



Derbyshire Constabulary

Flexi Time Policy

POLICY REFERENCE AIA

This policy is suitable for Public Disclosure

Owner of Doc: Head of Department, Human Resources

Date Approved: May 2004

Review Date: September 2010

Human Rights Act 1998

The Human Rights Act 1998 has been considered with regard to this policy. Proportionality has been identified as the key to Human Rights compliance. This means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Diversity Policies

Equality issues have been considered with regard to this policy. Adherence with this policy will therefore ensure compliance with Equal Opportunity legislation and internal Equal Opportunity policies.

Data Protection Act 1998

Data Protection issues have been considered with regard to this policy. Adherence to this policy will therefore ensure compliance with the Data Protection Act 1998 and internal Data Protection policies.

Management of Police Information (MOPI)

MOPI issues have been considered, where applicable in accordance with the Force MOPI Policy. Adherence to this policy will ensure compliance with MOPI Codes of Practice.

Freedom of Information Act 2000

Freedom of Information issues have been considered with regard to this policy. Adherence with this policy will therefore ensure compliance with the Freedom of Information Act 2000 and internal Freedom of Information policies.

Health and Safety Act 1974

Health and Safety issues have been considered with regard to this policy. Adherence with this policy will therefore ensure compliance with Health and Safety legislation and internal Health and Safety policies.

Policy Bureaucracy

The bureaucratic impact of this initiative has been considered; the benefits justify the costs of compliance with the policy.

1. Policy Statement

2.1 Aim

This policy is intended to provide a degree of flexibility for employees and for the organisation. The aim is to ensure that individuals can achieve a healthy work-life balance and the organisation can benefit from a wider time span of service delivery.

2.2 Purpose

The purpose of this policy is to provide a framework for the consistent operation and monitoring of the flexitime scheme.

2.3 Principles of Implementation

Each line manager is responsible for the proper operation of the scheme and for resolving any related problems. Where a solution cannot be reached the appropriate HR Manager should be consulted.

Managers will ensure that the needs of the service have priority at all times and that offices are adequately staffed throughout normal office hours. Employees will agree with their managers, a pattern of flexitime working which meets the needs of the service and their own requirements. Employees should communicate their working hours to colleagues and use 'out-of-office' facilities on e-mail and voicemail whilst away from the office. This will ensure service delivery is maintained. As there are no core hours, the numbers of staff on duty will fluctuate and employees who are on duty will be expected to act as the initial point of contact in response to calls to the office when colleagues are not available. A positive team spirit and goodwill among team members and line managers are key to ensuring this scheme is mutually beneficial.

2. Guidance and Procedures

3.1 Operational Details

Normal office hours are from 8.45 am to 5.00 pm (4.30 pm on Fridays) unless otherwise stated by line managers to meet service delivery requirements of the section.

3.1.1 The Flexi-time scheme operates between 7.00 am and 7.00 pm from Monday to Friday. Any hours worked outside these are not recorded under this scheme. If an individual requests a permanent variation in these hours this should be considered under the Flexible Working Policy. Managers and staff should be aware that if they choose to work at the earlier or later times within the scheme access to all Force services may not be available, for example service help desks.

3.1.2 The working day is divided as follows: -

Flexi hours - Subject to there being satisfactory cover, workloads permitting and by prior agreement with their manager, employees *may* work any time between 7.00 am and 7.00 pm, with a minimum of 4 hours to be accrued within each working day. After 6 hours of working, a 30 minute lunch break must be taken (Health and Safety legislation). Employees should be aware of the number of hours they are formally contracted to work to.

Core Time - Whilst no specific core times are to be worked, a minimum of 4 hours must be accrued within each working day. If operational requirements dictate, these hours must be spread across the morning and afternoon.

Lunch Break - A minimum of 30 minutes must be recorded each day if working over and above 6 hours for that day.

Any one-off variations to this scheme for specific days will be communicated to all staff.

3.1.3 Credits and Debits

The scheme is based on four-week 'Settlement Periods'. The standard working week is 37 hours, giving a total of 148 hours in each Settlement Period.

A credit (hours worked in excess of 148 hours in a period) of up to 16 hours, or a debit (hours worked below 148 hours in each period) of up to 8 hours, may be carried over to the next period.

Credit hours in excess of 16 per settlement period will be lost.

