

## FLEXIBLE WORKING POLICY AND GUIDANCE

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Version	Date	Owner	Summary of Changes
V1.0	13.02.2012	HR/OD Officer	New policy

Approvals	RAC 13.02.2012
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### 1. Introduction

- 1.1 CHS believes in flexible working that enhances our service delivery whilst meeting the needs of individual staff members.
- 1.2 The policy aims to set out ways in which flexible working can improve efficiency increase employee motivation and build better working relationships.
- 1.3 Although the policy covers the following options, the list below is not exhaustive, and the organisation recognises that there may be alternatives to these options and that a combination of options may be the best workable solution for some individuals. A brief description of each of the options is attached at Appendix 1.
  - Annualised hours
  - Compressed hours
  - Flexi-time
  - Part-time working
  - Job sharing
  - Term-time working
  - Home working
  - Mobile working
  - Voluntary reduced working time for a specific period
  - Career Breaks
  - Twilight Working/Staggered Hours
  - Flexible retirement

### 2. The Needs of the Organisation

- 2.1 Although CHS is committed to providing the widest possible range of working patterns for its workforce, both management and employees need to be realistic and recognise the full range of flexible working options will not be appropriate for all jobs across all areas of the organisation.

2.2 When considering any proposal for flexible working, the organisation will consider the following criteria, including, but not limited to:

- The cost of the proposed arrangement
- The effect of the proposed arrangement on other staff
- The level of supervision the post-holder requires to carry out their duties
- The structure of the team, any specific team issues and staff resources
- An analysis of the workload, tasks specific to the post, including their frequency and duration.

2.3 It should be recognised that not all flexible working options will be suitable for all staff. However, there should be no arbitrary barriers. It must also be noted that there is no automatic right for employees to change to any of the flexible working patterns. Each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on an individual, team or organisational performance.

### **3. Eligibility**

3.1 The Employment Act 2002 provides the right for eligible employees to request flexible work practices that enable them to strike a balance between their work and family lives. This was extended by the Work and Families Act 2006 Act to include the carers of adults and children up to age 17.

3.2 CHS supports flexible working and understands that it makes good business sense to fully consider requests for flexible and alternative working practices as this can lead to a retention of skilled and experienced staff, high levels of staff morale and decreased absenteeism. CHS will consider all staff in the organisation eligible to request flexible working.

3.3 In certain situations, to ensure that CHS meets its legal obligations, precedence has to be given to those who are recognised in employment law terms e.g. those employees with a child under the age of 17 (18 where the child is disabled) or who have caring responsibilities for an adult aged 18 or over who is their spouse, partner or civil partner; a relative or someone who lives at the same address.

### **4. Application Procedures**

4.1 CHS recognises that some approaches to flexible working practices will involve changes to contracts of employment and may be relatively easy to implement, whilst other working patterns may have greater impact on the organisation as a whole. Before any flexible working pattern is implemented, there will be consultation with the individual, Director, line manager and HR where all issues and concerns can be addressed and dealt with prior to the commencement of the flexible working.

4.2 The application procedure and further details on eligibility can be seen at Appendix 2.

### **5. Training & Support**

5.1 Both managers and employees may benefit from training and support to help acclimatise to the new

working pattern. There will also be a sufficient `settling-in' period to help employees adjust to the new working pattern.

## **6. Standard Working Hours**

- 6.1 The standard full time working week is 37 hours, and the working day for full-time staff is 7 hours 24 minutes.
- 6.2 In accordance with the EU Working Time Regulations, staff should not work more than 48 hours per seven day period, calculated over an average period of 17 weeks.
- 6.3 CHS operates a flexible working hours scheme and further details can be found at Appendix 3.

## **Flexible Working Hours Options**

### **1. Annualised Hours**

The employee is paid for the total number of hours worked over the whole year and the actual weekly hours vary to account for peaks and troughs in the organisation. Employees with an annualised hours working arrangement work longer hours when the organisation is busy and work shorter hours when there is less demand but are paid the same amount each month. The purpose of annualised hours is to meet the needs of the organisation.

