

STAFF NOTICE 29: FLEXI TIME SYSTEM SILVAN HOUSE GUIDANCE AND RULES

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| FOR | SH staff on Flexi -time and their line managers |
| DATED | 31 August 2009 |
| CONTACT | <ul style="list-style-type: none"> ➤ Trevor Robertson, extension 6253, for queries on cards, the system or new staff. ➤ Lorna Logan (6522) |

1. Who Can Use Flexi Time System?

Individuals joining Silvan House from other FC locations or as a new recruit up to and including Pay Band 3 are automatically put onto the flexi system unless there are significant job related reasons why this is not practicable.

However, any PB, including staff above Pay Band 3, can also opt in. Anyone working in Silvan House but not using flexi time currently can join the system. It easily accommodates different working patterns and hours.

HR Services set up new entrants, adjustments to working patterns and manage arrangements for people leaving the FC.

Short term temporary staff can use flexi time if, after one month's employment, their time keeping is satisfactory and their employment will continue for at least a further 2 months. Line managers will take the decision and should contact HR to make the arrangements.

2. The Individual User's Responsibilities

You are expected to use the flexi system with responsibility, honesty and consideration for colleagues and managers.

Individuals must take **personal responsibility** for discussing and **agreeing with managers and team colleagues** the hours of work that are needed to ensure the priorities of the job and the business are met. Compromise may often be needed. In some sections, cover will be required during 'customer' hours of business.

Managers may set down job-related working hours for jobs and teams in order to ensure that business/customer needs are met. **Individuals are required to comply with reasonable management requests.**

Self-authorisation is in place for a range of flexi time adjustments. However, probationers and staff on short-term appointments will have their adjustments authorised for the duration of their probation/appointment by their line manager, with the Flexi-Controller (FC) putting these into the system.

With the self-authorisation, you will be required to ensure that your record is correct, that keying mistakes are corrected quickly and that you follow the guidance in this Notice, or seek guidance when you are unsure of your entitlements.

You are expected to manage your working time to ensure that debit and credit limits are not exceeded. This includes planning your annual leave in order that you have adequate leave left for unforeseen events up to the end of your leave year.

You must continue to obtain your line manager's prior approval for annual leave, flexi leave and tell him/her of medical appointments etc in advance.

3. Flexi Controllers' (FCs) Role and the Manager's Role

Each Branch or Division has a Flexi Controller (FC) and a Deputy Controller. FCs have access to all the flexi time records and clocking adjustments for their area.

FCs will:

- carry out sample checks of adjustments, balances etc regularly (at least monthly) to ensure there is compliance with self-authorisation. FCs are entitled to ask for and see annual leave slips as part of these checks ;
- produce automated reports for managers/staff, including daily reports;
- give guidance and ensure procedures are being followed correctly.

Their role includes reporting problems, breaches, or suspected misconduct to line managers. It is the role of managers to take action on these issues.

Line/unit managers' responsibilities are to:

- manage the attendance of their team and take action where there are problems in time-keeping or flexi time use. It is a manager's responsibility to know what credits and debits their team has and to take action where necessary, such as instructing staff to reduce high debits;
- manage the annual leave and flexi leave of their team. Managers should continue to approve annual leave and flexi leave in order to manage work priorities;
- ensure that credit and debit balances carried forward allowed are not exceeded unless there are exceptional reasons for allowing this; (Flexi leave should not be approved where someone has already reached, or is close to reaching, the maximum debit).
- ensure that their staff use self-approval facility correctly and take action when there are errors or abuse of the system;
- apply FC disciplinary procedures where there is evidence to do this after investigation, or to refer serious misconduct to the Director/Head of Division/Branch.

Compliance checks will be carried out periodically on a sample basis by HR Services, or at the request of Flexi Controllers or line managers. For this reason, the system will retain records for several months.

4. Flexible Working Patterns/Changing Working Pattern

The system can accommodate part-time hours and a range of other flexible working patterns, such as compressed and annualised hours. Most of these options are changes to your contract of employment and will affect the way that your annual leave is calculated and credited.

