

FERRYHILL TOWN COUNCIL



POLICY

Flexible Working, Time Off & Office Flexi Time

SECTION ONE

FLEXIBLE WORKING

1.0 Introduction

1.1 The Town Council recognises the need to balance family responsibilities with paid work. This policy is supported by a raft of similar policies to assist the work/life balance, such as:

- Maternity Leave Policy
- Paternity Leave Policy
- Parental Leave Policy and
- Adoption Leave Policy

1.2 Ferryhill Town Council supports the principle that employees should enjoy a work-life balance, which recognises the needs of the service whilst at the same time allowing for a degree of flexibility in order to accommodate other commitments.

1.3 It is a fundamental requirement of any flexible working scheme that the efficiency of the Council and levels of service provided are maintained. Employees are expected to co-operate with the need to ensure minimum staffing levels are maintained during the normal working day, including the lunch period and other breaks, to facilitate contact with the public and other customers.

1.4 Once a request is made, the employer has a duty to give the request serious consideration, but the employee does not have a unilateral right to alter their working pattern.

2.0 Eligibility

2.1 Anyone can ask to work flexibly. However, you have to qualify and the Town Council does not have to agree to the request.

2.2 Employees who care for someone (eg a child or adult) have the legal right to ask for flexible working this is known as a statutory application.

2.3 Employees may only make one request each year.

3.0 Right to request flexible working – Children Under 18

3.1 As of April 2011 all parents with a child under 18 have the right to request flexible working. A request can be made by an employee with 26 weeks' continuous service with the Town Council.

3.2 Changes which relate to hours, times and place of work can be requested. Employers have a duty to consider requests seriously and can refuse only where one of the following business reasons apply:

- the burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to re-organise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the periods the employee proposes to work
- planned structural changes

4.0 Right to request flexible working – Carers

4.1 Carers have had the right to request flexible working since 6 April 2007. A request can be made by an employee with 26 weeks' continuous service who cares or expects to care for a person who is 18 or over where the person in need of care is:

- married to or the partner or civil partner of the employee, or
- a relative of the employee, or
- living at the same address as the employee

4.2 If a change is agreed, it constitutes a variation to the contract of employment and there will be no automatic right to revert to the original position. If an employee wishes to revert or make a further change, s/he will have to submit a further application following the expiration of 12 months. However, this can be waived if the Town Council supports the requested revision.

5.0 Making an application

5.1 All applications must be in writing and must:

- be dated
- say that the employee either has responsibility as a parent or carer (or expects to have it)
- say that they're making the application under the statutory right to request a flexible working pattern
- give details about how they want to work flexibly and when they want to start
- explain how they think flexible working might affect the business and how this could be dealt with (eg if they're not at work on certain days)

- say if and when they've made a previous application

6.0 Meeting to discuss the application

- 6.1 Once a request has been received a meeting to discuss the application must take place within 28 days of receipt of the application.
- 6.2 The employee must give a reasonable explanation if they can't attend the meeting. Otherwise the application will be treated as withdrawn.
- 6.3 The Town Clerk/Line Manager must make a decision within 14 days of the meeting and inform the employee in writing.
- 6.4 If the Council agrees to flexible working a new contract will be issued. If they don't agree the employee can appeal against the decision to the Member Appeal Panel (Elected Members of the Council's Human Resources Sub-Committee and the Town Clerk).

7.0 Bringing someone to the meeting

- 7.1 Employees can bring a work colleague or trade union representative to the meeting. The trade union representative can discuss things with the employer but they can't answer questions on behalf of the employee.
- 7.2 If the colleague or representative can't make the meeting, it should be rearranged to take place within 7 days of the original meeting date.

8.0 Withdrawing an application

- 8.1 If an employee decides to withdraw an application they should notify the Town Clerk in writing as soon as possible. The application will be treated as withdrawn if the employee misses 2 meetings (without good reason).
- 8.2 If the employee doesn't provide the extra information that the Town Clerk/Line Manager needs to make a decision, the application might be treated as withdrawn.
- 8.3 If the application is withdrawn, the employee cannot make another request for 12 months.

