

Flexible Working procedures

Introduction

- 1 The Flexible Working procedures cover three different elements of flexible working in HEFCW to support work-life balance. The document is therefore divided into these sections as follows:
 - Flexible Working Hours;
 - Flexible Working Patterns; and
 - Statutory Flexible Working Requests
- 2 Queries on the procedures should be directed to HR.

Flexible Working Hours

- 3 This section details the procedures for flexible working hours, which allows employees to manage their daily hours of work in line with business need and their individual needs.
- 4 HEFCW reserves the right to amend the flexible working hours' scheme rules from time to time. The flexible working hours' arrangements are discretionary and do not form part of the contract of employment.
- 5 The employee and line manager must discuss and agree normal working hours, taking into account the needs of the team and to ensure the effectiveness of the organisation (further details below). These hours do not prevent the use of flexible working, it is to outline an employee's normal routine. Formal requests for alternative arrangements such as condensed hours should be made via the process in the "Flexible Working Patterns" section below.
- 6 The Flexible Working Hours procedures should also be used to manage any changes in the employee's normal routine to avoid unnecessary disruption to the organisation and also accommodate the variability of work demands.
- 7 Working above or below contracted hours should be an exception and depend on workload. The flexi system cannot be used to intentionally build up a credit of hours for the sole purpose of taking flexi leave at a later stage, neither can it be used to informally create a flexible working pattern.
- 8 When a flexi sheet is approved, it is confirmation that that the time recorded is accurate to the best of the line manager's knowledge and the employee has complied with the Flexible Working Policy and other relevant HR policies. The approval also implies that authorisation was given for home working, relevant absences including flexi leave and out of hours / weekend working.
- 9 Where there are exceptional or unusual circumstances please refer to HR.

Bandwidths

- 10 Employees are responsible for working their contracted hours within the parameters of the flexi system. The core hours are 10am to 12 noon and 2pm to 3pm, within the bandwidth of 7:30am to 6:30pm.
- 11 Working hours are calculated on the basis of a settlement period. Each settlement

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period contains 20 working days (or pro rata equivalent) worked over a four week period. Where working hours go above or below contracted hours, flexi credit or debit is accumulated over this period.

Agreeing standard preferred working hours

- 12 All employees must agree standard preferred working hours with their line manager. This involves selecting a start and finish time that the employee would normally adhere to on a routine basis.
- 13 The agreed working hours must meet the needs of the post and organisation and also support the employee in delivering effectively.
- 14 Standard preferred working hours should be agreed:
 - As soon as a new employee joins the organisation;
 - When there is a change in post and/or line manager;
 - As part of a submission for a flexible working request, including reduction of hours;
 - If there is a change in the employee's circumstances that may impact on their start and finish times.
- 15 The line manager and employee must meet to discuss the optimal working hours and formally agree this via the HR Kiosk.
- 16 This should be reviewed on an annual basis; the line manager and employee should have a conversation surrounding the arrangements and these will be confirmed as part of the HR Audit process.
- 17 If there are any changes or concerns, the line manager or employee should arrange for a meeting as soon as possible, rather than waiting for the annual review.
- 18 Should there be any disagreement in the hours, the Director/ Head of team may be called upon to support the agreement of standard preferred working hours. The employee may raise a grievance as a form of appeal process.

Recording of hours

- 19 Working hours must be formally recorded via the flexi sheet on MySite based on a four week period. Time recorded should be categorised by locations (Office, Home, Meeting, Training, Travel, Other).
- 20 Working time outside of the bandwidth must be agreed with the line manager and recorded on the flexi sheet under 'authorised out of hours'. Employees should note the reasons for this additional working time within the comments field. It is expected that the occurrence of agreed additional time will be by exception.
- 21 Hours of work are not confined to the bandwidth where an employee may, for example, be travelling to a location other than their normal place of work, in connection with their work. A comment should be provided by the employee where this is case.
- 22 In accounting for travel time to and from a temporary workplace, employees will work

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out their total travel time for the day, and deduct their average daily travel time to and from the office.

