

Report to Employment Panel

Agenda
Item:

A.1

Meeting Date: 12 November 2013
Portfolio: Finance, Governance and Resources
Key Decision: No
Within Policy and Budget Framework: No
Public / Private: Public

Title: Flexitime and Time Off in Lieu (TOIL)
Report of: Organisational Development Manager
Report Number: CE 11/13

Purpose / Summary: The City Council offers a range of flexible working options for employees. The most important factor in any debate about flexible working is service delivery and ensuring we meet the needs of both external and internal customers. However, offering employees some flexibility in arranging their working hours can help to raise morale, reduce stress and contribute to recruitment and retention.

An outcome from the 2013 Employee Opinion Survey was to review and update the flexi scheme and to produce guidance on Time Off in Lieu (TOIL) which many teams used but there was no policy on it. Updated flexitime and new TOIL schemes have now been developed.

Recommendations: The Employment Panel is asked to approve the updated flexitime and new TOIL schemes.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

1.1 Introduction

1.1.1 The City Council offers a range of flexible working options for employees including a flexi scheme, part-time and term time working, and compressed hours. For a number of years employees have asked for changes to be made to the flexi scheme, both to make the scheme more flexible and to ensure the rules are applied consistently across the organisation. The flexi scheme was reviewed in 2007 and 2009 but both times it was decided not to make any changes.

1.1.2 The flexi scheme has had the most comments in the annual Employee Opinion Surveys since the surveys were reintroduced in 2011 and employees are still concerned that the scheme is interpreted in different ways depending on what team they are in. For example, the current guidance doesn't say how many days of flexi leave per month they can take which has led to teams developing their own rules.

1.1.3 An outcome from the 2013 Employee Opinion Survey was to review and update the flexi scheme and to produce guidance on Time Off in Lieu (TOIL) which many teams used but there was no policy on it.

1.2 The Case for Flexible Working

1.2.1 Recent research from the Chartered Institute of Personnel and Development (CIPD) shows that, "flexible working is linked to higher levels of employee engagement and wellbeing, which in turn has been proven to have a positive impact on workplace productivity." ¹

1.2.2 The most important factor in any debate about flexible working is service delivery and ensuring we meet the needs of both external and internal customers. However, offering employees some flexibility in arranging their working hours can help to raise morale, reduce stress and contribute to recruitment and retention.

2. PROPOSALS

2.1 Flexitime Scheme

2.1.1 The proposed new Flexitime Scheme Guidance (Annex A) builds on the current guidance as well as good practice from other organisations. The key differences between the proposed new scheme and the existing one are:

- The bandwidth is expanded from 8.00am – 6.30pm to 7.30am – 7.30pm.
- Core time is removed.

¹ http://www.cipd.co.uk/blogs/cipdbloggers/b/peter_cheese/archive/2013/06/25/flexible-working-response.aspx

- Fifteen hours of credit can be carried forward at the end of the settlement period.
- Credit and debit hours are pro-rata for part-time employees.
- Flexi leave can be taken next to annual leave.
- One day of flexi leave (pro-rata for part-time employees) can be taken each month.
- All employees with access to computers now receive a weekly flexi report.
- Flexi adjustments will be done by email for employees with access to computers.
- A Flexibank scheme is introduced for employees working on particular projects or at busy times of the year. For these reasons only, credit hours over 15 hours at the end of the settlement period can be 'banked' and taken at a later date.
- The flexi recording system will automatically deduct 30 minutes if a break has not been taken after working for 6 hours.
- Staff eating lunch at their desks and taking less than 30 minutes do not need to clock out.
- Under most circumstances, GP appointments, dental check-ups and sight tests should be taken in an employee's own time. However, if an employee has to see their GP or attend hospital for ongoing treatment or check-ups related to a serious medical condition, a disability or recuperation following an illness, reasonable time off with pay will still be provided.
- During sickness absence flexitime is suspended.
- In exceptional circumstances, where large numbers of employees will be affected, time can be credited with the approval of a Chief Officer.

2.1.2 The following remains unchanged:

The maximum amount of time employees can be in debit is eight hours.

