

## Flexible Working Hours (FWH) Policy

### Introduction

This document provides an overview of the FWH Policy for managers and staff. The policy cannot anticipate all potential situations and where further guidance is required this should be sought from HR.

The FWH scheme allows staff some scope to vary their hours of attendance to better suit their personal circumstances. This flexibility also allows the Department to provide a more comprehensive and responsive service to our customers. The operation of FWH is subject to the terms of the policy and the business needs of the Department.

Staff participating in the FWH scheme work for the same total number of hours as colleagues on the equivalent standardised working pattern. However they have the ability to vary their hours of arrival and departure, are able to accrue a credit of hours and take this as leave.

The scheme does not affect staff pay, terms or conditions.

### Principles of FWH

Access to the scheme available for all staff

The FWH scheme is designed to support the needs of staff, while ensuring that the Department can meet the operational demands placed on it and the requirements of our customers.

Participation in the scheme is on a voluntary basis and staff may work on a standardised hours basis if they prefer.

Staff attendance must complement the business requirements of the Department and should not simply reflect personal preference.

### The FWH Policy - Full Time Equivalent Staff

The working day is:

Standard working day	7 hrs 24 mins
Standard working week	37 hours (Net of lunch breaks)
Accounting period	4 weeks (148 hours)
Morning Bandwidth	0700 to 1000
Morning Core time	1000 to 1200
Lunch Bandwidth	1200 to 1400
Afternoon Core time	1400 to 1530

Afternoon Bandwidth	1530 to 1900
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The earliest morning start time and latest afternoon finish time that can be worked are subject to local building opening and closing times; which may vary.

Area Fiscals / Area Business Managers, or the relevant Crown Office heads, have discretion to extend the lunch bandwidth to 14:30 where this is appropriate for local operational needs; for example court commitments.

The term "Bandwidth" refers to the period within which staff can vary their attendance. "Core times" refer to the periods where it is mandatory for staff to be in attendance; with the exception of authorised absences.

Hours worked outwith the flexi bandwidths i.e. 7am to 7pm will not normally be credited except under exceptional circumstances and with the approval of the line manager. In addition to this exception, Staff in F, F(L) and G grades will be entitled to flexi credits in respect of work undertaken outwith flexi bandwidths with the approval of their line manager.

Staff must not work more than six hours without a break of at least 30 continuous minutes. This break should not be taken at the beginning or end of the six-hour period. Young workers under the age of 18 must take a break of 30 minutes when the daily working time is more than four hours thirty minutes. Staff should be clocked out of the FWH recording system whilst taking their lunch break.

Any member of staff wishing to take a long lunch i.e. one that will exceed 1 hour within the lunch band should obtain advance approval from their line manager. Early finishes; or late starts must also be agreed in advance with the line manager.

### **The Accounting Period**

The balance of time worked by an individual member of staff is assessed during the course of an "Accounting Period." This is a four weekly cycle, starting on a Monday and finishing on a Friday. At the end of the accounting period the total number of hours actually worked by the member of staff are compared against the total number of hours that would apply under net conditioned hours; this is 148 hours for full time staff. This determines if the member of staff has acquired a flexi credit or deficit for that accounting period.

For example a full time member of staff actually works 140 hours during the four-week accounting period. In this case they will have built up an 8-hour flexi deficit.

### **Flexi Credits and Deficits**

A credit or deficit of time may be built up however this should not normally exceed the maximum levels at any time. The maximum credit, or deficit, that may apply at the end of an accounting period is listed below. Staff should ensure that they do not build up excessive balances or deficits and where problems arise must discuss these with their line manager.

- Maximum Credit Carry Forward - 22:12 (3 days)
- Maximum Deficit Carry Forward - 11:06 (1.5 days)

Where a time credit exceeds 22:12 hours at the end of any flexi accounting period the excess time will normally be deducted. In exceptional circumstances; for example due to a period of sickness where it has not been possible to reduce the balance, a line manager may exercise discretion in allowing an excessive balance to be carried into the next accounting period.

Where a deficit exceeds the maximum carry forward; the full deficit will be carried into the next accounting period. In such instances the line manager will consider what action is appropriate based on the circumstances. For example a one off, or occasional infringement, will not necessitate disciplinary action but will result in an agreement with the member of staff involved to reduce the deficit within a prescribed period of time. Repetition will however lead to the matter being treated as a disciplinary offence.

If a member of officer requests, Line Managers may agree to a reduction in their officer's annual leave entitlement to reduce the FWH debit. In these circumstances, the reduction must not take the member of staff below their entitlement to statutory annual leave. From April 2009 the statutory entitlement is 28 days (inclusive of public holidays).

### **FWH Leave**

Flexi leave may be requested from a line manager providing this does not result in the flexi balance exceeding the maximum deficit of 11 hours and 6 minutes for a full time member of staff. Normally a leave request should be made at least two days in advance to the relevant line manager.

Although staff can build up a flexi credit of 3 days by the end of the accounting period, a maximum of 2 working days (or 14:48 hours) may be taken in any one accounting period before or after the equivalent credit has been accumulated. In all cases leave must be pre-authorized by the Line Manager, before it is taken.

### **Annual Leave**

A full day's absence attracts a credit of 7 hours 24 minutes; or 3 hours 42 minutes for a half day.