If you wish to change to a different working pattern, you will need to make a **Flexible Working Application** to your manager, using the form available on the HR Intranet site.

Please ensure that you then notify HR Services as soon as possible if you have your manager's agreement to the change.

5. Flexi Time System: Set up

- The system is based on your standard contractual weekly hours i.e. the weekly hours that you are paid for and required to work. Flexi time enables you to average these hours out over a 4-week period and to take time off when you work excess hours. The end dates of each 4-week period are published on the HR Intranet site.
- For a full time non-operational member of staff, the contractual weekly hours are 37 net of lunch breaks worked over a 5-day week (Monday to Friday). There are 148 hours in the 4-week 'flexi period'.
- The flexi system is 'on' from 7am to 7pm Monday to Friday. You must key out when leaving in the evening, even if this is after 7pm.
- There are no core hours during which you must be in the office. However, you must agree actual working hours to meet the needs of the job with your manager, particularly where business/customer needs demand that service is guaranteed during certain times within the business day.
- For reasons of business efficiency, you should, unless away from the office for a whole day, attend for a minimum of 2 hours, even when taking a half day's leave. You can attend for a shorter period **only** if your manager agrees.
- You should not input credits for any hours worked outside 7am to 7pm. **The maximum daily credit that can be input to the system is 11 hours and 30 minutes.** Any other working time before 7am or after 7pm should be claimed via approved overtime or travelling time. See **SH11** for more guidance.
- Credits for official travel time (actual hours travelled only) between 7am and 7pm can be made to the flexi time system instead of submitting an overtime/TT claim.

6. 'Carry Over' of Credit and Debit Balances: Limits

- If you work 37 hours a week, a maximum credit balance of up to 22 hours 12 minutes (3 days) can be carried over from one 4-week period to another. If you work operational hours, your maximum credit balance is different. See **Annex 1**.
- A debit balance of up to 11 hours 6 minutes (1½ days) can be carried forward if you work a 37-hour week. If you work operational hours, your maximum debit balance is different. See **Annex 1**. If you have reached the maximum debit balance allowed, you are not permitted to take more flexi leave and should aim to reduce the balance by increasing your working hours;
- Pro rata limits apply to part-time staff. If you work part time hours, you are restricted to a credit carry over of 60% or a debit of 30% of your contractual weekly working hours. See **Annex 1**.
- An excess debit balance which has not been cleared may lead to action such as giving up annual leave in lieu or a deduction from pay, at the discretion of the line manager, in consultation with HR Services. This will happen if you are leaving the FC's employment and have a debit.
- The system will automatically take time off that is in excess of the credit limit. **Managers should only authorise the carry-over of this excess time in exceptional situations**, for example where you have not been able to take time off due to a long period of sickness. Managers should confirm authorisation in an email to you.

7. Lunch/Rest Time and Breaks

Rest breaks have to be taken for health and safety reasons and are covered by the **Working Time Regulations**.

- You should not work 6 hours 30 minutes or more in a day without taking a continuous/ uninterrupted rest break of at least 30 minutes, which must be taken **during** this working period and not at the start or finish of it. You must key out of the flexi system for this break. For most people, this will be the lunch break. If you have worked over 6 hours 29 minutes without taking the minimum 30-minute break or have taken a shorter break, the system will make an automatic deduction of 30 minutes or will increase your shorter break to 30 minutes.
- You should **not** key out and back in again for lunch straightaway. Nor should you credit yourself 30 minutes where you have omitted to take the break and the system has made that deduction. Where you have arrived at the clock a matter of minutes late, however, that will be accepted as a legitimate error, and you may credit the time back.
- This break applies whether you are working full or part-time hours or have another flexible working pattern.
- If you forget to key out and have had a break in excess of 30 minutes, you must input the appropriate additional debit above the 30 minutes that the system will automatically deduct.
- Young workers (under the age of 18) must take a minimum rest or meal break of 30 minutes (and key out) when daily working time is planned to be more than 4 hours 30 minutes.
- If you plan to work in excess of 6 hours, but less than 6 hours 30 minutes, you should take a continuous break of 20 minutes during the period of work, which can be the normal 'tea break' for which you need not key out. You can, of course, take a longer break if you wish but should key out for this.