2.2 TOIL Scheme

2.2.1 The proposed new TOIL Scheme Guidance (Annex B) is based on good practice from other organisations as the City Council did not have a policy on this. Some teams operated their own TOIL schemes and had different rules for how TOIL was accrued, recorded and taken which led to issues about how fairly these schemes were run.

2.2.2 The key features of the scheme are:

- The TOIL Scheme applies when employees are asked to work outside what are considered to be their "normal" hours, the flexitime bandwidth or beyond their contracted hours to meet the needs of the organisation. For staff on the Flexitime Scheme that would be before 7.30am or after 7.30pm.
- Staff at grade A to F are entitled to claim overtime for extra hours worked and the Pay Policy gives further guidance on this.
- Accruing TOIL should be an exceptional rather than routine occurrence.
- Additional hours must be agreed by managers in advance of them being worked if employees want to claim them as TOIL.
- Examples of when TOIL can be claimed include attending evening meetings, attending evening or weekend events on behalf of the City Council, running an

evening or weekend event and training courses that employees are required to attend on a day they do not normally work.

- Employees who choose to work outside normal working hours or outside the flexitime bandwidth cannot accrue TOIL.
- Excess hours accrued under the Flexitime Scheme may not be transferred to TOIL.

3. CONSULTATION

3.1 A paper on a revised flexi scheme and new TOIL scheme was taken to SMT in August 2013. Consultation took place with staff and unions in September. An updated paper was taken to SMT in October with recommendations for change following the consultation.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

4.1 Offering employees some flexibility in arranging their working hours can help to raise morale, reduce stress and contribute to recruitment and retention. While the most important factor in any debate about flexible working is service delivery and ensuring we meet the needs of both external and internal customers, the new schemes allow managers flexibility in arranging working hours to meet the needs of the service as well as allowing individual employees some flexibility in their working hours. The Employment Panel is asked to approve the updated flexitime and new TOIL schemes.

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Appendices **Annex A – Flexitime Scheme**
attached to report: **Annex B – TOIL Scheme**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Community Engagement –

Economic Development –

Governance – The current Flexi scheme predates the establishment of the Employment Panel. While amendments to a policy should be dealt with by the same Committee of the Council as dealt with the original report, the remit of the Employment Panel includes responsibility for the terms and conditions on which staff hold office and it is therefore appropriate that this Panel considers both the proposed new Flexi scheme and the new TOIL scheme.

Local Environment –

Resources – The proposed Flexi and TOIL schemes were consulted on during September and further discussion took place with service managers to ensure that the schemes reflect the needs of the business. The proposal provides an opportunity for the Council to further enhance the workforce benefits package.

Annex A



Flexitime Scheme Guidance

METADATA

Audience	Carlisle City Council
Creator	Organisational Development Team
Date Issued	TBC
Description	The document sets out how the City Council's Flexitime Scheme works
Disposal	N/A
Format	MS Word 2007
Version	0.5 Employment Panel 12.11.13
Title	Flexitime Scheme Guidance
FW Framework reference	Policy FW01

FLEXITIME SCHEME GUIDANCE

1. INTRODUCTION

1.1 Carlisle City Council is committed to improving the wellbeing of employees and demonstrates this through a range of initiatives. One of these is offering a variety of approaches to help staff work more flexibly.

1.2 The City Council has had a flexi scheme for many years but over time, teams have developed different ways of interpreting it which has led to issues about how fairly the scheme has operated. This guidance statement expands the flexi scheme to offer more flexibility when employees work their hours while improving accountability and sets out the rules by which the scheme operates.

1.3 The Flexitime Scheme is a discretionary benefit, which is offered to employees whose working arrangements allow an element of flexibility. It may not be suitable for employees whose duties require a fixed working pattern. The Statement of Particulars issued to employees when they started their job will show whether or not flexitime applies. If it is not applicable there may be other flexible working schemes which could be.

