

Why Work Here

Around 1,350 staff work for Liverpool Women's and each and every one of us is dedicated to providing the best in patient care. The vacancies currently available at Liverpool Women's are available on the [NHS Jobs](#) website. Alternatively, you can [become a volunteer](#) to gain vital experience of working within a health environment focused on the needs of women, babies and their families. Whichever option you choose, we can guarantee a rewarding and fulfilling experience.

Opportunities for everyone

At Liverpool Women's, we are committed to providing equality of employment opportunity for all members of existing staff and applicants and oppose all forms of discrimination, victimisation or harassment on the grounds of race, colour, nationality, ethnic or national origin, gender, sexual orientation, marital status, disability, age or religion. The Trust will not tolerate discrimination by any of its staff. Our work around [Equality and Human Rights](#) reflects our level of commitment to this and other aspects of the services we provide.

In order for us to maintain our high standards of care, we are committed to recruiting and retaining staff of the highest calibre across all [our services](#). That's why, we offer a range of training, development and educational opportunities for staff at all levels. We also have [work experience](#) opportunities.

Equality and diversity

As well as attracting motivated, high-quality staff, we want our workforce to reflect our diverse local population to ensure that [our services](#) reflect the needs of the people we serve. We are committed to bringing local people into work, contributing to the regeneration of our local area and providing great opportunities for neighbouring people. We have a range of supportive policies and procedures which help people from all backgrounds to deliver their best for patients when working with us. Our plans for further improving the services we offer for patients and staff can be found in our [Single Equality Scheme](#).

The right training for the right job

Our [Learning and Development](#) team offers training and support to ensure that we have the right staff in the right place at the right time and to enable them to respond quickly to the ever developing world of healthcare.

Chair: Robert Clarke Chief Executive: Kathryn Thomson



SECONDARY EMPLOYMENT POLICY & PROCEDURE

Version: 1.3

Designation of Policy Author(s)	Human Resources Business Partner
Accountable Director(s)	Director of Human Resources & Organisational Development
Ratified By (Committee / Group)	Putting People First Committee
Date ratified	23/06/17
Date issued/published on Intranet	27/07/17
Review date	23/06/20
Target audience	Trust-Wide

The Trust is committed to a duty of candour by ensuring that all interactions with patients, relatives, carers, the general public, commissioners, governors, staff and regulators are honest, open, transparent and appropriate and conducted in a timely manner. These interactions be they verbal, written or electronic will be conducted in line with the NPSA, 'Being Open' alert, (NPSA/2009/PSA003 available at www.nrls.npsa.nhs.uk/beingopen and other relevant regulatory standards and prevailing legislation and NHS constitution)

It is essential in communications with patients that when mistakes are made and/or patients have a poor experience that this is explained in a plain language manner making a clear apology for any harm or distress caused.

The Trust will monitor compliance with the principles of both the duty of candour and being open NPSA alert through analysis of claims, complaints and serious untoward incidents recorded within the Ulysses Risk Management System.

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1 Executive Summary

1.1 Policy Scope

- i. This policy applies to all Trust employees and workers. It also applies to applicants for positions within the Trust. This policy does not apply to doctors in training posts.
- ii. This policy covers paid employment, unpaid employment and voluntary work both within and outside the Trust.

2 Introduction

- i. It is a condition of employment that employees do not engage in other employment that may conflict with or affect your duties with the Trust or breach the Working Time Directive. This includes unpaid/voluntary work as well as paid employment. Any failure to comply with the requirement of the Trust's Secondary Employment Policy may result in disciplinary action.
- ii. This policy outlines the circumstances where an employee or worker is required to inform their manager of additional work (paid or unpaid) that they undertake either within the Trust or with other organisations. The procedures to be followed in these circumstances are outlined in the document.
- iii. Consultants must adhere to the conditions set out in their terms and conditions of employment and the Code of Conduct for Private Practice with regard to private practice and fee-paying services.

3 Policy Objectives

- i. To ensure the safety of staff, patients and visitors to the Trust by ensuring that the health, safety and welfare of workers delivering a service to them has not been compromised by staff having additional employment outside the Trust.
- ii. To ensure that Trust employees and workers, who hold other jobs outside of the Trust (paid or unpaid) are not allowed to conflict with their responsibilities in the Trust, and that their performance or attendance with the Trust is not put at risk.
- iii. To ensure that all employees and workers in the Trust understand their responsibilities to the Trust in declaring additional employment (paid or unpaid).
- iv. To ensure that managers know how to proceed when such a declaration is made.
- v. This policy additionally aims to ensure that working time legislation is not breached as a result of work conducted outside of the Trust.

4 Duties / Responsibilities

4.1 Putting People First Committee

- i. This sub-committee of the Board of Directors is responsible for monitoring and

approving a framework to support the management of secondary employment.

4.2 Director of Workforce & Marketing

- i. The Director of Workforce & Marketing is the nominated Director lead for the management of this policy and is directly responsible to the Chief Executive for facilitating the implementation of this policy following consultation with staff side representatives.
- ii. The Director of Workforce & Marketing will ensure that:
 - All new employees are made aware of the Secondary Employment Policy at induction.
 - The HR Department provides advice on the operation of the policy as required.

4.3 Managers

- i. It is the responsibility of the manager to:
 - Ensure all employees are aware of this policy at local induction.
 - Review any declarations made by staff to ensure that there is no adverse impact or implications for their duties within the Trust and that working time regulations will not be contravened – this should be done on an annual basis as part of the PDR process.
 - Ensure that where necessary, the employee is offered a working time opt out form.
 - Ensure that any documentation supporting the declaration and subsequent review, including where applicable an opt out form, are forwarded to the Human Resources Department to be retained on the employees personal file.

4.4 Employee

- i. It is the responsibility of the employee to:
 - Declare to their manager any secondary employment they hold or wish to undertake without delay.
 - Seek permission from their Manager prior to accepting any additional employment
 - Ensure that apart from in exceptional circumstances, their total working hours do not exceed 48 hours per week and that they have the appropriate rest breaks both between shifts and across the working week.
 - Declare where their total working hours (including work undertaken in paid or unpaid employment within and outside of the Trust) exceed the 48 hour week.
 - Adhere to the Working Time Regulations and take responsibility for their own health and safety and the health and safety of others by not becoming overtired through not receiving their weekly rest allowance.
 - Not undertake work (paid or unpaid) during periods of absence due to sickness, maternity, adoption or paternity leave.