9.0 Responsibility

- 9.1 The Town Clerk will be responsible for administering any requests for flexible working, in consultation with the appropriate Line Manager and via H.R. Support provided by Durham County Council.
- 9.2 The Line Manager will be responsible for administering and managing the efficient operation of the service.
- 9.3 It will be necessary for discussions to take place between individuals, teams and Line Managers to mutually agree working patterns for the team, which will facilitate satisfactory cover during standard operational hours. Whilst the Scheme does not specify those times when employees must be present, it is essential for managers/supervisors and teams to work together to plan satisfactory levels of cover in order to provide an effective service.

10.0 Health & Safety

- 10.1 The Flexible Working Scheme will take account of the Working Time Regulations which sets out a maximum weekly working time of 48 hours including overtime, and rest breaks where the working day is longer than 6 hours.
- 10.2 In respect of employees aged 16 to 18, the Regulations stipulate that there must be a minimum rest break of 30 minutes where the working day is longer than 4½ hours.
- 10.3 The legislation enables employers to be fairly flexible in the organisation of working time, recognising that adjustments need to be made to reflect particular service needs. However, consideration will still need to be given to the general duty of care they owe to employees in addition to these Regulations.
- 10.4 Managers/supervisors must also take account of health and safety factors when considering working arrangements that would involve an employee working alone at the beginning or end of a shift.

11.0 Definitions

- 11.1 Relative is defined as mother, father, adopter, guardian, special guardian, parent-in-law, step-parent, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, uncle, aunt or grandparent and includes adoptive relationships and relationships of the full blood or half blood - e.g. half-brother or half-sister will also be covered. In the case of an adopted person, the above relationships that would have existed but for the adoption are also covered i.e. the adopted person's natural relatives.

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- 11.2 Partner covers men and women who are not married but are living together as husband and wife and two people of the same sex who are not civil partners but are living together as if they are civil partners.

SECTION TWO

TIME OFF

1.0 Time Off

- 1.1 Where time off is required for medical or dental appointments it will be by agreement with immediate Line Managers.
- 1.2 Where possible, such appointments should be outside normal working hours.

2.0 Office Staff

- 2.1 In an emergency or when an appointment cannot be made outside of normal working hours, then flexi time must be taken and any time lost must be made up at another time so that the employee's normal weekly hours conform to their contractual commitment.

3.0 Works Staff

- 3.1 Where appointments cannot be made outside of normal working hours, employees must produce proof of the appointment to their Line Manager prior to attending the appointment.

SECTION THREE

OFFICE FLEXI TIME

The Town Council recognises that parents of children under six (or disabled children under 18) as well as employees who are either related to, or live with someone, for whom they have a caring responsibility have the right to request flexible working. Additionally the Town Council recognises the balance of providing an equal employment regime for all staff where this is possible.

1.0 Principles of the Flexi Scheme

- 1.1 This scheme only applies to Town Council office staff and also to the Works Manager who works 34 hours per week during the winter period (1 October to 31 March) and 40 hours per week during the summer period (1 April to 30 September).
- 1.2 The Flexi Scheme is in place to create greater flexibility in order to support service delivery and assist employees in managing their work-life balance and childcare arrangements, however, flexi time does not give an employee an automatic right to take flexi hours. The needs of the Council and adequate staffing cover / rota systems must always be considered.
- 1.3 The Town Clerk will monitor closely the hours that staff are working, arrange sufficient office cover, and ensure that the scheme is managed consistently in order for it to work effectively.
- 1.4 Hours **must** be accrued in advance of taking flexi leave as there is no debit process, except in exceptional circumstances and agreed with the appropriate Line Manager/Town Clerk.
- 1.5 Any flexi leave must first be approved in advance by the immediate Line Manager or in his/her absence, the Town Clerk and will be granted on a first come first served basis. An appropriate permission form must be completed and then signed by the Line Manager.
- 1.6 Employees should always ensure that there is adequate office coverage in the Town Hall during opening hours:

9.00am to 12noon and 1.00pm to 4.30pm Monday to Thursday and

9.00am to 12noon and 1.00pm to 4.00pm on Friday.

A **minimum** of two staff must be present and this does not include staff who are out of the office at meetings.
- 1.7 A maximum of 22.5 hours flexi time can be accrued and carried forward at the end of any four week timesheet period, except at the end of the financial year (see 3.11).