- 23 Weekend work must be authorised in advance by the line manager. The flexi system allows for Saturday/ Sunday to be added on to the sheet. If overtime is being claimed for the weekend work, the hours must not be recorded on the flexi system.
- 24 HEFCW functions, such as Council events held during an evening are to be recorded as working time up to a maximum period of four hours on top of the normal working day. Where the employee is required to stay overnight, this time is not recorded.
- 25 If travel time to the office takes significantly longer than normal due to severe weather conditions e.g. substantial snow or flood disruptions, employees may claim the time taken to travel to and from the office, over and above the normal travel time. In these circumstances employees may record hours greater than their normal working day (7h 24m for full time employees).
- 26 Time off for the Away Day will be a standard 7h 24m, unless an employee has exceeded this due to travel. In this case, they may claim the hours, less their normal travel to work time. The Away Day should be recorded in the 'meetings' column. Part time employees should claim their normal working day or the actual hours they were at the event, including travel time, less their normal travel to work time.

Breaks

- 27 Employees working in excess of six hours must take a minimum of a 30 minute break during their working day and are expected to make every effort to take such breaks. Where an employee persistently does not record a 30 minute break on their flexi sheet, it is acceptable for the line manager to challenge this.
- 28 Breaks for lunch should normally be taken between 12noon and 2pm. These breaks will not count as work time and are unpaid. The system allows for up to four breaks to be recorded per day.
- 29 Time taken to make coffee or tea to be consumed at the employee's workstation will count as work time. Any coffee, tea or smoking breaks taken away from the workstation will be in the employee's own time.
- 30 If an employee attends a meeting/ event either on site or off site but this runs through lunchtime and a break cannot be taken, even after the event has finished, then it is acceptable to not record a break.
- 31 If there is an all-day event which spans lunchtime and lunch is spent at the event then it is acceptable to not record a break.
- 32 Any personal time spent on the internet at any time of day should also be classed as a break, as per the Acceptable Use policy.

Responsibilities

- 33 Employees are responsible for ensuring that:
 - the time recorded is accurate

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- a 30 minute break has been taken and recorded
- the record complies with the rules outlined in these procedures
- the record complies with other HR policies relating to these procedures
- approval has been obtained for any absences or additional hours worked
- flexi sheet is submitted on time

34 Line managers are responsible for ensuring that:

- hours recorded are accurate, to the best of their knowledge
- cross check any leave taken during the period to the flexi record
- the record complies with the rules outlined in these procedures
- the record complies with other HR policies relating to these procedures
- the accumulation of hours does not exceed the Working Time Regulations of 48 hours per week
- a 30 minute break has been taken during a normal working day
- they encourage employees to take breaks during the day
- they challenge employees where 30 minute break is persistently not recorded on their flexi sheet
- the balance of flexi time (credit or debit) to be carried forward to the next period is authorised
- they challenge employees where levels of flexi debit or credit are becoming a cause for concern.
- flexi sheets are rejected where incorrect records are submitted

35 Heads of team (or Directors) are responsible for ensuring that:

- team flexi sheets are reviewed to gain an overview of the hours worked
- discuss any issues with line managers or employees as appropriate

36 An employee whose line manager is absent for more than a consecutive period of four weeks must contact HR to arrange for their Head of Team/Director/CEO (as appropriate) to temporarily approve their flexi sheet.

Flexi-credit

37 Full time employees may carry forward a maximum of 14 hours 48 minutes credit (pro rata for part time employees) to the next period. Credits in excess of 14 hours 48 minutes will be lost, unless the employee specifies they wish to carry over the full credit. Line managers can approve an excess credit where the accrual of flexi has been due to excessive workload. Line manager should give details of this in the comments box of the flexi approval system.

Flexi leave

38 Flexi credit may be taken as flexi leave with the prior agreement of the line manager.

39 Requests for flexi leave can be made on the same day, or the day before it is required. In these circumstances employees should make it clear how workload and team cover have been taken in to account in making their requests. In ideal circumstances, two days' notice should be provided for flexi leave. If an employee regularly requests flexi leave at short notice, line managers will address this pattern of behaviour. Time off will be credited on an hour for hour basis.

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- 40 When flexi leave is taken, no hours should be recorded for that time. The flexi absence code should be selected on the flexi sheet and the system is set to default to zero hours against this absence.

