

4.3.6.4. For more information and to view the guides, please follow this link: http://www.nhsemployers.org/news/2014/10/flexible-retirement-options-quick-guides-for-employers-and-employees

5. Procedure

5.1. General Information

5.1.1. If you wish to be considered for any of the above schemes your manager will require the completed Flexible Working Application Form a minimum of three months prior to the proposed start of your new working pattern, so that due consideration may be given to provide cover for your work. It can be beneficial to the CCG and to the employee to consider a trial period in order to monitor the operation and suitability of the flexible working arrangement.

5.1.2. If an application does not contain all of the required information, your line manager; with assistance from HR if required, will explain what additional or amended information is required and ask the employee to resubmit the request.
5.1.3. It should be noted that whilst managers are advised to give careful consideration to the member of staff’s needs and to endeavour to accommodate them wherever possible, they do however, have a responsibility for ensuring that objectives are met and work is delivered as required, therefore it may not be possible to accede to all requests.

5.1.4. If the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.

5.1.5. The CCG recognises occasional remote working can in certain circumstances, assist staff to carry out their work duties more easily in a quiet location and without disruption. In cases where office facilities are shared or where staff are easily disrupted, the member of staff may work from home, following prior agreement from their line manager. Where this is the case all Health, Safety and Security arrangements will apply.. The manager will ensure that the employee’s absence from the workplace will not create problems for other staff and that the home conditions are conducive to effective working. The designated office base for these members of staff will remain unchanged. For more guidance, please refer to the Lone Worker Policy.

5.1.6. There is also a need to balance individual needs for flexible working with the overall needs of the team members for flexible working. As a consequence, in some circumstances it may be necessary to agree a temporary flexible working arrangement for a trial period. If a request is agreed and once arrangements have formally been made, the opportunity for the CCG to reverse such arrangements at a member of staff’s request may be limited, as alternative arrangements may have been made.

5.2. Making an application for flexible working

5.2.1. Statutory requests to work flexibly will cover the following:

- A change to the hours a member of staff works.
- A change to the times when a member of staff is required to be at work.

5.2.2. The member of staff must complete in full the Flexible Working Application Form, available from HR or on the CCGs intranet staff portal. The application form will require the following information to be provided:

- the date of the application
- the changes that the employee is seeking to their terms and conditions
• the date from when the employee would like the proposed change to come into effect
• what effect the employee thinks the requested change would have on the organisation
• how, in their view, any such effect could be dealt with
• whether this is a statutory or non-statutory request
• whether a previous application for flexible working has been made
• the dates of any previous applications
• Applicants should forward their completed applications to their manager.

5.3. Criteria for considering applications for flexible working

5.3.1. Managers should consider any request they receive from a member of staff to work flexibly in relation to:

- A change to their working hours
- A change to the times when a member of staff is required to be at work and;
- A request to work some hours from home.

5.3.2. It is important to bear in mind that whilst staff do not have the right to work part time for example, they do have the right to make such a request. Requests must be reviewed in accordance with the Equality Act 2010. Managers should check if a previous application has been made by the member of staff.

5.3.3. The organisation is committed to providing a range of appropriate working patterns. However employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles. Where a flexible working arrangement is proposed the organisation will need to take into account a number of criteria including (but not limited to) the following:

- the costs associated with the proposed arrangement
- the effect of the proposed arrangement on other staff
- the need for, and effect on, supervision
- the existing structure of the department
- the availability of staff resources
- details of the tasks specific to the role
- the workload of the role

5.3.4. A further application cannot normally be made for 12 months beginning with the date on which the previous application was made. However, in exceptional circumstances, managers can consider further requests
made within the 12 month period. Managers should arrange a meeting with the member of staff to discuss the application.

5.3.5. Meeting must take place within 28 days of the application being made. The meeting will provide the manager with an opportunity to explore the request and discuss how it might be accommodated.

5.3.6. If there are difficulties in accommodating the employee’s original request outlined in the application form, alternative suitable working arrangements should also be discussed. Managers are advised to make notes of these discussions.

5.3.7. In circumstances where the manager who would normally consider the request is on annual leave or sickness absence at the time the application form is received, the 28 day time limit will be extended to the date falling 28 days after the date when the manager considering the request returns to work. Members of staff and their manager can however mutually agree to extend the time limit and any such agreement must be made in writing specifying the extension date and the time limit it relates to. This may be useful for certain requests for example where agreement to the request would be subject to the ability to successfully recruit a job sharer.

5.3.8. Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

5.3.9. The request may be granted in full, in part or refused. The organisation may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. If the request is agreed then the employee will be sent a confirmation letter which will include details of the new arrangements.

5.3.10. Within 14 days of the meeting the manager will give details of the decision in writing. This letter will set out the grounds for refusal, which can only be one of those detailed below. If on careful consideration of the request made the manager is able to agree exactly to the request of the member of staff as outlined in their application form there is no need to call a meeting. The member of staff needs to be notified, in writing within 28 days of the application having been made, of your agreement to their request. Please consult the Human Resources service for advice if required.
5.4. Trial periods for new working arrangements

5.4.1. Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the organisation a trial period may be agreed. If a trial period is arranged the organisation will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement.

5.4.2. Where a trial period has been arranged the organisation will provide the employee with a document that details their new working pattern and makes clear that it is only a temporary variation to the terms of the employee's contract. The employee will be informed in writing of the start and end dates of the trial period (although the organisation may reduce or lengthen the trial period where necessary with the agreement of the employee). The organisation will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement.

