



Aneurin Bevan University Health Board

Flexible Working Policy and Guidance

Balancing Work & Personal Life

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01 Flexible Working Policy

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1.1 POLICY STATEMENT

The Health Board recognises that a better work-life balance can improve employee motivation, performance and productivity and reduce stress.

Developing a culture which positively supports flexible working can provide many benefits to the Health Board, such as attracting and retaining staff, reducing the likelihood of a gender pay gap and promoting inclusivity in the workplace.

This policy provides good practice principles and guidelines meeting legal and NHS Terms & Conditions obligations and is in line with ACAS guidance. It aims to encourage staff to consider flexible working arrangements and managers to openly explore and acknowledge work-life balance needs.

The Health Board wants to support staff achieve a better balance between work and their other priorities.

It is acknowledged that different types of job will have different operational constraints which means that staff may have different options available to them dependent on their role within the Health Board. However, it is expected that all roles will have access to some form of flexibility.

1.2 PRINCIPLES OF APPLICATION

The policy operates the following principles:

- The Health Board is committed to agreeing any flexible working arrangements provided that the needs and objectives of both the Health Board and the employee can be met.
- A member of staff who thinks they may benefit from flexible working is encouraged to have an informal talk with their manager before submitting their formal application. Consideration should be given to any financial implications for the employee to the proposed change which may affect salary and pension. If a flexible working pattern is agreed to suit the employee rather than the service, enhancements may not be paid.
- Applications will be approved providing the operational needs of Health Board services can still be met. A number of criteria will need to be considered (see Section 4.3).

- Each request for flexible working will be considered individually by the line manager. Not all flexible working options will be appropriate for all roles. In cases where a manager is not able to approve an application, it may be possible to agree a compromise arrangement which suits the Health Board and the staff member.
- Employees participating in any flexible working scheme will enjoy equal status as full time employees, especially in relation to access to training or promotional opportunities.
- The application of this policy should take account of benefits to the Health Board and to the staff members of promoting flexible working, some of which are listed below.

Employer Benefits	Employee Benefits
Makes employees feel valued and helps retain valued employees	A reduction in bringing home work related problems and vice versa
Results in a loyal, better motivated workforce	Greater ability to influence working lives
Reduces absenteeism and improves productivity and the quality of work	Creates a positive balance between work and the private lives
Cements a reputation as an employer of choice	Improved self-esteem health, concentration and confidence
Enables the organisation to reconcile work hours with peaks and troughs of work	Greater responsibility and a sense of ownership
Better employee/manager working relations	

1.3 FLEXIBLE WORKING OPTIONS

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

The following flexible working options are considered to be typical arrangements that staff may request but the Health Board recognises that there may be alternatives or a combination of options which are suitable to both the organisation and employee.

Part-time Work

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. For the Health Board, anything less than 37.5 hours is part-time. For example a member of staff may work a reduced number of days per week or a reduced number of hours per day or a combination of both.

The Health Board believes that most posts will be available on a part-time basis except where a critical examination by the line manager proves this to be impracticable.

In some circumstances staff may wish to apply to temporarily reduce their hours. If approved, the employee will work reduced hours for an agreed period at a reduced salary and with a guarantee that they can return to their substantive contracted working when that period ends.

Job Sharing

Job sharing is an arrangement where a full-time post is divided into two (or more) part-time roles. The job holders then share the overall duties and responsibilities. Their skills and the hours each employee needs to work must be compatible and meet the needs of the service. Pay and benefits are shared in proportion to the hours each works. Job sharing can be considered where the creation of a single part-time post is difficult or where two individuals wish to work part-time. The suitability of posts for job-sharing should be stated in any internal or external advertisements. Further information on job sharing can be found in the Guidance for Job Sharing (Section 7).

Term time Working

A term-time working arrangement is when an employee does not work in the school holidays. Staff will be allocated a pro-rata annual leave entitlement based on the number of weeks and hours they work per year. Any weeks above their annual leave entitlement will be unpaid. Salary is usually paid in 12 equal instalments. Further information on term time working can be found in Guidance for Term Time Contracts (Section 8).

