



THORPE ST ANDREW TOWN COUNCIL

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FLEXIBLE WORKING AND TIME OFF IN LIEU (TOIL) POLICY

Adopted by the Town Council at its been held on _____

FLEXIBLE WORKING

Introduction

The Town Council recognises the need to balance family responsibilities with paid work.

Thorpe St Andrew Town 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 in order to accommodate other commitments.

It is a fundamental requirement of any flexible working scheme that the efficiency of the Council and levels of service provided are maintained. Employees are expected to co-operate with the need to ensure minimum staffing levels are maintained during the normal working day, including the lunch period and other breaks, to facilitate contact with the public and other customers.

Once a request is made, the employer has a duty to give the request serious consideration, but the employee does not have a unilateral right to alter their working pattern.

Eligibility

Anyone can ask to work flexibly. However, you have to qualify and the Town Council does not have to agree to the request.

Employees who care for someone (eg a child or adult) have the legal right to ask for flexible working this is known as a statutory application.

Employees may only make one request each year.

Right to request flexible working – Children Under 18

As of April 2011 all parents with a child under 18 have the right to request flexible working. A request can be made by an employee with 26 weeks' continuous service with the Town Council.

Changes which relate to hours, times and place of work can be requested. Employers have a duty to consider requests seriously and can refuse only where one of the following business reasons apply:

- the burden of additional costs
- detrimental effect on ability to meet customer demand

inability to re-organise work among existing staff
inability to recruit additional staff
detrimental impact on quality
detrimental impact on performance
insufficiency of work during the periods the employee proposes to work □
planned structural changes

Right to request flexible working – Carers

Carers have had the right to request flexible working since 6 April 2007. A request can be made by an employee with 26 weeks' continuous service who cares or expects to care for a person who is 18 or over where the person in need of care is:

married to or the partner or civil partner of the employee, or
a relative of the employee, or
living at the same address as the employee

If a change is agreed, it constitutes a variation to the contract of employment and there will be no automatic right to revert to the original position. If an employee wishes to revert or make a further change, s/he will have to submit a further application following the expiration of 12 months. However, this can be waived if the Town Council supports the requested revision.

Making an application

All applications must be in writing and must:

be dated

say that the employee either has responsibility as a parent or carer (or expects to have it)

say that they're making the application under the statutory right to request a flexible working pattern

give details about how they want to work flexibly and when they want to start
explain how they think flexible working might affect the business and how this could be dealt with (eg if they're not at work on certain days)

say if and when they've made a previous application

Meeting to discuss the application

Once a request has been received a meeting to discuss the application must take place within 28 days of receipt of the application.

The employee must give a reasonable explanation if they can't attend the meeting. Otherwise the application will be treated as withdrawn.

The Town Clerk/Line Manager must make a decision within 14 days of the meeting and inform the employee in writing.

If the Council agrees to flexible working a new contract will be issued. If they don't agree the employee can appeal against the decision to the Finance and Staff Committee.

Bringing someone to the meeting

Employees can bring a work colleague or trade union representative to the meeting. The trade union representative can discuss things with the employer but they can't answer questions on behalf of the employee.

If the colleague or representative can't make the meeting, it should be rearranged to take place within 7 days of the original meeting date.

Withdrawing an application

If an employee decides to withdraw an application they should notify the Town Clerk in writing as soon as possible. The application will be treated as withdrawn if the employee misses 2 meetings (without good reason).

If the employee doesn't provide the extra information that the Town Clerk/Line Manager needs to make a decision, the application might be treated as withdrawn.

If the application is withdrawn, the employee cannot make another request for 12 months.

Responsibility

The Town Clerk will be responsible for administering any requests for flexible working, in consultation with the appropriate Line Manager.

The Line Manager will be responsible for administering and managing the efficient operation of the service.

It will be necessary for discussions to take place between individuals, teams and Line Managers to mutually agree working patterns for the team, which will facilitate satisfactory cover during standard operational hours. Whilst the Scheme does not specify those times when employees must be present, it is essential for managers/supervisors and teams to work together to plan satisfactory levels of cover in order to provide an effective service.

Health & Safety

The Flexible Working Scheme will take account of the Working Time Regulations which sets out a maximum weekly working time of 48 hours including overtime, and rest breaks where the working day is longer than 6 hours.

