

# FLEXITIME POLICY

## April 2018

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Name of Policy:	Flexitime Policy
Date Issued:	2 <sup>nd</sup> April 2018
Date to be reviewed:	Every 3 years

<b>Policy Title:</b>	<b>Flexitime Policy</b>	
<b>Supersedes:</b>	Flexitime Policy 2014 Hull PCT Flexi Time Scheme 2006	
<b>Description of Amendment(s):</b>	GDPR wording added in section 1; clarification of wording in 2.1, 2.2 and 2.3, 5.8, 6.0, 8.0 and 9.0; EIA reviewed.	
<b>This policy will impact on:</b>	All staff	
<b>Financial Implications:</b>	No Change	
<b>Policy Area:</b>	Workforce	
<b>Version No:</b>	2	
<b>Issued By:</b>	eMBED HR Team	
<b>Author:</b>	eMBED HR Team	
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<b>Effective Date:</b>	2 <sup>nd</sup> April 2018	
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<b>APPROVAL RECORD</b>	Governing Body	25.5.18
<b>Consultation:</b>	Members of SLT	10 November 2017
	Employees	24 November 2017
	Social Partnership Forum	2 <sup>nd</sup> April 2018

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## **1. POLICY STATEMENT**

Hull Clinical Commissioning Group (CCG) is committed to helping all staff balance their work with other commitments and recognise the need for staff to be flexible. This policy is part of that commitment.

Flexible working hours or “Flexitime” is a system which enables staff some latitude in deciding their starting and finishing times at work subject to workloads and needs of the service and as such offers staff particular benefits in deciding their working day.

The CCG expects managers to encourage open discussion among their team(s) to determine the most appropriate and preferred options for both managers and team members to be able to benefit from the use of flexitime. Managers are strongly encouraged to facilitate arrangements to work flexibly wherever reasonably practicable. For further information on flexible working please see the Flexible Working Policy

The scheme applies to all CCG staff on Agenda for Change bands 1 to 7, full time and part-time, where both the individual and their manager agree it is an appropriate way of working. Staff / managers working above this level are required by the nature of their work to manage their hours appropriately and flexibly and may wish to use the flexitime record sheet as a way to record the time worked.

It will not be appropriate for every post, in particular where there are fixed hours, (e.g. opening and closing times) or where individual work depends on the attendance of another colleague. The decision on working patterns will be the responsibility of the appropriate manager.

The needs of the department must take priority and continuity of service (e.g. covering lunch breaks) must be maintained.

Heads of Service will retain the right to insist that his/her staff work particular set hours when required.

The CCG is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the CCGs Data Protection and Confidentiality and related policies and procedures.

## **2. PRINCIPLES**

Each individual employee is responsible for ensuring working times are recorded honestly and accurately. Authorising managers are required to make reasonable checks to satisfy themselves that claims are genuine and authorise and also maintain suitable records incorporating this information.

The success of the system depends, to a large extent, on the individual employees exercising discretion with respect to workloads, peak periods etc., in his or her own department ensuring cover is arranged with colleagues as necessary.

Participation in the scheme is a privilege and as such could be withdrawn from an individual in certain circumstances (e.g. abuse of the system or if there are particular needs for the service etc.).

## 2.1 **Basic Rules of the System**

Each Flexitime cycle will cover four weeks

Earliest Start Time: 8:00am

Latest Start Time: 9:30am

Earliest Finish Time: 4:00pm

Latest Finish Time: 6:30pm

Flexible Lunch Period: 12 noon to 2:00pm (minimum lunch break ½ hour unpaid)

Employees are able to have an earlier start time and finish time but are based upon the standard service delivery need of the CCG. Any hours worked outside of these times would need prior line manager agreement.

Organisational Needs – It is an expectation of the CCG that all telephone calls will be answered and visitors to the building welcomed between the hours of 8:30am and 5:00pm. It is therefore the line manager's responsibility to ensure that there is sufficient and appropriate team cover between these hours. This cover may be shared, at the manager's discretion, across different teams.

Directorate Needs - The appropriate Director will retain the right to insist their staff work particular set hours when required.