Working time is calculated as the number of weeks in the year multiplied by the number of contracted hours weekly, minus the number of holidays and public holidays e.g. 37 hours per week x 52 weeks = 1924 hours – 25 days annual leave + 11.5 public holidays (307 hours) = 1617 hours to be worked over the year.

An application for annualised hours can only be granted at the start of the leave year.

### **Compressed Hours**

This allows employees to maintain their total weekly working hours, but to work them over fewer days than usual e.g. 37 hours worked over 4 days rather than 5 days per week, no more than 10 hours and no fewer than 3½ hours should be worked in any one day.

### **Part-time Working**

The hours of the post are permanently reduced.

### **Job Share Working**

Where two employees share the full time hours of the post.

### **Flexi-Time**

CHS has a well established flexi-time scheme which is applicable across the organisation. It currently comprises of a core period where attendance is required with flexible periods at the start and end of the day as well as during the lunch period. Flexi leave can be accrued to be used within a defined timescales. Full details of the scheme are attached at Appendix 3.

### **Overtime Working**

It is CHS' aim to ensure it has the required staffing establishment to carry out its functions, that staff are deployed in the most efficient and effective manner and that there is an appropriate work/life balance for all staff. However, where temporary situations arise which require additional staffing resources CHS will promote the use of appropriate alternative measures. It is recognised however that there are some situations where



overtime working can provide additional flexibility for CHS to meet urgent operational needs. Full details of CHS Overtime Policy is attached at Appendix 4.

### **Term Time Working**

Employees remain on a permanent contract as full or part-time, and are given the right to leave of absence during school holidays (approx 12 weeks). Part of the leave is covered with annual leave entitlement and the remainder is unpaid. The employee's salary is reduced accordingly and is paid in equal monthly instalments.

An application for term time working should be granted at the start of the leave year.

### **Home Working**

CHS views home working as a viable alternative to other forms of traditional working and regards it as a significant benefit to staff and operational requirements. It can provide working arrangements that will suit the needs of the organisation and the employee.

A home worker is defined as an employee who can perform the majority of their work from home. There will be a requirement to attend their office base on certain occasions for the requirements of the organisation and to attend team meetings.

When considering any proposal for home working, the organisation will consider the following criteria, including, but not limited to:

- The nature of the work to be performed is operationally feasible and effective to the organisation;
- Providing a professional service to Panel Members, Area Support Teams and partner agencies is not compromised by the home working arrangements.
- The terms and conditions of employment and CHS' policies and procedures will continue to apply in home working situation.
- Employees will remain contractually located with an CHS location and will undertake informal but frequent home working.

### **Voluntary Reduced Working**

This enables employees to apply to reduce their standard working hours for an agreed period. The employee will be paid for the hours actually worked and all other terms and conditions will remain unchanged with entitlement to leave pro-rata for the agreed period.

Employees who have completed one year's service will be eligible to reduce their hours of work by up to 50% for an agreed period of time.

### **Career Break**

In line with CHS' Career Break Policy, requests from eligible staff will be authorised where they can be

supported organisationally.

### **Staggered Hours**

The opportunity for staff to consider later starting and finishing times on a substantive basis may be attractive in support of personal care arrangements.

### **Flexible Retirement**

If you have at least 3 months total membership or have brought a transfer value into the Local Government Pension Scheme (LGPS), you may wish to consider flexible retirement. Rather than continuing in your job until you reach 65 and drawing your pension from then, you could, alternatively, consider from age 55 and with your employer's consent, to reduce your hours or move to a position on a lower grade and elect to draw the pension benefits you have already built up – helping you ease into retirement – whilst still drawing your salary from your job on the reduced hours or grade. Drawing a pension under flexible retirement is at CHS' discretion.