## **Limitations of Policy**

Although staff on FWH have a degree of freedom in their attendance they must balance this with the reasonable requests of line managers to ensure that offices are sufficiently staffed during normal office hours.

### **The FWH Policy - Part-Time Staff**

Staff operating under alternative working patterns may also participate in the FWH scheme. The rules and principles applicable to full time staff largely apply to part time staff.

The average hours worked and carry over of credit or deficit; for part-time staff is adjusted on a pro rata basis dependent on contracted hours. The maximum credit entitlement can be worked out by using the following calculation:

Number of hours worked / 5 and then Multiplied by 3 = Number of hours

e.g. A member of staff works 30 hours the maximum flexi credit is :-

$30 / 5 \times 3 = 18$  hours maximum credit.

In this example the maximum flexi leave that can be taken in any one accounting period will be 12 hours (equivalent to 2 days); providing the maximum deficit allowed is not breached.

The maximum flexi deficit that part time staff can build up per accounting period is worked out by using the following calculation:

Number of hours worked / 5 Multiplied by 1.5 = Number of hours

e.g. A member of staff works 30 hours the maximum flexi deficit is :-

$30 / 5 \times 1.5 = 9$  hours maximum deficit.

### **The FWH Policy - Casual Staff / Fixed Term Appointments**

Casual staff and those on fixed term appointments may participate in the FWH scheme.

#### **Sick Absence**

If a member of staff is sick for a full day they will be credited with 7 hours 24 minutes, or for part time staff the amount equivalent to the relevant daily conditioned hours. Where a member of staff is sick for part of the day their hours will be made up to a total of 7 hours 24 minutes or the relevant daily conditioned hours for a part time member of staff.

#### **Medical / Dental Appointments**

Where possible staff should attempt to arrange appointments outside of normal working hours. However when such an absence is authorised a credit equal to the number of hours of absence will be made up to a maximum of two hours. Under extenuating circumstances the relevant ABM or Crown Office Unit Head may approve a credit for time in excess of the two hour maximum.

### **Official Duty Absence from Office**

This may apply when a member of staff attends a meeting or event at another office. A credit for the total time worked will be given; which may also include time spent travelling minus the normal time taken to travel from home to the office. Payment for travel time cannot be claimed if this has been claimed as a flexi credit.

### **Staff Training**

The FWH scheme does not apply when staff are on formal training events. Where these are scheduled to last a day a 7 hour 24 credit will apply; with a 3 hours 42 minutes credit for half day events. Where the training event lasts longer than a normal day the appropriate credit will be given. Additional credits will not however be made available for those attending residential training events; although travel time may apply under relevant circumstances.

### **Detached Duty**

In such circumstances the member of staff will adopt the FWH scheme as it applies in the office that they are posted to.

### **Overtime**

Overtime working falls outwith the FWH scheme; staff should not claim both FWH and overtime for the same period of work.

Where mid week overtime is worked overtime may not start until 17:00, Monday to Friday and staff should log out of the FWH system accordingly.

### **Leaving the Department**

On leaving the Department the member of staff and their line manager will confirm the final flexi balance. A credit balance of up to 22 hours 12 minutes will either be taken as additional leave prior to departure or reflected in final pay. Where a deficit exists at the date of departure this will either be offset against any outstanding annual leave, or via a corresponding reduction to final pay.

### **Misuse of the FWH Scheme**

The occasional, or minor infringement of the FWH rules will not normally constitute a disciplinary offence. Where the infringement is significant or

regular the line manager must consider what, if any action is required. Depending on the circumstances and severity this may include counselling the member of staff involved, temporary or indefinite suspension from the FWH system; or disciplinary action. In instances where permanent suspension or disciplinary action is considered this should first be discussed with the relevant ABM or Crown Office Head and HR.

Examples of infringements include: -

- Regular meal break, bandwidth or core time infringements
- Carrying over an excess deficit into the next accounting period

Examples of potentially more serious abuse include: -

- Fraudulently clocking in or out for colleagues
- Falsification of flexi records including the false credit of time, inappropriate adjustment of hours worked, or false reduction of a flexi deficit.

In certain instances serious abuse may constitute gross misconduct under the disciplinary code and may lead to dismissal.

### **Staff Responsibilities**

While managers are responsible for the delivery and administration of the FWH scheme, staff must ensure that they are fully familiar with the terms of the policy and operate within it.

In particular individuals should: -

- Appreciate that their attendance must support the business needs of COPFS and accommodate reasonable requests to provide operational cover by line managers;
- Ensure that they log their times accurately and efficiently through the FWH system;
- Pass updates and amendments to line managers timeously;
- Ensure that flexi leave is pre approved by their line manager;
- Be aware of the consequences of misuse and abuse of the system.

### **Line Management Responsibilities**

Managers are responsible for ensuring that the FWH policy is fairly and transparently applied and in particular to ensure that it is managed appropriately to support staff and business needs.

In particular managers should ensure: -

- That there is sufficient staffing cover during normal office hours.
- That they and their staff fully comply with the FWH policy and that this is applied fairly.
- That adjustments and requests for leave are considered timeously.

- Regular checks of staff FWH records are made to ensure accuracy.
- Misuse and abuse of the system is investigated and dealt with appropriately.
- That appropriate information with regards to flexi balance is passed to HR when a member of staff leaves the Department.