

Personnel Committee - 19 April 2022

Flexi Time and Time off in Lieu (TOIL) Policy

1. Purpose of the report

- 1.1 To gain Personnel Committee approval for the revised Flexi Time and Time off in Lieu (TOIL) Policy (Appendix 1).

2. Recommendations

- 2.1 Personnel Committee is recommended to approve the Flexi Time and Time off in Lieu (TOIL) Policy (summary detailed below), previously endorsed by CMT at its meeting of 07 April 2022.

3. Background Information

Aim

- 3.1 In order to ensure the Council is enabled to deliver against its priorities it is imperative that the council has an effective employment framework of policies, procedures and guidance and that these align to the vision and values of the Council.
- 3.2 The Flexi Time and Time off in Lieu (TOIL) Policy has been reviewed to ensure it is fit for purpose moving forward and supports the Council's Workforce Strategy by improving the employment offer and benefits package, helping ensure we can attract, recruit and retain key skills in an increasingly challenging and competitive labour market.
- 3.3 The revised policy provides increased flexibility in the operation of the scheme, increasing our ability to be more responsive to changing customer demands whilst both complementing our ways of working principles and supporting employee well-being and engagement. The policy offers employees flexibility to help manage their personal demands and workload requirements by varying working hours with management agreement so long as this also meets the needs and operation of the service.

Know

- 3.4 The Flexi Time Scheme was last reviewed in 2017 (as part of the Terms and Conditions review) and this review saw an increase in the amount of flexi leave days that could be taken in a 13 week period from 2 days to 3 days and removed the restrictions of set lunchtime/core working hours.
- 3.5 The main changes proposed in this policy review are outlined below:
- Flexi parameters (currently 7:30am-7pm) increased to 6am-10pm.

- Reference to Working Time Regulations and the requirements to ensure adequate daily/weekly breaks.
- Removal of ATAR references - replaced with WALTER.
- Further strengthening the message that operation of flexi/TOIL is based on the needs of the service and is always at management discretion/approval.
- 5 day workers may claim TOIL when working Saturday/Sunday if working between 6am-10pm.
- Increase in flexi debit carry over from 4hr to 8hrs, to allow for one day's leave to be taken if needed in an emergency where flexi credit may not have been accrued or time has been insufficient to repay debit hours where the day was close to the end of the 13 week period.
- That access to flexi working can be removed if not used appropriately or abused/ fraudulent recording, and also disciplinary action may be taken.

3.6 What remains unchanged from the current scheme is:

- All flexi working time, and Flexi/TOIL leave is in line with the needs of the service and agreed at management's discretion.
- The accounting periods - 4 x 13 week periods a year (for flexi and TOIL).
- Maximum 3 days flexi leave may be taken in the 13 week accounting period.
- Flexi carry over maximum 3 days (pro-rata part time).
- Flexi and TOIL are not interchangeable.
- Reference to the standard office working hours where the council is required to provide a service to the citizens of Walsall (08:45 to 17:15 hours Monday to Thursday and 08:45 to 16:45 hours Friday) and that some service areas may have local agreements for work times which will be driven by the needs of the service.
- No core hours.
- TOIL carry over maximum 5 days.

Council corporate plan priorities

- 3.7 The policy is directly aligned to the internal focus priority within Our Council Plan, delivering services that are efficient and effective and supports the delivery of the council's Equality, Diversity and Inclusion action plan.

Response

- 3.8 Subject to approval, HR will finalise all associated guidance/forms (where relevant) and prepare communications and implementation plan for publication of the revised policy.

Review

- 3.9 Employment policies will usually be reviewed on a three yearly cycle, unless legislation or internal organisational need prompt a review earlier.

4. Financial Implications

4.1 There are no financial implications arising from this report.

5. Legal Considerations

5.1 There are no specific legal issues anticipated from this report.

6. Risk Management

6.1 An equality impact assessment is attached (Appendix 2).

7. People

7.1 Employment policies include a scope section (where applicable) and each policy clearly sets out who the policy applies to and who it does not (appendix 1 section 2).

7.2 There is no direct impact on our residents as a result of the Flexi Time and Time off in Lieu (TOIL) Policy. However, the policy is part of the employment framework that helps to ensure the residents of Walsall get the best possible service from council employees.

8. Consultation

8.1 Initial scoping consultation with Directors took place during September and October 2021.

8.2 The Flexi Time and Time off in Lieu (TOIL) Policy was formally consulted upon with senior managers and trade unions colleagues across the council between 14 January and 1 February 2022.

8.3 In addition a further meeting was held with trade union colleagues to discuss and implement their recommendations which have been incorporated into the Flexi Time and Time off in Lieu (TOIL) Policy review where applicable. There were no outstanding recommendations or queries that trade union colleagues made that were not either addressed or incorporated into the Flexi Time and Time off in Lieu (TOIL) Policy.

8.4 Feedback from senior managers led to a number of minor changes / clarification of wording. Managers wanted reiteration that any operation of flexi time in practice must be in line with the needs of the service; and be agreed at the discretion of local management, the same as the existing principles. We also provided clarity that flexi would be eligible for claiming between 6am-10pm for 5 day workers working Monday through to Friday but any management request to work at weekends for 5 days workers could be credited with TOIL.

8.5 Both managers and the trade unions wanted clarification that the flexi time parameters defined between 6am – 10pm relates to the option for employees to work flexibly (i.e. flex in and out between these times) with management agreement, but does not change the standard operating

hours of the Council, which are still defined in the policy, where managers require a service to be provided between these hours or any other service specific hours. The intention is not to change the council's standard operating hours.

- 8.6 The Flexi Time & TOIL Policy was endorsed by CMT at its meeting of 07 April 2022.

Author

Nic Rickhuss
HR Manager – Strategy & Planning
Human Resources
✉ nicola.rickhuss@walsall.gov.uk

Sponsoring Director

AUTO SIG

**Name of – Executive Director
(Date)**