Flexitime

The service will determine the flexibility regarding start and end time for the working day. There are usually one or more periods of “core” time each day when the individual must be at work. Employees may be able to take leave for a day or a half-day, if they have worked more hours than required; this is called flexi-leave. Further information on Flexitime can be found in the Guidance for Flexitime (Section 9).

Compressed Hours

An employee works their usual full time hours in fewer days by working longer blocks meaning that there is no reduction in their pay. For example, a five-day week is compressed into four days, or a 10-day fortnight into nine days.

Annualised Hours

An employee’s contractual working hours are expressed as the total number of hours to be worked over the year, allowing the hours to be worked flexibly throughout the year with the agreement of the manager and in line with service needs. Payment will be in 12 equal instalments. Annual leave is calculated on a pro-rata basis. This type of arrangement is most suited to posts that have periods of high and low activity across the year. Further guidance is given in Section 10 Guidance for Annualised Hours.

Self/Team Rostering

Staff can have some input into their patterns of work within agreed parameters that ensure the needs of the service are met. Team-based rostering is a ‘bottom-up’ approach to scheduling work, giving people more control over the pattern of their working week. A small group of staff take responsibility for colleague’s work-life needs are taken into account as far as possible.

Purchasing Additional Annual Leave

Employees may request to purchase one week of additional annual leave (pro-rata for part-time staff). This will be added to their total annual leave entitlement for the leave year. The cost of purchasing additional leave will be deducted from the employees pay in equal instalments across the remaining months of the leave year.

If granted the arrangement will be valid for that leave year only and a new application will need to be made to buy additional annual leave in any subsequent leave year the first week of annual leave booked after the request has been approved will be deemed to be the purchased leave.

An application form can be found at Section 7.

Homeworking

An employee regularly carries out all or part of their duties from home rather than from one of the Health Board's sites. Homeworking may be an occasional agreed day, a mix of home and office based work each week or a full time arrangement. Further details regarding can be found in the Health Board's Homeworking Policy and Guidelines.

Employment Breaks

An employment break is an opportunity to leave the work place for a specific period of unpaid leave and to return to the same or a similar position inside the Health Board at the end of that period. Employment breaks can be used for childcare, elder care; care for another dependant, training, study leave, to undertake voluntary work or other reasons. Further details regarding employment breaks can be found in the Health Board's Employment Break Policy.

Study Leave

The Health Board can support individual periods of study leave for the purpose of education and development as identified within a staff members' personal development plan or KSF outline, or in the case of registered midwives, their annual supervisory review. Further details can be found in the Health Board's Study Leave Policy.

Flexible Retirement

The Health Board is committed to supporting employees in making a smooth transition from work to retirement. Options are available to employees who are eligible to access their pension, to return to work under different arrangements utilising the Flexible Working Options Policy. Further information is given in Accessing NHS Pension and Retirement Guidelines.

Special Leave

It may be that a request is more appropriately met under the Special Leave Policy eg: time off to care for dependents to deal with unforeseen matters and/or emergencies.

1.4 APPLICATION

Making an Application

If a member of staff wishes to apply for a flexible working arrangement they are encouraged initially to discuss their needs with their line manager. This does not constitute a formal application at this stage.

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

An employee is entitled to submit one flexible working request in a twelve month period. This limit does not apply to employees who have requests relating to a statutory entitlement e.g. Equality Act 2010 – right to request reasonable adjustments.

All requests must be made using the application form which can be found at Section 12 of this policy (with the exception of purchasing annual leave – see Section 11).

The manager should arrange a meeting with the employee to discuss the application as soon as possible but within 28 calendar days of receiving the request. Reasonable advance notice of the meeting must be given to the employee. If an application does not contain all of the required information, the manager will discuss this with the employee at the meeting.

In circumstances where a request can, without further discussion, be approved, a meeting to discuss the request may not be necessary. In this situation, agreement to the request must be confirmed in writing by the manager within 28 calendar days of the application being submitted.

