



Flexible Working Policy

Version	4
Date Approved	25 January 2022
Date of Previous Approval	1 December 2020 16 July 2018 15 June 2017 17 September 2014
Date of Next Review	January 2023

Updated	25 January 2022
Changes made to reflect consistency with NICS policy and normal working day hours	
Reviewed	2 November 2020
Reviewed to ensure policy meets requirement. No amendments required.	
Reviewed	16 July 2018
Reviewed to ensure policy meets requirement. No amendments required.	
Updated	1 June 2017
Changes made to reflect consistency with NICS policy	
Updated	9 November 2015
Changes made to reflect consistency with NICS policy and working practices of new premises.	
Updated	9 November 2015
Changes made to reflect working hours of Equality House and align policy with NICS Flexible Working Policy.	
Updated	21 November 2014
Changes made to ensure consistency throughout document. Changes were not substantive, therefore policy does not require re-approval.	

1. Introduction

- 1.1. This Code of Practice, has been adopted by CVSNI and is based on the Code of Practice agreed between the Management and Trade Union Sides of the Central Whitley Council, which offers guidance on Flexible Working Time (FWT) in the Northern Ireland Civil Service (NICS).
- 1.2. The Code of Practice does not cover every eventuality and further guidance may be sought from the Head of Corporate Services who in turn may seek advice from the Secretary to the Commission or The Executive Office.
- 1.3. All FWT schemes must be agreed with Departmental Trade Union Side. Each scheme must be designed with the conditions of the Department or Branch in mind and therefore there must be scope for variation between schemes. However, certain elements of FWT have been agreed centrally and every scheme (including the Scheme adopted by CVSNI) should contain the following:-
 - a) a four week accounting period;
 - b) minimum lunch break of 30 minutes;
 - c) carry over of credit of three standard days (that is 22 hours 12 minutes for staff who work a normal 5-day week office hours);
 - d) carry over of debit of two standard days (that is 14 hours 48 minutes for staff working normal 5-day week office hours);
 - e) credit leave of up to three days in any one accounting period which may be taken as half or full days.
- 1.4. Credit leave of half or full day's duration, and absences within core time, must be authorized as for annual leave.

2. Basic Principles of Flexible Working Time

- 2.1. The main purpose of FWT is to provide a more flexible system of attendance for staff. The number of hours which staff work on FWT is the same overall as the time worked by non-FWT staff. The difference lies in the considerable scope which a member of staff on FWT has to vary his/her times of arrival and departure from work, to vary the length and timing of lunch breaks and to take time off if he/she works extra hours. There is, however, a guiding and over-riding principle that this flexibility should be achieved without adverse effect on the overall efficiency of CVSNI or on service to the public.
- 2.2. Since a member of staff who works FWHs, works the same number of hours for their grade and location as a non-FWT member of staff, his/her pay is not affected by the FWT arrangements. Similarly, on other conditions of service, staff who are on FWT should be in no more or less favourable position than other staff. Privileges, arrangements and agreements which existed before the introduction of FWT, should continue to apply.

3. Flexible Working Time – An Outline

The Day

- 3.1. In order to ensure that there are periods in each day during which staff can communicate with each other, with other key stakeholders, and with the public, several hours each day are designated as the coretime. Coretime is the essential part of the day during which a member of staff should be present, unless he/she has been granted permission to be absent.

- 3.2. However, there is no reason why all staff should arrive and leave together, and there is time at the beginning and end of each working day when staff absence is possible. These periods are called the flexible bands. Staff are free to arrive for work in the morning flexible band and leave for home during the afternoon flexible band, subject only to the need to maintain adequate staffing during normal office hours. The total time for which an office is open for work is called the bandwidth.
- 3.3. The flexible lunch break in the middle of the day enables staff to vary (within limits) the length and timing of their lunch breaks, subject only to operational requirements such as the need to maintain adequate staffing in the middle of the day.

