

Flexible Working Hours Policy

1. Section One: The FWH System

1.1 The FWH Policy was reviewed in June 2003 and currently operates as follows:

- bandwidths of 7.00 a.m. to 7.00 p.m.
- no core-time
- the maximum number of days flexi-leave that can be carried over between flexi periods is four days (pro-rata for part time staff)
- the maximum number of days flexi-leave which may be taken in each accounting period is four days (pro-rata for part time staff), which can facilitate a compressed working week
- a continuous 30 minute break must be taken by all staff who work more than 6 hours.

1.2 The scheme is open to all permanent and fixed-term Scottish Government staff including the Senior Civil Service and home-workers. While participation in the scheme is not mandatory, it is expected that all permanent and fixed-term staff who do not work a standard 8.30 a.m. – 5.00 p.m. working pattern (with a one hour lunch break) will use the system to record all their working hours, including time worked outwith FWH bandwidths. This is to enable us to fulfil our duties under the Working Time Directive and to allow managers to authorise updates. Agency staff, or staff on secondment to the Scottish Government, are not permitted to use the FWH system. Staff who are on secondment and who have line management responsibilities for SG staff using the system will be added to the system for this use only.

1.3 The scheme can allow staff greater flexibility in the management of their work life balance (subject to management agreement) and in particular to those caring for young children, or with other caring responsibilities. Line managers should be as reasonable as they can, subject to the needs of the organisation, when considering requests for time off, or to work a flexible pattern, from staff who have caring responsibilities.

1.4 The system only credits staff with hours worked within the flexi band-widths. However, **all time** worked out-with flexi bandwidths, e.g. weekends and overtime, should be recorded on the system. Staff and line managers will have to agree how this is reimbursed. Line managers **must** ensure that staff are not reimbursed twice for the same hours worked, i.e. FWH credit and payment of overtime/travel time.

2. Section Two: Definitions

Flexi Accounting Period

2.1 A flexi accounting period lasts for four weeks, starting on a Monday and finishing on the relevant Friday. FWH calendars will be made available on-line on the Flexi Intranet website.

Carry-over Credits and Debits

2.2 There are 148 standard hours in each flexible working hours accounting period. Credits are made centrally for public and privilege holidays where appropriate.

Standard Hours

2.3 Staff wishing to work standard hours should contact HR Online.

2.4 The standard number of hours worked by a full-time staff member over a five-day period is 37 hours. The standard number of hours worked during each flexi accounting period is 148. Through the flexible working hours scheme, staff are able to work more than or less than these standard hours during an accounting period.

Flexi limits for full-time staff

2.5 The limits to the number of hours which may be worked in any one flexi accounting period are limited as follows:

- Staff are able to carry forward up to four days (or 29 hours 36 minutes) flexi time between accounting periods.
- Staff are able to carry forward up to 11 hours 6 minutes as the maximum debit time between flexi-accounting periods.
- Any hours worked before 7.00 a.m. and after 7.00 p.m. are **not applicable** to the flexible working hours scheme. In general it is not normally necessary for staff to work outwith this band-width. However in those instances where work outwith the band-width is required for business reasons, it is for line managers to determine how the hours worked should be taken. Possibilities are overtime or time off in lieu. Overtime will be paid at the appropriate rate.

Breaks

2.6 No member of staff may work more than 6 hours without a continuous break of not less than 30 minutes. This should not fall at the beginning or end of the six-hour period. This break must be continuous and cannot be made up of a total of various smaller breaks. Staff who are intending to work more than 6 hours in a day should take their 30 minute break after working at least 30 minutes and before working 5 hours 30 minutes.

Young Workers

2.7 Young workers under the age of 18 are entitled to take a rest break of 30 minutes when their daily working time is more than 4 ½ hours.

Carry-over limits

2.8 Excess credits or debits that have accumulated by the end of the accounting period should be dealt with in the following manner, unless there are exceptional circumstances:

2.9 Where carry-over debits are exceeded, staff may be subject to disciplinary procedures.

2.10 Where carry-over credits are exceeded the excess will be deducted automatically by the FWH system. **No payment** will be made for accumulated time at the end of an accounting period, nor will any payment be made as compensation for staff who work in excess of the flexi-hours scheme limits, unless a prior agreement for overtime has been given by the line manager.

In exceptional circumstances:

2.11 In certain exceptional circumstances where the excess credit at the end of an accounting period is more than 29 hours 36 minutes, your line manager has the discretion to allow you to carry forward the total excess.

2.12 Where the deficit at the end of an accounting period is more than 11 hours 6 minutes, line managers have discretion not to treat the matter as a disciplinary offence. This will normally happen in cases where, for example, due to sick leave, you have been unable to reduce the total deficit. You will be expected to reduce the deficit in the next accounting period. If you are concerned about an excess flexi debit, please discuss this with your line manager in the first instance. Should they need further advice, they can contact the HR Shared Service Centre to discuss options. Expert advice will also be sought from the HR Diversity Team if necessary.