- Not undertake work (paid or unpaid) during periods of (statutory) annual leave(i.e. 28 days minimum statutory entitlement to holiday).

5 Main Body of Policy

5.1 Secondary employment -

- i. The term “Secondary Employment” covers the following:
 - Paid employment within and outside of the Trust
 - Self-employment within or outside of the Trust
 - Bank/locum agency work within or outside of the Trust
 - Unpaid work within and outside of the Trust
 - Voluntary work within and outside of the Trust
- ii. It is not limited by a number of jobs and includes all jobs, which fall into these categories.

5.2 Job Applicants

- i. Job applicants should be asked at interview to disclose any existing work paid or unpaid that they will continue after commencing employment with the Trust. The Recruiting Manager should assess the declaration against the requirements of the position that they applicant is being considered for.
- ii. Where a conditional offer is made, the successful applicant will be required to complete and return the secondary employment declaration form to confirm their secondary employment status. Where a conflict exists with their secondary employment, the Recruiting Manager must inform the applicant, and invite them to re-consider their position.
- iii. Where the applicant refuses to give up or amend their conflicting commitment to their secondary employment, the Recruiting Manager should withdraw the conditional offer of employment. This will then be confirmed in writing by the HumanResources Department.

5.3 Trust Employees or Workers

- i. An individual should seek permission of their manager before accepting an offer of secondary employment.
- ii. The line manager should review the request against the potential impact on the employee’s duties with the Trust. Any decision regarding the request must be communicated in writing by the manager.
- iii. It is the responsibility of employee to notify their line manager immediately if the secondary employment ceases or changes (e.g. number of hours worked, pattern of shifts).

5.4 Consultants

- i. Consultants must adhere to the conditions set out in their terms and conditions of employment and the Code of Conduct for Private Practice with regard to private practice and fee-paying services –

http://www.nhsemployers.org/~media/Employers/Documents/Pay%20and%20reward/DH_085195.pdf
- ii. Where an individual is considering taking up a secondary job/work outside the Trust or an additional post within the Trust, they must confirm that this has been both discussed and agreed with their Clinical Director, in writing.
- iii. This request must state what the secondary employment entails, the number of hours, sessions, PAs and regularity of the work. It must also advise the date of commencement of the secondary employment and whether this is paid, unpaid, voluntary work etc.
- iv. On receipt of this request, the Clinical Director may meet with the employee to discuss the proposed secondary employment and potential impact on their duties with the Trust.
- v. The Clinical Director should consider all the factors and decide if the secondary employment would be detrimental. The decision should be communicated to the employee in writing.

5.5 Employees Taking Leave from the Trust

- i. Employees who are on leave, for example: maternity, adoption, parental, employment break, sick leave etc. will be expected by the Trust to comply with this policy.
- ii. Any failure to declare secondary employment whilst on leave from the Trust for the following reasons:
 - Maternity Leave
 - Adoption Leave
 - Paternity Leave
 - Parental Leave
 - Career Break
 - Sickness Absence
 - Medical Suspension
 - Suspension under the Disciplinary Policy

will be investigated under the Trust's Disciplinary Policy and may result in disciplinary action up to and including dismissal. These acts may also constitute fraud and may be investigated by the Local Counter Fraud Service.

5.6 Annual Exercise

- i. As part of the annual PDR process, staff will be asked to confirm if they have any outside/secondary employment. This will be included in the standard PDR paperwork for all staff.

5.7 Working Time Directive

- i. Employees must ensure that their combined total number of working hours per week e.g. total hours worked per week in both their Trust and secondary employment, do not exceed the limits and that they comply with the required rest periods within the Working Time Directive Regulations. This means that individuals working for more than one employer should not exceed the 48 hour per week limit within a 17 week reference period.
- ii. Those employees who wish to work in excess of 48 hours per week should complete the Opt Out Form at Appendix A.

5.8 Attendance / Time Keeping

- i. Employees are expected to refrain from their secondary employment whilst on sick leave from the Trust. This includes any work during “off peak” periods, e.g. weekends and evenings UNLESS a GP Fitness Certificate states otherwise.
- ii. Failure to adhere to this policy whilst on sick leave may result in disciplinary action which could lead to dismissal. Contravening this policy could also be considered fraudulent, in which case the matter would be referred to the Local Counter Fraud Service.
- iii. Where attendance or time-keeping is of concern and is attributable to secondary employment the Trust reserves the right to withdraw permission given to an employee to undertake secondary employment.
- iv. Where an employee is suspected of deliberately failing to work their contracted hours on a consistent basis due to secondary employment their conduct will be considered as potentially fraudulent and could lead to investigation from the Local Counter Fraud Service.

5.9 Capability / Performance

- i. As part of their remit all Managers are expected to monitor the performance of all their staff on a regular basis. Therefore if an employee’s performance falls below acceptable standards the Capability Procedure should be invoked to manage the performance correctly. The Trust reserves the right to withdraw permission given to an employee to undertake secondary employment if this is contributing to their underperformance.

5.10 Conflict of Interest

- i. There may be times where a new conflict of interest has arisen that did not previously exist when a new member of staff was appointed or when permission was given by the Trust for a member of staff to undertake secondary employment.

- ii. Employees have a responsibility to highlight any new potential conflicts of interest that arise or may arise. The Manager must assess the risk of the potential conflict of interest (i.e. removing staff member from a certain project etc.). If this cannot be avoided and the risk to the Trust and Service Delivery is too high, permission to undertake secondary employment may be withdrawn.

6 Key References

- i. Working Time Regulations 1998
- ii. Working Time (Amendment) Regulations 2007

7 Associated Documents

- i. Attendance Management Policy, LWFT,
- ii. Disciplinary Policy & Procedure, LWFT, 2015
- iii. Grievance Procedure, LWFT, 2015
- iv. Capability Policy, LWFT, 2014
- v. Recruitment and Selection Policy 2015
- vi. Standards of Business Conduct (Corporate Governance Manual), LWFT, 2015
- vii. Code of Conduct for Private Practice: Guidance for NHS Medical and Dental Staff, DH, 2003

8 Training

- i. Managers conducting recruitment interviews should receive Equality & Diversity training.
- ii. Managers will receive development to assist them in conducting difficult conversations as part of the Trust's Leadership Development programme.