## FLEXIBLE WORKING APPLICATION PROCEDURE

### 1. Eligibility

- 1.1 All CHS employees are eligible to request flexible working
- 1.2 In line with legislation, the right to request flexible working is available to employees with the responsibility:
  - a) for the upbringing of a child under the age of 17, or, in the case of a disabled child, under the age of 18; or
  - b) for the care of an adult.
- 1.3 A carer is defined as an employee who is or expects to be caring for an adult who:
  - is married to, or the partner or civil partner of the employee; or
  - Is a near relative of the employee defined as parents, parent-in-law, adult child, adopted adult child, siblings (including those who are in-laws), uncles, aunts or grandparents and step-relatives.
  - falls into neither category (i) or (ii) but lives at the same address as the employee.
- 1.4 Where a request is being made under 2.1a, the request must be made no later than the child's 17<sup>th</sup> or 18<sup>th</sup> birthday respectively.
- 1.5 Employees must have a minimum of 26 weeks continuous service with CHS prior to submitting an application for flexible working.
- 1.6 Employees are not entitled to request flexible working if they have exercised this right previously within the 12 month period immediately preceding the date of the current application.

### 2. Procedure

- 2.1 A Flexible Working Application Form must be completed by the employee and submitted to their Director/Manager. In line with statutory requirements, this application form requires the employee to give details of their desired working pattern and outline the impact and possible accommodation of this suggested pattern.
- 2.2 In exceptional circumstances, consideration of requests for flexible working may be postponed by CHS for up to a maximum of 6 months due to justifiable operational reasons.
- 2.3 The employee will be invited to attend a meeting with their Director/Manager within 28 days of the application being submitted. The employee is entitled to be accompanied by a trade union

representative or colleague at the meeting to discuss the application and consider what arrangements need to be made if the working pattern is to be changed.

- 2.3 The Director/Manager will provide a written response within 14 days of the meeting, which will give notice of the decision on the application.
- 2.4 Each request will be dealt with individually, taking into account the likely effects that the proposed changes to working hours or place of work are likely to have on CHS, the work of the team in which the employee making the request is employed and the employee's colleagues. Agreeing to one employee's request will not therefore set a precedent or create a right for another employee to be granted a similar change to his/her working pattern.
- 2.5 An application for flexible working can be refused only where there is a specified business reason e.g. burden of additional costs, detrimental effect on service provision or quality, inability to reorganise work amongst existing staff or the inability to recruit additional staff. If the application is refused details of the grounds for refusal and an explanation as to why the grounds apply will be given to the employee in the written response provided within 14 days of the meeting.
- 2.6 If, due to leave etc., the above timescales cannot be met, agreement, in writing, will be sought from the employee for an extension to timescales.
- 2.7 Where requests for flexible working are approved, this will result in a permanent variation to the employee's terms and conditions of employment from the agreed implementation date.

#### **4 Appeals Procedure**

- 4.1 If the employee is not satisfied with the outcome of their request, an appeal can be made in writing within 14 days from the date of notification of the refusal to the appropriate manager who will arrange an appeal meeting with the relevant senior line manager within a further 14 days. In normal circumstances, this will be the line manager of the Director/Manager who made the original decision.
- 4.2 Employees are entitled to be accompanied at the appeal meeting by a trade union representative or colleague. Full consideration will be given to the appeal and the decision will be communicated within 14 days of the appeal meeting. The appeal decision is final.



**CHILDREN'S HEARINGS SCOTLAND**

Flexible Working Application Form
<b>Note to employee</b>
<p>You can use this form to make an application to work flexibly, which includes applications in line with the right provided in law, to help eligible employees care for their children or adult under the employee's care.</p> <p>You should note that it may take up to 14 weeks to consider a request before it can be implemented and possibly longer where difficulties arise. You should therefore, ensure that you submit your application to your Director well in advance of the date you wish the request to take effect. You may wish to keep a copy for your own records. Your Director will arrange a meeting with you to discuss your request within 28 days of receipt of your application.</p> <p>It will help the Director to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions in this application form, as otherwise your application may not be valid. When completing sections 3 &amp; 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues.</p> <p><b>N.B. If your request is granted this will result in a permanent change to your terms and conditions unless otherwise agreed.</b></p>
<b>To the Director</b>
<p>I would like to apply to work a flexible working pattern that is different to that of my current pattern under my right provided in law. I confirm I meet each of the eligibility criteria as follows:-</p> <ul style="list-style-type: none"> <li>• I am an employee of CHS</li> <li><input type="checkbox"/> I have responsibility for the upbringing of either a child under age 6 or a disabled child under 18; or</li> <li><input type="checkbox"/> I am:             <ul style="list-style-type: none"> <li>- the mother, father, adopter, guardian or foster parent of the child; or</li> <li>- married to or the partner of the child's mother, father, adopter, guardian or foster parent</li> </ul> </li> <li><input type="checkbox"/> I am making this request to help me care for the child.</li> <li><input type="checkbox"/> I am making this request before the child's 17th birthday or 18th birthday where disabled.             <ul style="list-style-type: none"> <li>▪ I have the responsibility for the care of an adult as defined in section 1.2 and 1.3</li> <li>▪ I am making this request to help me care for the adult</li> </ul> </li> <li><input type="checkbox"/> I have worked continuously as an employee for CHS for the last 26 weeks.</li> <li><input type="checkbox"/> I have not made a request to work flexibly under this right during the past 12 months.</li> </ul>