2. HOW THE FLEXITIME SCHEME OPERATES

2.1 General Principles

2.1.1 The Flexitime Scheme allows managers flexibility in arranging working hours to meet the needs of the service as well as allowing individual employees to adjust their working hours to fit personal circumstances. The guidance in this document shows the most flexibility that is allowed and there may be business reasons that mean some aspects of the scheme do not apply to all teams. This may lead to variations between posts, teams and directorates within the scheme rules. In reconciling any conflicting demands, the overriding consideration is service delivery and managers should ensure any changes to the scheme that apply to their team are clearly explained. Any concerns about how the scheme is applied should be raised through the grievance procedure or with the unions through the Consultative Joint Committee.

2.2 Standard Working Day

2.2.1 The standard working day is 7 hours 24 minutes and a standard half day is 3 hours 42 minutes. These times will be used for crediting annual leave, public and statutory holidays, sickness, attendance on courses, working days spent away from the office and special leave.

2.3 Bandwidth

2.3.1 The bandwidth is the earliest time an employee can start work under this scheme to the latest finishing time. The bandwidth has been extended and is now **7.30am** to 7.30pm Monday to Friday. Where the normal working week for an employee extends beyond these hours or includes a Saturday or Sunday the bandwidth should be extended to include those working arrangements.

2.4 Core Time

2.4.1 There is no core time in the Flexitime Scheme. Multiple attendances on a single day are permitted, subject to agreement with the appropriate line manager.

2.5 Maximum and Minimum Hours

2.5.1 No more than 6 hours must be worked without a break of at least half an hour. The maximum number of hours per day is 10 hours.

2.5.2 On every working day, a minimum of 4 hours must be worked to include at least 1 hour before 1pm and 1 hour after 1pm. Where a half day of leave (annual leave or flexi leave) has been agreed, the employee must complete at least 2 hours work before 1pm in the case of afternoon leave, and at least 2 hours work after 1pm in the case of morning leave.

2.6 Office Hours

2.6.1 The current office hours are:

Monday to Thursday	8.45am to 5.15pm
Friday	8.45am to 4.30pm

2.6.2 The Flexitime Scheme must not lead to a reduction in the standard of service to the public and all teams must ensure they have adequate staffing during office hours. Officers are expected to make adequate mutual arrangements so that there is sufficient cover to cope with the functions and responsibilities of their team. Managers are responsible for ensuring this takes place. Where managers set times the office is to be covered this must be clearly communicated to the team.

2.6.3 In exceptional circumstances, Directors have a reserve power to adjust the bandwidth in respect of individual posts or teams to ensure there is adequate cover for essential office functions.

2.7 Credit/Debit Hours and Carry Over

2.7.1 The reckoning of how many hours have been worked is over a period of a calendar month. Each monthly period ends at 1.00am on the 15th of the month.

2.7.2 The Flexitime Scheme makes it possible to work either more or less than the standard hours and most people will probably do so.

2.7.3 Employees working full time can carry forward 15 hours of credit. Any hours in excess of this will be lost at the end of the settlement period.

2.7.4 Full time employees can not be more than 8 hours in debit at the end of the settlement period. If an employee has more than 8 debit hours without previous agreement from their line manager, then the disciplinary procedure may apply.

2.7.5 Employees should not regularly carry debit hours from one settlement period to the next. If an employee consistently (i.e. 3 or more settlement periods) carries a debit over 8 hours, they can be required to 'pay off' the debit using annual leave.

2.7.6 These occasions are expected to be rare rather than the norm and regularly balancing flexitime records through the use of annual leave is not permitted. However, part-time staff who have a debit balance following a bank holiday are allowed to use annual leave to reduce the debit.

2.7.7 Credit and debit hours for part-time employees are calculated on a pro-rata basis. For example, someone working 18½ hours per week could be 7 hours 30 minutes in credit and 4 hours in debit.

2.7.8 Abuse of the Flexitime Scheme e.g. unnecessarily long attendances at work solely to build up credit hours, may result in the scheme being temporarily or permanently withdrawn from an employee.

2.8 Flexi Leave

2.8.1 Employees can take a maximum of one day of flexi leave pro rata per settlement period. There is no requirement to have accumulated the hours in advance of taking the leave but employees must be aware of the limit of 8 debit hours per settlement period (also pro rata).