9 Policy Administration

9.1 Consultation, Communication and Implementation

Consultation Required	Authorised By	Date Authorised	Comments
Impact Assessment			
External Stakeholders	none		
Trust Staff Consultation via Intranet	Start date: 26.08.16		End date: 09.09.16

Describe the Implementation Plan for the Policy (and guideline if impacts upon policy) (Considerations include; launch event, awareness sessions, communication / training via divisions and other management structures, etc)	By Whom will this be Delivered?
<p>This revised policy will be made available to all staff through the Trust's intranet pages.</p> <p>There will be awareness raising for all staff via WOTW, including how to access the revised policy and highlighting the major changes.</p> <p>Also specific awareness raising for managers via e-mail, to highlight their key responsibilities.</p>	Human Resources Department

Version History

Date	Version	Author Name and Designation	Summary of Main Changes
April 2013	1.0	HR Business Partner	New policy
September 2013	1.1	HR Business Partner	Minor amendment due to advice from counter fraud
July 2015	1.2	Recruitment & Transactional Services Manager	Minor amendments to clarify Declarations of Interest and the annual exercise whereby staff are asked to declare/confirm any secondary employment
February 2017	1.3	HR Advisor	Minor amendments to the process for new starts. Annual exercise for all staff to be included in the PDR process.

9.2 Monitoring Compliance with the Policy

Describe Key Performance Indicators (KPIs)	Target	How will the KPI be Monitored?	Which Committee will Monitor thisKPI?	Frequencyof Review	Lead
All new starters to the Trust to have completeda secondary employment declaration on joining the Trust	100%	Audit of figures by the Human Resources Dept.	Putting People First Committee	Annually	HR Business Partners

9.3 Performance Management of the Policy

Who is Responsible for Producing Action Plans if KPIs are NotMet?	Which Committee Will Monitor These Action Plans?	Frequency of Review (To be agreed by Committee)
Human Resources Business Partners	Putting People First Committee	Annual

10 Appendices

10.1 Appendix A – Working Time Directive 48 hour week Opt Out Form



Working Time
Directive 48 hour We

10.2 Appendix B – Secondary Employment Declaration Form



Declaration of Other
Employment Form.do

11 Initial Equality Impact Assessment Screening Tool

Secondary Employment Policy	Details of policy: This policy outlines the circumstances where an employee or worker is required to inform their manager of additional work (paid or unpaid) that they undertake either within the Trust or with other organisations. The procedures to be followed in these circumstances are outlined in the document.	
Does the policy affect (please tick)		
Patients <input type="checkbox"/> Staff <input checked="" type="checkbox"/> Both <input type="checkbox"/>		
Does the proposal, service or document affect one group more or less favourable than another on the basis of:	Yes/No	Justification/evidence and data source
Age	No	This policy is equally applicable to all staff regardless of whether or not they have any protected characteristics.
Disability: including learning disability, physical, sensory or mental impairment.	No	
Gender reassignment	No	
Marriage or civil partnership	No	
Pregnancy or maternity	No	
Race	No	
Religion or belief	No	
Sex	No	
Sexual orientation	No	

Human Rights – are there any issues which might affect a person’s human rights?		Justification/evidence and data source
Right to life	No	This policy should have no effect on an individual’s human rights.
Right to freedom from degrading or humiliating treatment	No	
Right to privacy or family life	No	
Any other of the human rights?	No	
EIA carried out by: Simon Davies Quality assured by: Cheryl Farmer	Date 24 th April 2017	Contact details: ext. 4389 or simon.davies@lwh.nhs.uk

FLEXIBLE WORKING POLICY

Version: 2.2

Designation of Policy Author(s)	HR Business Partner / HR Advisor
Accountable Director(s)	Director Workforce and Marketing
Ratified By (Committee / Group)	Putting People First Committee
Date ratified	23.09.16
Date issued/published on Intranet	October 2016
Review date	23.09.19
Target audience	Trust Wide

The Trust is committed to a duty of candour by ensuring that all interactions with patients, relatives, carers, the general public, commissioners, governors, staff and regulators are honest, open, transparent and appropriate and conducted in a timely manner. These interactions be they verbal, written or electronic will be conducted in line with the NPSA, 'Being Open' alert, (NPSA/2009/PSA003 available at www.nrls.npsa.nhs.uk/beingopen and other relevant regulatory standards and prevailing legislation and NHS constitution)

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1 Executive Summary

1.1 Policy Scope

- i. The provisions contained in this policy are applicable to all staff employed by the Liverpool Women's NHS Foundation Trust.

1.2 Aim

- i. The Flexible Working Policy aims to inform staff of their entitlement to request flexible working, and the different forms of flexible working that are available.
- ii. This policy is aimed at all members of staff and intends to provide guidance for staff and managers about the process for requesting flexible working.
- iii. This policy aims to provide guidance on the range of work options currently available within the Trust.
- iv. This policy aims to put in place a fair and equitable process for requesting a particular working arrangement.

1.3 Policy Description

- i. This policy will allow all Trust employees the right to request to work flexibly. It will not provide an automatic right to work flexibly, as there will always be circumstances where a desired work pattern cannot be accommodated.
- ii. The policy is designed to meet the needs of both the member of staff and the Trust. It aims to facilitate discussion between staff and managers to consider flexible working patterns and to find a solution that suits both the needs of individuals and the needs of the Service.

2 Introduction

2.1 General

- i. Liverpool Women's NHS Foundation Trust is committed to the principles of flexible working and will aim to provide employees with the opportunity to balance their work and home lives wherever practicable.
- ii. This policy incorporates all Trust policies which enable employees to better manage the balance between their work and personal commitments. The document incorporates:
 - The Right to Request Flexible Working
 - Career Breaks
- iii. Under provisions set out in the Employment Rights Act 1996 and the Employment Act 2002, and regulations made under them (which were updated from 30th June 2014), all staff have the right to apply for a flexible working pattern. To be eligible, the person must also be an employee and have worked for the Trust for at least 26 weeks on the date they make the request. Previously this right had been limited to those staff with caring responsibilities, but under the latest revision of the

regulations, this right now applies to all staff with at least 26 weeks continuous service and can be for any reason.

- iv. This policy recognises that there may be employees who require a flexible working pattern or a temporary change to their working hours for a particular religious or cultural occasion. The Right to Request Flexible Working process has taken into account the right to request flexible working for religious / cultural observance.
- v. It is recognised that a flexible approach to work may have benefits both for individual employees and the services that the Trust provides to patients. Equally it is presumed that all members of the Trust's staff recognise the need for the Trust to be able to balance the needs of the staff with the requirement to maintain services to its users
- vi. Flexible working covers any change to an employee's working pattern requested by the employee. For example, working practices such as part-time working, annualised hours, compressed hours and changes to start and finish times are all regarded as flexible working. Guidance on some of the more complex flexible working arrangements can be found in section 6.2.
- vii. Flexible working can be mutually beneficial for the Trust and Employee.

