

**URN:** 20-155  
**Subject:** Flexitime Policy  
**Report to:** Policy & Resources Committee 23 March 2021  
**Report by:** Sarah Tate, Head of OD  
**Date:** 01 March 2021

**SUBJECT MATTER/RECOMMENDATIONS**

This report introduces the new Flexitime Policy, which replaces the two current schemes.

**Recommendations:**

**That Committee**

1. agree the new Flexitime Policy

**1. BACKGROUND**

The Executive Leadership Team (ELT) asked a staff group (the Staff Engagement Group) to engage with employees across the Council to review the flexitime arrangements which are currently in place and to help them to fully understand the implications of making any changes. Flexi-time is a non-contractual right and is a locally designed policy which should be fair and progressive, although may not be absolutely consistently applied where the needs of the customer drives the service need.

The Council currently operates two flex schemes, some employees benefit from the Superflex Scheme, others from the Flex Scheme; and some staff work specific contracted hours due to the nature of their role and service needs. Feedback from some employees indicated that they feel it is unfair to have two schemes and that flex is not managed consistently. It is the aim of the new policy is to resolve this and to ensure that the needs of the service are the driver for the policy.

The Staff Engagement Group, with UNISON, began reviewing the two schemes in 2018. They sought feedback from colleagues on a number of areas of both schemes and presented a new scheme proposal to ELT in December 2019. Following the onset of the pandemic the flex schemes were suspended and work was stalled whilst colleagues worked on the response to the pandemic. Since then the new policy was drafted and presented to the Joint Consultative Working Group in November 2020. The draft policy was shared with all staff during February 2021 to allow them to comment on the scheme. Some minor amendments were made following this feedback.

It is clear from the feedback that training sessions for managers and staff are vital to the successful operation of the scheme and these will be undertaken prior to implementation and that flexitime is managed. It is also clear that staff are not aware of the Flexible Working Policy and their rights to request flexible working. Used together, the Flexitime Policy and Flexible Working Policy enable a flexible and agile workforce that helps the Council to successfully deliver its services whilst enabling staff to maintain a work life balance.

## **2. FINANCIAL AND RISK IMPLICATIONS**

The risks of not implementing a new policy for all is that we continue to operate two separate schemes which will continue to cause inconsistencies and have an impact on staff morale and do not take into account the needs of the service. The new scheme will support and enable maximum efficiency whilst balancing working and needs of customers.

The policy will be subject to regular review in response to changing service delivery needs and with the ongoing development of new technologies.

## **3. CONCLUSION**

Following significant feedback, the new scheme reflects the needs of the service and gives staff the ability to work flexibly whilst enabling managers to manage their service in a consistent way and to respond to customer needs. Used in conjunction with the Flexible Working Policy it ensures the Council can continue to successfully deliver its services in line with customer needs with a flexible and agile workforce that helps the staff to maintain a work life balance.

## **4. BACKGROUND PAPERS**

Flexible Working Policy – Appendix A.

<b>Area for consideration</b>	<b>Comment</b>
Monitoring Officer Consultation:	Considered
Section 151 Officer Consultation:	Considered
Existing Council Policies:	Flex & Superflex Schemes, Draft Flexitime Policy
Financial Implications:	Considered
Legal Implications (including human rights)	Considered
Risk Implications:	Considered
Equality Issues/EIA:	Completed
Crime & Disorder:	N/A
Every Child Matters:	N/A



# Flexitime Policy

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<b>Version No.</b>	<b>1</b>
<b>Updated by</b>	<b>HR Advisor (Policy) &amp; Head of Organisational Development</b>
<b>Date of update</b>	<b>01 March 2021</b>
<b>Description of changes to this version</b>	<b>New policy for new flexitime scheme – to replace Flex and Super flex schemes</b>
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## 1.0 Introduction

- 1.1 The Council believes that its employees are its most valuable asset and is committed to retaining, and attracting, the very best talent. Along with other initiatives, the Council considers that having a flexitime scheme can help employees balance their work commitments and home lives along with other priorities and promote work-life balance, increase staff motivation, reduce employee stress and improve performance and productivity.
- 1.2 The flexitime scheme should allow employees to work more flexible hours and have a greater degree of control over the pattern of their working hours, for example by coming into work later, or going home earlier or having a longer lunch break than a set pattern of working hours would dictate, subject to agreement from their line manager and the needs of the service.
- 1.3 There is a guiding and over-riding principle that this flexibility should be achieved without an adverse effect on the overall efficiency of teams, departments or the service and that providing a first-class service to our customers and the general level of efficiency is paramount. The services GYBC provides must be fully available during our opening hours so there will be some limitations on the degree of flexibility that can be expected. Some posts require staff to be available during certain times and it is a pre-requisite of the scheme that the operational demands of the Council must always be met.
- 1.4 This policy provides details of the Flexitime Scheme, which replaces both the Flex Scheme and the Super flex Scheme and has been agreed with UNISON. The policy applies to all Council employees who currently work with one of the flex schemes. The Chief Executive Officer, Directors, Heads of Service and members of staff whose contract of employment details

alternative working arrangements, for example those staff working a specific shift pattern, or set hours are not covered by this policy. Staff who have a flexible working/contractual agreement in place to work compressed hours should not accrue additional flexitime as they already work longer hours each day.