2.8.2 The working pattern for some part-time staff means the pro-rata amount of flexi leave allowed would not enable them to take a whole day per month. For these staff they can take a whole day every two months. An example of this would be someone who works 18½ hours per week over 2½ days, working whole days for two day and then a ½ day. They could take one whole day every two months.

2.8.3 With approval from the line manager one day of flexi leave can be added to the start or end of a period of annual leave. For example, a week of leave could be 4 days of annual leave and 1 day of flexi leave.

2.8.4 Requests for flexi leave must be made using Trent Self Service or the paper-based flexi leave form. Requests for flexi leave will not be unreasonably refused but managers approving leave must ensure there is sufficient office cover.

2.8.5 The granting of requests for flexi leave will normally depend on:

- the operational needs of the service
- the amount of time an employee has already accrued
- satisfactory individual performance i.e. achievement of tasks/targets
- the workload of the individual/team
- level of attendance in the previous settlement period was as expected

2.9 Adjustments

2.9.1 All employees with access to computers at work now receive an automated flexi report every Monday to show the hours that have been recorded for them in the previous 4 weeks.

2.9.2 Employees with access to computers who need to make an adjustment to their recorded hours should email their line manager with the reason and adjusted timings. If the manager approves the adjustment they should email the team flexi administrator to amend the record and copy the employee in. If they do not approve the adjustment they should email the employee to explain why.

2.9.3 Employees without access to computers at work should notify their team flexi administrator of any adjustments they need to make.

2.10 Flexibank

2.10.1 Staff should not be working more than 15 hours (pro rata) in excess of their contracted hours on a regular basis. The City Council recognises that occasionally

individual employees or teams have particular projects or busy periods of the year that may require additional hours to be worked. This must be approved in writing by the Director before the hours are worked. When Flexibank hours are approved it must also be agreed by the Director, manager and employee when the accrued hours will be taken. Time over 15 hours will be 'banked' and recorded on the Directorate Flexibank Form located in the S drive (Management Reports).

2.10.2 If an employee wants to 'bank' Flexibank hours they should email their manager at the end of the settlement period saying how many hours above 15 were worked and include the email from the Director approving the accrual of Flexibank hours. For example, they were 21 hours in credit at the end of the settlement period and 6 of those were working on a project approved in advance by the Director. The manager should forward the email, along with the email from the Director, to the City Council's flexi administrator at flexi@carlisle.gov.uk. The administrator will enter the details on the Directorate Flexibank Form in the S drive (Management Reports). The employee will have 6 hours of Flexibank time and be 15 hours in credit at the start of the new settlement period.

2.10.3 The maximum amount of Flexibank leave that can be accrued per project or period is 74 hours. Accrued Flexibank hours can be taken in addition to the one day of flexi leave allowed per month and must be agreed in advance with the Director and manager. Hours banked in this way must be taken within 3 months of accumulating them. Employees wanting to take their Flexibank hours should email their manager saying when they want to take it and how much time they are taking. Managers should forward the email the City Council's flexi administrator at flexi@carlisle.gov.uk saying that they approve the taking of Flexibank hours. The administrator will enter the details on the Directorate Flexibank Form in the S drive (Management Reports).

2.10.4 Flexibank hours should not be recorded as Time Off in Lieu (TOIL) which is for different purposes as described in the TOIL Guidelines.

2.11 Overtime

2.11.1 One of the benefits to the City Council of the Flexitime Scheme is that employees will use the scheme to manage peaks of work so the need for paid overtime is reduced. Where payment is made for overtime, the same time cannot be claimed through the Flexitime Scheme. Overtime should be recorded separately on the Claim for Overtime Form. Guidance on when overtime can be claimed can be found in the Pay Policy.

2.12 Breaks

2.12.1 No more than 6 hours must be worked without a break of at least half an hour. In the case of lunch, this break should usually be taken between 12.00pm and 2.00pm, but if this is not possible e.g. due to attending meetings, an earlier or later break can be taken.

2.12.2 If you are leaving the building on non-work purposes e.g. for a lunch break, you should clock out and clock in on your return. The flexi recording system will automatically deduct 30 minutes if a break has not been taken after working for 6 hours.

2.12.3 The City Council encourages staff to take a lunch break away from their desk. This is important for employee wellbeing and productivity.