Flexible Working Hours Time Off

2.13 Up to four full days may be taken during each flexi accounting period, before or after the equivalent credit has been accumulated. You should provide your line manager with at least 2 working days notice of your request for time off. In exceptional circumstances where you are unable to give 2 days notice you should make the request as soon as possible. You should note that you may require to rotate your time off to ensure appropriate cover is maintained, e.g. it may not be possible to have every Monday off. You should note that approval to a request for time off is at management's discretion and subject to the needs of the organisation.

Annual Leave

2.14 A full standard day's absence attracts a credit of 7 hours 24 minutes, a half-day a credit of 3 hours 42 minutes. Credit for annual leave will be updated automatically through eHR. Staff who are contracted to work a non standard day will receive a credit equivalent to their normal contracted working day.

Sick Absence

2.15 If you are on sick absence for a whole day, you will be credited with 7 hours 24 minutes or your daily contracted hours. Line managers **must not** authorise credits in excess of a member of staff's daily contracted hours. Staff who are contracted to work a non-standard day will receive a credit equivalent to their normal

contracted daily hours. If you are sent home during the day, the actual hours of attendance will be made up to 7 hours 24 minutes or your daily conditioned hours. Your absence should be recorded in line with the Scottish Government's policy on sickness absence.

2.16 You are reminded to contact your line managers by **10am** if you are on sick absence.

Official Absence on Duty

2.17 A credit for the total time worked will be given and this will include time spent travelling minus normal home to office travel time. Payment for travel time cannot be claimed in addition to flexitime. This credit can include time spent at working lunches, where staff are required to spend their lunch in their official capacity and are unable to use their lunch break as they wish.

Staff Training

2.18 The flexible working hours scheme does not apply when you are on training courses. Credits will normally be given on the basis of the standard working day - 7 hours 24 minutes, or half day - 3 hours 42 minutes – or your normal contracted hours, as appropriate. Where training courses take longer than a standard working day, an appropriate credit may be given which may include travelling time minus normal home to office travel time.

Further Education

2.19 The flexible working hours scheme does not apply when you attend courses at college etc. Credits will be given on the basis of the standard working day - 7 hours 24 minutes, or half-day 3 hours 42 minutes – or your normal contracted hours, as appropriate.

Detached Duty

2.20 If you are on detached duty you are required to adopt the hours of the office to which you are posted.

Hospital, Medical, Dental Appointments etc. (including blood donation)

2.21 A credit equal to the duration of your appointment plus travel from and to the office for that appointment will be given for authorised absences during your normal working hours. You are expected to make every effort to arrange appointments as early or as late as possible in the working day. If you do not come into the office before or after your appointment your credit will be less your normal home to office travel time.

Industrial/Employee Relations

2.22 A credit equal to the duration of the absence will be given to union members for authorised purposes.

Health and Safety at Work Activities

2.23 A credit equal to the duration of the absence will be given to safety representatives for authorised purposes.

Transport Disruption/Travel Affected by Severe Weather Conditions

2.24 Your line manager has discretion to allow credits where disruption of transport or severe weather conditions affects your attendance. Where details of the disruption is known in advance, staff are expected to make alternative arrangements to either get into work, e.g. car share, or where it is impossible to get into work, to carry out work in an alternative location, or from home.

Other Authorised Absences

2.25 Your line manager has discretion to authorise absences for other purposes within your normal working hours.

2.26 Your line manager has the discretion to allow you to leave the building on official business without logging out or logging back in.

Overtime

2.27 Overtime for staff in the Scottish Government Main Bargaining Unit must be authorised by line management in advance. There is no requirement to clock out of FWH when working overtime. Hours beyond the bandwidths will be recorded on the system but no credit will be given for these hours. Staff and line managers should agree how the member of staff is reimbursed for these additional hours. If staff wish to claim overtime this should be done in the normal manner.

Transfer to another area

2.28 As this system is not building-based, you will remain on the system when moving between business areas and there is thus no need to transfer your balance as with the old system. If you are transferring to another part of the Scottish Government that is not currently part of the new flexi time system then ensure your line manager confirms your final balance with your new line manager.

Leaving the Scottish Government

2.29 Line managers should ensure that in cases of retirement, resignation or transfers out of the Scottish Government, they notify Pay and Leave Administration of any credit/debit situation that is likely to exist on the final day. Where possible staff should reduce any flexi credit/debit prior to their date of leaving the Scottish Government.

2.30 If you leave the Scottish Government, you are not eligible for payment of flexi working hours credit accrued in excess of 29 hours and 36 minutes. If you have a flexible working hours debit at the time of departure, you will have that debit offset either against any balance of annual leave due or through a reduction in final pay.

Loss of Flexi Enabled Security Card

2.31 If you lose your **Flexi Enabled Security Card** you should advise your line manager and Security Branch immediately and they will arrange for a replacement card to be issued. Meantime you will need to enter your times via your PC via the on-line system until such time as you receive a replacement card and can start using the time recording terminals with your new security card again.