Flexible Working Meeting

The purpose of the meeting is to discuss the request and to find out more about the proposed working arrangements and how they could be of benefit to both the employee and the Health Board.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.

If an employee does not attend the arranged meeting, it will be rearranged once but failure to attend a second time without good reason, will result in their application being deemed to be withdrawn. The manager will inform the employee of this.

The manager will need to consider the potential benefits and any adverse effects, to the employee and to the Health Board in implementing the proposed changes.

Responding to the Request

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.

The request may be granted in full, in part or refused. The Health Board may propose a modified version of the request or the employee may be asked to try the flexible working arrangement for a trial period.

A request to work Saturday or Sunday in lieu of a week day will not attract unsocial hours payment if the request is granted solely for the benefit of the staff member and is not considered necessary for the needs of the service.

For all requests granted, this will be on a temporary basis and will be subject to regular review. The only exception to this will be when a permanent change to the number of hours worked is agreed. Term time working will be granted for 12 months in the first instance and will be reviewed annually thereafter. A temporary reduction to hours will only be accommodated for up to 3 months in the first instance after which the reduced hours will become permanent or the employee will revert to their contracted hours.

In situations where the Health Board is unable to accommodate the flexible working request, the manager must ensure that all possible alternatives have been explored.

If a service area undergoes a significant reorganisation resulting in changes to service needs, it may be possible for a manager to reconsider an application which previously could not be accommodated, even if the application was made less than 12 months ago.

In line with legislation, a request should only be rejected for one of the following reasons:

- The burden of additional costs
- An inability to reorganise work amongst existing staff
- An inability to recruit additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- A detrimental effect on ability of the Health Board to meet service needs
- Insufficient work for the periods the employee proposes to work
- There is a planned structural change to the area of work

After the meeting, the manager will respond to the request in writing within 14 calendar days of the meeting, outlining decision, details of the agreement, any compromise discussed and review dates.

1.5 APPEAL

Should an employee be dissatisfied with the outcome of their flexible working application or their request for additional leave, they have a right of appeal. The appeal will be considered under Stage 3 (appeal stage) of the Grievance Policy and will follow the process set out there.

The employee must contact their next in line manager and submit their written appeal on the form contained in the Grievance Policy to the manager as soon as possible but within 14 calendar days of receipt of the written decision. The grounds for the appeal should be clearly set out.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.

1.6 REVIEW OF FLEXIBLE WORKING AGREEMENTS

Each flexible working agreement will be subject to regular review (at least annually) by the manager and the employee to consider whether the arrangement still meets the needs of the employee and the service needs of the Health Board.

If the agreement is found to no longer meet the needs of the employee or the service, the arrangement will be terminated, with the agreed notice period as set out in any flexible working agreement, and the employee will revert to their original hours and/or working pattern (unless there has been a permanent change to working hours.)

A record of the review will be made and will be retained in the employee's personal file.

02 Guide to Job Sharing

Sharing the Job - The division of responsibilities will depend on the needs of the job and should be agreed between the job share partners and Line Manager.

Sharing the Hours - A post may be shared on a split day or split week basis, but should ideally be split equally between each partner.

Communication - To ensure continuity between job share partners it may be necessary for an overlap period to be built into working patterns. Other forms of communication could equally be used e.g. message books, e mails etc.

Terms and conditions - Each partner will hold a separate contract of employment with the salary, allowances, hours and holiday allocated on a pro rata basis. Individuals who share jobs may however, depending on experience, be placed on different incremental points in accordance with NHS terms and conditions of employment.

The Line Manager will set out in writing any particular agreed terms relating to the job share arrangement and copies will be placed on each employee's personal file.

Any additional hours worked by one partner within the normal working week, i.e. if one partner voluntarily covers the hours of the other job share partner, payment will be made at the normal hourly rate or taken as time off in lieu. Each partner will be eligible for overtime only when they exceed 37.5 hours per week.

The Job Description will be based on that applicable to the full time post, modified to take account of the agreed division of responsibility.

Sharers would not normally be expected to cover for each other for annual leave or sick leave, although such an agreement may be made.

