

Flexible Working Framework

January 2019

Document Location

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Revision History

Revision Date	Summary of changes
10/03/18	Draft for discussion
05/09/18	Revised version
25/01/19	Amendments following LT/HOS/HR consultation
29/01/19	Amendments from DT

Approvals

Name	Approved	Date
Leadership Team		January 2019
ELG		Feb 2019
People Strategy Working Group		March 2019
Employment Committee		July 2019

Document Review Plans

This document is subject to annual review. Updates shall be made in accordance with business requirements and changes will be with agreed in consultation with the Employee Liaison Group. Major changes will require approval of the Employment Committee.

Distribution

The document will be available on Brian.

Introduction

Lichfield District Council supports the principle that employees should enjoy a work-life balance, which recognises the needs of the service whilst at the same time allowing for a degree of flexibility where possible in order to accommodate other commitments.

A fundamental principle of our Flexible Working Framework is that the efficiency of the council and the levels of service to our customer are maintained, and in some cases strengthened, by the application of the framework. Employees are expected to co-operate with the needs of their service and recognise that flexible working is a benefit, rather than an automatic right and that different parts of the council, require different working patterns as set out in Local Service Area Agreements (LSAA).

Working within a standard 37 hour week (for full-time employees, pro rata for part time employees) the framework will enable working hours to be organised by mutual agreement in such a way to enable a degree of freedom over when the work is done where ever possible. Managers, rather than the time recording system, will manage staff.

Heads of Service will be responsible for making an objective assessment of suitability for their service to the flexible working options available to support their objectives in line with the [ACAS guidance](#). They will also ensure that there is effective recording of hours worked within their area, and that any local agreements are observed and are fairly applied. Employees must be responsible for maintaining a record of their working time in line with their LSAA.

Objectives

The benefits of flexible working arrangements, for customers, employees, partners and the council include:

- High quality needs based public services to customers are targeted effectively within the resources available;
- Increased employee job satisfaction, personal responsibility, and flexibility;
- Helping employees balance their work and home lives as a benefit;
- Delivering services in the most effective way possible;
- Ensuring the most effective and efficient use of the skills of the staff we employ at the most effective times;
- Focusing all attendance at work on deliverable outcomes and performance;
- Achieve an inherent sense of fairness and equity.

Scope of the framework

The framework covers all those employees employed directly by the council. Those employees on a temporary or part-time contract will not be treated less favourably than those working on full time or permanent contracts. Casuals will be able to benefit from the same arrangements where this meets with the service needs and the reasons for their casual use.

Flexible working practices are rarely contractual and this framework does not in itself constitute a contractual arrangement. These are detailed within individual contract terms detailed within appointment letters or else varied by collective or individual agreement.

The council reserves the right to withdraw any flexible working arrangements where these are persistently abused (as determined under the disciplinary policy) or if they no longer meet the requirements of the service. In the latter instance, this will be subject to formal consultation to reach agreement where the arrangements are detailed within the contract of employment.

Heads of Service will consider the working hours required to deliver the service and determine if any of those periods are required to be fixed. It will be for local determination as to whether these arrangements apply to a whole area or are covered by employees on a rostered basis. Due consideration must be made of the [Working time regulations](#) when devising shift patterns and setting work period requirements.

In the interests of employee health and wellbeing employees should be discouraged from working more than their contracted hours except where the needs of the service requires this flexibility to meet variability of workload on a short term or infrequent basis or where this may be a 'reasonable adjustment' for specific circumstances.

Principles

The key principles of the Flexible Working Framework are:

- The efficient operation of the council;
- Levels of service to our customers are communicated and resourced appropriately;
- That there is a degree of freedom over when the work is done where ever possible;
- Working time regulations are followed;
- Staff record and amend their own time wherever possible to maintain an effective record;
- Managers maintain an overview of working patterns and habits in their area to support management decisions;
- Managers strive for flexibility and ensure equality of treatment within their teams.

Flexitime

This system of work allows employees to fulfil their hours at a time to suit the needs of the service and gives the potential for some work/life balance.

Managers will determine, monitor and manage the local arrangements that need to apply to ensure service delivery and engage with employees. It is expected that employees who receive this high degree of flexibility will arrange and attend any appointments within their own time and work flexibly around other commitments, providing these are:

- not in conflict with the needs of the service
- and in consideration of other members of the team.

As part of this framework, there are no prescribed limits for carry over or deficit, however these will be monitored and managed locally by managers based on what is reasonable for the needs of service.

Limits can be set by reaching local agreement where there is a demonstrated business need.

Flexitime can be earned and taken to suit the needs of the service. Staff will only accrue flexitime where there is a service need to do so and must recognise that there is no automatic right to use any accrued flex, or be recompensed for it. Flexitime will only be granted where it can be mutually agreed.

A default shift pattern will be granted to all staff who are not subject to a specific LSAA which will simply record all hours worked. This will credit time from 00.01 to 23.59, with one minute of core time at 10.30 (to 10.31) and 15.00 (to 15.01) required to trigger the system to recognise an absence for that half day.

Other working arrangements

Within each service the need to vary hours will depend on:

1. The nature of the service being delivered.
2. Customer expectations/publicity of when the service should be delivered.
3. Fluctuating workloads.
4. Annual/project or task deadlines.

For roles and teams who **must** provide services at a specific time and have an optimum number of employees available during those periods, the use of specific shifts/rosters, core times or annualised hours is recommended. Heads of Service must evidence a business need for these arrangements to apply to their area.