2.12.4 Employees who eat lunch in their office can take 30 minutes for lunch without clocking out as this will be automatically deducted by the system. If more than 30 minutes is taken an adjustment must be made as described in section 2.9.2.

2.12.5 Where circumstances permit, reasonable smoking time will be granted to employees who smoke. Employees taking a smoking break should clock out when they leave the building and clock in on their return.

2.13 Medical and Dental Appointments

2.13.1 The Flexitime Scheme is intended to increase the scope for staff to work flexibly to a degree where, under most circumstances, GP appointments, dental check-ups and sight tests can be taken in an employee's own time with the hours made up during the settlement period. For these appointments, if employees are going from work they should clock out and then clock in on their return. If employees are going to an appointment at the start of the day they should clock in when they arrive at work in the usual way and not make a flexi adjustment as they did under the previous scheme. Equally, if staff are going to an appointment at the end of the day they should clock out when they leave and not make a flexi adjustment.

2.13.2 If an employee has to see their GP or attend hospital for ongoing treatment or check-ups related to a serious medical condition, a disability or recuperation following an illness, reasonable time off with pay will be provided. The manager must seek guidance from the Human Resources Team when dealing with such a case.

2.13.3 Absences of half a day or more must be recorded on Trent, the sickness absence declaration form must be completed and will be recorded as time off to attend a medical appointment.

2.13.4 Pregnant women have a statutory right to paid time off to attend ante-natal appointments. Paid time off will also be granted for the purpose of cancer screening e.g.

mammograms. Employees must advise their manager in advance of all scheduled ante-natal and screening appointments.

2.14 Annual Leave and Bank Holidays

2.14.1 When an employee returns from leave they should check they have been given credit for the absence. If not, they should make a flexi adjustment. If they work full time, credit will be given on the basis of 7 hours 24 minutes per full day or 3 hours 42 minutes per half day for annual leave and bank holidays. If they work part-time or have a different working pattern, they will be credited with whatever is a full day or half day for their usual hours on that day depending on whether they were on leave for a full or half day. Bank holidays are credited on a pro-rata basis for these staff.

2.15 Sickness

2.15.1 If an employee falls sick during flexi or Flexibank leave, the normal notification procedure applies. However, if the employee intends to reclaim the 'lost' flexi or flexibank leave, they must produce a medical certificate to cover the whole of the period of leave to be reclaimed. This sick period may be taken into consideration as part of the attendance management policy. Outstanding leave may be taken at a later date.

2.15.2 For further information about sickness absence see the Attendance Management policy, procedures and guidelines toolkit.

2.15.3 During sickness absence flexitime should be suspended and should not be debited or credited during absence.

2.16 Special Appointments

2.16.1 If their manager considers there is sufficient office cover employees can arrange special appointments e.g. meetings with banks or solicitors during the working day. They should clock out when they leave and clock in on their return.

2.17 Special Leave

2.17.1 Managers are requested to consider a blend of options available to support individuals during this difficult time. This may include flexi, TOIL, special and unpaid leave. All leave requests must be discussed and agreed with the line manager. Further advice on this is available from the HR Team and in the Special Leave Policy.

2.18 Attendance at Courses, Seminars and Conferences

2.18.1 Employees attending courses, seminars and conferences will be credited with a standard working day of 7 hours 24 minutes. Any time beyond this amount spent travelling to or from events can be claimed up to a maximum of 10 hours. This also applies to travel on the day before or after an event subject to the total time for the day, including time actually worked on those days, not exceeding 10 hours.

2.18. 2 In the case of travelling on Saturdays, Sundays or holidays the maximum allowance will be the actual time spent travelling. Employees who attend a course, seminar or conference which would usually necessitate an overnight stay due to the distance of the event from Carlisle and who travel and return on the same day, thus saving the City Council the cost of an overnight stay, can also claim the actual time spent travelling. In these cases employees can accrue TOIL for any time over 10 hours and this must be approved by the line manager in advance.

