

**NORTH LINCOLNSHIRE COUNCIL**

**CORPORATE SERVICES CABINET MEMBER**

**FLEXITIME SCHEME**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1. To seek approval for revisions to the council's Flexitime scheme.

**2 BACKGROUND INFORMATION**

- 2.1 The Flexitime scheme forms part of the councils' Human Resources (HR) Manual and was last reviewed in June 2004.
- 2.2 The scheme offers short-term flexibility in working hours for the benefit of individual employees and their service. Generally this is in circumstances where there is a need for an employee to commence work later or leave work earlier than their agreed standard working hours. It also supports circumstances where short-term commitments are difficult to arrange outside of normal working hours.
- 2.3 Employees with access to the scheme are also able to work additional hours and take this time off at a later date as 'flexi-leave'.
- 2.4 However there is a reemphasis on flexitime being an approved and occasional arrangement rather than a means by which to simply accrue additional leave. Further controls have been included to assist managers with the consistent application of the scheme across all service areas.
- 2.5 The Flexitime scheme is regularly referenced by employees in the annual 'Points of View' survey as a well regarded benefit, but it has on occasions been subject to abuse by individuals. The revised scheme makes explicit that failure to comply with the provisions of the scheme may lead to its individual withdrawal and potential disciplinary action.

**3 OPTIONS FOR CONSIDERATION**

- 3.1 To consider and accept the revised scheme.
- 3.2 To reject the proposed scheme.
- 3.3 To make recommendations to extend the provisions of the proposed scheme.

**4. ANALYSIS OF OPTIONS**

- 4.1 The revised scheme offers clarity to all users. Acceptance of the revised scheme will ensure that the council continues to offer a respected benefit to support the work-life balance needs of large areas of the workforce.
- 4.2 Rejecting the proposed scheme would compound the current confusion and result in the continued inequity of application which feedback suggests exists.

- 4.3 Recommending further changes to the scheme would require further consultation and delay implementation.

## **5 RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

### **5.1 Financial**

There are no direct financial implications.

### **5.2 Staffing**

The scheme is available to all employees of the council other than those employed in schools with delegated powers or where their manager has specifically excluded them because the nature of the duties of the post or the requirements of the service prevents inclusion in the scheme.

### **5.3 Property**

None.

### **5.4 IT**

None.

## **6 OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 CRIME AND DISORDER, RISK AND OTHER)**

- 6.1 None.

## **7. OUTCOMES OF CONSULTATION**

- 7.1 The relevant trade unions have been consulted and are supportive of the revisions.

## **8. RECOMMENDATIONS**

- 8.1 That the revised scheme be approved and adopted.

SERVICE DIRECTOR HUMAN RESOURCES

Pittwood House  
Ashby Road  
Scunthorpe  
DN16 1AB  
Author: P Adams  
Date: 21 August 2009

**Background Papers used in the preparation of this report:** None

### **1.0 INTRODUCTION**

- 1.1 The council recognises that employees have private lives as well as working lives and supports the provision of the Flexitime Scheme in allowing them to balance these two commitments.
- 1.2 The scheme offers short-term flexibility in working hours for the benefit of individual employees and the service. Generally this will be in circumstances where there is a need to commence work later or leave work earlier than the agreed standard working hours. Alternatively where short-term commitments are difficult to arrange outside of normal working hours.

*Note 1: Separate guidance on annual, maternity, adoption, paternity, maternity support parental and special (compassionate) leave can be found in section B of the council's Human Resources (HR) manual.*

- 1.3 Managers must determine and record all employees' standard working hours, in accordance with paragraph 2.1 of the council's Working Time policy A.5, before commencing flexitime.
- 1.4 Managers must also determine and record the operating boundaries, such as the amount that hours can be varied without prior approval. The amount of variation must be appropriate to the particular post and the needs of the service.
- 1.5 The scheme is available to all employees of the council other than those employed in schools with delegated powers or where their manager has specifically excluded them because the nature of the duties of the post or the requirements of the service prevents inclusion in the scheme.

### **2.0 OPERATION OF THE SCHEME**

- 2.1 In allowing employees access to the scheme, managers must be satisfied that the nature and volume of work allows for the occasional variation of standard working hours and/or accrual of additional hours.