- 1.8 In accordance with the Working Time Regulations, all employees must ensure that they take at least half an hour break for lunch.
- 1.9 Any abuse of flexi time or flexi time procedures is a disciplinary offence and may be considered to be gross misconduct. If employees do not observe the procedures for the flexi scheme, then use of the scheme can be withdrawn from an individual person.
- 1.10 All rights under the Green book scheme are not affected by this policy.

2.0 Core Hours

- 2.1 Subject to the above:

Employees should start work between 7:00am and 9:59am.

Morning core time is from 10:00am to 11:59am.

Lunchtime is from 12 noon to 1:59pm.

Afternoon core time is from 2:00pm to 3.59pm.

3.0 Procedure to be Followed

- 3.1 This scheme must not be abused and care must be taken to minimise the amount of flexi time accrued each year. The scheme is in place to assist employees in managing their work-life balance and childcare arrangements, not to provide employees with an opportunity to accrue extra days holiday to supplement their annual leave entitlement.
- 3.2 Employees are allowed to take 2 days flexi leave every four week timesheet period, unless special permission is given by the Town Clerk to have more. This does not have to be taken as a full half a day or a full day. So, for example, an employee may finish work early at 3pm, however, this will count as using one half day period as it is within core time. If the employee finished work at 4pm, this would not count as one half day period as this is outside of core time.
- 3.3 Flexi time should be used for medical appointments, i.e. doctors, dentist, opticians, hospital appointments, etc, and the time sheet should be used to indicate this for how ever long the employee was out of the office.
- 3.4 Employees are only allowed to work after 6pm or before 7am if:
 - i) They are on work related courses, conferences, meetings, etc. and will be reimbursed their time for the whole time spent at the event, plus

travelling time, if longer than the usual time spent travelling to and from work. The only exception to this may be where a Learning Agreement has stated otherwise, i.e. if the employee has requested particular training for their continued professional development and the Council is paying a significant amount towards the fees, travelling expenses, etc.

- ii) They have special permission from the Town Clerk.
 - iii) They were required to attend an official visit or at an official meeting, e.g. Town Council meeting.
- 3.5 Overtime can only be paid once an employee has worked their contracted hours for the four week period in which the overtime is claimed. For example, an employee contracted to work 37 hours per week must have worked 148 hours during the previous four weeks before they can be paid overtime.
- 3.6 Where an employee is required to work outside of the hours of 8.00am to 6.00pm between Monday and Friday, for example to attend a Council meeting, if they are paid at or below SCP28 they are entitled to be credited at time and a half, subject to the employee's hours being in credit at the time of the said extra duties. Employees can also opt for the payment of overtime at this rate subject to being in credit in their hours.
- 3.7 Where an employee is required to work over a weekend period then flexi leave accrued (at time and a half time on a Saturday and double time on a Sunday) can be taken in addition to the above maximum of 2 days in the appropriate 4 week period. Alternatively, for those employees paid at or below SCP 28, overtime can be paid for this work at the appropriate rate, subject to the employee's hours being in credit at the time of the said extra duties.
- 3.8 For any employees paid above SCP28 all hours worked on a weekend or during the week outside of the hours of 8.00am to 6.00pm will be credited at normal time.
- 3.9 All overtime claims must be approved by the Town Clerk in advance of the work being undertaken.
- 3.10 If employment comes to an end, any hours in credit must try to be used, however, if they are not then, with permission from the Town Clerk, they will be paid in the employee's final salary.
- 3.11 All accrued flexi time hours are to be used by the end of the appropriate financial year. In exceptional circumstances the Town Clerk may grant permission for hours to be carried over, otherwise any unused hours will be lost.

4.0 Town Clerk Flexi Time

- 4.1 As the Proper Officer of the Town Council and due to the nature of the position, the Town Clerk works additional hours over and above his contracted 37 hours, for which overtime is not paid.
- 4.2 Additional hours worked by the Town Clerk should be actively monitored and managed through discussion between the Town Clerk and the Mayor, or in his/her absence Deputy Mayor, so that it does not become unreasonable.
- 4.3 Any additional hours worked will be compensated by taking flexi leave at a time convenient to the current work programme.
- 4.4 Excess in the number of hours worked will be carried over into the next four week timesheet period.
- 4.5 All accrued flexi time hours are to be used by the end of the appropriate financial year. Any unused hours cannot be carried over into the following year and will therefore be lost.