8. Overtime Hours

Hours that you choose to work between 7am and 7pm, Monday to Friday, using the flexi time system, in order to work (or exceed) your contractual hours are not overtime.

Overtime payment entitlements remain in place, however. Unit Managers may authorise 'overtime working' in advance when workloads require your attendance at work at specific times in excess of weekly conditioned hours. Refer to SH Chapter 11 for guidance.

If your manager has authorised overtime payments during Monday to Friday you must key out of the flexi system for these hours and make an overtime claim. Authorised overtime on Saturday or Sunday should not be input as flexi credits.

9. Travelling Time or Official Business

Travelling time or official business hours at another location that fall between 7am and 7pm, Monday to Friday can be 'credited' to the flexi time system. Your T&S claim in EEM should also include details of the hours you were away/travelled.

You cannot claim a flexi time credit if you are making an overtime/TT payment or TOIL claim via the overtime system for the same time period. If you are a PB2, you cannot claim a flexi time credit for any hours travelled that you are counting towards a 'Discretionary Payment'.

TOIL claimed via the overtime form (E2M) is credited to your Annual Leave form and signed by your line manager when the E2M is approved.

Please refer to **Chapter 11 of the Staff Handbook** for details of entitlements to payments/TOIL, which vary by PB.

When the time off in lieu is taken, you enter the appropriate deduction of hours on the E7A and have this initialled by your manager. You can then put in a flexi credit for the same number of hours.

10. Crediting Time

Annex 2 contains guidance on the range of situations in which you will be able to input credits.

11. Misconduct Involving the Flexi System/Disciplinary Action

Examples of misconduct involving the flexi time system, which will be subject to disciplinary action by managers under PM 4 includes:

- Being logged into the flexi system when not working;
- Taking a rest/lunch break or shower whilst keyed in (however, you do not need to key out for normal 'tea breaks');
- Failing to clear a debit in excess of the maximum allowed after a previous warning;
- Failing to follow your manager's reasonable requirements on attendance hours;
- Not keying out for the full duration of your lunch break;
- Keying in and out for colleagues;
- Leaving the building for private purposes or business elsewhere and not keying out;
- Failing to correct erroneous clockings in good time;
- Falsification of flexi time records, or fraudulent adjustments/clockings for time credits or annual/special leave will be treated **as gross misconduct**, the usual penalty for which is dismissal. All suspected misconduct of this kind must be immediately reported to the Head of Division/Director and to the HR Office Manager, Lorna Logan.

Managers have discretion to remove people from the flexi time system for a fixed period as a disciplinary penalty after a warning has failed to bring about improvements. Standard hours will be worked if this happens. **Please consult HR Services.**

Managers who fail to investigate suspected misconduct that has been notified to him/her will also be subject to disciplinary action.

12. Leaving the Forestry Commission

You do not need to clock in on your last day and should return your pass to HR Services.

Debit or credit hours must be cleared/used by your penultimate working day. **Payments are not made for any outstanding hours in credit- you should take these off as flexi leave.**

Debits of hours that are not cleared will be deducted from the outstanding salary or annual leave that is due to you.

