

June 2008
Amended with effect from 1 January 2009

Flexible Working Hours Policy

This policy applies to the Local Government
Employee Group only

If you would like this in any other format or
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This is a Council Policy which has been subject to consultation with the Single Status Joint Trades Unions. Any review or amendment by the Council will be following consultation with the trades unions.

1. Introduction

- 1.1 East Lothian Council recognises that, in order to realise its aims of improving service delivery and becoming an Employer of Choice, it is necessary to implement a range of policies that promote flexibility in working arrangements and enable employees to balance their home and work lives more effectively. The Flexible Working Hours Policy provides flexibility by enabling employees to vary their working hours and by allowing them, subject to the needs of the service and with the agreement of their line manager, to leave work to deal with personal issues.
- 1.2 The success of the Policy depends on the co-operation and goodwill of employees working together. All employees will therefore be required to arrange their working time in consultation with their colleagues within their Section/Unit.

2. Principles

- 2.1 The needs of the service will be paramount in all decision-making on the operation of the Policy. Standards of service provided in all parts of the Council must be maintained. The opportunity to operate a pattern of flexible working hours across the breadth of the period 7am – 9pm will be determined by the Director or appropriate line manager, taking into account the service operational requirements, health and safety requirements of employees and service users, and accessibility to work premises.
- 2.2 It is not possible for all employees to reconcile flexible working hours with service needs or the requirements of their post. Directors may decide therefore, after discussion with trade union representatives, to exclude specific posts from participation in the Policy where their inclusion would be detrimental to the standard of service provided (certain groups of employees are excluded under paragraph 3.2 below).
- 2.3 The Director or other appropriate line manager must ensure appropriate staffing levels are maintained to meet the needs of the service particularly in front-line services e.g. at public contact points. In some situations specific working patterns may be required reflecting customer demand or service standards that may partially or wholly restrict the level of flexibility available to employees.
- 2.4 Wherever possible, flexibility in working patterns will be provided to meet the needs of individual employees. It is essential however, to ensure standards of service are maintained, that employees gain authorisation from their line manager for specific variations to their normal pattern of working hours e.g. a later start, an earlier finish, a period away from work.

3. Scope

- 3.1 The Policy will apply to all full-time and part-time employees within the Local Government Employee Group, except those excluded employees listed below and any others excluded by a decision of a Director.

3.2 The following list indicates those employee groups who are not eligible to participate in the Policy: -

- Employees contracted to work outside the bandwidth of 7.00 a.m. to 9.00 p.m.
- Employees whose start and finish times require to be fixed for the purposes of service delivery e.g. employees in Customer Services, Refuse Collection etc .
- Employees who work other forms of flexible working as an alternative to this Policy e.g. Compressed Hours, Home Workers. However those employees may also, on an individual basis, apply to work their contractual hours in accordance with the Flexible Working Hours Policy (refer to the Council's Work Options Policy).

4. Standard Working Hours

4.1 Depending on the service, **Standard Working Hours** for full-time employees will be either 35 or 37 hours per week. Standard hours per settlement period, week, day and half-day will be as follows (hours for 37 hour employees in brackets): -

Settlement Period (4 weeks)	140 hours (148 hours)
Week	35 hours (37 hours)
Day	7 hours (7 hours 24 minutes)
Half day	3 hours 30 minutes (3 hours 42 minutes)

4.2 For part-time employees the standard working hours will be those hours of work detailed in the part-time employee's contract of employment. Accordingly, the standard working hours and working pattern will be determined on an individual basis. Part-time employees who work full days will have the standard hours for a day/half-day applied to those days.

5. Hours Of Work

5.1 Bandwidth

5.1.1 The flexible working day will extend from 7.00 a.m. to 9.00 p.m. The time within those hours is the **Bandwidth**.

5.2 Working Hours

5.2.1 **Working Hours** for the purposes of flexible working are 7.00 a.m. to 9.00 p.m. On commencement of employment, employees are advised of the standard pattern of working hours operating for all employees within their service and workplace.

5.2.2 There will be no corporate core time periods within the working day where employees are required to be at work. This means that generally employees may start and finish work at any point, and on more than one occasion, within the bandwidth provided they comply with the other rules of the Policy. However

Business Unit Managers have the right to seek approval from the Director/Head of Service and Head of Human Resources, to introduce set core time periods necessary to ensure service delivery requirements, following appropriate employee consultation.

- 5.2.3 Employees are required to arrange their working time in consultation with colleagues and obtain advance approval as appropriate from their line manager.
- 5.2.4 It is essential that staffing levels are maintained to meet service delivery requirements. Managers will be responsible for ensuring cover is available at all times to meet the service demands.
- 5.2.5 Employees will continue to be required to attend work on each of the working days specified in their contract of employment.