Flexi-debit

- 41 Full time employees may carry forward a maximum of 11 hours 6 minutes debit (pro rata for part time employees) to the next period. It is the employee's responsibility to work back the debit. If there are difficulties in achieving this, an agreed plan should be made between the line manager and the employee to work back the debit. When flexi-debits are being worked back, the line manager and the employee must ensure that they do not breach the 48 hours' Working Time rule.
- 42 Where employees are regularly carrying over debits, the line manager should spot this trend and establish whether there are any circumstances for the build-up of flexi debit. Heads of Team must be kept aware of such circumstances.
- 43 Under exceptional circumstances, annual leave or unpaid leave may be used to pay back the debit of hours. Should this situation arise, the line manager and Head of Team must speak to HR to establish whether this is appropriate and to ensure consistency in the application of this process across the organisation.

Time off for medical/ dental appointments

- 44 Employees should make every effort to book medical and dental appointments at the start or end of the day so that it limits the impact on their working hours. However, if these appointments fall during the working day, time off for medical or dental appointments can be claimed via the flexi sheet and should not normally exceed four hours per day (pro-rata for part time employees).
- 45 Where time off for a medical or dental appointment has been claimed the employee cannot exceed 7 hours 24 minutes in a working day (pro rata for part time employees). This is to ensure that employees are not at a detriment as a result of the appointment, and not that flexi credit can be gained.

Recording absences

- 46 Where an employee takes a part day absence, the total working day cannot exceed 7 hours 24 minutes (pro rata for part time employees). For example, sickness or special leave. Employees should not be able to gain flexi credit as a result of another policy.
- 47 Absences from work must be recorded in the 'absence' column, selecting the relevant code from the list. (Annual, Public, Sick, Medical, Special, Study, Auth HEFCW, Other, Flexi). The system allows for more than one absence to be recorded e.g. at Christmas time when Authorised HEFCW leave may be granted and employees take part of the day as annual or flexi leave.
- 48 Authorised HEFCW leave absences will be communicated by HR and will include such things as time off for Christmas meals etc.

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Flexible Working Patterns

- 49 In addition to working under flexible hours, employees may also, with agreement, opt to amend their working pattern. In changing a working pattern, employees must note that the pattern may not lend itself to also operating within the flexible working hours' system (flexi) and therefore they may have to forfeit the use of flexi for adopting their chosen working pattern.
- 50 On occasions, an employee may reasonably be requested to alter their working pattern dependant upon business needs.

Request and approval of changes

- 51 In submitting an application to work a new pattern:
- the employee must be clear on their proposed pattern and any non-working day(s)
 - the employee must discuss with the line manager and Head of Team/ Director the suitability of the change in line with business need and the employee's duties.
 - the Line Manager, Head of Team/ Director and Management Board must consider the impact on HEFCW, the team and service delivery.
- 52 When completing the application, the statutory request process below may prove helpful as it provides prompts to consider.
- 53 When an application has been approved by the line manager, Head of Team/ Director and Management Board, a 'Changes to Working Arrangements' form must be completed and submitted to HR, demonstrating the above considerations.
- 54 HR will confirm the arrangements in writing and will make any necessary adjustments to annual leave. Employees are required to sign and return the letter to confirm the changes.
- 55 The change is not contractual, and may be reviewed for suitability at any time.

Examples of different working patterns:

- 56 Compressed hours allows employees to reduce the number of days worked by extending the number of hours they work during each day, such as 37 hours over a 4 day week; or 74 hours over a 9 day fortnight. Annual leave and public holidays will be calculated in hours and minutes.
- 57 Term time working allows an employee to take 'unpaid' leave for all or some of the school holidays. Details of the arrangements are as follows:
- The employee may choose to take unpaid leave and be without salary during the time off, or apply for their salary to be averaged over 12 months.
 - In the case of average pay there is the potential for overpayment should an employee leave part way through the year, therefore an agreement to recover any overpayment would form part of the arrangement.
 - Applications must be made in line with the academic year i.e. September to

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August and renewed annually to take into account changes in term times.

- If the employee commences adoptive, foster, maternity, parental leave, or has a period of long-term absence, the employee would revert to normal pay arrangements to ensure the correct levels of pay in each circumstance.
- For pension purposes, unpaid leave is not counted as reckonable service. The pension administrator would be notified of any unpaid periods.

