

## FLEXI TIME SCHEME

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**Contents Page:**

	Pages
1 <b><u>Introduction</u></b>	<b>3</b>
<u>Participation in Flexible Working Hours (FWH)</u>	3
<u>Exemptions</u>	4
<u>Responsibilities</u>	4
<u>Abuse of the Scheme</u>	4
<u>Complaints/appeals</u>	4
2 <b><u>Operation of flexible working hours</u></b>	<b>5</b>
<u>Time Recording</u>	5
<u>Hours of Work</u>	5
<u>Time carried forward – Excesses and Deficits</u>	5
<u>Terminations</u>	6
<u>Flexi leave</u>	6
<u>Absences from work – Credit and Debit Entries</u>	6
<u>Overtime/Time off in lieu</u>	8
<u>Duties away from normal base</u>	9
<u>Bad weather or similar circumstances</u>	9
<u>Checks and certification</u>	10
<u>Retention of completed FT1's</u>	10
3 <b><u>Review of the Scheme</u></b>	<b>10</b>
<b>Appendix</b>	
1 <u>Flexible Working Hours Record</u>	<b>11</b>
2 <u>Time off in Lieu (TOIL) Guidance for Line Managers and Employees</u>	<b>12</b>
3 <u>Time Off in Lieu Record (TOIL)*</u>	<b>15</b>

\*An electronic version of this form can be found on the HR [intranet page](#) under the header 'forms)'.

## 1.0 INTRODUCTION

- 1.1 This document sets out the main provisions for the operation of a Flexible Working Hours (FWH) scheme for Scottish Borders Council.
- 1.2 The main purpose of FWH is to provide a more flexible system of attendance for staff, on a discretionary basis, **with the guiding and overriding principle that this flexibility should be achieved without adverse effect on overall efficiency or on services. It is therefore essential that FWH arrangements must at all times operate in accordance with and subject to service requirements.** It is recognised that there will be staff across the Council e.g Social Work, whose core working conditions sometime require them to work outside the corporate band width.

### Participation in FWH

- 1.3 In principle, the scheme is open to employees in all departments of the Council, with the exception of Chief Officers and Teachers. However, the operation of a FWH scheme is likely to be impractical for employees on shifts or on squad work and may be problematic in other areas such as public offices where there are limited staff resources
- 1.4 It is therefore emphasised that the application of the scheme to groups of employees or individuals is at the discretion of the Director (or nominated officer). Similarly, from an individual's point of view, participation in a scheme is voluntary and individual employees can opt not to participate and remain on standard hours.

While this policy provides for the accrual of up to 2 days' flexi leave in a 4 week period, the details of the operation of the scheme in each Department are at the discretion of the Director.

Each Director must consider the most effective way of delivering services within their department.

If they decide that operation of the FWH scheme is appropriate for their department, they must then decide whether to allow 2 days' flexi leave to be accrued in each period or whether this should be restricted to 1 day.

The Director must also consider the level of staffing required in the department throughout departmental business hours and may restrict the times at which the FWH scheme can be used by employees or the number of employees who can utilise the scheme at certain times.

For example:

Departments may provide that employees cannot start work and accrue flexitime before or after a stated time.

(e.g, A department deals predominantly with enquiries from the public. Employees cannot start work and accrue flexitime before 8:30am or work beyond 5:30 pm.)

Similarly, departments may require a certain amount of cover at specified times.  
(e,g at least two members of the department must be working until 5pm.)

The operation of the FWH should be reviewed by the Director at regular intervals to ensure that the FWH scheme continues to be applied in accordance with service requirements.

The Director may change the terms of operation of the FWH scheme within their department if they deem this in accordance with the requirements of the service.

### **Exemptions to FWH**

1.5 In areas where essential services are provided to service users or the public it is recognised that operational requirements and regulations mean that it is not possible for staff to participate in the FWH scheme. Examples where this applies are:

- Residential Homes for Children and Older People
- Additional Needs Assistants
- Home Care Assistants
- Day and Community Support Services

Employees who are using certain other types of flexible working scheme cannot participate in the FWH scheme.

For example, employees who work compressed hours are ineligible for the FWH scheme. (In principle, part time employees and those in a job share arrangement can participate in the FWH scheme, subject to service requirements).

Employees working from home will work a normal working day, and will not build up flexitime credits while working from home, unless this has been agreed in advance with their line manager.