**Flexible Working Application Form**

<b>1a. Personal Details</b>	
<b>Name:</b>	<b>Employee Number:</b>
<b>Line Manager:</b>	<b>Team:</b>
<b>1b. Child's Date of Birth (if applicable):</b>	
<b>1c. Relationship with adult (if applicable):</b>	
<b>2a. Describe your current working pattern (days/hours/times worked):</b>	
<b>2b. Describe the working pattern you would like to work in future (days/hours/times worked):</b>	
<b>(you may continue on a separate sheet if necessary)</b>	

**2c. I would like this working pattern to commence on** (Date)

**3. Impact of the new working pattern**

I think this change in my working pattern will affect my employer and colleague(s) as follows:

**4. Accommodating the new working pattern**

I think the effect on my employer and colleagues can be dealt with as follows:

**Signature:**

**Date:**

**Now pass this application to your Director who will confirm receipt of your application and arrange a meeting with you to discuss your application within 28 days of receipt.**

## FLEXI SCHEME

### 1. Introduction

- 1.1 CHS recognises that flexibility over working hours is one aspect of employment which is highly valued by staff and flexitime can offer benefits to staff and CHS including:
- Improvement in the work-life balance of staff by making personal and domestic commitments easier to accommodate;
  - Improvement in motivation levels;
  - Acting as a recruitment and retention tool;
  - Making it easier to accommodate fluctuations in workloads;
  - Encouraging team working in instances where certain staffing levels have to be maintained

### 2. General

2.1 The general terms of the Flexi Scheme are as follows:

- The Scheme is open to all CHS staff.
- Staff participating in the flexi scheme, are responsible for calculating their own working hours and adjustments on the CHS Flexi sheet provided and this is subject to approval by line management.
- CHS standard hours are 37 hour working week.
- CHS office hours Monday to Thursday 8.45am to 5.00pm and 8.45am to 4.30pm on Fridays.
- In small offices of three staff or less some flexibility may be possible to permit employees to participate in the scheme.
- For any changes to existing opening hours, the Director must seek the specific agreement of Chief Executive.
- Saturday and Sunday are not classed as working days for the purposes of this scheme, and will attract separate compensatory arrangements for time off or payment where appropriate
- Compensatory time off in lieu for out of hours services will be treated separately from the above Flexi leave provisions.
- The total contracted hours to be worked in the accounting period is 148 hours (i.e. 4 weeks at 37 hours) – pro-rated for part-time staff. Each individual officer is responsible for ensuring that they work at least the contracted hours subject to the approved number of carry-over hours (credit or debit).

### 3. Flexi Scheme

#### Flexi Accounting Period

- 3.1 The flexi account period lasts for four weeks, starting on a Monday and finishing on the relevant Friday.

**Core hours**

3.2 The working day i.e. Monday to Friday will be made up as follows:-

Flexible time	7:00	- 1000
Core time	1000	- 1200
Flexible time	1200	- 1430
Core time	1430	- 1600
Flexible time	1600	- 20:00

3.3 All members of staff who continue to work past 20:00 hours must obtain line management approval.

3.4 All staff must be at work during core time, unless absence is authorised, subject to the provisions in Section 4.

3.5 During flexible time, staff may vary their starting and finishing times, subject to operational requirements. Managers must ensure that staff provide satisfactory cover during offices hours in the provision of a service to the public. Managers, therefore, reserve the right to regulate the starting and finishing times of staff, where necessary, within the parameters of the standard working day after consultation with the staff concerned.