A standard working day is 7 hours and 30 minutes (based upon a 37.5 hour a week contract).

A half day is 3 hours 45 minutes (based on a 37.5 hour a week contract)

## 2.2 **Basic Rules of the System**

Flexitime may be taken to suit staff wishes with the agreement of their line manager. Time can be taken in minutes, hours, half days or full days up to a maximum of one day each four week cycle. This will be pro-rata for part-time staff. Anything in advance of the one day can only be taken with agreement of the manager and is dependent on service needs and demands.

When taking flexitime within core hours, the Employee must arrange this in advance with their line manager.

Credit balances are not overtime they are for work that has been completed above your

normal working hours and are to be taken back at an agreed time with your manager and will not be paid in overtime payment.

Any overtime worked must be after agreement or at the request with the line manager.

Please refer to section 7 in respect of use of flexitime for appointments

### **2.3 Leaving the Organisation**

If an employee leaves the CCG, they must ensure flexi time is maintained to ensure that no credit or debit is outstanding on the last working day.

## **3. IMPACT ANALYSES**

### **3.1 Equality**

In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

In developing this policy, an Equality Impact Analysis has been undertaken and is attached at Appendix 1. As a result of the initial screening, the policy does not appear to have any adverse effects on people who share protected characteristics and no further actions are required at this stage.

The application of this policy will be monitored alongside recruitment monitoring data to ensure fair application.

### **3.2 Bribery Act 2010**

The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed.

The penalties for any breaches of the Act are potentially severe. There is no upper limit on the level of fines that can be imposed and an individual convicted of an offence can face a prison sentence of up to 10 years.

The Bribery Act does not apply to this policy.

## **4. MONITORING & REVIEW**

The policy and procedure will be reviewed and audited periodically by the eMBED HR Team in conjunction with the senior leadership team and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

The policy will be reviewed in 3 years or earlier if statutory changes are required

## **5. RESPONSIBILITIES**

### **5.1 Employees**

Employees will be responsible for maintaining accurate and contemporaneous records of hours worked, hours owing and hours owed and ensuring records are appropriately authorised by their manager. Employees wishing to take flexitime should liaise with colleagues to ensure there is cover during normal working hours and when request with the line manager make them aware of any issues or risks with cover.

### **5.2 Line Manager**

Managers have a responsibility to ensure all requests to work flexi-time are considered fairly and equitably.

Managers must ensure the records of hours worked and hours owing/owed for each member of staff are accurate, up to date and are authorised appropriately.

Managers must ensure all their staff, are fully aware of their departmental core working times that apply within their department.

Line managers who have some staff on working flexitime and others not, are to make specific provision to monitor the working time of those not on flexitime, to ensure that there is not inequity between the two groups of staff in terms of total working time.

## **6. PROCEDURE**

Staff must complete a flexitime record sheet accurately recording the time they start and finish work, including the time taken at lunch.

It is the employee's responsibility to record and total up hours worked and the Manager's responsibility to check the timesheet, certify it is correct and return it to the Employee.

NOTE: An electronic copy of the spreadsheet, which includes formulas for assisting in calculating flexitime, is available from the CCG intranet.

Intentions to use flexi-time is to be recorded within the employees electronic outlook calendar and if appropriate colleagues made aware.

If the Employee is absent due to sickness, annual leave, study leave or any other type of paid authorised leave, the standard hours the employee would normally work are to be entered on their timesheet.

The minimum statutory lunch break required is 20 minutes for employees working 6 hours or more a day however, the CCG expectation is that a minimum of 30 minutes is used if an employee is working 6 hours or more that day, therefore staff must record a minimum of 30 minutes on their timesheet for every continuous period worked that exceeds 6 hours. This is a legislative requirement and for the health and safety of all staff and Managers should not ask staff to forego this break.

At the end of each 4 week period completed timesheets must be passed to Line Managers for authorisation.

## **7. BREACHES**

Non completion of a sheet or false entries will be regarded as a serious disciplinary offence under the CCG's Disciplinary Policy and could result in the scheme being withdrawn from the employee and disciplinary action taken.