Job Sharers should be appraised individually, but could also be appraised on the extent to which the Job Share is effective.

Termination of Job Share - Amendments to the agreed working arrangements, temporary or permanent, shall only be made after consultation with both job share partners.

In the event of one partner leaving, the remaining partner would normally be offered the post on a full time basis. If a replacement partner is needed, the post will be advertised internally or externally. If no suitable replacement can be found after two adverts, alternative arrangements should be considered. This may include the remaining partner transferring into a part time post on the same grade and conditions of service within the organisation. Every effort will be made to retain the remaining job sharer through retraining and redeployment. Only after all these options have been exhausted will the termination of the remaining partner's employment will be considered.

03 Guide to Term-time Working

The following can be used for guidance in the management of permanently appointed term time only staff or those that wish to apply for term-time only on an annual basis as per the Flexible Working Application form.

Employees who work term time only will usually work 39 weeks a year (or could be a different number of weeks by agreement). The manager will agree the number of hours per week to be worked during the term time, which might be 37.5 hours or might be less if the employee is part-time.

The allocation of paid leave will be in line with terms and conditions of employment but pro rata to reflect the reduced number of weeks worked in the year.

Term time employees will receive their pay each month in 12 equal instalments over the year. The payment includes a proportion of annual leave and bank holiday entitlement averaged over the whole year. The payment is based on a nominal number of payable hours per week as set out in the calculation examples given below.

When appointing term time only employees, or moving an existing employee on to a term time only arrangement managers must contact payroll to confirm the calculation for payable hours per week prior to the arrangement commencing.

The method of calculation can be found on the following page.

Method of Calculation

In order to undertake the calculation, the employee's annual leave entitlement must be known (basic, 5+ years of service, 10+ years' of service).

The method of calculation is based on:

A	The number of weeks the term time employee will be contracted to work per year e.g. 39 (or could be less by agreement)
B	The number of weeks an employee with equivalent length of service who is contracted for 52.143 weeks a year will work once annual leave (including bank holidays) is deducted. For basic entitlement use 45.143 weeks For 5+ years' service use 44.743 weeks For 10+ years of service use 43.943 weeks
C	The number of hours per week the term time employee will be working.

The payable hours per week can then be calculated using the following formula:

A divided by **B** multiplied by **C** = payable hours per week

Example 1

An employee works 15 hours per week for 39 weeks per year and has a basic entitlement to holiday (27 days annual leave plus 8 bank holidays per year pro rata).

39 weeks (A) / 45.143 weeks (B) x 15 hours (C) = 12.96 payable hours/week

Example 2

An employee who works 24 hours per week for 37 weeks per year and has an enhanced leave entitlement (5+ years of service).

37 weeks (A) / 44.743 weeks (B) x 24 hours (C) = 20.21 payable hours/week

Example 3

An employee who works 37.5 hours per week for 38 weeks per year and has an enhanced leave entitlement (10+ years of service).

38 weeks (A) / 43.943 weeks (B) x 37.5 hours (C) = 32.43 payable hours/week

Annual Leave for term time working

Term time only employees will take their annual leave and bank holiday entitlement during the school holidays.

The annual entitlement of a term time only employee is based upon the number of weeks worked by the term time employee compared with an employee on a full time contract. The leave allowance for staff working part-time during term time is calculated on the same basis but pro rata. The annual leave entitlement includes a pro-rata allowance for bank holidays.

Anyone who has applied for term time working is excluded from purchasing additional annual leave. However, employees can opt to take this at the point of agreeing the term time working arrangement in respect of the number of weeks worked.

Sickness for term time working

In order for the normal sick pay and conditions to apply to term time employees, it is necessary that they allocate the appropriate amount of non-working time as annual leave on ESR. The Line Manager and employee need to confirm at the start of each leave year which weeks are nominated as annual leave and which are unpaid.

When an employee falls sick during the term time and would otherwise be in work, the sickness episode must be recorded in the usual way. The employee's sick pay will reflect the payable weekly hours (averaged over the year) rather

than hours worked. This means the staff member will not experience any change to the amount of pay that they usually receive (unless the period of absence is prolonged and full pay is exhausted under the provisions of the employment contract).