5.3 Normal Working Day

- 5.3.1 Services to members of the public must be available throughout the **Normal Working Day**. The time period that will be defined as the Normal Working Day will be subject to local agreement to suit the specific service delivery requirements in each Section/Unit/Division.
- 5.3.2 Arrangements will be made, as appropriate, to ensure that staffing levels are maintained during the locally agreed service delivery times.

5.4 Breaks/Rest Periods

- 5.4.1 A minimum unpaid break of 30 minutes per day must be taken. Where service delivery permits lunch breaks, these will normally be taken between 12.00 noon and 2.00pm and will not normally exceed 2 hours, but the timing and duration of lunch breaks may be varied in advance by agreement with the line manager. Services may operate local arrangements.
- 5.4.2 No employee may work more than 6 hours without an unpaid break of at least 30 minutes.
- 5.4.3 A rest period of at least 11 hours must be taken between an employee's finishing time on one day and their starting time on the next day.

5.5 Settlement Period

- 5.5.1. The **Settlement Period** for all employees is four weeks. The contracted time for the settlement period for full-time employees is 140(148) hours.

5.6 Credit Hours

- 5.6.1. **Credit Hours** are the number of hours worked in excess of the standard hours for the settlement period i.e. for full-time employees, more than 140(148) hours.

- 5.6.2 A maximum credit balance of 15 hours is allowed at the end of the settlement period. Any credit balance above this maximum will automatically be reduced to 15 hours at the start of the following settlement period
- 5.6.3 For part time employees a time credit of not more than their individually calculated pro rata maximum credit at the end of the settlement period may be carried forward to the next settlement period. Any time credit accumulated in excess of this amount will be forfeited in the same way as full-time employees. The calculation will be as follows:

$$\frac{\text{total contractual hours over four week settlement period}}{140/148 \text{ hours}} \times 15 \text{ (max credit hours)}$$

5.7 Debit Hours

- 5.7.1 **Debit Hours** are the number of hours worked below the standard hours for the settlement period i.e. for full-time employees, below 140/148 hours.
- 5.7.2 A maximum debit balance of 7 hours is allowed at the end of the settlement period. Whilst debits are permitted, this should be exceptional. An employee presenting a debit balance for 3 consecutive settlement periods will normally be removed from the provisions of this Policy and instructed to work fixed hours of work.
- 5.7.3 For part-time employees a time debit of not more than their individually calculated pro rata maximum debit at the end of the settlement period may be carried forward to the next settlement period. The calculation will be as follows:

$$\frac{\text{total contractual hours over four week settlement period}}{140(148) \text{ hours}} \times 7 \text{ (max debit hours)}$$

- 5.7.4 Any debit of more than the maximum permitted amount of hours at the end of the settlement period will be regarded as unauthorised absence. This will normally result in a deduction from salary in the following pay period and may lead to disciplinary action.

5.8 Credit/Debit Balances on Leaving

- 5.8.1. Employees terminating their service with East Lothian Council should ensure that any balance of credit or debit time is reduced to zero before leaving the Council's service. Where a credit balance still remains this will normally be forfeited on departure. Where a debit balance remains this will result in deduction of salary from the employee's final salary payment.

6. Flexi Leave

- 6.1 **Flexi Leave** may be taken, only with prior authorisation, either as full days or in half days, up to a maximum of two days i.e. 14 hours (14 hours 48 minutes) maximum, or proportion thereof for part-time employees, during any one settlement period. This limit must not be exceeded during any one settlement period under any circumstances.

6.2 Flexi leave will be granted subject to managerial approval and the needs of the service. Wherever possible employees should provide their line manager with at least 5 working days' notice of their request for time off. Flexi Leave cannot however be approved substantially in advance of the day/days requested as service requirements need to be assessed close to the time.

6.3 An employee will only be granted flexi leave when either: -

- the employee has sufficient credit to cover the duration of the requested leave;

or

- the line manager is satisfied that any resulting debit will not lead to the employee failing to meet the maximum debit rule at the end of the Settlement Period.

6.4 Annual Leave and Flexi Leave are two separate and distinct forms of leave. All employees have an entitlement to a specific amount of Annual Leave but the timing of leave is subject to agreement with their line manager. There is no entitlement to Flexi Leave but a line manager may approve a request where service delivery will not be compromised. An employee may apply to use Flexi Leave to supplement or replace annual leave when planning holidays and may be permitted to do so providing they have sufficient flexi credit at the end of the accounting period prior to taking the leave.

7. Authorised Absences

7.1 A credit will be given for authorised absences in accordance with paragraph 7.3 of this Policy. This will be 7 hours (7 hours 24 minutes) for a full day, 3 hours 30 minutes (3 hours 42 minutes) for a half-day (pro rata for part-time employees) and the time of absence for other periods.