## **8. USE OF FLEXTIME**

Medical appointments are to be taken in the employees own time or use flexitime to cover the hours they are absent from work. Wherever possible the appointment is to be made at the start or the end of the day, to minimise disruption. Employees on Band 8+ should also manage their appointments to limit disruption

Hospital appointments will be accommodated within working time, where prior manager approval has been obtained and where possible request appointments at the beginning or end of the day. Employees should attempt to minimise the time by requesting appointments at the beginning or end of a working day wherever possible.

Flexitime arrangements are intended to make starting and finishing times flexible for staff, with the aim of improving service delivery and working lives. Working additional hours should be for the needs of the organisation and not intended to be used as a means of accumulating sufficient hours for future leave to be taken.

### **8.1 Full Time Staff**

Full time staff may carry forward up to 7 hours 30 minutes debit or credit from one cycle to another.

Full time staff may take flexi-leave of one day (7 hours 30 minutes) or two half days (3 hours 45 minutes each) in any one Flexitime cycle (4 weeks), subject to the needs of the service.

### **8.2 Part Time Staff**

Part-time staff this will be pro-rata. Part time staff may take flexitime pro rata e.g. if you work 20 hours per week over four days you would be able to take one day (5 hours) or two half days (" hours 30 minutes)

It is not necessary to be in credit before flexi-leave is taken, however, this must not exceed 7 hours 30 minutes (one standard day) or pro rata for part-time staff, at any point.

A manager's agreement is to be obtained, prior to the use of any flexi-leave being taken. Employees are to record the use of Flexitime on their timesheet and calendar and if appropriate make colleagues made aware.

## **9. TERMINATION OF FLEXTIME**

Both the Employee and their Manager have the right to end the flexi time arrangement at the end of the next four week period. If a Manager wishes to end the flexi time arrangement they must seek advice from the HR Team prior to any action being taken. If the flexi time arrangement is terminated by either party the flexi hours are to be adjusted to, ensure that no credit or debit is outstanding on the last day of that four week period.

## **10. APPEAL PROCESS**

If an employee believes that a request for flexible working has been unreasonably refused, they will have the right of appeal through the CCG's Grievance Procedure. Advice and guidance is available from the HR Team and recognised Trade union representatives.

## **11. RELATED POLICIES**

- Disciplinary Policy
- Sickness Absence
- Maternity Policy
- Flexible Working Policy
- Grievance Procedure

**HR / Corporate Policy Equality Impact Analysis:**

<b>Policy / Project / Function:</b>	Flexitime Policy
<b>Date of Analysis:</b>	October 2017
<b>Completed by: (Name and Department)</b>	eMBED HR Team
<b>What are the aims and intended effects of this policy, project or function?</b>	<ul style="list-style-type: none"> <li>Hull Clinical Commissioning Group (CCG) is committed to helping all staff balance their work with other commitments and recognise the need for staff to be flexible. This policy is part of that commitment.</li> <li>Flexible working hours or “Flexitime” is a system which enables staff some latitude in deciding their starting and finishing times at work subject to workloads and needs of the service and as such offers staff particular benefits in deciding their working day.</li> </ul>
<b>Are there any significant changes to previous policy likely to have an impact on staff / other stakeholder groups?</b>	Since the policy was developed there have been no significant changes made to the policy
<b>Please list any other policies that are related to or referred to as part of this analysis</b>	<ul style="list-style-type: none"> <li>Disciplinary Policy</li> <li>Sickness Absence</li> <li>Maternity Policy</li> <li>Flexible Working Policy</li> <li>Grievance Procedure</li> </ul>
<b>Who will the policy, project or function affect?</b>	Employees employed on Agenda for Change Bands 1 - 7
<b>What engagement / consultation has been done, or is planned for this policy and the equality impact assessment?</b>	SLT All employees Social Partnership Forum Governing Body (approval)
<b>Promoting Inclusivity and Hull CCG’s Equality Objectives.</b>  How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and	This Policy does not directly promote inclusivity, but provides a framework for fair process to provide flexible working time arrangements