- 1.5 The success of the flexitime scheme will require close co-operation within and between departments to ensure that arrangements are in place to make sure that the activity of our departments is adequately covered at all times. Managers should ensure that they are able to provide adequate cover for service delivery without overloading individuals or individual teams. *One Team One Council*.
- 1.6 This scheme is discretionary and can be suspended or terminated by the Council at any time. However, before such a step is taken, this would be discussed with those concerned and an explanation given of the reason(s) and approach to be taken.
- 1.7 There may be exceptional circumstances, for example, employee shortages where the needs of the service must take priority and it may be necessary to restrict or withdraw flexitime working, having first considered other alternatives. In these cases, the situation will be kept under review with employees. This decision will be made by the Head of Service.
- 1.8 Employees are expected to perform their duties in accordance with their contractual obligations, their job description, any agreements which are in place and GYBC's Agreed Behaviours: *Effective communication, Working together, Taking personal responsibility, Putting Great Yarmouth First, People focused and Embracing change*. Our Agreed Behaviours confirm the way we will behave at work, what behaviour is supportive, appropriate and welcome and what is not, and forms part of the Performance Development Review (PDR) process. For more information: <https://the-loop.great-yarmouth.gov.uk/review-my-performance/agreed-behaviours-framework>
- 1.9 This Flexitime Scheme is about flexibility within the working day and should not be confused with the Flexible Working Policy, which refers to an employee's legal right to request a different working pattern or way of working agreed between an employee and GYBC, details of which can be found on The Loop.

## **2.0 Responsibility for the operation of the Flexitime Scheme**

- 2.1 The success of the scheme is dependent on employees accepting personal responsibility to ensure that the work of the Council and the provision of services to the public do not suffer. By working the flexitime scheme, employees are accepting the policy in its entirety and agreeing to all of its terms.
- 2.2 Employees who fail to follow the flexitime scheme arrangements outlined in this document and/or to keep accurate up to date flex sheets will have the facility withdrawn and may be subject to disciplinary action. Falsification of time sheets is considered to be gross misconduct.
- 2.3 Managers are responsible for the successful application and operation of the flexitime arrangements, including managing and approving employee attendance. Further details are outlined in the 'manager responsibilities' section of this scheme.

## 3.0 Scope of the Flexitime Scheme

- 3.1 The scheme will apply to all employees of the Council except the Chief Executive Officer, Directors, Heads of Service and other members of staff whose contract of employment details alternative working arrangements. Staff who have a flexible working/contractual agreement in place to work compressed hours should not accrue additional flexitime as they already work longer hours each day.
- 3.2 Some officers may have to operate a limited scheme of flexitime working because of the needs of the service. This will be documented by the line manager and held on individuals' personal files in HR.
- 3.3 Should it be necessary to exclude employees from the scheme for operational reasons, their specific working time will be detailed in their contract of employment.
- 3.4 It is imperative that normal service delivery is not affected by a flexitime request. Employees must always bear this in mind.
- 3.5 The Flexitime Scheme may not be suitable for all roles or services within the Council, for example, services that require face-to-face delivery during specified times. For further clarification, employees should speak to their line manager.
- 3.6 Employees and managers should ensure compliance and adherence to legislation i.e. Working Time Regulations, Health and Safety at Work Act.

## 4.0 Operation of the scheme

- 4.1 The standard working week for Council employees is 37 hours, with a standard working day of 7 hours 24 minutes. The Council's offices are open from 07.30 to 18.30 hours, Monday to Friday, to enable employees to carry out their duties. Offices are open to the public on those days from 09.00 to 17.00 hours.
- 4.2 The underlying principle of flexitime working hours is based on a working day which is split into two different types of time band. The middle part of the working day is called 'core hours' and these are times that employees must be at work/working, unless agreed with their line manager. The 'flexibility' is at the start, finish and lunch period of each day.
- 4.3 The time bands are:

07.30 – 09.30	flexible starting band
09.30 – 12.00	core hours
12.00 – 14.00	lunch (during which time a minimum of 20 minutes unpaid must be taken). Flexitime may be used to extend the lunch break
14.00 – 16.00	core hours
16.00 – 18.30	flexible finishing band
- 4.4 Employees may start work before the beginning of the flexible starting band, although flexitime working will only start to accrue from 7.30am. Occasionally, in exceptional circumstances and with prior management approval, it may be possible to claim flexitime working time for work outside of the above time bands when there is a service need and

where it is agreed before it is worked. The expected norm, however, is that employees work within the above time bands.