**Breaks**

3.5 A minimum lunch break of 30 minutes must be taken during the period 1200 to 1430. A maximum lunch break of 2 hours may be taken subject to the requirements of the Service.

3.6 No member of staff may work more than 6 hours per day without a break of 30 minutes.

3.7 An additional minimum break of 30 minutes should be taken early evening by any member of staff working throughout the day and during the evening flexible time period.

**Flexi Leave and Compensatory Time Off**

3.8 An employee is eligible to request the equivalent of two day or four half days flexi leave per accounting period, pro-rated for part-time staff.

3.9 Flexi leave is over and above normal entitlement, and is subject to the exigencies of the service and would be considered subordinate to the planned annual leave of other staff. Managers are however encouraged to ensure that whenever possible, staff have the opportunity to take "flexible" leave within the accounting period, which would otherwise be lost.

- 3.10 The period of notice for flexi leave should be flexible and dictated by service requirements.
- 3.11 Flexi leave may be taken in advance of hours worked, as long as it does not place the individual in a position of excess debit, i.e. more than 14 hours.

#### **Credit and Debit Balances**

- 3.12 A credit, up to a maximum of 30 hours or debit, up to a maximum of 14 hours, may be carried over from one accounting period to the next.
- 3.13 Normally a credit balance which exceeds 30 hours at the end of the accounting period will be discounted. In exceptional circumstances a Director may authorise a temporary short term extension to the credit balance limit at the end of the accounting period.
- 3.14 An employee who accumulates a debit balance in excess of 14 hours at the end of the accounting period will be liable, unless there are exceptional agreed circumstances, to a deduction from pay, equivalent to the excess. Instances where an employee repeatedly exceeds the maximum debit hours allowed, may be considered under the CHS' Disciplinary Procedure.
- 3.17 The only exception to these limits will be staff who are unable to achieve a balance at the end of the accounting period because of sickness or other unexpected absence. In such cases the excess hours will be carried forward until their return, with management discretion after discussion with the individual over how quickly each individual should achieve a balance after his/her return.
- 3.18 Credit and Debit balances provision will be pro rated to hours worked.
- 3.19 On leaving CHS, employees must try to achieve a balance. In normal circumstances no monetary credit will be made for credit hours remaining. CHS will make the appropriate cash debit for debit hours outstanding of 7 hours or more.

#### **4. Absence/Time Off**

- 4.1. Time off due to sickness, official holiday or authorised absence with pay, will be credited to employees on the basis of the standard working hours, i.e. 1 full day = 7 hours 30 min 1 half day = 3 hours 45 minutes. Staff sent home ill during the course of the day will be credited with a balance up to standard working hours. Staff working less than 37 hours per week will be credited on a pro rata basis.
- 4.2 Other short absences during the day for personal reasons, must be completed during flexible time.
- 4.3 Whenever possible, absences for medical reasons involving visits to the doctors, dentists, opticians, etc. should be arranged during personal time or during the flexible periods. These

absences will not receive flexi credit. Absence during core time will not normally be credited.

- 4.4 However, where an appointment for essential treatment or a consultant's appointment which may be outside the control of the individual, there is management discretion to allow absence with credit for appointments during core time. While it is expected that managers will usually respond favourably to such requests for time off with credit, there is no automatic right, and each request will be considered on its merits.
- 4.5 Expectant mothers going on ante-natal visits, arranged during the course of the day, will be credited for the duration of the visit to a maximum balance for the day of 7 hours 30 mins or normal working hours.
- 4.6 Absence on business or at conferences or courses will normally be credited at actual hours worked within the limits of the normal bandwidth when the absence is specifically connected to the performance of the essential duties of the postholder. This credit should include travelling time over and above the employee's usual travelling time to place of work.
- 4.7 Further Education training will not normally qualify for extra credit. Staff on full day release will receive 7 hours 30 mins credit; those on half day release will receive 3 hours 45 minutes credit, pro-rata to hours worked.