<p>diversity within our organisation?</p> <p>How does the policy promote our equality objectives:</p> <ol style="list-style-type: none"> <li>1. Ensure patients and public have improved access to information and minimise communications barriers</li> <li>2. To ensure and provide evidence that equality is consciously considered in all commissioning activities and ownership of this is part of everyone's day-to-day job</li> <li>3. Recruit and maintain a well-supported, skilled workforce, which is representative of the population we serve</li> <li>4. Ensure the that NHS Hull Clinical Commissioning Group is welcoming and inclusive to people from all backgrounds and with a range of access needs</li> </ol>	
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Equality Data	
<p><b>Is any Equality Data available relating to the use or implementation of this policy, project or function?</b></p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as '<i>Equality Groups</i>'.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> <li>1: Recruitment data, e.g. applications compared to the population profile, application success rates</li> <li>2: Complaints by groups who share / represent protected characteristics</li> <li>4: Grievances or decisions upheld and dismissed by protected characteristic group</li> <li>5: Insight gained through engagement</li> </ol>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document). If you answered No, what information will you use to assess impact?</p> <p><b>Please note that due to the small number of staff employed by the CCG, data with returns small enough to identify individuals cannot be published. However, the data should still be analysed as part of the EIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.</b></p>

## Assessing Impact

**Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups?**

**(Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)**

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> <sup>1</sup> exists (see footnote below – seek further advice in this case)
Gender	✓			<p>The evidence about women and men's participation in the labour market and the reality of childcare arrangements show that progress towards a more equal division of caring responsibilities between women and men is still very slow (source EHRC Briefing Paper Jan 13)</p> <p>The policy helps some staff (often women) to be supported in childcare responsibilities in allowing the opportunity to adjust their working day for a particular purpose. Whilst the policy applies to men and women equally, it is possible that women will benefit in using their flexitime for these purposes</p> <p>The number of men participating in child caring responsibilities is growing and the application if this policy</p>

1. <sup>1</sup> The action is proportionate to the legitimate aims of the organisation (please seek further advice)

				should support greater numbers of men to participate in caring. The policy will allow both men and women to participate in other caring responsibilities The assessment of this policy is neutral impact
<b>Age</b>	✓			This has been considered and has a neutral impact. The policy applies equally to all staff regardless of their age
<b>Race / ethnicity / nationality</b>		✓		In order to attend specific cultural events which may require adjustment to their normal working day, the policy will provide a mechanism to address this need. This will be useful to staff of particular ethnic origin: Examples include Chinese New Year and USA Thanksgiving.
<b>Disability</b>		✓		The policy has the potential to have a positive impact on disabled employees where they may feel it helpful to adjust their working day to support their condition. As detailed in the impact analysis above, 3.95% of staff have declared themselves disabled which has been an increase since the last EIA was completed for this policy
<b>Religion or Belief</b>		✓		Where an individual within different religious beliefs wishes to adjust their normal working day to accommodate their religion or belief, the policy will provide a mechanism to address this need

<b>Sexual Orientation</b>	✓			This has been considered and has a neutral impact. The policy applies equally to all staff regardless of their sexual orientation
<b>Pregnancy and Maternity</b>	✓			This has been considered and has a neutral impact. The policy applies equally to all staff regardless of being pregnant or on maternity leave
<b>Transgender / Gender reassignment</b>	✓			This has been considered and has a neutral impact. The policy applies equally to all staff regardless of gender reassignment
<b>Marriage or civil partnership</b>	✓			This has been considered and has a neutral impact. The policy applies equally to all staff regardless of marital status

**Action Planning:**

**As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?**

<b>Identified Risk:</b>	<b>Recommended Actions:</b>	<b>Responsible Lead:</b>	<b>Completion Date:</b>	<b>Review Date:</b>

**Sign-off**

**All policy EIAs must be signed off by Mike Napier, Associate Director of Corporate Affairs**

**I agree with this assessment / action plan**

**If *disagree*, state action/s required, reasons and details of who is to carry them out with timescales:**

A handwritten signature in black ink, appearing to be 'M. Van', is written in the center of the third row of the table.

**Signed:**

**Date: 08.05.18**