

# **Flexi Time and Time Off in Lieu (TOIL) Policy**



**Walsall Council**

## Version Control

Document title	<b>Flexi Time and Time Off in Lieu (TOIL) Policy</b>		
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Purpose	The flexi time / TOIL policy provides a framework for the council to meet both customer and employee needs in a flexible way and supports blended ways of working, offering employees flexibility to help manage their personal demands and workload requirements by varying working hours with management agreement.		

This policy links to:

- Our Council Plan
- Walsall Proud
- Organisational Development Strategy
- Leave and Time Off Policy
- Ways of Working Policy
- Disciplinary Policy
- Working Time Regulations Guidance
- Workforce Strategy
- Behaviour & Standards Framework
- Walsall Attendance Leave & Time Electronic Record (WALTER)
- Code of Conduct for Employees / Workers

This list is not exhaustive.

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## 1.0 Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential. This policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 Flexi time and time off in lieu (TOIL) supports both a flexible service delivery model to meet business needs and supports the needs of employees to work in a blended and flexible way that allows them to balance their personal commitments and workload requirements with the agreement of their manager. The policy allows employees a degree of choice in the hours they work on any given day and gives them the ability to work a pattern which compliments their individual needs whilst taking into account the needs of the service.

## 2.0 Scope

- 2.1 All employees, regardless of whether they are full time or part time, may in agreement with their manager work flexi time, with the exception of:
  - employees who are required to work fixed hours, such as cleaning staff;
  - employees who are employed on shifts or rota patterns;
  - employees at Director level and above;
  - any employees whose terms and conditions of employment state otherwise;

- school based staff, who work to conditions agreed with their school.
- 2.2 All employees may be eligible to claim time off in lieu (TOIL) for additional hours worked in agreement with their manager, depending upon the circumstances and the agreements in place within the service area. For example;
- those not eligible for flexi time who are required to work additional hours and who are not able to claim overtime payments;
  - those required to work outside of the flexi time parameters (10pm-6am);
  - those on a standard 5 day (Monday to Friday) working pattern, who are required to work on occasion between 6am -10pm on a Saturday or a Sunday. TOIL rather than Flexi may be agreed by the manager for the weekend working.

### 3.0 Principles

- 3.1 Each individual service will have standard working hours where they are required to provide a service to the residents of Walsall. Managers are required to ensure a minimum level of service cover during these times through effective management and utilisation of this policy.
- 3.2 The operation of flexi time must complement the needs of the service and will be at management discretion based on service delivery.
- 3.3 All employees who work more than 6 hours per day are required to book a minimum 30 minute rest period normally taken as a meal break. This must be an uninterrupted break taken during the working day and not at the beginning or end of the day.
- 3.4 Flexi time operates across 4 x 13 week accounting periods throughout the year.
- 3.5 Any hours an employee works over and above their normal pattern for that day will be banked as credit hours on their flexi balance. Any hours an employee works under their normal pattern for that day will be debited from their flexi balance.
- 3.6 The council's flexi time policy supports employees to work flexibly within the needs of the service and provides a means by which employees can manage their work life balance. This includes employees being able to work flexibly around any private commitments such as doctors, dentists and optician appointments. Time off for such medical appointments will be granted (where appropriate) subject to service delivery needs.
- 3.7 Time off for medical appointments (such as doctors, dentists or opticians) will be covered by using accrued flexi time no additional time will be credited to cover these appointments.

- 3.8 Where an employee is required to attend a 'hospital' medical appointment, then they will be entitled to paid time off and will be credited up to their normal standard hours so that their accrued time for that day does not exceed their standard working hours. Where an appointment lasts all day (e.g. for treatment or admittance as a day patient etc) it will be recorded as a medical appointment and credited as a normal working day. This will not be counted as sickness absence, however, any recovery period as a result of hospital treatment or subsequent days in hospital will be counted as sickness absence. Managers may request evidence of hospital appointments showing the date and time of the appointment if time is to be credited.

#### 4.0 Accountabilities

- 4.1 Managers are accountable for the following;

- Applying this policy consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
- Ensuring that all working time is appropriately recorded, including any credits or debits accrued or owed (Walsall Attendance Leave & Time Electronic Record (WALTER) is available on the intranet for managers should they wish to use this within their services);
- Appropriately monitoring flexi time debits and credits and taking appropriate action to ensure that these are managed accordingly by employees and within the principles set out in this policy;
- Consider and approve requests for time off from employees under the policy where these meet with service delivery requirements;
- Monitor and address any excessive working patterns by employees where this might be considered unnecessary;
- Taking appropriate management action in the event of misuse of the policy;
- Appropriately monitor TOIL credits and take appropriate action to ensure that these are managed accordingly by employees and within the principles set out in this policy;
- Ensuring that service delivery is sustained at all times when managing flexi time and TOIL.