3.1.4 Credited hours, up to a maximum of 16 hours, may be used, subject to prior approval to take two full, or four half days' leave (flexi-leave), or to supplement hours worked in the next settlement period. Credit hours of up to 16 hours may be carried forward into further settlement periods until such time as the hours are taken. In accordance with the Working Time Regulations 1998, no employees should work over 48 hours average during a 17 week period and should ensure that their working hours allow for a period of at least 11 hours between working days.

3.1.5 It is not possible to anticipate credit hours in order to take flexi-leave. A minimum of four hours' credit must have been carried forward before any one day's flexi-leave and a minimum of eight hours credit before two day's flexi leave can be requested (two hours credit in respect of any one half-day's flexi-leave).

3.1.6 Any flexi leave taken must also be balanced against the individuals annual leave entitlement and line managers should ensure that annual leave is also taken throughout the year. Annual leave can only be carried forward in accordance with the provisions in the Police Staff Council Handbook.

3.1.7 Credit hours can only be accumulated when there are genuine tasks to be completed at work. Where employees are working consistently over the 16 hours carry forward, line managers should investigate and review workload, objectives and working methods.

3.1.8 All debits and credits must be cleared before an employee transfers to another department or leaves the service of the Derbyshire Constabulary.

3.2 Recording Procedure

3.2.1 All employees participating in the scheme are required to record their actual start and finish times, lunch breaks and total hours of work on a flexi sheet (Form 326), and to submit that sheet to their manager for checking, monitoring and counter signing at the end of each settlement period. Some sections may choose to retain these electronically

but it should be ensured that managers regularly check and monitor these and have access to them.

3.2.2 Start or finish times which are away from an individual's normal work base (i.e.: training course or meeting at another location) and, where the journey from home to their place of duty is greater than from home to their normal work base, the difference should be recorded as travelling time.

3.2.3 Times recorded on flexi sheets must be entered as they occur and not retrospectively. Times should never be entered in advance or by anyone else.

A minimum of 30 minutes lunch break must be taken and recorded each full working day if working over and above 6 hours.

3.2.4 **Absences**

A full or half day's absence is to be credited as follows: -

Full Day - 7 hours 25 minutes

Half Day - 3 hours 40 minutes

These figures are to be used for all absences including annual and public holidays, sickness, work based training courses and college attendance. They should also be used for activities such as attendance at conferences and seminars, unless approval has been given by the line manager to record additional time worked on that day.

Where staff are contracted to a pattern of working under the Flexible Working Policy which means they may for example, be working compressed hours or less than 37 hours per week, they should credit the appropriate pro rata hours.

For example, a full time member of staff working 74 hours over 9 days would work a standard day of 8hrs 13 minutes. A part time employee working 15 hours per week would credit hours depending upon their contracted pattern of working.

3.2.5 **Sickness Absence**

Employees who fall sick after starting work shall be credited with having worked the full standard day (or the appropriate pro-rata day for part-time employees) - this is for the purposes of flexi-time only and the sickness should also be reported in accordance with procedure. Staff should contact their line manager as soon as possible and no later than 10 am to report sickness absence.

3.2.6 **Overtime/Time off in Lieu/Standby/Call Out Arrangements**

Overtime (paid at the appropriate rate) will only be permitted where the line manager has requested this in advance to meet operational requirements. Overtime payments can be claimed outside the normal working pattern of hours for the member of staff provided this meets the requirements in the Police Staff Handbook. The payment must be authorised by the Head of Department/Divisional Commander. Payment of overtime within the hours of the scheme should only be in exceptional circumstances. Hours worked as overtime should not be recorded on the flexi sheet. Overtime will not be paid to staff who choose to work longer hours under the flexitime scheme. Time taken in lieu of authorised overtime should be recorded under the scheme as an authorised absence and the appropriate number of hours credited. (In accordance with the Time Off in Lieu scheme).

Staff contracted to a formal call out arrangement should continue to claim as per Police Staff Handbook.

3.2.7 **Medical absences**

Medical absences, such as visits to the doctor or dentist should be taken in staffs own time and before or after working hours. The actual hours worked by the member of staff should be recorded and the absence will not be credited. The benefit of extending the hours of the scheme means that staff can make appointments to suit their own personal circumstances. Where a medical absence occurs during the working day, this should be recorded as part of the lunch break.

Hospital appointments, or treatment which has been as a result of a formal Occupational Health referral or arising from a recognised disability under the Disability Discrimination Act, shall be credited, provided such visits have received prior approval from the individual's manager and can be evidenced. A credit for an authorised medical absence will be given up to a maximum of 7 hours 25 minutes. Where hospital appointments/treatment require a full days absence, then a Form 40 should be completed. This will not be included in the attendance management process but will remain on the personal file as a record.