2.19 Travel Time

2.19.1 Employees travelling from home to a workplace other than their usual one or to a meeting should make a flexi adjustment to show their arrival time at the site when they return to their usual workplace. If it takes longer to travel to the other site than it usually takes them to get to work they can claim the time difference. The same applies if employees are travelling from another site to home at the end of the day.

2.19.2 Employees who are required to attend evening meetings can claim time from home to the place of the meeting and return if they have gone home after their working day is over as this is above their normal commuting time for that day.

2.19.3 Employees leaving the workplace for business reasons should follow their departmental sign in and out protocol for health and safety reasons.

2.20 Absence from Usual Workplace on Official Business

2.20.1 If an employee leaves their usual place of work on official business, whether it is for a nearby visit or to go further afield, they should not clock out. If they do not return that day, they should make a flexi adjustment when they do return with the finish time for the day being the time they left the other site. A standard lunch break of 30 minutes will be

deducted from their time. If they take a longer lunch break it should be indicated in the adjustment.

2.21 Time Outside the Bandwidth and Saturday or Sunday Working

2.21.1 Time worked outside the bandwidth of 7.30am to 7.30pm or at the weekend will not be counted as part of the Flexitime Scheme unless that is part of a normal working pattern for an employee. The TOIL Guidelines provide guidance on how extra hours for specific events should be recorded.

2.22 Bad Weather Conditions

2.22.1 Employees who are unable to get to work due to poor weather conditions, for example roads blocked by snow, should take that time as annual leave or flexitime. If that is not possible, then it would count as unpaid leave of absence. Some employees may be able to work from home if they are not able to get to their usual place of work due to bad weather but that will depend on their role and needs to be approved by their line manager

2.22.2 Employees leaving work early due to bad weather conditions should clock out and will not be credited with extra hours. Where bad weather results in an employee exceeding the maximum deficit allowed by the Flexitime scheme, the manager should agree a reasonable timescale within which the deficit should be reduced.

2.23 Exceptional Circumstances

2.23.1 Only in exceptional circumstances where large numbers of employees will be affected, e.g. a major business continuity situation, will time be credited when staff are advised to leave early or not attend work. This needs to be approved by the Chief or Deputy Chief Executive.

2.23 Other Absences from Work

2.23.1 If an employee needs to be absent from work for any other reason they should discuss it in advance with their line manager. If agreement cannot be reached, final approval is at the discretion of the Director.

2.23.2 Special leave may be granted, for example, if an employee is:

- sitting exams for a qualification in connection with their employment
- undertaking duties as a Magistrate
- serving as a juror or as a witness in court
- attending summer camp for the reserve forces
- acting as an elected Member of another authority or school governor
- following the death of a close relative or partner

2.23.3 In all cases, they must apply to their manager for approval before taking the leave. Further advice is available from the HR Team.

2.24 Recognised Trade Union Officers

2.24.1 In the case of accredited trade union officials who are engaged on union business, only time spent during the standard day shall count for the Flexitime Scheme except when meeting with management.

3. ACCOUNTABILITY

3.1 The Flexitime Scheme operates on the basis of trust, particularly in relation to the recording of hours worked. Employees must always clock in and out themselves. They should never ask or permit another person to do it for them as this could result in disciplinary action being taken against the employee.

3.2 If an employee has left their card at home they should make a flexi adjustment for the hours they worked that day. If they have lost their card another one will be supplied and in the meantime, they should make flexi adjustments.

3.3 Everyone is likely to be forgetful at times; they may forget to clock out at lunchtime or at night for example. However, if the same person seems often, and for no obvious reason, to be infringing the rules of the Flexitime Scheme a copy of the flexitime infringements should be given to them and a meeting take place with their line manager. Employees infringing the rules may be required to return to fixed hours but will still keep using the flexi recording system.

3.4 Managers are responsible for ensuring they review the weekly flexi report for their team and deal with any issues arising. Weekly flexi reports may be sampled to ensure compliance with the scheme.

3.5 Managers should not add time worked over the 15 hours credit to the new settlement period. If an employee is regularly working over 15 hours extra the manager should meet with them to discuss their workload. If they are working extra hours for a particular project or a busy time of year this should be identified in advance and extra hours recorded on the Flexibank form. This should only be used on an occasional basis and not become a regular way of working. Managers should be mindful that in accordance with the Working Time Regulations an average working week must not exceed 48 hours averaged over a 17 week reference period when authorising Flexibank hours. This limit includes all secondary employment a person may be undertaking inside or outside of the City Council's employment.