### **Responsibilities**

1.6 Directors are responsible for operating the Scheme within their departments and may modify, suspend or cease the operation of the scheme, with the agreement of the Service Director HR and Communications, where such action is required to maintain or improve services.

1.7 Employees who participate in the scheme are responsible for accurately recording their working time within the scheme's regulations. Line managers/supervisors are responsible for managing the scheme's operation within their section, including undertaking appropriate checks of the FWH records of their team members.

1.8 At all times work locations must be staffed to the appropriate levels as determined by Directors.

### **Abuse of the scheme**

1.9 Abuse of the scheme is a serious disciplinary matter and will result in the Director or nominated officer taking appropriate disciplinary action. Directors have the authority to remove the facility of FWH from individual employees where difficulties are experienced.

### **Complaints/appeals**

1.10 Complaints by employees regarding the operation of the Scheme should be referred to the appropriate line manager and then to the Director where necessary. Where the matter cannot be resolved at this level the Service

Director HR & Communications (or nominated member of HR staff) will meet both parties to seek to resolve the matter.

However the decision of the Service Director HR & Communications will be final and there is no right of further appeal.

## 2.0 OPERATION OF FLEXIBLE WORKING HOURS

This section sets out the main provisions, rules and guidance on the FWH Scheme, subject to individual departmental provisions as set by the Director.

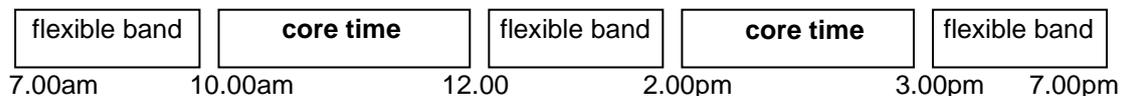
### Time Recording

- 2.1 Employees participating in FWH are required to record their hours worked, credited or debited on form FT1 (Flexi-sheet) (see [Appendix 1](#) for completed example). Entries should be made on a daily basis, recorded to the nearest minute, and totalled weekly and monthly.

### Hours of Work

- 2.2 The normal working day will consist of a **band width** of 7am to 7pm. This period is split into **core times** (which must be worked) and **flexible bands** (where the employee may vary their attendance as permitted by their line manager). The normal core times and flexible bands are shown in Figure 1.

Figure 1: **Core times and flexible bands**



- 2.3 Recorded start times in the morning must not be before 7.00am and recorded finishing times must not normally be after 7.00pm unless an agreement has been reached with the Director or nominated officer.

**A daily lunch break of at least 20 minutes must be taken if the working day is longer than 6 hours unless the employee is under 18 when the lunch break must be at least 30 minutes long and be taken after a working period of 4 ½ hours. This break must be recorded on the employee's flexi-sheet. This includes when employees work from home.**

- 2.4 The scheme will operate on the basis of a four week accounting period with appropriate contractual hours (e.g. 140 hours for employees with a 35 hour per week contract).
- 2.5 Normal hours of work will remain unchanged. For example office hours for full time employees not working flexible hours will be Monday to Thursday 8.45 to 5.00pm and Friday 8.45am to 3.45pm.
- 2.6 Directors may approve adjustments to core hours and bands for particular categories or groups of employees where current working hours differ from 2.5 above, with the agreement of the Service Director HR and Communications.

### Time Carry Forward - Excesses and Deficits

- 2.7 Employees may accumulate up to a maximum of 2 flexi-days (14 hours for 35 hour/week employees or 14 hours, 48 minutes for 37 hours/week employees))

**excess time** which may be carried-forward to the next accounting period. No more than 2 flexi days may be carried forward between any accounting periods and therefore any additional time above 14 hours **will be lost**, other than in exceptional circumstances such as ill health where additional carry-forward may be authorised by the Director. Carry forward for part-time employees is on a pro-rata basis.

As detailed in [para 1.4](#), the amount of time which can be carried forward may be varied for individual departments by the appropriate Director.

- 2.8 Up to one day's equivalent time deficit may be carried-forward to the next accounting period. At managements discretion a larger carry-forward may be permitted in the circumstances outlined in the previous paragraph. Where an employee is having difficulty in managing their deficit time their continued participation within the scheme should be reviewed without delay.

The amount of time which can be carried forward as a deficit forward may be varied for individual departments by the appropriate Director.

### Terminations

- 2.9 Where notice has been given that an employee is to leave the Council's employment, any time excesses or deficits should be cleared as soon as possible. No payments will be made by the Council in respect of outstanding excess time, however deductions will be made from any final salary payments where an employee has failed to clear a deficit of time.