In respect of employees aged 16 to 18, the Regulations stipulate that there must be a minimum rest break of 30 minutes where the working day is longer than 4½ hours.

The legislation enables employers to be fairly flexible in the organisation of working time, recognising that adjustments need to be made to reflect particular service needs. However, consideration will still need to be given to the general duty of care they owe to employees in addition to these Regulations.

Managers/supervisors must also take account of health and safety factors when considering working arrangements that would involve an employee working alone at the beginning or end of a shift.

Definitions

Relative is defined as mother, father, adopter, guardian, special guardian, parent-in-law, step-parent, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, uncle, aunt or grandparent and includes adoptive relationships and relationships of the full blood or half blood - e.g. half-brother or half-sister will also be covered. In the case of an adopted person, the above relationships that would have existed but for the adoption are also covered i.e. the adopted person's natural relatives.

Partner covers men and women who are not married but are living together as husband and wife and two people of the same sex who are not civil partners but are living together as if they are civil partners.

TIME OFF IN LIEU

Introduction

The Council recognises that it may be necessary for employees to undertake work outside of their normal working hours. Any agreement by employees to work additional hours is either contractual or on a voluntary basis.

The purpose of this policy is to ensure that managers and employees are aware of and understand the Council's time off in lieu (TOIL) arrangements so that they are applied consistently.

Scope:

This policy applies to all employees of the Council with the exception of casuals who work on an ad hoc basis.

Definition:

TOIL is defined as Time Taken Off In Lieu or time taken off work by employees in recompense for additional hours worked outside of their normal working hours.

TOIL Rates:

TOIL will be accrued at the following rates for time worked in addition to normal working hours:

- Monday to Friday – Time
- Saturday and Sunday – Time and a Half

Accruing TOIL:

TOIL accrued will be included on the monthly timesheet for each employee, as will TOIL taken. Each timesheet is signed and authorised by the employee's manager. Individual team managers must agree any TOIL in advance.

The Council realises that it is unlikely that the Clerk will be able to seek approval in advance for TOIL accrued and therefore places trust in the Clerk to ensure that where additional hours are worked and TOIL accrued, it is done so in a way that meets the business needs of Thorpe St Andrew Town Council as well as the work life balance of the Town Clerk.

The Clerk's monthly timesheet should show all TOIL accrued or taken, being signed and noted by the Mayor.

When attending Council events or events where the employee is invited as a Council employee, it will be down to the employee's manager or Clerk to assess whether TOIL shall be accrued. For example, helping with road closures will accrue TOIL, simply being in attendance at an event will not necessarily unless it can be evidenced that work has been undertaken.

Excessive levels of TOIL should not be accumulated (specially no more than 15 hours from one month to the next). However, in exceptional circumstances managers have discretion to agree to more.

Any suspected abuse of TOIL may be treated as a disciplinary matter.

Using TOIL:

TOIL can only be taken if agreed, in advance, with the employee's manager. Any requests will be considered in line with staffing levels and operational requirements. The Clerk will be responsible for allocating the use of his/her own TOIL at times when it is deemed suitable.

TOIL should be taken as soon as possible after accrual. One example of good practice is to come in later than your normal starting time the day after attending an evening meeting to redeem any TOIL accrued.

In exceptional circumstances where due to service delivery needs TOIL cannot be accommodated within the 12 month period, the employee can request payment for the hours. This request should be made in writing to their manager.

Working Time Regulations:

The Council has a duty to protect the health and safety of its employees by ensuring that they do not work excessive hours and that, where necessary for them to work additional hours, they are appropriately recompensed.

When agreeing the accrual of TOIL, the manager must ensure that the employee's working hours adhere to the requirements of the Working Time Regulations.

Time Off

Where time off is required for medical or dental appointments it will be by agreement with immediate Line Managers.

Where possible, such appointments should be outside normal working hours.

Office Staff

In an emergency or when an appointment cannot be made outside of normal working hours, then flexi time must be taken and any time lost must be made up at another time so that the employee's normal weekly hours conform to their contractual commitment.

Works Staff

3.1 Where appointments cannot be made outside of normal working hours, employees must produce proof of the appointment to their Line Manager prior to attending the appointment.