- 4.5 An employee's time of arrival at work and departure from work during the flexible hours will be a matter of personal choice, subject to the working arrangements within teams being agreed by the manager and the demands of the employee's role. No individual should work hours which impair the efficiency of his/her team and employees should not assume that they can arrive late or leave early every day. The needs of the Council take precedence.
- 4.6 Some employees work a 'compressed hours' pattern of work which may involve different arrangements for working times than those described in this policy. This arrangement will have been discussed and approved in line with the Council's flexible working policy. Employees who work a compressed pattern should not accrue additional flex time.
- 4.7 All employees are required to complete their flex sheet every day, ensuring that working hours and all breaks are recorded using the actual time worked, and breaks taken.

## **5.0 Flexitime Scheme Accounting Period**

- 5.1 Employees are responsible for working their contracted hours.
- 5.2 The accounting period for flexitime will be over a period of four weeks. The hours of work for full time employees are 148 hours (37 hours x 4 weeks) during a 4-week accounting period and the standard hours for one day of work are 7 hours and 24 minutes.
- 5.3 For employees who work less than full time, the hours will be pro-rata their contractual arrangements i.e. for someone who works 22.12 hours a week this will be 88.48 hours (22.12 x 4).
- 5.4 A normal working day is 7 hours 24 minutes (which excludes the mandatory 20-minute unpaid break) and a half day would be 3 hours 42 minutes.
- 5.5 When a half days flex is being taken, the employee must work the core time of either the morning or the afternoon, depending which part of the day is being taken.
- 5.6 Employees are able to carry over a maximum of 15 hours credit to the following accounting period. Only where there are exceptional circumstances arising which prevent an employee from taking flexitime leave in the appropriate accounting period, or where there has been a service need, for example, year-end workloads, will the line manager consider agreeing to the excess hours being carry forward to a subsequent accounting period, for a one-off time. In all other cases the employee must reduce their hours on their timesheet to a maximum of 15 hours to be carried forward and send their timesheet to their line manager at the end of each 4-week flexitime accounting period electronically.

Any carry forward must be discussed and approved by the line manager through submission and sign off of the completed timesheet; where the line manager has not agreed to the employee carrying forward more than 15 hours, they must work with the individual to reduce the balance and address any workload issues which may have impacted on the employee working excessive hours.

- 5.7 An employee may not carry over more than 5 hours debit to the following accounting period. If an employee is more than 5 hours in debit, the manager will discuss the situation with the employee. This discussion should be an opportunity for the employee to address any problems they are facing with their workload or their ability to repay the deficit. The way forward may involve an appropriate deduction being made from the employee's salary or by the employee using annual leave to make up the shortfall. The resolution should be noted on the employee's timesheet. The deficit should not continue on an ongoing basis.

It is the employee's responsibility to work their contracted hours. If they repeatedly finish a flex period with more than the permitted deficit for a period of 3 months, they may be excluded from the scheme and required to work standard working hours for an agreed period of time. The employee may also wish to consider submitting a flexible working request to reduce their working hours if the situation cannot be resolved.

Managers should ensure that they are discussing workloads and working time with the individual to ensure that the situation does not continue into the next month and that they are checking on their wellbeing to understand why there has been a need to work excessive hours in that month, or where the employee has not been able to fulfil their contractual hours and to ensure that it does not continue. Any support needed for the employee should be clearly identified and appropriate timescales for actions noted. This conversation should be documented in a 1:1 meeting with the employee.

- 5.8 To enable total hours to be calculated quickly and efficiently, employees are required to complete a corporate timesheet every working day, ensuring that they state the time they start work, finish work, and how long they have taken for lunch and other breaks, including cigarette breaks, going to a shop etc. during the course of the working day, which is used to record and calculate working time.
- 5.9 By submitting the form electronically employees are effectively 'signing' to say that the content is accurate and factually correct. As stated in the terms and conditions of contract, falsification of a timesheet will be treated very seriously as it could constitute fraud and be considered gross misconduct and may lead to disciplinary action and potential dismissal.
- 5.10 Employees may take up to 2 days flex leave in an accounting period, subject to a maximum of 13 days (pro-rata) in a 12-month period and the scheme limits on credit and debit. All leave must be approved by the line manager in advance. Flex leave should be recorded on electronic holiday cards with approval from the line manager.
- 5.11 Employees must have lunch, or a break outside of core hours, within six hours of starting work and must always enter a break period on their workdays, unless they have only worked half a day and started/finished without having a break.

