



Flexible Working Policy 47

Adoption Date: 5th November 2020

Review Date: 6.10.20

1. Introduction

- 1.1 The Council recognises that it may be necessary for employees to undertake work outside of their normal working hours from time to time, whether it be to carry out tasks within the scope of their role or additional duties on a voluntary basis.
- 1.2 The purpose of this policy is to ensure that managers and employees are aware of and understand the Council's arrangements for additional hours worked and ensure fairness across all Council employees.
- 1.3 This policy must be read in conjunction with individual employee's contracts of employment, which will state if there are any variances to this policy.

2. Scope

- 2.1 This policy applies to all employees of the Council with the exception of those whose terms and conditions of employment do not allow for compensation for additional hours worked or those whose terms and conditions of employment clearly state an alternative arrangement for additional hours worked.

3. Working Additional Hours

- 3.1 It is the aim of the Council that no employees should have to regularly work additional hours in order to meet the demands of their role. It is recognised that at certain times additional hours may be necessary e.g. at financial year end, leading up to an event, due to unexpected significant circumstances arising, for example and the Council is grateful to its staff for their flexibility shown at these times.
- 3.2 It is however imperative that staff are not regularly working excessive hours and that the demands of the roles are relative to the contracted hours given to meet those demands.
- 3.3 Additional hours may be worked in three different ways:
 - 3.3.1 additional hours worked at the request of your line manager, in response to an unexpected situation that demands your time or at known busier times in workload;
 - 3.3.2 volunteering to carry out essential tasks outside that of your day-to-day duties and outside of your normal working hours;

3.3.3 voluntary additional hours worked at the staff member's choice.

3.4 Section 4 below sets out the compensation due for additional hours worked depending on the circumstances through which they are worked.

4. Compensation for Additional Hours Worked

Additional hours at request of line manager/in response to unexpected situations/at known busier times in workload i.e. financial year end or leading up to an event

- 4.1 Employees requested to work additional hours by their line manager to carry out tasks in the scope of their role will be entitled to accrue time off in lieu (TOIL) on an hour-for-hour basis i.e. if you work an extra two hours, you will receive two hours TOIL in exchange.
- 4.2 For clarity, the above includes attendance at Council and Committee meetings, training sessions and other meetings requiring Council Officer attendance that are outside of usual working hours.
- 4.3 This also includes staff members attending call-outs in the line of their role; alarm call-outs at the Queen's Hall, for example.
- 4.4 There is no uplift in recompense for Saturdays, Sundays or Bank Holidays working i.e. they remain on an hour-for-hour basis.
- 4.5 The recommended best practice is that staff members either start later in the day on this or the next day to balance these additional hours. In particular this can be easily achieved where meetings are concerned, which have been scheduled and therefore known in advance. This will also help to ensure that staff are not working an excessive number of hours in a 24 hour period and taking adequate rest breaks between shifts.
- 4.6 The Council realises that in the case of the Clerk, it will not be a request from a line manager that results in additional hours being worked of this nature and the Council must therefore place its trust in the Clerk that additional hours worked and claimed back as TOIL are done so reasonably and in accordance with this policy.

Tasks outside of day-to-day duties

- 4.7 The Council realises that at times staff will need to be asked to assist with duties that fall outside of their day-to-day roles and wants to encourage and reward staff who are able to assist and carry out these tasks.
- 4.8 Tasks of this nature may include (but are not limited to) assisting manage/run a Council event.
- 4.9 For staff members taking on duties outside of their day-to-day roles, this time may be reimbursed as paid overtime at a rate to be agreed in advance by the Clerk.
- 4.10 The rate agreed will be an hourly rate.
- 4.11 The Clerk will need to ensure fairness across all employees when agreeing pay rates and therefore it is not expected that employees will be paid at their personal hourly rate unless this is deemed to be the correct rate for the work carried out.
- 4.12 At events, in order to qualify as paid overtime the staff member must be assisting in the running/management of the event, not just manning a road closure or in attendance at the event for example.
- 4.13 This overtime will be paid with the employee's salary payment and will be subject to the usual deductions (Tax and National Insurance).

