

# Introduction

On the 13 September 2021, the NHS Staff Council on behalf of NHS trade unions and employers, jointly agreed revisions to Section 33 of NHS Terms and Conditions of Service (TCS) Handbook. The improvements were designed to support a cultural change to ensure flexible working is available to all NHS staff, in-line with the commitments made in the NHS People Promise around moving to flexibility by default. View the changes and NHS Staff Council statement.

This guidance was first published in line with the changes to Section 33 in 2021 and has been updated to reflect the changes to legislation in the Employment Relations (Flexible Working) Act 2023 which came into effect on the 6 April 2024.

Section 33 of the NHS TCS handbook provides:

- a contractual right to request flexible working from day one of employment
- no limit on the number of requests and the right to make them regardless of the reason
- requirements for centralised oversight of processes to ensure greater consistency of access to flexible working including an escalation stage for circumstances where a line manager is not initially able to agree a request
- expectation that employers will promote flexibility options at the point of recruitment and through regular staff engagement through one-to-ones, health and well-being conversations, appraisals and team discussions.

Good partnership working between unions and employers will be crucial to success, and should take place at every stage, including:

- re-negotiation of policies
- championing cultural change
- planning and overseeing delivery
- engaging staff.

Joint partnerships will recognise the challenges in delivering change in the context of staffing and service pressures that have intensified during the pandemic. However, better access to flexible working can be part of the solution by helping more staff stay in their jobs and making the NHS a more attractive place to work.



Good flexible working policies are an important component of any organisation's flexible working strategy.

This guidance has been produced by the NHS Staff Council to help local joint employer and union partnerships review and agree changes to current policies to reflect the contractual changes and the broader strategic agenda.