Statutory flexible working requests

- 58 Employees have the right to make a statutory request once in any 12 month period under the Employment Rights Act 1996. These requests will be handled in line with the ACAS Code of Practice - Handling in a Reasonable Manner Requests to Work Flexibly.
- 59 Requests must be submitted in writing to the line manager and HR and include each of the following:
- Date of application
 - Specific change to working conditions they are seeking
 - Effective date of change
 - What effect the employee thinks the change would have on HEFCW and their team
 - How any such effect might be dealt with
 - A statement that this is a statutory request and if and when they have made a previous application to work flexibly. (Please refer to the ACAS guidance for full details)
- 60 It may be appropriate for the line manager to speak to the employee regarding the request if further information or clarification is required.
- 61 The request will be considered by the line manager, Director/ Head of Team and Management Board. In considering the request the following should be covered:
- Benefits of the requested change for the employee and HEFCW
 - Adverse impacts on HEFCW and its business needs
 - Any future HEFCW developments or structural changes.
- 62 HEFCW must not discriminate unlawfully against the employee.
- 63 The request must be concluded within three months from the date of receipt, including any appeals.
- 64 Any decision made should be communicated to the employee in writing. If the request is approved a meeting is not required. If the request is rejected a meeting should be held with the employee to provide the reasons and give the employee an opportunity to ask questions.
- 65 The employee has the right to be accompanied by a work colleague to any discussion meetings, outcome meeting or appeal meetings.
- 66 The reasons for rejecting a request must be one of the following business reasons as set out in the legislation:

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- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to your business.

67 The employee has the right to appeal and should submit this in writing to HR, including reasons for the appeal. Failure to attend any meetings, including appeals, and any subsequent re-arranged meetings will class the request as withdrawn.

| Version | Date | Description |
|---------|---------------|---|
| 0.1 | 05/09/2006 | Presented to HR Committee – advice sought |
| 0.2 | 20/09/2006 | Presented to Management Board for initial approval – agreed |
| 0.3 | 26/10/2006 | Presented to Works Council for ratification – not ratified, further queries |
| 0.4 | 29/11/2006 | Presented to Management Board to discuss queries |
| 0.5 | 17/01/2007 | Presented to Works Council for agreement following discussion, not agreed |
| 0.6 | 07/02/2007 | Presented to Management Board – agreed |
| 0.7 | 14/02/2007 | Presented to Works Council – agreed |
| 0.8 | 20/02/2007 | Presented to HR Committee – approved subject to conditions |
| 1.0 | 22/03/2007 | Presented to Management Board with HR Committee conditions – Approved subject to changes by HR |
| 1.1 | 26/09/2007 | Presented to Management Board with findings from the 6 month Pilot – approved with amendments |
| 2.0 | 11/10/2007 | Presented to HR Committee with findings from the 6 month Pilot and Management Board comments – approved with amendments by HR |
| 3.0 | Feb 08 | Policy updated to reflect OD, style guide and EIA |
| 3.1 | June 08 | Policy updated in line with Audit recommendations |
| 4.0 | August 08 | Policy amendments signed off by Director of F&CS |
| 4.1 | March 2010 | Updated to reflect new electronic recording system |
| 5.0 | November 2014 | Revised in line with Policy Review Project, incorporated Flexible Working Hours policy, Electronic Flexi Guidance Notes and Flexible Working Patterns policy. Management Board requested hold on policy and not approved. |
| 6.0 | Oct 2015 | Re-submitted to Management Board for approval |
| 6.1 | Jan 2016 | Re-submitted to Management Board for final decisions. Approved. |
| 6.2 | May 2016 | Endorsed by Works Council following staff consultation |
| 7.0 | June 2016 | Agreed by HR Committee |
| 7.1 | Dec 2016 | Amendment to bandwidth |
| 7.2 | Jan 2017 | Amendments following staff consultation and Works Council |
| 7.3 | April 2017 | Amendments following Works Council |
| 7.4 | Jan 2018 | Amendments following impact assessment exercise, Works Council and Management Board consideration. |

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| 7.5 | March 2020 | Adjustment to core hours and amendments to wording regarding timing of flexi leave requests following staff review of flexible working arrangements, impact assessment, Works Council and Management Board consultation. |
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