### Flexi Leave

- 2.10 Where approval is given, employees may take time off as Flexi Leave. Flexi Leave should be recorded on the FT1 flexi sheet and authorised by the line manager. The relevant 'Start' and 'Finish' times and the 'Credit' and 'Debit' boxes should be crossed-out and '*Flexi-leave*' entered in the 'Reason' column.

There is no absolute right to Flexi Leave, even if an employee has accrued sufficient time for such leave. The request for Flexi Leave should be considered by the line manager in accordance with the requirements of the service.

- 2.11 Where a Flexi half-day is taken starting and finishing times should be recorded for the half day at work, the remaining 'Start' and 'Finish' times crossed out and '*Flexi-leave*' entered in the 'Reason' column. The total time for the day will be the time worked (see [Appendix 1](#)).
- 2.12 A maximum of 2 Flexi days (4 x ½) flexi days may be taken during a four week accounting period **subject to managerial approval and the needs of the service**. This limit operates on a pro-rata basis for part time employees e.g. a part-time employee working three hours per day would be permitted to take two three-hour days as Flexi Leave during each period.

### Absences from work - Credit and Debit Entries

- 2.13 Where an employee is absent from work (other than on Flexi-leave) the time involved will be recorded either as a **Credit** or a **Debit**.

## Credits

2.14 Certain absences from work can be recorded as **credits** i.e. the time will be recorded and **added** to the hours actually worked. The following should be recorded as credits (see also [para 2.15](#) re Hospital appointments):

<b>Annual Leave</b>	The appropriate number of hours and minutes should be recorded e.g. for staff with 35 hour contracts - 3 hours 30 mins for a half day and 7 hours for a full day. [note: Annual Leave should be recorded on Business World and approved by the line manager.
<b>Sick Leave</b>	As for Annual Leave
<b>Public Holiday</b>	As for Annual Leave
<b>Special Leave</b> (see <a href="#">HR Policy Guidelines</a> )	For example jury service - where the absence is for whole or half days the time absent should be recorded as for Annual Leave. Where the absence is less than half a day and occurs before 'clocking-on' the actual time absent should be recorded as a credit. Where the absence <b>breaks a working period</b> e.g. absence at a funeral from 10.00am to 11.45am the absence should be noted in the 'Reason' column but treated as if work had continued and therefore <b>no credit need be entered.</b>
<b>Training, seminars, etc.</b>	<p>Full day absences at training courses should be recorded minus the lunch break and minus the normal travel time.</p> <p>Any additional travel time may be included as training credit (Additional travel time is the difference between the normal travel time from home to normal work location and the travel time between home and the training location, if greater).</p> <p>Part day absences at training courses, seminars and similar events should be recorded. Where appropriate this will allow part-day working time to be fully recognised.</p> <p><u>Example 1:</u> Employee works from 8.00am to 10.00am, and then attends a training course in the same location which finishes at 5.30pm. Working time = 2hrs (i.e. 8.00am to 10.00am) Training credit = 6 hrs 30 minutes (i.e. 10.00am to 5.30pm, minus 1 hour lunch) Therefore total time for day = 8 hours 30 minutes</p> <p><u>Example 2:</u> Employee attends training course in Council HQ but usually works in Duns where the travel time from home to work is 15 minutes. Training starts at 09.00, has a 1 hour lunch break and ends at 4.30pm. Travel time from home to training course is 30 minutes, i.e. an additional 15minutes each way.</p>

	Training credit = 7 hours (i.e. 9.00am to 4.30 pm, minus 1 hour lunch and plus 30 minutes of additional travel).
<b>Hospital appointments including , for example cancer clinics</b>	<p>Attendance at Hospital for examination or treatment should be recorded as a <b>Credit</b>, within a notional working day of 9am to 5pm, with a notional lunch of 1 hour. Therefore the time absent will be recorded and <b>added</b> to any hours actually worked for that day.</p> <p><u>Example:</u> Employee absent at hospital and starts work at 2.00pm and works until 5.30pm. Credit = 4 hours (i.e. 9.00am to 2.00pm minus 1 hour lunch) Working time = 3 hours 30 minutes (i.e. 2.00pm to 5.30pm) Therefore total time for day = 7 hours 30 mins</p>

### Debits

- 2.15 Other absences during the working day will normally be recorded as debits i.e. the time will be recorded in the debit column and deducted from the hours actually worked. The following should normally be recorded as debits:

<b>Doctor (G.P.), Dentist appointments, etc.</b>	<p>For routine or planned appointments the actual time absence should be recorded as a <b>debit</b>. However, employees should make every effort to arrange appointments before or after work and where this is possible <b>no debit entry is required</b> since actual working time will not have been interrupted. Where this is not possible managers may wish to be flexible in respect of core hours.</p> <p>Emergency or non scheduled appointments will be dealt with in accordance with the guidelines for hospital appointments.</p>
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### Overtime/Time-off-in-lieu

- 2.16 The FWH Scheme and the overtime provisions are completely separate. Overtime will normally only be paid for time worked out with band width hours, and when it is impractical for the employee to take time off in lieu (TOIL – see [para 2.19](#) and [Appendix 2](#)). However the Director, with the agreement of the Service Director HR and Communications, may authorise the payment of overtime (as per the appropriate conditions of service) within band width hours but out with notional working hours of 9.00 to 5.00pm (or other agreed notional hours) to deal with major pre-planned workload peaks.
- 2.17 Where an employee qualifies for an overtime payment, all overtime worked will require to have prior authorisation of the Director.
- 2.18 All overtime hours must be recorded separately from flexible working hours, with care taken to ensure that there is no possibility of double counting.
- 2.19 It is recognised that when the FWH scheme cannot be applied in some services that a system of time-off-in-lieu is operated. TOIL should be exceptional rather than a regular or routine occurrence and must be with the prior agreement of the line manager. It is recognised that in some services e.g Residential Homes for

Children and Older People the need for TOIL may occur more frequently. Guidance for managers and employees on the operation, recording and monitoring of TOIL are attached as Appendix 2.

### **Duties away from normal base**

- 2.20 Where an employee is required to travel from home to a place of work other than their base, the starting time will be the time they left home plus the normal travelling time to their base. Similarly, if proceeding directly home from the temporary place of work the finishing time will be their arrival at home less normal travelling time.

Example:

Employee X lives in Galashiels and takes 15 mins to travel to and from their base at HQ, Newtown St. Boswells.

They work in Duns for 1 day, leaving home at 8.00am. Their starting time on their FT1 is shown as **8.15am** (i.e. 8.00am plus 15 mins normal travelling time.)

They return directly home arriving at 5.30pm. Their finishing time is shown as **5.15pm** (i.e. 5.30pm minus 15mins normal travelling time).

- 2.21 Where an employee travels to a place of work nearer than their normal base, they should record the time they actually start work.
- 2.22 As for normal working, starting and finishing times should not be before 7.00am or after 7.00pm respectively (unless an alternative band width has been authorised by the Director and agreed by the Service Director HR and Communications).

### **Bad weather or similar circumstances**

- 2.23 Travel to and from work is an employee's personal responsibility. In circumstances where an employee on flexi-time either arrives late or leaves early because of bad weather, no credit will be given. They should therefore record their actual starting/finishing time.

However where an employee arrives late or leaves early, or is unable to attend work for a half or full day and the Director is satisfied with the employee's explanation, the employee should be granted paid leave or flexitime credit for the balance of hours to take them to a normal working day. A normal working day will be deemed to be of 7 hours duration. If the employee is still unable to report for work on subsequent days it is at the discretion of the Director to grant either annual leave, flexi leave, unpaid leave or in exceptional circumstances paid leave.

### Checks and certification

- 2.24 Managers/supervisors are required to ensure that employees keep their FT1 flexi sheets up to date and that they are accurate. This can be achieved by undertaking both a random check during each accounting period and an end of period check.

Random checks within each accounting period

- 2.25 These checks should be undertaken on a random basis at any point during the four week period. During the check the line manager should:
- verify that the FT1 is completed up to date
  - undertake a sample arithmetic check of totals (e.g. examine one or two days)
  - confirm that credits or debits are valid and entered correctly.

The FT1 should be initialled against the appropriate date to confirm the check has been undertaken.

End of Accounting Period certification

- 2.26 At the end of the accounting period the employee and manager/supervisor should sign the FT1 to confirm that it is complete and correct.
- 2.27 Managers/ supervisors are also required to ensure that the time recorded is not only accurate but has been accrued in accordance with the requirements of the service.

Managers/ supervisors should be particularly watchful of a pattern of an employee working longer hours regularly because it suits their personal circumstances.

If an employee is habitually working long hours and accruing flexitime credits, the manager/supervisor should check the employee's workload to ensure it is not excessive, and take any appropriate action thereafter.