2.2 Benefits to the Trust

- i. Flexible working patterns that suit the changing circumstances of people's lives are an important way to secure a motivated and committed workforce. A commitment to Flexible Working will bring a number of benefits:
 - Retain skilled staff and reduce recruitment costs
 - Recruit trained and experienced staff back into the workforce (i.e. those who may have left the Service for family reasons)
 - Raise staff morale and increase motivation
 - Decrease absenteeism

2.3 Benefits to the Employee

- i. Implementation of this policy and a commitment to flexible working practices will bring a number of benefits to staff, as follows:
 - More ownership and control of working life
 - Better able to cope with child and other carer pressures
 - Improved wellbeing, less stress
 - More time to focus on life outside work
 - More opportunity to continue with a career and keep skills up to date

2.4 Improving Working Lives Initiative

- i. Improving Working Lives is an NHS campaign aimed at ensuring all employees have a positive experience of working in the NHS. Part of the campaign relates to meeting employees needs for working hours which fit with other aspects of their life, where possible. Under the Improving Working Lives Standard, Liverpool Women's NHS

Foundation Trust is committed to supporting its staff and improving the working lives of those who work for the Trust. As such the Trust recognises that

flexibility in working arrangements is essential to meet employee and patient needs by maximising recruitment and retention opportunities.

3 Policy Objectives

- i. The objectives of this policy are to ensure that:
- ii. Employees are aware of how flexible working can support them in balancing their work and home life.
- iii. Employees have a clearly defined process to follow when requesting flexible working.
- iv. Managers understand that flexible working can bring a benefit to the Trust.
- v. Managers are aware of their responsibility in facilitating flexible working, where possible.
- vi. The process of requesting flexible working is clearly defined to support employees in balancing their work and home lives.

4 Definitions

4.1 Flexible Working

- i. This incorporates a wide variety of working practices. It can be any working pattern that is different from normal practice. Employees can request to change the days, times, or hours they are required to work. It will be impossible to describe every example of flexible working, in many cases these will be tailored to individual requirements. However, some of the more common ways of working staff that may wish to consider are:
 - part-time working
 - 'flexi time'
 - compressed hours
 - job sharing
 - term time working
 - annualised hours
 - additional annual leave entitlement
 - variable time working
 - career break
 - team based self rostering
- ii. It is important to note that not all these ways of working will be appropriate in every area of the Trust.

5 Duties / Responsibilities

5.1 Employees

- i. Employees will have a responsibility to think carefully about their desired working pattern when making an application. Employees must make a clear request in writing using the form attached as Appendix B.

- ii. Before applying for any flexible working arrangement employees are reminded that any change in working hours may affect pay, annual leave, and NHS Pension entitlements.

5.2 Managers

- i. Managers are required to promote flexibility but consider the impact on the service and staffing requirements. Managers should ensure that staff are made aware of this policy and will be expected to take a proactive approach to promote flexible working.
- ii. Managers should respond to requests within the timescale indicated in the procedure, section 6.6.
- iii. Managers should propose and discuss alternative options to reach an agreement which meets the needs of the individual and the service.
- iv. Managers should consult with HR when considering a rejection of the request for flexible working and meet with the employee to discuss their decision.

5.3 Human Resources Representatives

- i. Provide guidance to managers who seek to refuse a request for flexible working. If an employee appeals a decision to refuse a request for flexible working the human resource representatives should review this appeal and meet with the employee to discuss further.

6 Main Body of Policy

6.1 General Principles

- i. The policy enables staff to request to work flexibly. It does not however provide for an automatic right to work in a specific flexible way, as there may be circumstances where the Trust is unable to accommodate a member of staff's desired work pattern. The policy is intended to facilitate discussion and encourage both the member of staff and their manager to consider flexible working patterns and to find a suitable solution to both parties.
- ii. Staff can request:
 - a change to the hours they work.
 - a change to the times they are required to work.
 - to work from home.
- iii. Examples of the types of working patterns, which might be appropriate, are:
 - annualised hours
 - compressed hours
 - flexi time
 - home working
 - job sharing
 - self rostering

- shift working
 - staggered hours
 - term time working
 - increased annual leave allowance
 - part time hours
- iv. Managers are encouraged to promote flexibility for their staff however they may, exceptionally, in accordance with the Employment Act 2002 refuse a request for flexible working if they consider that one or more of the following grounds apply:
- detrimental effect on the department's ability to meet service needs
 - inability to re-organise work among existing staff
 - inability to recruit additional staff
 - detrimental effect on quality or delivery of service
 - insufficiency of work during the periods the member of staff proposes to work
 - any planned changes to organisational structure
 - disproportionate burden of additional costs
- v. If a manager is planning to refuse a request for flexible working they should first take advice from a HR Representative. After consideration, the manager should invite the individual to a meeting to explain the reasons behind their decision and explain the right of appeal if this is necessary.
- vi. If a request for flexible working is refused the member of staff cannot make the same request for a period of 12 months from the initial date of the request. If circumstances change further requests will be considered.
- vii. Appendix A shows the process for applying to work flexibly and should be adhered to in all cases. If an individual is a member of the staff side organisation they must be given the right to be accompanied by a Staff Side Representative or a colleague of their choice during any meetings which are arranged in the process of considering such a request and the outcomes must be confirmed in writing. Employees who are not members of a staff side organisation must be given the right to be accompanied by a colleague of their choice.
- viii. Where it is possible to approve a request, it may be sensible to offer this on a trial basis initially in order to assess the impact on the department before confirming any changes on a permanent basis.
- ix. If a permanent change to the contract is agreed, then the member of staff will have no automatic right to revert back to their previous working pattern.
- x. If a member of staff is unhappy with the outcome of their application this should be raised to the HR Department.

6.2 Types of Flexible Working

6.2.1 Part Time Working

- i. This means that the member of staff will be working less than the standard full time hours for their grade. There is no set pattern to part time working. It may involve:

- a later start time and earlier finish time than someone working full time,
 - working mornings, or afternoons only,
 - working fewer working days in the week,
 - or any other arrangement that means that the member of staff is contracted to work less than normal standard full time hours.
- ii. Pay and other benefits, such as annual leave, will be pro-rated accordingly. Part time working will also affect NHS pension benefits. Any member of staff thinking of working part time should seek advice regarding implications for their salary and pension entitlements.