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Annex 1: Worked Examples

Standard hours/credits for the 20 day accounting period: Non Operational Full Time Staff

Weekly hours (net of lunch breaks): 37 hours

1 day = 7 hours 24 minutes

Half day = 3 hours 42 minutes

Maximum credit carry-over = 22 hours 12 minutes

Maximum debit carry-over = 11 hours 06 minutes

Maximum Flexi Leave in 4 week period allowed = 14 hours 48 minutes (2 days)

| Day | Hours Minutes | Day | Hours Minutes | Day | Hours Minutes | Day | Hours Minutes |
|-----|------------------|-----|------------------|-----|------------------|-----|------------------|
| 1 | 07 24 | 6 | 44 24 | 11 | 81 24 | 16 | 118 24 |
| 2 | 14 48 | 7 | 51 48 | 12 | 88 48 | 17 | 125 48 |
| 3 | 22 12 | 8 | 59 12 | 13 | 96 12 | 18 | 133 12 |
| 4 | 29 36 | 9 | 66 36 | 14 | 103 36 | 19 | 140 36 |
| 5 | 37 00 | 10 | 74 00 | 15 | 111 00 | 20 | 148 00 |

Standard hours/credits for the 20 day accounting period: Full Time Operational PB 5/6A

Weekly hours (net of lunch breaks): 44 hours

1 day = 8 hours 48 minutes

Half day = 4 hours 24 minutes

Maximum credit carry over = 26 hours 24 minutes

Maximum debit carry over = 13 hours 12 minutes

Maximum Flexi Leave in 4 week period allowed = 17 hours 36 minutes (2 days)

| Day | Hours Minutes | Day | Hours Minutes | Day | Hours Minutes | Day | Hours Minutes |
|-----|------------------|-----|------------------|-----|------------------|-----|------------------|
| 1 | 8 48 | 6 | 54 48 | 11 | 96 48 | 16 | 140 48 |
| 2 | 17 36 | 7 | 61 36 | 12 | 105 36 | 17 | 149 36 |
| 3 | 26 24 | 8 | 70 24 | 13 | 114 24 | 18 | 158 24 |
| 4 | 35 12 | 9 | 79 12 | 14 | 123 12 | 19 | 167 12 |
| 5 | 44 | 10 | 88 | 15 | 132 | 20 | 176 |

Part Time Hours: Carry over credit limit for a 4-week period and flexi leave allowed

Maximum carry over credit for full time staff is 3 days which = 60% of 37 hours

People working **20** hours per week. **Carry over credit allowed** = 60% of 20 = **12 hours**

Maximum Flexi Leave in 4 week period allowed = **8 hours**

People working **30** hours per week. **Carry over credit allowed** = 60% of 30 = **18 Hours**

Maximum Flexi Leave in 4 week period allowed = **12 hours**

Part Time Hours: Carry over debit limit for 4 week period

Maximum carry over debit for full time staff is 1.5 days which = 30% of 37 hours

People working 20 hours per week = 30% of 20 = **6 hours carry over debit allowed**

Working 30 hours per week = 30% of 30 = **9 hours carry over debit allowed**

Annex 2: Credits for Annual Leave, Sickness, Public Holidays etc

Leave: Full Time Hours

For full time staff, standard 'credits' are given for a half-day, full day or week's absences, such as annual leave, sickness absence or public holidays:

- 7 hours 24 minutes = 1 day credit for someone working 37 hours each week over 5 days
- 8 hours = 1 day for someone on an operational contract of 40 hours each week over 5 days

A half-day is:

- 3 hours 42 minutes for someone working 37 hours each week over 5 days
- 4 hours for someone on an operational contract of 40 hours each week over 5 days

Leave: Part Time or Flexible Patterns (e.g. compressed hours)

Credits for people working flexible working patterns such as part time or compressed weeks/fortnights hours are calculated in hours and will reflect their contractual working hours for the specific day or week that he/she is taking off.

For example someone working part time hours of 18 hours net over 3 days:

1 day's leave = 6 hours

½ day's leave = 3 hours

1 week's leave = 18 hours

The amount of hours deducted from your annual leave or public holiday allowance/slips should always equate to the flexi time credit that you are inputting.

Authorisation of Leave

You are expected to get the advance approval of your line manager for your annual leave and flexi leave.

Flexi leave is approved by your line manager, using the E7A. If you work full time over 5 days, you can take up to 2 days' flexi leave in a 4-week period providing your manager approves.