In this circumstance managers will determine the hours available for work, staffing levels or shifts that will apply in consultation with their staff, and communicate these through their Local Service Area Agreement (LSAA).

Part time working

Employees who are employed on a part time contract (any hours less than 37 per week) will be given the equivalent rights as full time employees on a pro-rata basis including leave and access to flexible working available within their service, subject to the terms of their contract and service needs.

Job share

A job share post exists where two employees divide hours and duties of one post. This may be an equal division, with each working 18.5 hours at either end of the week, a week-about, or it may be an unequal split in hours to allow both employees to be in at specific points, dependant on the nature and demands of the work.

Job share is different from part time work in that normally both partners in the job share are interchangeable and can undertake any aspect of the duties effectively, having similar skills, qualification and experience.

All full time jobs can be considered for job share, however suitability for a post to operate in this way is based on there being a suitable job share partner available to undertake the remaining duties.

Average or Annualised hours

For certain roles it may be necessary to average out the number of hours worked over the course of a year. This will allow for additional hours to be worked during peak periods and then a lower number of hours when the work is less.

To “balance” the number of hours worked, periods of longer hours and periods of shorter hours are identified and agreed as target hours.

Parks and Operational Teams operate in this way and some project based staff.

Compressed working (over a week or fortnight)

The framework allows for employees to work longer hours each day to allow them to take time off specified or agreed days. Priority consideration will normally be given to those requesting these arrangements to work around fixed childcare or other structured caring commitments, or allow time for personal development, due to the impact on other members of the team.

The Joint Waste Service operates in this way, completing their duties over 4, not 5 days allowing for a rostered rest day each week. Some individuals in teams across the authority have also formally requested and been granted these working arrangements.

Home working

Wherever possible, all roles should be considered for their suitability to be undertaken at home. Where this takes place, employees and managers should agree the outcomes expected and consider all of the risks in line with [homeworking procedures](#).

Other Considerations

Use of TMS (Time Management System)

TMS self service will be available to all staff either as a physical clock, desktop version or app. Employees are expected to review and amend any clocking anomalies on a weekly basis as a minimum. All records for leave will also be held and requested using the system where it is available to employees. Managers are expected to authorise all leave requests and update sickness in a timely way, at least weekly and ensure an accurate payroll. Where employees do not have access to their TMS record, a TMS supervisor will review and query any anomalies, flagging any issues to line managers as appropriate as well as record leave and update sickness.

Lunch times and comfort breaks

All employees **must** have a lunch break of at least 20 minutes (30 minutes for employees under 18 years of age), no later than 6 hours into their shift, as set out in the Working Time Directive (WTD). Limits on higher minimum and maximum lunch breaks **can** be determined locally to suit service needs and the nature of the work. Comfort breaks may also be taken when it is safe and appropriate to do so within their service setting and are recommended to improve wellbeing and productivity

Medical appointments

It is expected that employees will make all routine dentist and doctor appointments outside of their normal working time. Where employees have a medical or screening appointment that is supported by an appointment letter, reasonable time off will be given to attend the appointment to those employees who have a fixed working pattern. Reasonable time will be determined by the line manager based on the location of the appointment, the nature of the appointment and the impact on the service.

Where employees have core hours as part of their LSAA, up to 2 hours can be credited. Where there are no core hours, employees have the flexibility to arrange their working time around the appointment. The only exceptions to this are cancer screening, where up to 2 hours will be credited to employees on provision of a screening invitation letter and antenatal appointments, where time will be credited for the appointment.

Reducing or changing hours

All employees who have worked over 26 weeks have a legal right to request consideration for flexible working requests. These will be handled in line with the [ACAS guidance](#). All requests must be approved by the Head of Service in consultation with Human Resources. An appropriate period of notice should be agreed for the change to take effect. Such changes are normally conditional on a review at an appropriate point to assess impact on the service. [Application to alter working hours](#).

Business clocking and homeworking

The TMS system has facility to record business clocking and homeworking to aid managers in reviewing working patterns in their area. Managers will advise if they require employees to use these codes. Otherwise employees must simply record all working time using the basic in/out functionality.

Normal commuting time

Where any clocking amendments are made based on journeys from home or return they should be net of normal commuting time. Where employees are not attending a work location but are undertaking travel, normal commuting time should also be deducted from any travel undertaken for that day. There is no requirement to deduct travel time if work is being carried out (i.e. if an employee works from home all day).

Continuous Rest

All employees should aim to experience 11 hours of continuous rest in every 24 hour period in line with the requirements of the Working Time Directive (WTD). Employees must enjoy 24 hours of continuous rest in each 7 day period or where this is not practicable, 48 hours in a 14 day period. Reports will be run periodically to assess corporate adherence to the WTD as a risk measure.

Review of LSAA (Local Service Area Agreement)

Any specific LSAA flexible working arrangements applied must be documented by the relevant manager and service manager and communicated to their employees. Copies of all agreements should be sent to ELG for review.

Where opportunities for flexibility are not currently available it is anticipated that there will be regular engagement with staff and reviews of working arrangements on at least an annual basis in an attempt to increase opportunities for flexibility.

Where a service operates a LSAA and employees feel that this no longer meets the needs of the service, a request for a review and suggested arrangements to better meet service needs can be made to their service manager.

This framework will be subject to annual calibration and formally reviewed every 5 years.