

Checklist for CSP members going on maternity leave

Flexible working allows employees to combine family, caring or other responsibilities and interests with their working life resulting in a better balance between the two. It reduces stress levels and sickness absence while increasing productivity and job satisfaction which lead to better quality patient care and outcomes. For employers it can improve recruitment and retention – particularly at a time when pay increases are low.

The right to request flexible working is enshrined in law. Your employer must consider your request seriously and give you a clear explanation if they feel it cannot be agreed.

Your CSP steward can support you in making a request so do approach them for help as early as possible. The whole process can take at least three months so prepare well in advance.

For more detailed guidance on how to make a request and negotiate changes, see the CSP flexible working information pack

www.csp.org.uk/buildingabetterbalance

Here are some important points to be aware of.

How to apply

- Check that you qualify for the statutory right to request. You must have been employed by your current employer for at least 26 weeks when you make the request.
- If you don't qualify for this right you can still ask your employer to consider your request – they can choose to agree it anyway.
- Does your employer have their own flexible working policy? It may be better than the statutory minimum provisions so check the details. The NHS Staff Council's joint statement on flexible working, and terms and conditions handbook, are available overleaf.
- Make sure you allow plenty of time for your request to be dealt with. The employer has up to three months (or longer if you both agree) to provide a decision so raise the issue as soon as possible, especially if you have childcare arrangements to set up.
- If you work outside of the NHS; you only have the legal right to one formal request in any 12 month period (unless your employer agrees otherwise). So it is usually worth making an informal approach to your manager first. You may be able to agree a new working arrangement without using the formal procedure – but make sure any changes are put in writing and your employment contract is suitably amended.
- Does your employer have a template form for you to complete? If not, use the government application form FW(A) <https://tinyurl.com/m4lkpwj>. In Northern Ireland go to <https://tinyurl.com/15hr39t> for guidance.
- Keep copies of all correspondence and notes of any meetings or conversations.

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Preparing your case

- Remember that the right to request is just that... your employer does not have to agree it but must seriously consider it. Be prepared to negotiate and decide how flexible you can be.
- Are you aware of the impact any changes will have on you? A reduction in hours will mean a reduction in your pay, annual leave and pension.
- Do you want any changes to be temporary or permanent? Employers will usually assume they will be permanent, so if not be clear how long you want the new arrangements to last.
- It is up to you, with your CSP steward's help, to think through how the new arrangement might work and how any problems can be overcome. Talk to colleagues to get their input. They may want to change their hours, taking on extra or reducing their own hours thus freeing up funding to create a new post.
- Be aware that if you don't attend any meeting (or subsequent re-arranged meeting) with the employer to discuss your request without good reason the employer can treat the request as having been withdrawn. They can refuse to allow you to submit another request for 12 months. If you can't make a meeting – if you are ill or have a family or childcare emergency – make sure the employer confirms in writing that they agree you had good reason to miss it.

Your request is agreed

- If your employer agrees to your request you need to get the changes confirmed in writing. If they are temporary be clear when this will start and end. If for a trial period agree a review date and who will be involved in the review.

Your employer has doubts

- Your employer must consider your request seriously so they should arrange to meet with you and your steward to talk through any concerns and how they can be overcome. They should also talk to other staff about how the changes could work.
- If your employer still has concerns suggest a trial period to iron out any problems and show how the new arrangement can work successfully.
- If your employer refuses your request they must give you their reasons in writing. Their refusal must be based on at least one of eight specified business reasons and they must explain why they apply in your case.
- You can appeal against this decision – see the CSP flexible working information pack for more advice on common reasons for refusal and advice on how to negotiate an arrangement that suits both of you. Check your local policy for any time limits that may apply.
- Ultimately you may have recourse to an employment tribunal but strict rules and timescales apply. You will need to speak to your CSP steward who can get further advice from their CSP Senior Negotiating Officer. If you do not have a steward contact the CSP Enquiries Team 0207 306 6666.

- If your maternity leave is coming to an end and you still have not reached agreement you can ask your employer for a further period of parental, unpaid or annual leave. Write to your employer to remind them of the urgent need to resolve the situation. If they have not followed procedures or time limits speak to your steward about submitting a grievance.