7.2 For part-time employees the standard hours for that particular day may be credited up to the above maximum hours for a standard full day and half-day.

7.3 Time credit will be given for the following:

- Annual Leave
- Public Holidays
- Sickness Absence
- Approved Special Leave including Maternity Leave, Maternity Support Leave/Paternity Leave, Parental Leave, Adoption Leave, Bereavement Leave, Leave for Illness of a Dependent, Hospital appointments
- Authorised Trade Union Duties
- Approved Time Off in Lieu of Additional Hours Worked

- Jury Duty
- Other Authorised Absences under Council policies.

7.4 Time required to attend an approved learning/development activity, either in house or external, will be considered as working time and should be recorded accordingly. An employee may undertake their normal duties before and/or after learning/development activities and record their total working hours for the day in the normal way.

7.5 The Policy allows for considerable flexibility and therefore employees are expected to plan and arrange routine personal business in their own time. As a result time credits will not be given for absences such as:

- Doctors appointments (excluding ante natal appointments which fall within the maternity provisions)
- Dental appointments
- Optician appointments
- Appointments related to managing personal matters e.g. legal or financial proceedings

8. Overtime

8.1 Hours worked during the bandwidth (i.e. 7.00 a.m. to 9.00 p.m.) will not *normally* attract enhanced payments.

8.2 The extended band of working hours should enable most fluctuations in service demands to be managed successfully without using overtime. Very exceptionally however circumstances may arise where particular working arrangements need to be applied e.g. where staffing levels in a team/service have fallen below minimum levels required to maintain services to an acceptable level or where short-term work demands require a substantial increase in staffing resources. In these circumstances the Director/Head of Service, in consultation with the Head of Human Resources, may agree to temporarily suspend the normal bandwidth and apply overtime from 5.00pm on any working day. This arrangement will apply only to employees in the relevant service area and for the minimum duration necessary to deal with the situation.

8.3 Hours worked as overtime should be recorded separately on the normal Overtime Working Claim Form. Payment will be made in accordance with the employee's terms and conditions of employment.

8.4 An employee with a debit balance should not be offered overtime until the debit is cleared.

(NB: Employees should refer to the Management of Overtime Policy the terms of which apply to overtime working).

9. Employees' Responsibilities

- 9.1 Employees are responsible for managing their own time within the rules of the Policy but are required to co-operate with colleagues and their line manager to ensure that appropriate staffing levels and good team-working relationships are maintained.
- 9.2 Employees must ensure that they record their time accurately and honestly on the standard form (attached as Appendix 1).
- 9.3 Employees are responsible for ensuring that, other than in exceptional circumstances, their line manager approves absences from work in advance of the actual absence.
- 9.4 Travel to and from work is an employee's personal responsibility. In circumstances where an employee either arrives late or leaves early because of bad weather, public transport difficulties etc, no credit will be given and actual starting/finishing times will be recorded. This will not apply where the Council decides to close establishments in which case an approved credit will be applied. Where an employee is unable to attend work due to exceptional weather conditions, the employee will be credited with standard hours (the question of whether the employee will be granted special leave with or without pay will be addressed in accordance with the Adverse Weather Policy.)

10. Line Managers' Responsibilities

- 10.1 Line Managers must ensure that service delivery requirements are met.
- 10.2 Line Managers must ensure fairness and consistency in terms of applying the benefits of the Policy.
- 10.3 Line Managers must monitor time recording of employees and ensure that all employees are complying with the rules and obligations of the Policy.
- 10.4 Line Managers must ensure that new employees are provided with a copy of the Policy and receive appropriate information and guidance to participate fully in the Policy.
- 10.5 In exceptional circumstances and in order to meet the requirements of the service, Heads of Service, following consultations with the Head of Human Resources and trade union representatives, may implement temporary restrictions on the operation of the Policy or the temporary suspension of the Policy.

11. Abuse Of The Policy

- 11.1 This Policy is based on trust. Any abuses of the Policy will be considered to be misconduct and will be treated as a disciplinary matter in accordance with the

Council's Disciplinary Procedure. The result of any such proceedings may result in disciplinary action together with withdrawal of the employee from the Policy, either temporarily or permanently.

12. Young Workers (someone above the minimum school leaving age but below the age of 18 years)

12.1 In order to ensure compliance with the Working Time Regulations, a Young Worker may not ordinarily work more than 8 hours per day and 40 hours per week. These hours cannot be averaged out and there is no opt-out available.

12.2 A Young Worker must also have a minimum rest break of 12 hours between consecutive days of work.

12.3 Line managers must ensure that these provisions are applied to any Young Worker.

13. Review

13.1 This Policy is a formal Council policy and may be reviewed by the Council, in consultation with the Trade Unions, in the light of operational requirements.

Head of Human Resources
Amended November 2008