Alternatively, if they so choose, employees can opt to have the holiday pay element removed for this period. The holiday pay element can be recovered and paid at a later date.

Sickness during Annual leave for term time working

An employee who falls sick during a nominated week of annual leave in the school holidays, can claim back the annual leave in accordance with the Managing Attendance Policy providing the period is medically certified by the GP. The annual leave can then be reallocated. The annual leave will be reallocated to an unpaid week in the first instance and can only be reallocated to term time once all unpaid weeks have been utilised.

If, due to illness, a term time employee is unable to take the statutory element of their annual leave (20 day pro-rata) by the end of the leave year, they can carry this leave over into the next leave year. However, in order to do this, the staff member will have to opt to have the holiday pay element of their pay removed for the duration of their sickness period. This is due to the way in which payment is made on a term-time contract, which means that employees will otherwise have received all their holiday pay through the payable hours calculation by the end of the leave year. The payable hours for the following year can then be recalculated to take account of the additional holiday pay for that year. The carried over leave will be allocated to the first weeks of school holiday in the new leave year.

04 Guide to Flexitime

Flexitime is a scheme of working which provides an opportunity for employees to exercise discretion over the arrangement of their working hours. Examples are given below.

Monday to Friday working pattern

Employees choose the time they begin and finish work within certain agreed limits. Employees will be in work during the agreed core time for the area they work in. There can be flexibility regarding the length of breaks but must be in line with Working Time Directives (minimum of 20 minutes every 6 hours). Employees cannot accrue working time by working through breaks.

Extended Working Week

It may be appropriate for some departments to move away from traditional Monday to Friday working and extend their working week to include weekend working. Staff and departments wishing to adopt this model should agree hours by local arrangement.

Shift Working

This option is for departments providing a 24 hour service. Contracted hours of duty are totalled over a four week period for example, staff working 37.5 hours per week will work 150 hours over four weeks. Staff can benefit by working as a team to manage duty rostering and as long as the service is covered then hours can be adjusted.

Accruing extra working time for flexi-leave

There may be an option for employees to accrue time owing under their flexitime arrangement, which may then be taken off as flexi-leave. Under this agreement, up to one day each month may be taken off as flexi-leave (pro-rata for part time) providing these hours have already been accrued.

There must be agreement between the line manager and any employees who are working flexitime of how working hours will be recorded whether this is on a flexitime sheet or electronically, e.g. via electronic diary or e roster.

The accounting period will be four weeks in length, at which time employees will be expected, where possible, to balance the number of hours actually worked against their contractual hours of employment.

Salaries are not affected by flexitime accrual and will be paid as if the employee has worked the same number of hours each week. Hours worked as authorised overtime will be paid in the usual way and will not count as credit under this scheme.

Sickness and Annual Leave under Flexitime

A week of annual leave or sickness will be taken as standard contracted hours. Hours cannot be accrued or paid back in a week when an employee is sick or on annual leave.

A period of annual leave less than one week must be booked for the number of hours that the employee would be contracted to work over that period. The number of hours taken as leave together with the number of hours worked for that week must add up to the total contracted hours for the week.

Where sickness occurs in week 4 of the accounting period, any excess hours worked over that period can be recovered in the following four weeks. Likewise, if hours are owing, it is expected that they will be worked back in the following four weeks.

05 Guide to Annualised Hours

Employment contracts for annual hours provide an opportunity to organise a whole year's work activity on the basis of the number of hours rather than the number of weeks worked. In effect, this enables the Health Board to manage period of high and low activity more effectively, so those longer and shorter hours can be worked when necessary.

Employees will have a degree of flexibility to fit their shifts to their personal commitments within an environment that is consciously aimed at accommodating their needs.

Hours are calculated on the basis of the number of hours to be worked rather than weeks.

Payment is also arranged so that the employee received a fixed monthly payment, no matter how many shifts are worked during that month.