6.2.2 Annualised Hours

- i. This is a system whereby the hours an employee is contracted to work are calculated over a whole year rather than a standard week.
- ii. Annual hours schemes can be implemented on a whole team, or departmental basis and are particularly suitable where there are fluctuations in activity over the course of a year. They give organisations and staff extra flexibility to vary their patterns of work across each year to suit service need and individual preference.

6.2.3 Term Time Working

- i. This is a system whereby a member of staff is able to take a period of paid and unpaid leave during school holidays.
- ii. For example:
- a trained nurse working full time is paid for 52 x 37.5 hours (with an annual leave entitlement of 5 weeks).
 - working term time only will mean that the nurse will only work for 39 weeks (assuming a 39 week term). The remaining 13 weeks are taken as a paid / unpaid leave. The nurse will still work 37.5 hours during the 39 weeks when in work, but will only be paid @ 31.12 hours. This is because their pay is averaged out over the full 52 weeks. The nurse will not be entitled to take any annual leave during term time.
 - annual leave entitlement is reduced pro rata because of the 8 week period of unpaid leave.
 - this may have an impact on NHS pension entitlements as the member of staff is being paid at a part time rate.

6.2.4 Compressed Hours

- i. These are probably more suitable for dealing with fluctuations in service demand and will therefore lend themselves to groups of staff rather than individual employees. Compressed hours could involve an individual member of staff opting to work whole time equivalent hours in 4 days (or some other number) However, if this is the case, you should ensure there is no reduction in service delivery and the employee is not working a shift pattern which is unhealthy or unsafe. As stated earlier, the application of these schemes will be a management decision based on the needs of the service.

- ii. There will be no change to pay and pension entitlements. Annual leave entitlements may change because fewer days are worked. i.e. pro-rata to 4 days per week.

6.2.5 Job Sharing

- i. This method of working offers an employee, the benefit of sharing a full time post, however the potential complexity of such an arrangement means that the conditions must be well planned and fully understood by the individuals beforehand. The key principal of job share is that it splits everything about the job between two people.
- ii. The manner of the split should be determined with the job sharers, HR can advise on this. The main condition for approval is that a job share partner must be found before the applicant's request can be considered. (In some cases, this may require external recruitment through the normal process, so bear in mind this could add several weeks/months on to timescales).
- iii. On a practical note, remember that training and team briefings etc, will have to be organised so as they include both members of staff. Particular care needs to be taken when dealing with the timing of public holidays, as many of these will fall on a Monday. Arrangements for the fair apportionment of public holidays should be discussed with HR staff prior to implementation. Pro rata employment benefits take account of any variations between the two job sharers and ensures that the direct employment costs are never more than those for one whole time equivalent staff member.

6.2.6 Flexi-time

- i. Flexi time allows staff to vary their actual working hours outside certain core times each day. Usually this means staff can vary their start and finish times to suit domestic responsibilities, travel arrangements or for work reasons. In more complex work situations where staffing levels, skill mix and other considerations require a more rigorous organisation of hours, true flexi time may be replaced by staggered hours where staff can take advantage of staggered start and finish times without accruing time off. Flexi systems must suit the needs of the department and take into account skill mix and good levels of cover.

6.2.7 Self Rostering

- i. Self-rostering means agreeing the skill mix and staffing levels required at any given time in the day then allowing staff the ability to schedule their working day collectively to meet the demands of the service. The aim is that people have more flexibility to plan their work around other commitments and responsibilities, whilst still fulfilling the needs of the service. The effect is that even those who do not take up this flexibility will feel differently about their role because of the greater control they have been given. Team based self-rostering can spark fundamental changes in the way that teams cooperate together and reflect on their work.

6.2.8 Career Break

- i. A Career Break is an extended period of leave from work that allows employees to have a break for any length of time from three months to two years. This could be to care for children, a dependant relative, or to undertake further

education. Staff on career breaks will not normally be allowed to take up paid employment with another employer except where, for example, work overseas or charitable work could broaden experience. The break is unpaid but it does not count as a break in service. Employees must have worked for the Trust for a minimum of 12 months to be eligible for a career break.

- ii. The Career Break Scheme, procedure for requesting a career break and the conditions which must be satisfied are detailed within Appendix C.
- iii. Career breaks can also be considered when a member of staff is experiencing a personally difficult situation, which prevents them from attending work for a specific period of time. A career break in this instance will allow the individual a break from work in order to deal with their difficult circumstances and may also prevent further action from being taken under the sickness management or disciplinary policies.
- iv. Should a female member of staff become pregnant whilst on a career break, they may not be eligible to receive occupational maternity pay if they are not earning during the qualifying week that maternity pay is calculated, even though they have the required amount of continuous service.
- v. Further advice can be obtained from HR on any flexible working issue.

6.2.9 Additional unpaid annual leave entitlement

- i. Additional unpaid annual leave may be agreed with the employee's salary recalculated to take account of the extra leave. (Additional leave may also be agreed as part of an annual hours agreement).

6.3 Working Time Directive

- i. Any form of flexible working practice must be introduced in accordance with the Working Time Regulations. For further advice contact the HR Team.

6.4 Review of Operational Needs

- i. Where a review of operational needs shows that any of the working arrangements identified in this document or introduced in respect of individual employee(s) or groups do not provide for the meeting of service needs, they may be subject to change in accordance with Trust procedures and accepted employment legislation.

6.5 Equality

- i. All arrangements detailed within the policy will be made available and applied equally to all groups of staff.

6.6 Procedure

- i. The procedure is as follows:
 - The member of staff should make a written request to their line manager for Flexible Working using the Flexible Working Request Form (Appendix B).
 - The line manager considers the request in light of service delivery and will

arrange to meet with the employee to discuss the request with 28 days. The

member of staff can be accompanied at the meeting by their Union Representative or a workplace colleague.