- 4.2 Employees are accountable for the following;

- All employees should support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;
- Complying with the operational requirements of the time recording system used within the service area, including accurately recording working time as directed by line management and ensure records are made available to management as requested;
- Taking responsibility for managing flexi time debits and credits and TOIL credits in accordance with this policy whilst ensuring service demands are met.

## 5.0 Flexi time parameters

- 5.1 The parameters of flexi time working are between the hours 6am – 10pm. This means that when employees are working within the parameters of the flexi time policy, they should not start their day before 6am and should not finish later than 10pm to ensure adequate rest periods. Maximum weekly working time and daily / weekly rest periods must be in accordance with Working Time Regulations.
- 5.2 The standard office working hours where the council is required to provide a service to the residents of Walsall is 08:45 to 17:15 hours Monday to Thursday and 08:45 to 16:45 hours Friday. Some service areas may have local agreements for work times which will be driven by the needs of the service. All flexi time must be in line with the needs of the service and agreed at management's discretion.
- 5.3 Where employees are required to work outside of the 6am - 10pm flexi time parameters on an adhoc basis they may be eligible to claim time off in lieu (TOIL) or overtime in agreement with their manager.

## 6.0 Recording hours worked, flexi time and TOIL

- 6.1 All employees should record their arrival and departure times (including rest periods and any other breaks during the day), flexi time, TOIL and any other credit / debit hours using the agreed time recording system for their service area (e.g. WALTER, other electronic monitoring or manual records).
- 6.2 All records should be maintained as agreed by individual service areas and should be available for managers and service areas to view as specified and/or upon request.

## 7.0 Flexi leave

- 7.1 This is defined as time that an employee can take back as a result of accumulating enough banked credit hours.
- 7.2 Pre-booked flexi leave is taken in whole days up to a maximum of 3 days in any 13 week accounting period (pro rata for part time staff). If an employee wants to take half day flexi leave, this is done through clocking out early subject to management discretion.
- 7.3 Requests for flexi leave will be subject to the same approval criteria and process as annual leave requests and will be subject to the needs of the service.
- 7.4 Employees may only take flexi leave in respect of credit balances already accrued. Employees should not request flexi leave on the assumption they may accrue an entitlement in the future.

## 8.0 Carryover of credit / debit hours

- 8.1 At the end of the 13 week accounting period employees will carry over all credit hours accrued up to a maximum of 3 days (pro-rata for part time staff). Any hours accrued over and above 3 days that have not been taken back by the end of the 13 week period will be lost and not be eligible for claim back nor will they be carried forward to the next 13 week accounting period.
- 8.2 Employees should accrue no more than 8 hours debit (pro-rata for part time hours) at the end of the accounting period. Where employees have more than 8 hours debit at the end of any accounting period, this should be addressed by the line manager.
- 8.3 Where employees are unable to manage their flexi time appropriately or abuse / fraudulently record flexi time, managers have the discretion to remove the flexi time facility, and/or may take disciplinary action.
- 8.4 Employees cannot transfer any flexi time hours into TOIL (time off in lieu).

## 9.0 Time off in lieu (TOIL)

- 9.1 TOIL may be accrued under the following conditions:
- through attendance at a function, forum, meeting or event at which the employee represents the council and which takes place outside of the employee's normal working hours and flexi time (where applicable);
  - through undertaking work outside of normal working hours and flexi time (where applicable) by prior arrangement with their manager and at the managers request in order to complete specific tasks, e.g. preparing a report to meet a strict deadline or a 5 day worker working weekends due to a system emergency.
- 9.2 TOIL is accrued within the same 13 week accounting period as flexi-time. Employees may carry over no more than 5 days from one accounting period to another. Employees should not usually accrue any more than 5 days TOIL in any single accounting period.
- 9.3 TOIL (including any excess) cannot be transferred to flexi time.
- 9.4 TOIL should be recorded as directed by the line manager using the agreed time recording system for their service area (WALTER is available and can be used to record TOIL, monitor TOIL credit hours and the taking of TOIL, should managers wish to use this).
- 9.5 Requests to take TOIL will be subject to the same approval criteria and process as flexi time or annual leave requests and will be subject to the needs of the service.