5.5. Refusals

5.5.1. Applications can only be refused on one of the following seven grounds:

- Due to the burden of additional cost.
- The detrimental effect on the ability to meet service needs and deliver the work required of the applicants role
- An inability to reorganise work among existing members of staff - an inability to recruit additional staff.
- A detrimental impact on quality.
- A detrimental impact on performance.
- Insufficiency of work during the periods which the member of staff proposes to work.
- Due to planned structural changes.

5.5.2. The decision letter will set out to the member of staff what ground(s) for refusal apply and why this has resulted in a refusal of the member of staff’s application to work flexibly. The decision letter must also set out the appeals procedure.

5.6. Appeals

5.6.1. If the member of staff wishes to appeal against the decision this must be made in writing within 14 days after the date on which the written decision was given and set out the grounds of appeal.
5.6.2. Appeals will be considered by a panel consisting of a senior manager from a department other than in which the member of staff is employed and a member of Human Resources. A meeting will be convened at which the appeal will be considered by the panel. The member of staff will be able to present their case for appeal in person.

5.6.3. The appeal panel’s decision will be given in writing to the member of staff within 7 days after the date of the appeal meeting. The decision of the appeal panel will be final, with no opportunity to appeal the decision via the CCG’s Grievance Policy.

5.6.4. At all stages of this procedure the member of staff will have the right to be accompanied by a trade union representative or work colleague. Arrangement of the attendance of a trade union representative or work colleague will be the responsibility of the member of staff. If the trade union representative or work colleague is not available at the time that is proposed for a meeting it should be postponed to a time proposed by the member of staff, provided that the time is reasonable and falls within a period of five days after the original meeting day.

6. References

6.1. Reference has been made to the following to ensure statutory and regulatory compliance:

- Employment Rights Act 1996
- Equality Act 2010
- Flexible Working Regulations 2014
- ACAS
- NHS Employers
- CCG’s previous Flexible Working Policy (April 2013-June 2015)

7. Approval, ratification and review process

7.1. This policy will be subject to review every 2 years and at any stage at the request of either management or the consultative committee.

7.2. Human Resources will review this policy, with any recommendations or required changes being presented to the Staff Partnership Forum for consultation, the Remuneration Committee for approval and the Governing Body for ratification.

7.3. High level employee relations activity is reported to the Governing Body on a biannual basis and within the CCG publically published Annual Report.
8. Dissemination and implementation of the Policy

8.1. This document will be disseminated as follows:

- Copies will be made available on the CCG’s Intranet
- The policy will be brought to the attention of all staff periodically through team brief and ebrief and monitored in line with normal assurance processes.
- Awareness and understanding required on an annual basis for all staff through Appraisal and PDP discussions.
9. Appendix 1 Procedural Document Checklist for Approval

This must be completed and include an plan regarding how a policy will be implemented.

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<th>Title of document being reviewed:</th>
<th>Yes/No/Unsure</th>
<th>Comments/Details</th>
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<td>Yes/No/Unsure</td>
<td>Director of Governance and Compliance</td>
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<td>A Is there a sponsoring director?</td>
<td>Yes</td>
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<td>1. Title</td>
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<td>Is the title clear and unambiguous?</td>
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<td>Is it clear whether the document is a guideline, policy, protocol or standard?</td>
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<td>Do you feel a reasonable attempt has been made to ensure relevant expertise has been used?</td>
<td>Yes</td>
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<td>Is there evidence of consultation with stakeholders and users?</td>
<td>Yes</td>
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<td>Is the target group clear and unambiguous?</td>
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<td>Are the intended outcomes described?</td>
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<td>Yes</td>
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### Procedural document checklist for approval

To be completed and attached to any document which guides practice when submitted to the appropriate committee for consideration and approval.

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<th>Title of document being reviewed: Policy framework for the development and management of procedural documents</th>
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7. **Dissemination and Implementation**

Is there an outline/plan to identify how the document will be disseminated and implemented amongst the target group? Please provide details.

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8. **Process for Monitoring Compliance**

Have specific, measurable, achievable, realistic and time-specific standards been detailed to monitor compliance with the document?

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9. **Review Date**

Is the review date identified?

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10. **Overall Responsibility for the Document**

Is it clear who will be responsible for implementing and reviewing the documentation i.e. role of author/originator?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
</tr>
</thead>
</table>

**Director Approval**

On approval, please sign and date it and forward to the chair of the committee/group where it will receive final approval.

<table>
<thead>
<tr>
<th>Name</th>
<th>Elaine Newton</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Committee Approval**

On approval, Chair to sign and date.

<table>
<thead>
<tr>
<th>Name</th>
<th>Phelim Brady</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
10. Appendix 2 Compliance & Audit Table

Explain how the procedures will be audited i.e. how you will provide assurance that the policy is being adhered to

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Measurable</th>
<th>Frequency</th>
<th>Reporting to</th>
<th>Action Plan/Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policies are approved by the agreed date</td>
<td>100%</td>
<td>Biennial</td>
<td>Remuneration Committee</td>
<td>Policy Database</td>
</tr>
<tr>
<td>Systems in place for:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Distribution (including version control)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Monitoring of Implementation Plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Implementation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Timely review of all policies and procedures including equality</td>
<td>Database showing status of HR current policies</td>
<td>Biannually</td>
<td>Remuneration Committee/Governing Body</td>
<td>HR Report</td>
</tr>
<tr>
<td>analysis</td>
<td>On internet/intranet site and referenced in</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Archiving/Retention/Destruction of policies</td>
<td>Appraisals/PDP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iterative development of Policy responding to comments received</td>
<td>Number of comments received</td>
<td>Biannually</td>
<td>Remuneration Committee/Governing Body following review with DGC</td>
<td>Action Plan to address comments</td>
</tr>
<tr>
<td>regarding the viability of policy implementation</td>
<td>Implementation review with staff</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>