4. FAULTY EQUIPMENT

4.1 There are occasionally problems with the flexi recording equipment. If this happens, employees should make a flexi adjustment to show the hours they have worked. If you find a unit is not operating properly please notify the Service Support Team on extension 7038.

5. DISPUTES

5.1 The Flexitime Scheme may be withdrawn from any employee who fails to meet the conditions of the scheme or who abuses the spirit of trust on which it is based and they will be liable to disciplinary action.

5.2 Any disputes which may arise about the Flexitime Scheme will be dealt with through the normal employee relations processes.

6. OTHER INFORMATION

6.1 Each employee taking part in the Flexitime Scheme is given a personal card for their sole use. The card is coded and when issued the code will be held on record.

6.2 Each time an employee clocks in or out the balance will be displayed. It is also possible to have the balance displayed by pressing 1 and swiping the card. Please note the system debits a standard day of 7 hours 24 minutes (or whatever is the usual daily pattern for that employee) at the start of the day. This reduces throughout the day and the balance at the end of the day will be correct providing no adjustments are to be made.

6.3 Employees authorised to work paid overtime should clock out as soon as the overtime is to start. Overtime should be recorded on the Claim for Overtime Form.

6.4 Accumulated flexitime cannot normally be paid for other than in exceptional circumstances which must be approved by the Director.

6.5 When an employee leaves the City Council they are expected to be 'in balance' on their final day. They should leave their card with their line manager.

6.6 Staff working late should be aware that cleaners need access to rooms to carry out their duties, even if staff are working in them.

Annex B

Time Off in Lieu Scheme Guidance

METADATA

Audience	Carlisle City Council
Creator	Organisational Development Team
Date Issued	TBC
Description	The document sets out how the City Council's Time Off in Lieu (TOIL) Scheme works
Disposal	N/A
Format	MS Word 2007
Version	0.5 Employment Panel
Title	Time Off in Lieu (TOIL) Scheme Guidance
FW Framework reference	Policy FW02

TIME OFF IN LIEU (TOIL) SCHEME GUIDANCE

1. INTRODUCTION

1.1 Carlisle City Council is committed to improving the wellbeing of employees and demonstrates this through a range of initiatives. One of these is offering a variety of approaches to help staff work more flexibly.

1.2 The City Council has not had a formal Time Off in Lieu (TOIL) scheme before although other policies make reference to TOIL. This has meant teams have developed different ways of accruing, recording and taking TOIL which has led to issues about how fairly it has operated. This guidance statement sets out the rules by which the scheme will operate.

1.3 The TOIL Scheme applies when employees are required to work outside what are considered to be their “normal hours”, the flexitime bandwidth, or beyond their contracted hours in order to meet the needs of the organisation.

1.4 Staff at grade A to F are entitled to claim overtime for extra hours worked and the Pay Policy gives further guidance on this.

2. HOW THE TOIL SCHEME OPERATES

2.1 What is TOIL?

2.1.1 TOIL is time off which employees are authorised to take in *lieu of* (i.e. instead of) overtime pay for time worked in addition to contracted hours by agreement with their line manager.

2.2 General Principles

2.2.1 Accruing TOIL should be an exceptional rather than routine occurrence. It is not possible to produce guidance that covers every situation so managers and employees need to use their judgement to ensure the scheme works fairly.

2.3 Accruing TOIL

2.3.1 TOIL is accrued when hours are worked outside of normal working hours for operational reasons.

2.3.2 Employees who are part of the Flexitime Scheme can only accrue TOIL when additional hours are worked outside the bandwidth which is 7.30am to 7.30pm, unless the

employee normally works different hours. Employees who work set hours (e.g. not part of the Flexitime Scheme) can accrue TOIL for hours worked outside their normal working hours.

2.3.3 Additional hours must be agreed by managers in advance of them being worked if employees want to claim them as TOIL.