3. Section Three: Staff on a Non-Standard Working Pattern

Application of Rules

3.1 Staff on most working patterns may participate in the flexible working hours scheme. The rules applicable to full time staff are applicable to staff on non-standard working patterns subject to the following modifications:

Bandwidths

3.2 The days on which you attend and the number of hours to be worked are agreed with your line manager when you join your branch or unit. The bandwidths during which hours may be worked should be clarified at the outset. If you are part-time, but work full days, the bandwidths applicable on those days are the same as for full time staff. If you work part days, your start and finish times may be varied in consultation with your line manager.

3.3 Please see previous reference within the guidance regarding breaks. As such breaks are outwith your conditioned hours, you will not be paid for them.

Hospital, Medical, Dental Appointments etc.

3.4 If you work a non-standard pattern, you should try to arrange appointments outwith your normal working hours wherever possible. If appointments are arranged in working hours, an appropriate credit may be authorised by your line manager. See 2.2.2 for further information.

Overtime

3.5 If you work a non-standard working pattern, you do not qualify for overtime on Monday - Friday unless you have worked the relevant full time conditioned hours i.e. 37 net hours per week. If you work in excess of your contracted hours, an extra hours payment may be claimed.

Carry Over Limits

3.6 Part time workers may take a pro rata equivalent in flexi credit, flexi debit and flexi leave to that which applies to full time workers. The following formulas should be used to calculate the limits which apply within each accounting period. Line managers must monitor these limits are adhered to.

Maximum flexi leave and carry over limit:

Full time Standard weekly hours 37
4 days credit/time off in 4 week period 29hrs 36 minutes = 29.6

Part time entitlement = $29.6 \div 37 \times \text{normal weekly hours}$ = Flexi credit/time off in 4 week period

Examples

Working 18.5 hours per week $29.6 \div 37 \times 18.5 = 14.8 = 14 \text{ hours } 48 \text{ minutes}$

Working 22.5 hours per week $29.6 \div 37 \times 22.5 = 18 \text{ hours}$

Maximum carry over deficit:

Full time Standard weekly hours 37
Maximum debit 11.1 11 hours and 6 minutes =

Part time entitlement = $11.1 \div 37 \times \text{normal weekly hours}$ = Maximum flexi debit in 4 week period

Examples

Working 18.5 hours per week 11.1 $\div 37 \times 18.5 = 5.5 = 5 \text{ hours } 33 \text{ minutes}$

Working 22.5 hours per week 11.1 $\div 37 \times 22.5 = 6.75 = 6 \text{ hours } 45 \text{ minutes}$

Annual Leave and Public and Privilege Holidays

3.7 Staff on a non standard working pattern should return their annual leave slip to the HR Service Centre to have their annual leave and public and privilege holidays entitlement converted from days to hours. Staff on 30 days annual leave who continue to work a non standard pattern of 37 hours per week will have their leave converted as $30 \text{ days} \times 7.4 \text{ hours} = 222 \text{ hours}$

3.8 When staff on non standard work patterns are absent from the office on annual leave they should deduct their contracted hours for that day from their leave sheet and submit the equivalent hours as a FWH update for authorisation. Updates for public and privilege holidays are credited automatically. Line managers must ensure that the appropriate deduction is made from the member of staff's public and privilege holidays balance. This includes any public and privilege holidays which fall on a day when a member of staff is working from home, unless alternative arrangements are agreed with their line manager in advance.

3.9 If a public or privilege holiday falls on a member of staff's non working day no deduction is made from their annual leave sheet and no FWH credit is due.

4. Section Four: Misuse of Flexible Working Hours Scheme

4.1 Minor infringements of the Flexible Working Hours system may not constitute a disciplinary offence, however if you misuse or abuse the system, you may be subject to disciplinary action.

4.2 Examples of misuse of the Flexible Working Hours Scheme would include:

- being logged in the Flexible Working Hours system whilst not at work;
- taking a lunch break whilst logged into the Flexible Working Hours system ;
- logging out for the minimum 30 minute lunch break while remaining in the building then leaving the building for private purposes; or
- deliberate falsification of records.

If you are a line manager and require further information about dealing with misuse of the FWH scheme, you should contact the HRPeople Advice and Wellbeing Team (PAW) for advice.

Suspension from Flexible Working Hours System

4.3 Your Head of Branch/Unit may also suspend you from the FWH scheme. The HR PAW Team is available to offer advice in particular cases but it is for Heads of Branches/Units to take the decision to suspend. You may also be liable for any of the penalties prescribed for disciplinary offences.

4.4 Where your Head of Branch/Unit considers that the particular misuse is a minor disciplinary offence, they should not suspend you from the scheme but will warn you as to future conduct. After a second warning, your Head of Branch/Unit may suspend you from the scheme for up to three months.

4.5 Where the offence is a serious disciplinary matter, your Head of Branch/Unit may suspend you from the scheme until the conclusion of the disciplinary process after taking advice from the HR PAW Team.

Gross Misconduct

4.6 Fraudulent manipulation of the system, such as falsification of Flexible Working Hours records, will be treated as gross misconduct and may lead to dismissal. Line managers must report staff who commit such offences to the Fraud Response Group Co-ordinator immediately upon discovery.