### Retention of completed FT1s

- 2.28 Once they have been checked completed FT1s should be retained by the employee for two years and then should be destroyed.

## 3.0 REVIEW OF THE SCHEME

- 3.1 The Council or Trades Unions may request a review of the scheme's provisions at any time.
- 3.2 The Service Director HR & Communications may authorise changes to the provisions and operation of the scheme, after appropriate consultation including with Trades Unions.



## APPENDIX 2

### Scottish Borders Council

#### Time Off in Lieu (TOIL) Guidance for Line Managers and Employees

##### **Purpose**

To provide guidance to Line Managers and Employees on the authorisation and use of TOIL.

##### **Context**

The success of the Council is founded upon the skills, energies and commitment of individual employees. Many give generously of their time and work much beyond the call of duty. Without their goodwill and adaptability it would not be possible to provide responsive services and cope with work demands which spill over from day to evenings, to early mornings and Fridays into weekends.

It is recognised that when the FWH scheme cannot be applied in some services that a system of time-off-in-lieu is operated. TOIL should be exceptional rather than a regular or routine occurrence and must be with the prior agreement of the line manager.

##### **General Principles**

- TOIL is available to staff subject to operational requirements in services. An agreement will be reached with your Line Manager on the most suitable arrangements, taking into account the needs of the service.
- TOIL should not be used to routinely supplement and extend normal time off or annual leave / public holidays. Neither is TOIL to be accumulated or approved in such a way that a change in normal working arrangements results (e.g. every Friday is a 'TOIL' day). TOIL is exceptional rather than a regular or routine occurrence.
- As far as is consistent with the aims of the service and is practicable, the employee should try to arrange visits and other appointments in normal working hours. Hours in excess of normal working hours should only be as a result of the demands of the service.
- TOIL can only be incurred where it has been agreed in advance by a Line Manager unless there are exceptional emergency situations.
- In exceptional emergency situations where there is no Line Manager on site or Director available and staff need to work additional hours they must report this to their Line Manager at the earliest opportunity.

## Procedure – For Managers

- Line Managers will ensure no staff member is required to consistently work over normal hours of duty.
- All managers should monitor the volume and pattern of TOIL. If this is a chronic issue for the service then it must be raised with their Line Manager. It may indicate under resourcing of the service or a particularly pressured area.
- An accurate record of TOIL must be kept (see [Appendix 3](#)). It should be signed and authorised by the relevant line manager, or Director and the completed TOIL records held within the department for six months and then destroyed.
- Where approval has been given, no individual should accumulate any more than 2 days pro rata in a calendar month.
- Where an individual has consistently accrued TOIL over and above the 2 days pro rata per month, this issue should be discussed during 1-1/supervision meetings and a resolution to the problem must be identified. If it cannot be resolved then the relevant Line Manager/Director should be informed.
- TOIL should be taken as soon as possible, depending on the needs of the service and by mutual agreement with the employee. It should normally be taken within a week with the maximum period being one month (settlement period), unless there are exceptional circumstances such as sick leave and/or annual leave. These circumstances should be discussed and recorded in the employees 1-1/supervision meeting record.
- Where agreed TOIL should be taken as compensatory leave on an equivalent basis to payment.
- Where notice has been given that an employee is leaving the Council, then any TOIL due should be cleared as soon as possible. It should not be assumed that payment will be made in lieu or that TOIL can be taken prior to the leaving date.

## Procedure – For Staff

- The employee must record the date, time, duration and reason for any additional time worked on the record sheet. [\(See Appendix 3\)](#).
- At the end of each week the employee should calculate the total of additional time worked (the TOIL hours). The TOIL must be adjusted up or down to the nearest minute.
- The employee must obtain the line manager's approval in advance of any time off in lieu being taken in the same way as annual leave is approved. When approved the date and time of TOIL to be taken should be recorded on the record sheet and the balance of TOIL hours adjusted to the nearest minute.

- During the settlement period (month) the following rules apply:
  - The hours actually worked must be balanced against contractual hours.
  - Only in exceptional circumstances and with the prior consent of the line manager TOIL hours not exceeding 2 days pro rata in any settlement period may be carried forward.
  - TOIL hours accrued but not taken or carried forward in accordance with the above paragraph shall be lost.
  - No more than one day of TOIL can be taken at any time and no more than two days of TOIL in a month may be taken. Only with good reason and the approval of a Director or nominated officer can these limits be exceeded.