The Accounting Period

- 3.4. Staff would not be able to complete their conditioned hours by working during coretime alone. The balance between coretime working and conditioned hours is made up by attendance during the flexible bands. Hours of attendance are recorded, and at the end of each accounting period there is a reconciliation of the hours recorded with conditioned hours net of lunch breaks. Within limits, staff can carry over any excess or deficit in the hours recorded compared with condition hours.
- 3.5. There may be occasions during the accounting period when a member of staff's record needs to be adjusted by a credit or debit. For example, on annual leave or sick absence, 'credit' must be given for the time members of staff are away, or time may need to be deducted from the record to compensate for hours incorrectly recorded. Credits and debits are authorized by management and are taken into account during reconciliation to determine the carry over.
- 3.6. Credits and debits often need to be given for periods of whole or half days. The standard day (for staff who, normally work a 5-day week, is the net equivalent of one-fifth of weekly conditioned hours) is used for this purpose. Standard hours (which are calculated on the same basis) can serve as a useful comparison, with hours actually worked and recorded to date, so that a member of staff can calculate at any time during the Accounting Period, whether he/she is in credit or debit.
- 3.7. Since, over a period of FWT, a member of staff can accumulate more than the normal conditioned hours of work, he/she can take time off – in whole, or half days if they wish – to use up the excess hours which he/she has worked. This flexi leave may also be taken in anticipation of extra hours to be worked later. Flexi leave is recorded separately from annual leave and is not held on the HR Services recording system.

4. Definitions

General

- 4.1. This Section defines more precisely, and gives guidance about, the terms which were used in the previous paragraphs to describe the general way in which FWT operates. Where appropriate, the following definitions include the centrally agreed elements which must be adopted as part of any FWT scheme. Section 5.2 indicates the scope which there is for variations in FWT arrangements.

Accounting Period

- 4.2. The accounting period is four weeks. Staff who join a flexi-scheme during an accounting period will simply record flexi-time for the remainder of the period.

- 4.3. At the end of the accounting period, there is a reconciliation between hours recorded and standard hours. There can be a carry over to the next accounting period of excess or deficit hours, up to an agreed maximum (see section 4.7).

Bandwidth

- 4.4. The Bandwidth refers to the times within which the office is open for work. At CVSNI this is 7.30am – 6pm, based on the opening hours of Equality House.

Carry Over

- 4.5. Carry over is the arrangement to take forward from one accounting period to the next the excess or deficit in the total hours recorded (that is, the time worked- credits and debits) compared with the total standard hours for the accounting period.
- 4.6. The maximum carryover of deficit hours is the equivalent of 2 standard days (that is 14 hours 48 minutes for staff who work normal 5-day week office hours). The maximum carryover of excess hours is the equivalent of 3 standard days (that is 22 hours 12 minutes for staff who work a normal 5-day week office hours).
- 4.7. Staff may not normally carry forward more than the maximum deficit. Any greater deficit than the maximum is in breach of the scheme and this can lead to disciplinary action (which may include stopping of pay for the excess deficit). However, it may be unavoidable that a member of staff is prevented from reducing their deficit balance to the maximum allowed (for example, if absent due to ill-health towards the end of the accounting period). Such occurrences should be rare, bearing in mind that staff are credited with the standard hours for the day during periods of sick absence. Where a member of staff is prevented from reducing a deficit balance to the maximum allowed because of circumstances which he/she could not anticipate or avoid, he/she should be allowed to carry the extra deficit forward.
- 4.8. Any excess credit above the maximum is normally lost. But where a member of staff is prevented by the needs of the office from reducing his/her credit balance to the maximum, he/she should normally be allowed to carry the excess into the next accounting period. This facility will only be available where there is clear evidence that a member of staff has been specifically prevented by management from flexi leave. Similarly, if he/she is prevented from reducing his/her credit balance to the maximum because of sick absence he/she should normally also be allowed to carry the excess into the next accounting period.
- 4.9. When the carryover of greater deficit or excess than the maximum is authorised, there should be a clear understanding that the deficit or excess should be brought within normal limits as soon as reasonably possible. Unless there are exceptional circumstances, the normal limits should apply again at the end of the next accounting period.
- 4.10. Staff are discouraged from remaining in continuous substantial deficit for a prolonged period.

Coretime

- 4.11. Coretime is the essential part of the day during which all staff should be present unless their absence is authorised by management. Coretime at CVSNI is 4 hours (from 10 am – 12 noon and 2 pm – 4 pm)