Annual leave will be calculated on a pro rata basis and will be included in the monthly salary payment.

Rostered Hours

Allocation of shift time will be decided upon jointly between management and employee.

Staff are issued with a provisional rota and each employee indicated any areas of difficulty or any time when he or she would be available and willing to work extra.

The line manager will then look at revisions that may be necessary and confirm changes that can be easily made.

If the workload is reduced for any reason and staff on that shift are under utilised, the roster can be reduced accordingly and staff can be asked if they would prefer not to work that day.

Reserve Hours

These hours can be used to cover for absenteeism or for any difficulty that confronts a shift. Employees will be rostered to be on call in case they are required. In these circumstances they will have to be available to be at work within an hour or so.

Additionally, these hours can be used for training.

Example

For example; a 37½ week with seven weeks holiday (including BH) would become an annual contract of 1687.5 hours.

Total annual hours	1950
Less Holidays	262.5
Total	1687.5
Rostered Hours	1407.5
Reserve Hours	280 (figure can be changed to suit department needs)
Total	1687.5

Sickness

Sickness absence will be paid as per weekly contracted hours. In order for the normal sick pay and conditions to apply to employees on an annualised hours contract, it is necessary that they allocate the appropriate amount of non-working time as annual leave on ESR. The Line Manager and employee need to confirm at the start of each leave year which weeks are nominated as annual leave and which are unpaid.

If an employee falls sick at a time when they would otherwise be in work, the sickness episode must be recorded in the usual way. The employee's sick pay will reflect the payable weekly hours (averaged over the year) rather than hours worked. This means the staff member will not experience any change to the amount of pay that they usually receive (unless the period of absence is prolonged and full pay is exhausted under the provisions of the employment contract).

Alternatively, if they so choose, employees can opt to have the holiday pay element removed for this period. The holiday pay element can be recovered and paid at a later date.

If sickness falls during annual leave, the principles set out under Section 8.3.1 for term-time employees will apply.

06 Application Form – Purchasing Annual Leave

Section 1 to be completed by employee

Name:		Staff Number:	
Current post:		Base:	
Department:		Line Manager:	
Date of Application:			

How many hours additional leave do you wish to purchase?	
Which leave year are the additional hours for?	

I understand that payment for these days will be deducted from my salary in 12 equal instalments (or if received part way through the leave year, over the remaining months of the leave year). This will affect my salary and pension.

Signed:		Date:	
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Section 2 to be completed by the manager

I authorise / do not authorise* the additional leave requested above.

If not authorised, please give reasons below.

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Line Manager name:			
Signature:		Date:	
Senior Manager name:			
Signature:		Date:	

Completed form to:

- 1) Employee personal file
- 2) NWSSP, Aneurin Bevan University Health Board, Payroll Section, Fourth Floor, Companies House, Crown Way, Cardiff CF14 3UB

07 Application Form – Flexible Working Options

Section 1 to be completed by the employee

1. Personal Details

Name:		Staff Number:	
Current post:		Base:	
Department:		Line Manager:	
Date of Application:			

2. Please explain what you wish to vary about your working pattern and the reasons for your request.

3. What would be the benefits to you?

4. Please state the date you would like the proposed change to come into effect.

5. What impact will this variation have on your colleagues and on the service?

6. How, in your view, could this effect be dealt with to minimise the impact on the service or colleagues?

7. Please state if this request arises from a statutory right (e.g. under the Equalities Act)

8. Has a previous application for flexible working been made within 12 months? If yes, what was the date of this application?

I understand that any reduction to salary arising from a flexible working pattern may affect my statutory and contractual entitlements.

Signed:		Date:	
Print name:			

Section 2 to be completed by the Manager after the meeting

9. Date/s of meetings to discuss application:

10. Discussion points:

11. Outcome:

12. If the application is rejected, outline reasons giving detailed evidence:

13. Details of monitoring criteria and timescales. All arrangements must be reviewed every 12 months. Shorter periods for review may be established but by agreement or in exceptional circumstances.

Signed:		Date:	
Print name:			