- Meeting held between the line manager and employee to discuss the request. The meeting should also address contractual issues; hours; minimum unpaid breaks where an employee works in excess of 6 continuous hours; health & safety issues; training requirements; changes to annual leave entitlement; and any other terms and conditions affected following the proposed change. Advice can be obtained from Human Resources Department. If the individual is a member of the NHS Pension Scheme, they should be advised to consult the Trust's pensions advisers to discuss any implications for their pension, where the change involves a reduction in total hours worked and a consequential reduction in pay.
 - When a line manager agrees to support a request for flexible working, they must provide written confirmation, using the appropriate section of the Flexible Working Request Form (Appendix B) within 14 days. The written confirmation must include details of any special requirements which had been discussed and agreed e.g. attendance at work outside the revised hours to attend training sessions/meetings etc.
 - In some circumstances, the manager may not be able to agree to the full flexible working proposal. In such cases, the employee and manager should consider whether a compromise may be reached which will satisfy, as far as possible, the employee's request for flexibility, while meeting the needs of the service.
 - Manager and employee complete paperwork for the change to be actioned.
- ii. If the request is rejected the manager must provide a written explanation using the Flexible Working Request Form. If the employee wishes to appeal the procedure is as follows:
- As the initial request is made to the line manager, the Employee puts the appeal in writing to the next relevant senior manager and HR Representative.
 - The HR Representative reviews the appeal and meets with the employee.
 - The relevant senior manager arranges a meeting with the employee within 14 days.
 - The relevant senior manager confirms the decision in writing. If the appeal is accepted the relevant senior manager completes the paperwork for the change to be actioned.
 - If the appeal is rejected the employee can re-apply in 12 months.
- iii. The employee has the right to raise a grievance if they are still unhappy. In specific circumstances the employee can take their case to employment tribunal or binding arbitration having raised a grievance.
- iv. Nothing in this procedure prevents a member of staff and their manager agreeing informal flexible working arrangements on an ad-hoc or time-limited basis.

6.7 Trial Period

- i. It is strongly recommended that any flexible working agreement is trialled before it is agreed on a longer term basis. A trial period of around three months is usually sufficient to test whether there are any unforeseen impacts on the service which may require the flexible working request to be altered or declined. When deciding

whether the flexible working arrangement should be continued beyond the end of the pilot, the following points should be considered;

- during the trial period, has there been an impact on the ability of the department to deliver a service to patients?
- during the trial period, has the change impacted on the flexibility of the department to respond to service need?
- during the trial period, has the ability of other staff to take annual leave been adversely affected?

7 Key References

- i. ACAS Advice Leaflet: Flexible Working
- ii. Employment Act 2002
- iii. Employment Rights Act 1996
- iv. Improving Working Lives – Department of Health 2002
- v. Work and Families Act 2007

8 Associated Documents

- i. Annual Leave Policy, LWFT, 2010
- ii. Recruitment and Selection Policy, LWFT, 2012

9 Training

- i. All managers are to be provided with the relevant HR support when applying this policy.
- ii. All staff members are to be made aware of this policy.

10 Policy Administration

10.1 Consultation, Communication and Implementation

Consultation Required	Authorised By	Date Authorised	Comments
Impact Assessment			
Have the relevant details of the 2010 Bribery Act been considered in the drafting of this policy to minimise as far as reasonably practicable the potential for bribery?	Yes ✓		No
External Stakeholders	none		
Trust Staff Consultation via Intranet	Start date: 26.08.16		End Date: 09.09.16

Describe the Implementation Plan for the Policy (and guideline if impacts upon policy) (Considerations include; launch event, awareness sessions, communication / training via CBU's and other management structures, etc)	By Whom will this be Delivered?
This revised policy will be made available to all staff through the Trust's intranet pages. There will be awareness raising for all staff via WOTW, including how to access the revised policy and highlighting the major changes. Also specific awareness raising for managers via e-mail, to highlight their key responsibilities.	Human Resources Department

Version History

Date	Version	Author Name and Designation	Summary of Main Changes
November 2007	1.0	HR Manager	
February 2013	2.0	Graduate Management Trainee	Redrafting using the associated documents for guidance. This Flexible Working Policy replaces the Work-Life Balance Policy.

September 2014	2.1	HR Advisor	Updated to include reference to the change in regulations that came into force on 30.06.14 whereby the legal right to request flexible working was extended to all staff with at least 26 weeks continuous service.
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Aug 2016	2.2	HR Advisor	Updated formatting and job titles etc. Revised KPIs.
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10.2 Monitoring Compliance with the Policy

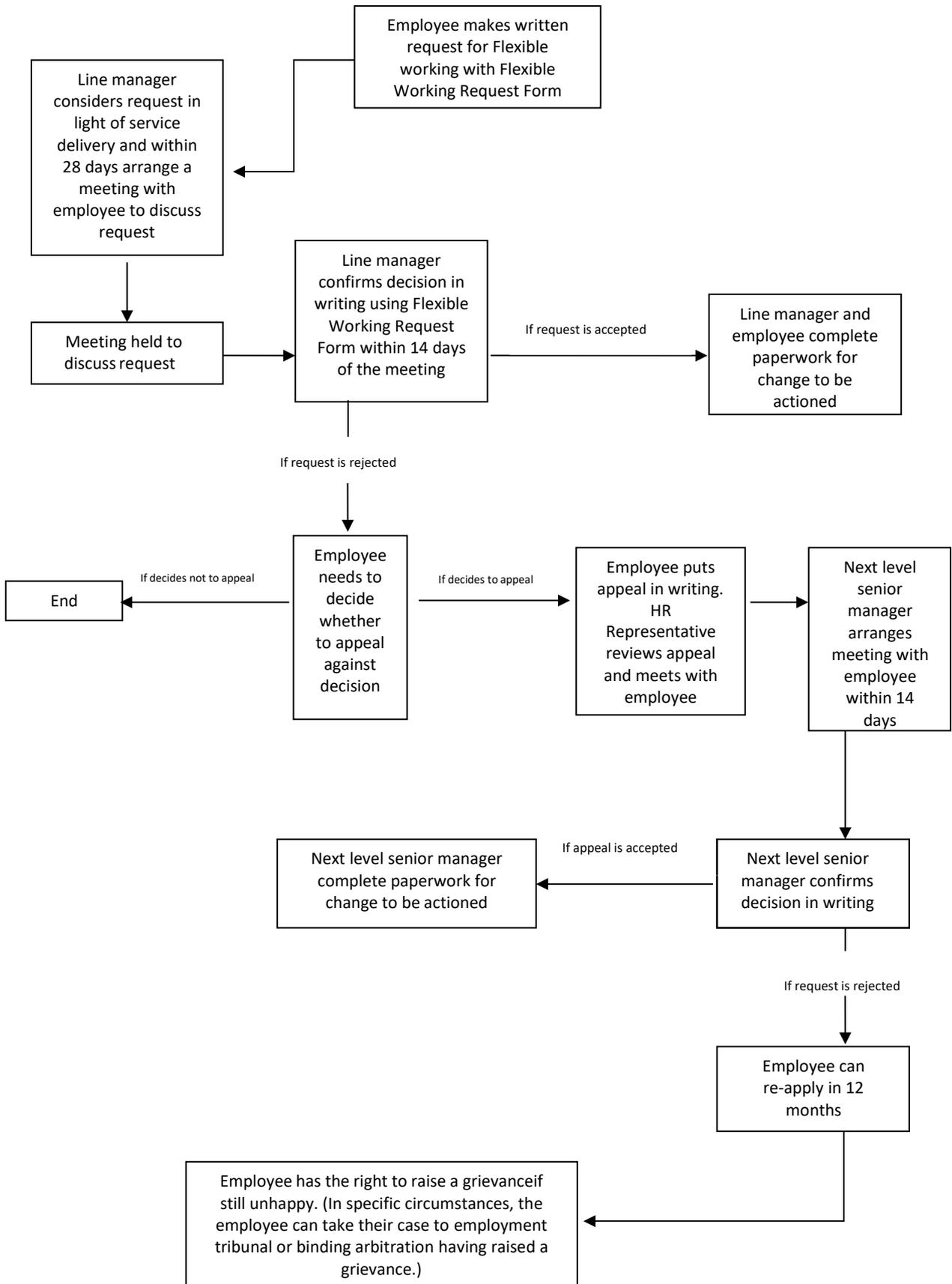
Describe Key Performance Indicators (KPIs)	How will the KPI be Monitored?	Which Committee will Monitor this KPI?	Frequency of Review	Lead
<p>Rather than specific KPIs, the application of this policy will be monitored by an annual audit of flexible working requests as follows:</p> <ul style="list-style-type: none"> • the number of requests by area • the number of requests agreed/rejected by area • the number of requests by protected characteristics • the number of requests agreed/rejected by protected characteristics <p>The audit will identify any issues of concern and recommend the appropriate corrective actions.</p>	Audit	HR Operations Committee	Annual	HR Business Partner