2.3.4 Examples of when TOIL can be claimed include attending evening meetings; attending evening or weekend events on behalf of the City Council; running an evening or weekend event; and training courses employees are required to attend on a day that they do not normally work.

2.3.5 Employees who choose to work outside normal working hours or outside the flexitime bandwidth cannot accrue TOIL. Excess hours accrued under the flexitime scheme may not be transferred to TOIL.

2.3.6 TOIL should not be accrued on a regular basis. If employees are routinely expected to start or finish work outside of their normal working hours or the flexitime bandwidth an alternative solution should be considered. For employees who are required to regularly work in the evenings, a change to the bandwidth may be appropriate for them.

2.3.7 Employees should not work longer than a ten hour day. Managers should be mindful that in accordance with the Working Time Regulations an average working week must not exceed 48 hours averaged over a 17 week reference period when authorising the accrual of TOIL. This limit includes all secondary employment a person may be undertaking inside or outside of the City Council's employment.

2.4 Recording Accrual of TOIL

2.4.1 When an employee is asked to work outside of their contracted hours or the flexitime bandwidth a record must be kept and authorised by their line manager. Details of the reason for accruing TOIL must be given alongside the time recorded. Employees who use computers at work should email their line manager saying why they needed to accrue TOIL and how many hours were worked. Managers should forward the email the City Council's flexi administrator at flexi@carlisle.gov.uk saying that they approve the accrual of TOIL. The administrator will enter the details on the Directorate TOIL Form in the S drive (Management Reports). Employees who do not use computers should let their team administrators know they will be accruing TOIL and the administrators need to email the line manager for approval and then complete the process above.

2.4.3 In most circumstances TOIL can only be accrued at ordinary time e.g. two extra hours worked equals two hours of TOIL. No enhancement is applicable to Saturday, Sunday or Bank Holiday working in terms of TOIL. At the discretion of the director, enhanced rates of TOIL can be accrued for working unsociable hours.

2.4.4 The maximum amount of TOIL that can be accrued is 30 hours. Accrued TOIL must be taken within three months.

2.5 Taking TOIL

2.5.1 TOIL cannot be taken in advance of it being earned and therefore can never be a minus balance.

2.5.2 TOIL must be agreed by the manager in advance of it being taken. Requests to take TOIL will not be refused without good reason, but managers must balance the need to deliver the service with allowing employees to take the TOIL they have accrued.

2.5.3 Employees who use computers at work should email their line manager saying when they want to take the accrued TOIL and how much time they are taking. Managers should forward the email the City Council's flexi administrator at flexi@carlisle.gov.uk saying that they approve the taking of TOIL. The administrator will enter the details on the Directorate TOIL Form in the S drive (Management Reports). Employees who do not use computers should let their team administrators know they will be taking TOIL and the administrators need to email the line manager for approval and then complete the process above.

2.5.4 Where managers do not approve the dates an employee had requested to take TOIL they should agree alternative dates.

2.5.5 Employees transferring to another post with the City Council should ensure they take any accrued TOIL before they move.

2.5.6 Options to pay for TOIL to meet business need will be considered in exceptional circumstances and must be approved by a Director. Examples include employees working notice and cover for absences.

2.5.7 If an employee falls sick during TOIL leave, the normal notification procedure applies. However, if the employee intends to reclaim the 'lost' TOIL leave, they must produce a medical certificate to cover the whole of the period of leave to be reclaimed. Outstanding leave may be taken at a later date. For further information about sickness absence see the Attendance Management policy, procedures and guidelines toolkit.

3. ACCOUNTABILITY

3.1 The TOIL Scheme operates on the basis of trust, particularly in relation to the recording of hours worked.

3.2 Managers are responsible for agreeing the accrual and taking of TOIL. They should formally monitor TOIL records and ensure their staff are not accruing excessive amounts of TOIL.

4. DISPUTES

4.1 The TOIL Scheme may be withdrawn from any employee who fails to meet the conditions of the scheme or who abuses the spirit of trust on which it is based and they will be liable to disciplinary action.

4.2 Any disputes which may arise about the TOIL Scheme will be dealt with through the normal employee relations processes.