Additional hours worked at staff member's choice

- 4.14 It is understood that staff members may choose voluntarily to work additional hours to carry out their work, but this is not something the Council would encourage.
- 4.15 Whilst the Council is grateful to its staff when dedication and commitment is shown in their roles, it is not reasonable for the Council to reimburse every hour a staff member works when it is done voluntarily i.e. through their own choice or because it suits them personally.
- 4.16 The Council recognises that there are core hours of work for its premises and that the Council teams operate best with the maximum amount of staff present during these core hours. The more TOIL accrued by staff members, the more said staff are likely to be absent during the core hours of operation and the Council must be mindful of this knock-on effect.
- 4.17 The Council is committed to its duty of care to its employees, in particular through ensuring reasonable working hours and manageable workloads that do not cause excessive working hours or undue stress.
- 4.18 If the contracted hours of a role are felt to not be enough to deliver on the demands of that role then it is the staff member's responsibility to report this to their line manager (in the case of the Clerk, to the Chair of HR) to enable a review of the workloads in relation to working hours.
- 4.19 Similarly, if an employee feels they are struggling to manage their time effectively, finding particular work challenging and overly time-consuming or struggling to make best use their time, this is something that should be discussed with their line manager and ways to work together to address this will be discussed.

5. Recording & Authorising Additional Hours

- 5.1 All Council employee's hours of work outside their contracted hours are to be recorded on a timesheets; this will include all additional hours worked, even those done voluntarily i.e. through personal choice.
- 5.2 Reimbursement for additional hours will only be authorised if agreed with prior approval from the line manager or Clerk.
- 5.3 Timesheets will be submitted to the employee's line manager on a monthly basis and, where relevant, any additional hours authorised accordingly for TOIL accrual or payment.
- 5.4 Once processed by the Finance Department for the payroll, all timesheets will be reviewed with additional hours worked recorded, along with the reason and any reimbursement given.
- 5.5 This data will be shared with the Chair of HR on a monthly basis and shared with the HR Committee, as an agenda item, at least once annually but more often if felt necessary.
- 5.6 Timesheets must be submitted on a monthly basis; TOIL accrual or paid overtime cannot be authorised at a later date. Failure to have the timesheet submitted to their line manager by the last day of the calendar month for which the timesheet relates to, will result in the employee losing their claim to recompense for the additional hours worked.
- 5.7 The only exception to the above at 5.6 is where an employee is unexpectedly absent from work and therefore unable to complete their timesheet by the allotted deadline.
- 5.8 If the employee's line manager is absent for more than one week when the timesheet is due, the Clerk should sign in their absence

6. Limitations

- 6.1 Employees that have accrued TOIL will be limited to carry over 10 hours TOIL from one month to the next (resetting on the 1st of each month). For part time employees the limit to carry forward will be the equivalent of 30% of their contracted hours i.e. for an employee on 25 hours per week, the limit to carry forward will be 7.5 hours.
- 6.2 Anything in addition to 10 hours (or the part time equivalent) and not used by final day of the month will be considered lost and removed from the TOIL balance, unless previously agreed by the line manager to be carried forward.
- 6.3 If an employee is absent from work and unable to use their TOIL balance that month due to maternity leave, paternity leave, adoption leave, parental leave or sickness absence (the latter must be lasting one week or more), they will be permitted to carry the TOIL balance forward to the month that they return to work.
- 6.4 Upon leaving the Council's employ no employee shall receive payment for any TOIL balance held; any TOIL should be allocated during the notice period. The exception from this is where an employee is absent from work and unable to use TOIL due to maternity leave, adoption leave or parental leave; in this situation the employee may receive payment for any TOIL balance held.
- 6.5 The Council will not permit payment in lieu of TOIL balances, except where an employee's terms and conditions of employment specifically allow for this, as this does not encourage realistic management and structuring of hours and/or workloads.

7. Flexibility with Working Hours

- 7.1 The Council recognises that unfortunately some staff members cannot be offered as much flexibility with their working hours due to business demands.
- 7.2 The Council offices operate core hours of 10am to 3pm and therefore the Council is able to offer slightly more flexibility to staff in the offices providing these core hours are adequately covered.
- 7.3 The Clerk has responsibility for ensuring that adequate office cover is available Monday to Friday and to manage this accordingly.
- 7.4 Employees should not however be working additional hours for TOIL accrual in order to build up additional days off work i.e. as a supplement to holiday entitlement.
- 7.5 The reasons for this are two-fold; firstly, this encourages employees to work longer days than usual, which is not recommended, and secondly this can lead to employees in certain roles being absent from work more often, due to their roles allowing them to work more additional hours, and the knock-on effect this has on the service delivery of the Council.

8. Implementing the Policy

- 8.1 Any employee found to be abusing the Council's Additional Hours Policy will be dealt with in accordance with the Council's Disciplinary Procedure and may be subject to disciplinary action.
- 8.2 Hours of work are reviewed on a monthly basis by the Clerk and reported to the Chair of HR. Any concerns arising from these hours will be addressed as and when noticed, with a record of this kept securely on the employee's personnel file.