10.3 Performance Management of the Policy

Who is Responsible for Producing Action Plans if KPIs are Not Met?	Which Committee Will Monitor These Action Plans?	Frequency of Review (To be agreed by Committee)
HR Department	HR Operations Committee and Putting People First Committee	Annual

11 Appendices

11.1 Appendix A - Flexible Working Request Process



11.2 Appendix B – Flexible Working Request Form

Name:	Job Title:
Department:	Line Manager:
Describe your current working pattern (days/weeks/hours/months worked):	
Describe the working pattern you would like to work:	
Date you would like this to commence:	
Describe the impact you think this will have on your team, colleagues or service users:	
Line Manager Authorisation:	
I agree / don't agree to the flexible working arrangements requested above	
Reasons for not granting flexible working (please give brief outline below)	
Signed: Print name:	

11.3 Appendix C – Applying for a Career Break

1. Eligibility

- i. The scheme applies to all staff who have been continuously employed by the Trust for one year at the time of application.
- ii. The Head of Department has to approve any application for a career break taking into account the needs of the service when considering the application. They must consider whether they will be in a position to provide a job upon the employee's return to work from a career break. Requests for a career break of longer than 2 years should not be approved unless the Head of Department can demonstrate a position will be available for the employee upon their return.
- iii. Approval should not be unreasonably refused. Each request will be considered on an individual basis and it is at the discretion of the Trust as to whether it should be granted. Advice can be sought from the Human Resources Department. Issues such as the Trust's ability to fill the post during the career break will be taken into account.

2. Acceptable Reasons For Career Breaks

- i. Acceptable reasons for career breaks include:
 - the upbringing of a child;
 - the care of a dependant person;
 - sabbatical
 - secondment
 - training
 - return to full time education
 - travel
 - voluntary/charitable work
 - other justifiable reason
- ii. Employees on career breaks will not normally be allowed to take up paid employment with another employer except in exceptional circumstances, for example:
 - work overseas or charitable work that could broaden experience
 - where carer responsibilities necessitate a temporary move abroad or to another part of the country (significantly outside commuting distance to Liverpool Women's NHS Foundation Trust) and the employee needs to undertake some work in order to fund their stay.
- iii. Where an employee wants to take up paid work during a career break, they must first obtain written authorisation from the Trust to do so. Permission will not normally be granted unless the employee can demonstrate that working is necessary to support them in their carer responsibilities, if moving significantly outside commuting distance to the Trust.

- iv. Taking up paid work during the period of a career break without written authorisation from the Trust could negate the employee's entitlement to be re-engaged by the Trust.

3. Application for a Career Break

- i. An application to participate in the Career Break Scheme must be made in writing by the applicant to the Head of Department/Directorate Manager, giving reasons for the application and the anticipated duration of the break required (although it is accepted this may only be an estimate). The Directorate Manager will write to the applicant detailing the agreed terms of the career break in relation to that individual.

4. Responsibilities of Staff

4.1. Commitments

- i. Where approval is given for a career break the individual will be asked to give the following commitments in writing to the Manager:
 - that they will not normally undertake paid employment (i.e. unless the reason for the break is to take-up a secondment or to undertake charitable work which could broaden relevant experience) while on a career break.
 - declare their intention to return to work for the Trust.
 - re-affirm their commitment to the Scheme in writing at the end of each 12 month period of absence.
 - a member of staff who fails to uphold in part or in full the above commitments may be withdrawn from the career break scheme, although each case will be judged on its own merit.

4.2. Professional Registration/Membership

- i. Professional membership and/or appropriate registration must be maintained whilst on a career break.

4.3. Duration of Career Breaks

- i. The minimum length of a career break is three months and the maximum is two years. Breaks may be taken, by agreement, as a single period or as more than one period. When giving consideration to the duration of any career break managers should balance the needs of staff with those of the service, taking into account how the post can be filled during the break. It is possible for the length of the original agreed career break to be renegotiated, i.e. where the circumstances of a member of staff change, for instance, they may wish to return to work earlier or later.
- ii. Where an employee wishes to return early, consideration will be given as to whether cover has been appointed and on what basis. If cover has been appointed for the original duration of the break, the individual can be 'slotted in' to another position until the original return date, however, the rate of pay will be at the rate of the vacant position and not that of their substantive post.

4.4. Obligation to Continue Training

- i. Staff undertaking professional courses, at the time they commence a career break, will be expected to continue their training to completion. Under these circumstances the Trust will meet all associated expenses defined as appropriate through the relevant study leave policy.