- 2.2 Unless an emergency arises, the relevant manager must approve in advance all additional hours worked and variations to hours or 'flexi-leave' taken outside of the previously agreed boundaries set in accordance with paragraph 1.4.
- 2.3 Managers must be satisfied that work is available before agreeing to requests to work additional hours to acquire 'flexi-leave' credit and that 'flexi-leave' is only granted in circumstances where there is sufficient cover to maintain service provision.
- 2.4 Managers must ensure that an employee's use of this scheme does not contravene the provisions of the Working Time Regulations. That as a minimum, an uninterrupted in work rest break (lunch) of 20 minutes is taken where an employee's working day exceeds six hours, unless statutory exemptions apply. Such rest breaks must not be taken at the beginning or end of a period of working time.
- Note 2: Young workers (those over the minimum school leaving age but who have not yet reached the age of 18) are entitled to a 30 minute rest break if their working day exceeds four and a half hours. Further guidance is available in the council's Working Time policy A.5.*
- 2.5 The council reserves the right to withdraw an individual's access to flexitime where they fail to comply with the provisions of the scheme or related policies. Any proven abuse of the scheme may also result in action being taken against the individual employee in accordance with the council's Disciplinary procedure C.2.
- 2.6 'Flexi-leave' may be taken in periods divisible by five minutes. The amount of 'flexi-leave' taken should not normally exceed two working days (pro-rata for part time employees) in any calculating period.
- 2.7 Employee requests to permanently change standard working arrangements should be made in accordance with the council's Flexible Working policy B.3.6.
- 2.8 'Flexi-leave' should not be used to cover smoking breaks which are not permitted in accordance with the council's Smoking policy D.5.

### **3.0 RECORDING OF TIME**

- 3.1 Each employee in the flexitime scheme is responsible for keeping an accurate record of all start and finish times, including in work rest (lunch) breaks.
- 3.2 Actual start and finish times to the nearest five minutes shall be entered on the approved recording sheet.
- 3.3 Employees should not schedule meetings and other work commitments that prevent them from taking an in work rest (lunch) break. Where this happens as a result of meetings overrunning or other genuine unforeseen reasons employees are not required to record an in work rest (lunch) break if they are not able to take one. This is providing the situation is explained to the relevant manager on each occasion and does not become a common occurrence.
- 3.4 Record sheets shall be submitted to the manager for checking at the end of every calculating period, or at any time upon request.
- 3.5 The period for calculating the contractual hours of employees shall be on a fixed four weekly basis. The contractual hours for a four-week calculating period will amount to 4 x the contractual average weekly hours, i.e. for a full-time employee 4 x 37 = 148 hours.

### **4.0 CREDITS/DEBITS**

- 4.1 At the end of each calculating period employees may have accumulated no more than 16 hours 'credit' or 8 hours 'debit' to carry forward. For part time employees the amount will be on a pro rata basis. Credit in excess of 16 hours will be lost. Debit in excess of 8 hours may result in an adjustment achieved by:
- making the time up the following week;
  - deductions from annual leave;
  - deductions from salary equivalent to the number of hours excess.
- 4.2 In exceptional circumstances or in a genuine emergency a manager may authorise the carrying forward of debit or credit in excess of the permitted levels. In such

cases the excess time (credit or debit) should be rectified within a period not exceeding two months.

4.3 In respect of periods of authorised absence (e.g. annual leave, sickness) an employees' standard working hours for each day of absence will be credited to the calculating period.

### **5.0 EMPLOYEES LEAVING THE COUNCIL'S EMPLOYMENT**

5.1 Where employees leaving the council have time in credit and have been unable to take time off due to the needs of the service or some other legitimate reason then payment in lieu of that time at plain time rate will be made.

5.2 Where employees leaving the council have time in debit every effort should be made for these hours to be made up during the period of notice. Where this has not been possible, a deduction equivalent to the remaining hours in debit will be made from the final salary payment due.

5.3 Where an employee's final salary payment is insufficient to allow for the whole of any such deduction, an account will be established and the employee will be required to repay the outstanding amount due to the council within 30 calendar days of the termination of employment.

### **6.0 TIME OFF IN LIEU (TOIL)**

6.1 TOIL normally applies:

- where the use of flexitime is inappropriate;
- as an alternative to an overtime payment; or
- as part of the compensation package for working on public holidays.

6.2 The amount of time granted in lieu should exactly match the hours worked in all cases except for national conditions of service relating to public holiday entitlement.

6.3 Time off in lieu should not be granted as a means of bypassing the flexitime limits.