



**Public Service Association of NSW**

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In reply please quote: TV:jg CN 2122103

25 May 2026

Chelsea Starkey  
Principal, People and Culture  
Health Professionals Council Authority  
Level 6 North Wing  
477 Pitt Street  
Sydney NSW 2000

**By email:** [Chelsea.Starkey@health.nsw.gov.au](mailto:Chelsea.Starkey@health.nsw.gov.au)

Dear Ms Starkey,

### **Submission – Feedback on Flexible Work Policy Compliance Procedure**

Thank you for the opportunity to provide feedback on the Flexible Work Policy Compliance Procedure (PCP). We appreciate the intent of the policy to provide clarity and consistency in the application of flexible work arrangements across Health Professional Councils Authority (HPCA).

### **3. Workplace presence**

\* The PSA seek clarification on the definition of “working principally in an approved HPCA workplace.” We consider that this should be clearly defined as working in an approved HPCA workplace for at least 50% of working time do not require approval and do not have a time limit. Clear specification of this threshold would support consistent understanding and application across the organisation.

\* We seek clarification on how the “principally office-based” requirement applies to part-time employees, including whether this will be assessed on a proportional basis relative to their contracted hours.

\* We further seek clarification on how hybrid working arrangements are intended to apply to roles that involve significant external duties, such as inspection-based regulatory functions. For example, where staff are required to undertake regular off-site inspections (such as Pharmacy Council inspection cycles), it is unclear how office attendance expectations apply on days involving extensive travel and fieldwork. Further guidance would support consistency and operational suitability.

\* We also note that staff in such roles should not be disadvantaged by the hybrid model where their duties inherently require off-site work.

\* It is the PSA position, days spent undertaking field-based work, inspections, or approved operational duties off-site should be treated as equivalent to office-based attendance for the purposes of workplace presence requirements.

\* Poor performance, on its own, should not be a basis for denying a hybrid working arrangement. However, performance concerns may appropriately inform the structure and conditions of an

approved arrangement, including the implementation of targeted support or performance management measures where required.

\* We also note that staff have demonstrated the ability to work effectively from home, with hybrid and remote working arrangements supporting continued productivity and service delivery.

\* The PSA does not agree at the approval is required at the Director-level approval for non-standard hybrid working arrangements, as this may introduce unnecessary delay and reduce operational responsiveness. We recommend that decision-making remain at manager level, supported by People and Culture oversight and escalation pathways where required, consistent with the Ministry of Health model.

#### **4.2 Approval requirements**

\* We reiterate our concern regarding the requirement for Director-level approval for non-standard hybrid working arrangements. We recommend that approval authority remain with managers, supported by HR or People and Culture guidance where necessary, to ensure timely and practical decision-making.

We also recommend the inclusion of a defined response timeframe of three (3) weeks for all hybrid working applications to ensure timely and consistent decision-making.

#### **4.5 Ad-hoc variations**

We propose extending the duration of ad hoc variations from two (2) weeks to up to four (4) weeks. This would provide greater flexibility for staff to manage temporary or unforeseen circumstances while maintaining appropriate managerial oversight and operational accountability. Approval should remain with the relevant manager.

#### **4.6 Short-term variations to an approved FWA**

We propose that short-term variations to an approved Flexible Work Arrangement be permitted for a period of up to four (4) weeks, where required. This adjustment would provide greater flexibility for staff to manage temporary remote working arrangements arising from personal or unforeseen circumstances, while still maintaining appropriate operational oversight and accountability.

Where such variations are approved, oversight should be undertaken by HR in consultation with the relevant manager, to ensure consistency in application, appropriate governance, and alignment with policy requirements.

### **5. Leave entitlements and flexible work**

\* The PSA acknowledges that remote work should not replace legitimate sick leave where an employee is medically unfit for work. We also support managerial discretion to allow temporary remote work where an employee remains capable of performing duties remotely and where on-site attendance is not appropriate due to health and wellbeing considerations.

\* The PSA has concerns regarding the current wording relating to caring responsibilities and the expectation that staff must take carers leave in certain circumstances. While we recognise that flexible work must not compromise operational requirements or the inherent requirements of a role, the current drafting appears overly restrictive.

\* Clarification and refinement of the statement that remote work cannot be used to meet ongoing caring responsibilities. In practice, staff may be able to appropriately balance limited caring responsibilities with productive remote work, depending on the nature and intensity of care required.

- \* Clarification on the threshold for determining when caring responsibilities are considered to “require constant care” and therefore preclude working from home. Clear guidance would support consistent application and avoid unintended discouragement of flexible work.
- \* The PSA recommends that the policy better recognise that flexible working arrangements and caring responsibilities can, in appropriate circumstances, coexist, subject to operational needs, role requirements, and agreement with the manager.
- \* We note the absence of reference to domestic and family violence (DFV) in the context of flexible working arrangements. This is a significant gap, as DFV situations often require immediate, sensitive, and flexible workplace responses.
- \* The PSA recommends that the policy explicitly include provisions for DFV-related flexibility, including clear guidance on accessing urgent adjustments, approval pathways, and expectations regarding timely and confidential management of such requests.
- \* The PSA requests clarification on how DFV-related flexible work arrangements should be recorded and managed within SARA, with particular regard to privacy, confidentiality, and restricted access to sensitive information.
- \* The PSA does not support any requirement for systems or reporting processes (including SARA) to explicitly identify or label arrangements as DFV-related, as this may compromise confidentiality and potentially place staff at risk.
- \* The PSA further recommend that this section be more closely aligned with the Ministry of Health flexible work model as best practice, to ensure consistency, fairness, and a balanced approach to operational needs and employee wellbeing across the NSW Health system

## **6. Flex time and flexible hours**

The PSA raises concerns regarding the statement that flex time is not an entitlement and request that this wording be removed. While we acknowledge that flex time must operate within operational requirements, flexibility should be understood as a reciprocal arrangement that supports both staff and organisational needs.

Further clarification on how the proposed flex time and flexible hours provisions sit within this Policy Compliance Procedure, as we are unclear why the Flexible Working Hours Agreement is being incorporated into a workplace presence policy, given that flex time primarily relates to hours of work rather than physical attendance. Further explanation of this integration would be helpful to ensure policy coherence and clarity of scope.

## **7. Grievance resolution**

The PSA has concerns regarding the grievance and review process where a staff member disagrees with a decision relating to a flexible work request, particularly in relation to response timeframes.

To ensure procedural fairness and timely resolution, we request that clear timeframes be established for responses, and that responses should not exceed three (3) weeks.

Where hybrid working applications are not approved, the PSA recommends that managers and HPCA be required to provide a clear written explanation outlining the reasons for refusal. This would improve transparency, consistency, and procedural fairness in decision-making.

The PSA recommends the inclusion of a defined response timeframe of three (3) weeks for all hybrid working applications to ensure timely and consistent decision-making.

Kind regards

A handwritten signature in black ink that reads "Valentino". The script is cursive and fluid, with the first letter 'V' being particularly large and stylized.

Tracey Valentino  
for **Stewart Little**  
**GENERAL SECRETARY**