3.2.8 **Bad weather/travel problems**

Employees who arrive late at work, or depart early from work as a result of adverse weather conditions (refer to guidance on Adverse Weather conditions); public transport strikes, major traffic delays or other travel problems should record their actual start and finish times.

In exceptional circumstances only, the staff member can present their case to their line manager who, once satisfied with the validity of the case, can consider waiving the use of Flexi-time etc.

3.2.9 **Flexi-leave**

Staff requesting flexi leave accrued must obtain prior approval from the line manager to ensure operational needs are met.

Requests for flexi leave should be submitted wherever possible with at least 5 working days notice. In considering requests managers will endeavour to use their discretion in agreeing the request but will need to take staffing and workload levels into account.

3.2.10 **Training Courses**

Members of staff will be required to attend classroom training courses as per the times stated in the Course Programme. (See also Flexible Learning Policy). A standard working day should be recorded e.g. 7 hrs 25mins for full time staff or as appropriate for staff working compressed hours.

3.3 **Managers' Responsibilities**

3.3.1 Managers are responsible for ensuring that there is adequate cover at all times in offices where flexi-time operates.

3.3.2 Managers will not always be able to directly supervise staff during the operational hours of the flexi scheme. However, they must ensure that sufficient work is allocated to staff and should check that the work is completed. Supervision does not necessarily

require being present to monitor staff at all times; other performance management methods may be used.

- 3.3.3 Managers are responsible for the correct implementation of the scheme and should carry out random spot-checks on record sheets. Employees are expected to cooperate with this requirement. Managers should also monitor working hours in line with the Working Time Regulations and should consider this when planning to ask employees to work longer hours.
- 3.3.4 Completed record sheets should be stored for a minimum period of two years.
- 3.3.5 Abuse of the scheme will be dealt with under the Disciplinary Procedure, which could result in access to the flexi-time scheme being withdrawn for a period in accordance with an individual's action plan.

3.4 Variations to the Flexitime Scheme

- 3.4.1 Managers may agree with staff, changes to the flexible hours and lunch break if this facilitates operational /work life balance requirements and is in the spirit of the scheme. Managers should consult with staff and the relevant unions/staff associations in order to implement a local variation to this scheme.
- 3.4.2 To apply for permanent changes in working hours, an application should be made through the Flexible Working Policy. The Flexitime Policy is not intended to accommodate permanent changes to working hours.

3. Human Rights Compliance

The content of this policy has been tested against Derbyshire Constabulary's Human Rights Compliance Test.

Consideration has been given to the compatibility of this policy and related procedures with the Human Rights Act and European Convention on Human Rights; with particular reference to the legal basis of its precepts; the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making processes and outcomes of action.

4. Diversity Compliance

The content of this policy has been tested against Derbyshire Constabulary's Diversity Compliance Test.

The policy has been drafted in accordance with all relevant employment legislation and with the general duty under the Race Equality Scheme to eliminate unlawful racial discrimination, to promote equality and to promote good relations between people of different racial backgrounds. Consideration has also been given to the Disability Equality Scheme and the Gender Equality Scheme. Monitoring work will be undertaken on a regular basis to ensure this and the policy and procedure are reviewed regularly in the light of monitoring results.

5. Monitoring and Review

The Head of Personnel is responsible for monitoring the implementation and impact of this policy.

6. Appeals Process

Should any member of staff wish to raise any problem with the implementation of this scheme, they should address this to their line manager in the first instance. Where a solution cannot be reached at this level, the appropriate HR Manager should be consulted to advise on the correct application of the policy.

Appendices

APPENDIX 1: APPLYING THE SCHEME TO PART-TIME EMPLOYEES

The scheme should be applied pro-rata for employees whose standard working week is less than 37 hours. Arrangements will vary depending on the hours and number of days per week that the employee works.

Example 1 : Employee working 18.5 hours per week

Standard working hours in Settlement Period = 74 hours.

A credit of up to 8 hours, or a debit of up to 4 hours, may be carried over to the next period.

Example 2 : Employee working 25 hours per week

Standard working hours in Settlement Period = 100 hours.

A credit of up to 11 hours, or a debit of 5 hours, may be carried over to the next period.

NB Where calculations result in a credit or debit of fractions of hours then these will be rounded to the nearest full hour.

The HR Managers/Caseworkers are available to advise on the application of the scheme to part-time employees.