4.5. Obligation to Work

- i. A member of staff taking a career break must be prepared to be available to work for the Trust for a minimum of ten full days each year to keep up-to-date. In instances where experiences gained during the career break is relevant, this requirement may be waived or reduced. The Manager may increase the days required depending on the demands for skills/professional updating within a particular area. Similarly, the number of days required may be shortened in the case of shorter career breaks. This work commitment will be arranged by mutual agreement with the Manager.
- ii. Unless waived by the manager the obligation to work during the career break is a mandatory requirement of the scheme and if it is not adhered to the terms of the career break will be voided.

4.6. Maintaining Contact

- i. Monitoring contact is a joint responsibility between the member of staff and their Manager. However, staff on career breaks are required to maintain regular contact in order to keep themselves up-to-date.

4.7. Refresher Training

- i. Depending upon assessed need, staff must be prepared to attend appropriate refresher training each year. This will not usually be for more than two or three days in duration, but will need to reflect any professional or statutory requirements.

4.8. Payment for Work Undertaken

- i. Payment will be made for any work undertaken or statutory or professional refresher training attended, at the previous grade and current rate of pay. Time spent on other courses over and above minimum agreed training course will not necessarily be remunerated.

5. Responsibilities of Managers

5.1. Obligation to Work

- i. The Trust will where practicable and appropriate seek to provide career break participants with at least 10 working days paid employment per year (pro-rata for shorter breaks) in order to keep abreast of changes and developments in the service.

5.2. Maintaining Contact

- i. Continued contact is a key factor, it confirms the Trust's commitment to retaining the skills of the individual and their interests in eventually returning to work. Whilst this must be considered a joint responsibility between the employee and their Manager, the appropriate line manager will maintain regular contact with the member of staff and ensure that they receive, as appropriate, information on relevant in-house training courses, Staff Track, information regarding current developments in the Trust and any other relevant literature or information/ Although individual circumstances may vary, it is also suggested that career breakers are invited to social events involving the rest of their team.

5.3. Return to Work

- i. Three months' written notice of intention to return to work is required by the Trust from the member of staff taking the career break. When notice to return has been received, the Head of Department will formally interview the individual to ascertain and agree, as far as is practicable, the work options upon return and any return to work training programme/support.
- ii. For career breaks of up to 12 months, the Trust is committed to the employee's return to the same post, grade and hours.
- iii. If the break is longer than one year, the employee may return to a similar post, grade and hours as possible.
- iv. Service or organisational changes that may take place during an employee's career break apply in the same way as if the employee had been at work as detailed in the organisational change policy. The employee will be neither advantaged nor disadvantaged by the career break. Any return to work with the Trust, specific department or specific post will be subject to that work / post still being reasonably available at the time of the intended return. The Trust, in the event of organisational change, reserves the right to terminate employment on the ground of organisational change / redundancy following the required consultation procedures, by giving the required period of notice set out in the Contract of Employment or by making a payment in lieu of notice.
- v. If during the Career Break period the employee engages in any acts or omissions, which in the opinion of the Trust impacts on their employment. The Trust may involve the Disciplinary Procedure during the Career Break Period.
- vi. Return to work will be subject to satisfactory clearance from the Occupational Health Department. If the individual is unable to return on the agreed date due to sickness, their return date will be deferred until such time as they are fit to return. The Sickness & Absence policy may be applied if the employee is unable to return to employment.
- vii. Once notice to return to work has been received the Head of Department will arrange to put the member of staff in touch with the Human Resources Department and regular contact will be maintained regarding appropriate vacancies.

- viii. Any individual taking a career break but who has not yet given notice of their intention to return to work, will be eligible to apply for suitable vacancies within the Trust in open competition.
- ix. At the agreed end date for the career break, the member of staff will be 'slotted in' to the most suitable vacancy at the appropriate level. If this is not possible, then the member of staff will be 'slotted in' on an interim basis, until a post at the appropriate level becomes available. Where this is not possible within this period the employee will be considered redundant.
- x. Payment will be made as applicable to the grade of the work undertaken. There will be no entitlement to Protection arrangements. If an individual unreasonably refuses an offer of a suitable vacancy, the obligations of the Trust under the career break scheme will cease and therefore the employee's contract of employment will be terminated.
- xi. Before a decision to terminate the employee's employment is taken the Trust will write to the employee explaining why termination is being considered. The Trust will invite the employee to a meeting to discuss their employment and the proposed termination. If the employee is a member of the staff side organisation they will be entitled to be represented at this meeting by a Staff Side Representative or a colleague of their choice. Those employees who are not a member of a staff side organisation will be entitled to be represented by a colleague of their choice. The employee will be offered the right to appeal against the termination of their employment and will be informed by the Trust of this right.
- xii. Return will be considered on a part-time/job share basis on request and supported, where possible, subject to the needs of the Trust.
- xiii. For 'unique posts', detailed consideration on the notice and terms of returning to work should be jointly addressed prior to the commencement of the career break.

6. Continuity

- i. A career break will, under the terms of the Employment Rights Act (1996), not break continuity of employment with the Trust. Other provisions depending on the length of service i.e. pensions, incremental dates, leave entitlements etc., redundancy payments etc will be suspended for the period of the break and the break itself will therefore not count as qualifying service.

7. Pension

- i. Career breaks will not count as pensionable service and contributions will be suspended. Staff are strongly advised to seek advice and guidance from the Pensions Officer in the Payroll Department before taking a Career Break.

8. Lease Cars

- i. Staff in possession of a Trust lease car should seek advice from the Finance Department before undertaking a career break. A termination charge will be

incurred by the employee in cases where the lease agreement is prematurely ended.

9. Grievances

- i. An employee, who is aggrieved by the interpretation or application of the career break scheme as it affects them, is entitled to access the grievance procedure.

10. Pregnancy

- i. If an employee falls pregnant during their career break, they may not automatically be eligible for occupational maternity pay. Please check with HR for further information.



Alcohol & Smoking policy

As you would expect, the consumption of alcohol on hospital premises by patients, staff and visitors is strictly forbidden.

The Liverpool Women's NHS Foundation Trust has a no smoking policy which requests patients, visitors and staff NOT to smoke in the hospital itself and the hospital grounds.

Help is available for smokers wishing to quit. The Trust will offer staff support via the Liverpool Stop Smoking Service (SUPPORT). Staff can also contact the Occupational Health department for help and advice on 0151 529 8303.