Special Paid Leave must be approved via an application to your Cost Centre Manager. You cannot put in a credit for special paid leave until you have written approval, which you should retain with your leave slip. SPL taken is shown on your leave slip.

Absences due to Illness

You should contact your line manager by 10am if you are ill and cannot come into the office. Line managers (or another nominated person) must complete an OR 2 on the first day of absence.

You must complete an OR4 form and ensure this is sent to HR Services when you return from sick leave.

You can only input as a credit (for sickness absence) the hours you were contracted to work that day. For full time staff this is a standard day credit (7 hours 24 mins).

If you fall ill during the working day and have to go home, you can input a credit for the balance of the day to make up your hours to 7 hours 24 minutes, or your normal daily contractual hours, where these

are less or more. Normally a full day's sick leave will be recorded if you have worked for less than 1½ hours before departing.

Credits for Further Education at College

If you get approved day release at college you get a flexi credit for actual attendance hours up to a maximum of your standard day (see **Annex 1**). If the education is being carried out outside normal conditioned hours or days, refer to the guidance in SH Chapter 11.

Training Courses/Seminars outside Silvan House

In most cases, the credit for a day's training will be your normal standard day. Where the course timetable is longer, the actual working hours can be credited (minus lunch breaks).

Official travel time between 7am to 7pm can be credited. If you are in PB3 or below, you can instead claim travel time via the overtime/TT claim form. However, if you do this you cannot claim these hours on the flexi system.

Educational Outings

If you are going on a full day educational outing you should not key in on that day. You should input a credit of the standard day, or your normal contractual hours.

Transport Difficulties

In exceptional circumstances your manager has discretion to allow you to credit where disruption of transport prevents you coming into work. Delays are normal at certain times of the year, however, and variations in your commuting journey are **not** 'compensated' by additional time credits. **Normal conditions include adverse winter weather.**

Exceptional circumstances are those in which the traffic is severely disrupted because of unexpectedly severe weather conditions, industrial disputes or major emergency incidents. In these exceptional circumstances the following guidelines can be used, but Heads of Branches exercise discretion in applying them.

In these exceptional circumstances, people who attend work can be credited as follows **provided the credit does not lead to total time accrued for the day being in excess of 7 hours 24 minutes (or part time contractual hours for the day).**

- On your delayed journey to work – provided you experience an unavoidable delay of more than 15 minutes in arriving at work, the credit is from the usual time of arrival to actual time of arrival.
- Where you have tried to travel to work but due to extreme conditions cannot get there at all you credit your standard day, if you have phoned your line manager to say that you were unable to get in. Otherwise the absence is annual leave, flexi leave or unpaid absence.
- Where early departures are authorised by HR because of bad weather, the maximum credit is from the time of departure to your normal time of departure, provided your standard day is not exceeded.

Any other credits are at your manager's discretion.

Official Business Outside Silvan House During the Working Day

You should key out if you leave the building and put through a credit for worked hours.

Time Off for Appointments with Doctors, Dentists, Hospital, Optician or Ante-Natal Classes

You should arrange appointments as far as possible to minimise disruption to your work, managers and colleagues. Wherever possible, you should arrange appointments in your non-working time, such as on days that you do not work, lunchtime or at weekends (e.g. the optician). Appointments on days or at times that you do not normally work cannot be credited.

You should key out for appointments that fall within your working day and give your manager advance notice. A credit equal to the duration of the absence will be allowed if the appointment falls within your normal working hours. However, you should deduct 30 minutes if you don't have a lunch break that day and would have had to without the appointment.

If your appointment is at the start or end of your normal working hours, you should not include any normal commuting time in the credit claimed. If you choose not to return to work after an afternoon appointment, your credit will be no more than the travel time (to the appointment) plus duration of the appointment but deducting your normal commuting time home. You are not entitled to a credit up to your normal departure time or to make up time to your standard day.

Home Working

If you have an agreement with your line manager to work at home on some days you can claim credits for your actual working hours at home between 7am-7pm minus rest/meal breaks.

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