The Working Time Regulations stipulate that where an employee works for more than 6 hours they must take a 20 minute break. This break will be unpaid.

## **6.0 Additional hours/overtime working and flexitime**

- 6.1 All working hours should be managed within the constraints of the scheme so overtime would only be payable in exceptional circumstances and would need to be at the request of or agreed in advance with the manager.

## 7.0 Other types of leave

- 7.1 The Absence Management Policy explains the different type of leave which can be considered by managers.

### 7.2 Medical appointments

Medical appointments cover visits to a doctor, dentist or optician. Routine appointments to see doctors, dentists, opticians etc should be taken in the employee's own time, preferably outside working hours and flexible working arrangements are in place to facilitate this. No time should be credited on time sheets for these appointments.

Non-routine, urgent appointments where the employee requires more immediate medical attention should where possible be taken in the employee's own time. However, where this is not possible and the appointment must be made during the employee's normal working day, the employee's line manager should be made aware of the situation. Managers must ensure employees are released to attend such appointments. No time should be credited on time sheets for these appointments.

In line with the Green Book (Part 2, paragraph 7.7) necessary paid time off will be granted for the purpose of cancer screening. Managers should, in consultation with HR, authorise paid time off (this will be subject to regular review to ensure continuing eligibility) when specialist, hospital or prolonged treatment is required. This also relates to appointments made as a result of a specific recommendation at an Sickness Absence Review (SAR) meeting (including Counselling sessions with the Council's Employee Assistance Provider), for cancer screening, with Occupational Health, or, in connection with injuries/sickness that have been specified as work related on a fit note. This will be subject to regular review. In such cases the manager should seek advice from the HR team in the first instance to ensure consistency.

Where an employee claims paid time under the paragraph above to attend medical appointments etc the total paid hours for the day (including time actually worked) must not normally exceed the employee's normal contracted hours for that day.

### 7.3 Elective surgery

Elective surgery is surgery that is not medically necessary and can include cosmetic surgery or dentistry purely to enhance appearance. For elective procedures, i.e. cosmetic surgery, eye laser treatment, etc., the employee must use annual leave, flex, unpaid leave, etc. to cover the procedure itself.

There is no entitlement to occupational sick pay for such procedures; however, if as a result of the procedure, the employee is then subsequently unfit to attend work, this should be reported and recorded as sickness absence. Employees will require a fit note to cover this period of absence.

If an employee chooses to undergo elective surgery, the Council would ask that where possible, this is arranged at times causing the least impact to the service. The employee would need to discuss this with their manager in order to gain permission for the time off and to discuss how this will be covered – for example – annual leave, flex or unpaid leave.

### 7.4 Gender reassignment

Please note that gender reassignment procedures, recommended by a medical practitioner in order to assist in overcoming issues which impact upon wellbeing, are not considered elective.

## **7.5 Fertility treatment**

For those employees undergoing fertility treatment and therefore requires time off for appointments, these times should be taken as flex, annual leave or unpaid leave.

Further time off from work due to the side effects of infertility treatment should be treated in accordance with the Council's Sickness Management Policy. Sickness absence associated with infertility treatment will be not be classified as 'pregnancy related'. However, following implantation a woman is regarded as being pregnant from the point of implantation, and therefore any absence related to the implantation will be classed as pregnancy related. She is also protected from dismissal or adverse treatment under the Equality Act 2010 pregnancy legislation. The pregnancy test is usually taken two weeks after implantation.

If the treatment is successful and the woman remains pregnant, she will be protected against discrimination on the grounds of pregnancy until the end of her maternity leave.

If the treatment is unsuccessful, the protection will end two weeks after the end of the pregnancy. A pregnancy test is taken two weeks after implantation and, if the test is negative, the protected period extends for a further two weeks.

Employees undergoing infertility treatment may require some degree of flexibility in their day-to-day pattern of work over and above the granting of leave. The employee's line manager will be responsible for managing the flexibility that is required to attend appointments for treatment. Reasonable adjustments should be made using the range of flexible working options available. Employees must provide as much notice as possible and evidence must be given of appointments made. All cases will be treated individually, and confidentiality will be maintained at all times

## **8.0 Other conditions**

- 8.1 Managers and employees must be clear from the outset as to the arrangements for ensuring that the workplace is covered during the standard working hours, as well as to deal with emergencies and for attendance at evening/weekend meetings etc. This includes confirming the minimum number of staff to be on duty at any one time.
- 8.2 All employees should observe rest breaks in accordance with their contract of employment and the Working Time Regulations.