Training undertaken specifically in connection with service needs will normally be credited at actual hours worked including additional travelling time over and above usual travelling time to place of work within the limits of the normal bandwidth.

- 4.8 Staff will accept the normal risks of travel to and from work. Staff unable to report to work because of severe weather or industrial action will only be credited in exceptional circumstances, and then on the basis of a Director's decision. Further details can be obtained from CHS' Severe Weather Policy.

## 5. Abuse of the Scheme

- 5.1 Any abuse of the Scheme may be subject to disciplinary action which may involve withdrawal of the right to participate in flexible working provisions.

## 6. Review

- 6.1 The Flexible Working Hours Scheme will be reviewed every 3 years.

## OVERTIME POLICY

### 1. Introduction

- 1.1 This policy is designed to assist in service delivery for example by relieving workload pressures, clearing backlogs and in other situations where the Director/Line Manager considers alternative measures, such as recording additional hours worked under CHS' Flexible Working Hours Scheme, are not appropriate or have been exhausted.
- 1.2 Working over and above normal hours is not a condition of employment for any member of staff and agreement to carry out such work is entirely voluntary on their part.
- 1.3 Where overtime working is deemed to be the most effective and efficient method of addressing operational requirements, approval must be obtained in advance. Authority to agree to overtime working must be exercised personally by Director/Line Managers who will be required to monitor and report on outcomes.
- 1.4 Overtime working is not available in connection with attendance at training courses.
- 1.5 CHS' normal working day for full-time staff is 8.45am to 5.00pm. The use of the Flexible Working Hours Scheme should be considered in the first instance for additional periods of work during the working week. The flexi time periods are available from 7.00 a.m. to 8.00 p.m. with core hours for attendance at work being between 10.00a.m. and 12.00 p.m. and 2.30 p.m. and 4.00 p.m.. Where the use of flexi time is not considered to be appropriate, overtime will be available for hours worked in excess of 37 hours per week outside the normal working day. Overtime will not normally be worked prior to 7.00am or beyond 8.00pm. Where overtime is to be worked at the end of the normal working, a minimum break of 20 minutes must be taken.
- 1.6 Overtime working at weekends will normally be authorised on the basis of one day only, either Saturday or Sunday, and within normal working hours. Only in exceptional circumstances will authorisation be given to both Saturday and Sunday working.
- 1.7 In normal circumstances, overtime working will be limited to a maximum of 20 hours in any four week period for each individual employee.
- 1.8 No overtime working will be authorised for staff who are carrying a negative flexitime balance.
- 1.9 Any health and safety issues or concerns for staff arising out of overtime working require to be reported to the relevant Director/Line Manager who will liaise as appropriate with CHS' Health and Safety Adviser.

### 2. ENTITLEMENT TO COMPENSATION FOR OVERTIME WORKED

- 2.1 In normal circumstances overtime payments will only apply to staff in Medium Officer grade and



below. In exceptional circumstances, where particular operational pressures require it, overtime may be authorised for other grades. Time off in lieu may be granted in respect of overtime worked, calculated at the appropriate rate.

2.2 Extra time of less than half an hour per day will not be considered for paid overtime.

### **3. COMPENSATION RATE**

3.1 Authorised overtime will be paid at the rate of time and a half the normal hourly rate for all hours worked, Monday – Saturday. Where overtime is worked on a Sunday or fixed public holiday it will be paid at the rate of double time. Payments must be claimed on the appropriate form on a monthly basis.

3.2 Part-time and job share staff working additional hours will be paid at plain time rates until hours worked exceed normal full-time hours, that is 37 hours per week.

3.3 There will be no payment for overtime working which has not been previously authorised by Director/Line Managers.

### **4. MANAGEMENT CONTROLS**

4.1 All overtime payments must be contained within the appropriate budget and must be strictly controlled in accordance with the above policy. Directors/Line Managers will manage all authorised overtime within their respective staffing budgets and report on overtime usage, on a monthly basis, to the Director of Finance and Corporate Services.

4.2 The Director of Finance and Corporate Services has overall responsibility for monitoring overtime working and reporting as required to Management Team and the Board.