## **9.0 Balance on taking maternity leave or leaving the Council's employment**

- 9.1 Any flexitime credit must be taken before maternity leave starts. Similarly, there should not be a flexitime debit when an employee starts maternity leave.

- 9.2 Where an employee has deficit hours outstanding on leaving the Council's employment, this will be treated as time off without pay and a deduction will be made from their final salary or offset against annual leave payment owed to the employee.
- 9.3 Payment will not be made for hours when employee is in credit when they leave the Council as they are required to manage their hours accordingly during the notice period.

## **10.0 Abuse of the system**

- 10.1 Any abuse of the system will be treated as a disciplinary matter and could be considered gross misconduct.

## **11.0 Suspension or termination of the flexitime scheme**

- 11.1 Below are examples where the flex scheme may be suspended or terminated (this list is not exhaustive):
- Work demands may require fixed hours for a temporary period.
  - Consistent failure to reduce debit allowance or if employees are finding it difficult to manage their working time.
  - Abuse of the flex scheme, which may also lead to disciplinary action.
  - Change of job role due to business or service need.
  - In the event of an emergency or unprecedented situation.
- 11.2 Except where there is an abuse of the scheme, where practicable, one week's notice will be issued to terminate or suspend the flex scheme and working hours will be based around GYBC official opening hours or as directed by the Chief Executive/ELT.

## **12.0 Line manager responsibilities**

- To ensure that the flexitime system is applied fairly and consistently.
- To ensure that an employee's flexitime working will not adversely affect the department or service, that their service is effectively maintained during working hours for their customers, access to services and any enquiries and that service needs are met.
- To manage employee hours within the service thereby reducing the need for overtime
- To ensure their employees provide them with an electronic copy of the completed time sheet at the end of each flex accounting period and that any employees with more than the permitted credit or debit are managed in accordance with sections 5.6 and 5.7 of this policy.
- To check, monitor and sign off time sheets on a monthly basis.
- To ensure that HR have been informed of any sickness absence as per the Council's absence policy.
- To check that employees do not go over the maximum credit/deficit at the end of each flex accounting period by managing appropriately and discuss any concerns with the employee at a 1:1 meeting. Discussions must be recorded.
- To ensure the accumulation of hours does not exceed the Working Time Regulations of 48 Hours per week averaged over 17 weeks.
- To ensure that employees are familiar with the rules of the scheme and that new starters are

fully briefed on the policy.

- To ensure that any misuse/abuse of the flexitime scheme is addressed and raise concerns with HR if they believe the system is being abused.
- To monitor employee hours being reduced to the maximum carry forward and take action to address both excessive credit and debit hours.
- Feedback to HR on the effectiveness of the policy.

### **13.0 Employee responsibilities**

- To work their contracted hours.
- To accurately record their working hours and breaks each day on the timesheet.
- Employees must not adjust working times on past flexi periods, without their managers permission as this will adjust credit/deficit throughout the flexi year. Any changes must be clearly identified and noted on the time sheet.
- To provide their manager with an electronic copy of their timesheet at the end of each flex accounting period as well as at any other time at the request of the manager
- To adhere to the requirements of this policy including maximum credit and debit hours.
- To work as a team to ensure that service needs are met.
- To raise concerns with their manager or HR if they believe the system is being misused.
- To request full and half days flexitime leave in advance of the leave being taken, and authorised by their manager.
- To observe rest breaks in accordance with their contract of employment and the Working Time Regulations.

### **14.0 Monitoring**

- 14.1 This policy will be monitored and reviewed annually. Services will be responsible for assessing the operation of flexitime working arrangements to ensure the principles within the scheme are adhered to.

### **15.0 Advice**

- 15.1 If an employee has a query about the scheme, they should ask their line manager, HR or trade union representative in the first instance. Any unresolved issues should be referred to the Head of Service.
- 15.2 Any queries or disputes as to the interpretation of the procedures that cannot be resolved at service level should be referred to HR for consideration.
- 15.3 Go online to [www.gov.uk](http://www.gov.uk) to read more about the Working Time Regulations

### **16.0 About this policy**

- 16.1 This policy does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of management in consultation with UNISON.

- 16.2 This scheme is discretionary and therefore the Council reserves the right to withdraw flexible working hours at any time for a member of staff/team/service. However, before such a step is taken, this would be discussed with those concerned.