Time Allowed for Authorised Absences

- 4.12. For authorised absences (other than flexi leave) time is credited to the record of hours attended.
- 4.13. Staff on FWT should not be in any less favourable position than non-FWT staff in relation to time off for casual absences. Time off should still be allowed for visits to the doctor, dentist, hospital, optician, and the like. Staff should, where possible, arrange appointments for the beginning or end of the working day. Such absences, together with sick absence and absence on annual leave, special leave, detached duty, training courses and the like should attract a credit (hours attributable) to the record. Similarly, arrangements should be made to give credits for unavoidable delays in arriving at work due to transport disruption and other exceptional circumstances, and also for early departures for the same reasons. FWT arrangements should not inhibit a managers' ability to use his/her discretion to grant credits for other occasional or casual absences. Such credit can be refused if it is felt that the facility is being abused or used to an unacceptable level.
- 4.14. Absence from work with appropriate credit for industrial relations activities should be allowed if staff are working flexible hours in the same way as for non-FWT staff, in accordance with the Trade Union Arrangements NICS Staff Handbook, Chapter 6.08. Similarly, staff who are Trade Union Health and Safety Representatives or Union Learning representatives have statutory rights to local absence from work.
- 4.15. The credit for a whole day's approved absence should be a standard day, and the credit for a complete morning's or afternoon's absence should be half of a standard day. It is suggested that other credits for unavoidable absence, if less than a day, should be agreed between the member of staff and his/her line manager, and should reflect the time which he/she would have recorded if the absence had not been necessary. To avoid excessive administrative effort, no account should be taken of absences of less than 10 minutes.
- 4.16. When agreeing the credit to be given for authorised absences, line managers will take into account the time at which the member of staff normally reports for duty. The line manager may use discretion when the normal time varies over a narrow range. Where there is no pattern, allowances should be calculated on the normal starting time for the branch.

Flexi Leave

- 4.17. Flexi leave is time taken off:
- a) in lieu of excess hours attended (in the previous or current accounting period); and/or
 - b) in anticipation of hours which must be made up later.
- 4.18. Flexi leave may be allowed up to a limit of three days in any one accounting period and may be taken as half or full days. Flexi leave of a half or full day's duration, and absences within coretime, must be authorized as for annual leave.

Half-Day Leave

- 4.19. The only restriction on the timing of a half-day's leave is that the leave period should not impinge on more than one core period. Thus after a morning's leave staff may arrive at the office at any time during the flexible lunch break (12 noon – 2 pm) and when taking an afternoon off, may depart at any time in the same period.

- 4.20. There is no requirement to have a lunch break when taking a half-day's leave. For flexi leave, no entry in the FWT record is made, other than the hours actually attended; for a half-day's annual leave half a standard day should be credited in addition to the hours actually attended. Credit for a half-day's leave is 3 hours 45minutes.

Debit

- 4.21. Time may be debited from a record of hours attended, in order to compensate for time wrongly credited. This may occur, for example, when a member of staff forgets to record their departure.

Flexible Bands

- 4.22. Flexible bands are the periods before and after coretime during which staff are free to arrive for work in the morning and leave for home in the afternoon, subject only to the need to maintain adequate staffing during normal office hours.

Example:

(7.30am -10 am) Flexible Band

(10am -12 noon) Coretime

Bandwidth (12 noon – 2pm) Flexible Lunch Break

(2pm – 4pm) Coretime

(4pm – 6pm) Flexible Band

Flexible Lunch Break

- 4.23. The lunch break must be a minimum of 30mins and may be up to a maximum of two hours.

- 4.24. In certain circumstance sit may be necessary to ensure adequate cover, therefore total flexibility in the times at which staff take their lunch breaks, may not be feasible. Nevertheless, every effort should be made to avoid placing any more restrictions on the timing and length of staff lunch breaks than is operationally necessary. If, on occasion, a member of staff wants to extend his/her lunch break, by seeking prior approval for absence in coretime, that approval should not be withheld unreasonably.

Reconciliation

- 4.25. The analogy is with reconciling a bank account, to see what balance is carried forward. Recorded hours are adjusted to take account of debits and credits and then compared with the total standard hours for the accounting period. The 'balance' is the carry over.

Standard Day and Standard Hours

- 4.26. For members of staff who normally work a 5-day week, the standard day is one fifth of the weekly conditioned hours less lunch breaks (totalling five hours). For example, for grades conditioned to office hours of 37 per week, the standard day is 7 hours 24 minutes. For staff who have a different length of working week, or are in a grade with different conditioned hours, the calculations should be adjusted accordingly.

- 4.27. Standard hours calculated in this way are used during, or at the end of, the accounting period as a basis of comparison with hours actually recorded. At the end Northern of the accounting period, the reconciliation is between hours recorded and the total standard hours for the period.

Normal Working Day

- 4.28. The normal working day is defined as the hours staff would have to work if no flexi-scheme was in operation. This means CVSNI contractual hours of 9am – 5.00pm Monday to Thursday and 9.00am – 4.30pm Friday.

5. Flexible Working Time (FWT) Schemes

Part-time working

- 5.1. A part-time member of staff may be included in FWT schemes on a pro-rata basis, in accordance with his/her conditioned hours, but the precise arrangements will depend on local circumstances and need to be worked out at the local level.

Variations and Flexibility

- 5.2. All CVSNI staff are covered by the same FWT arrangements.
- 5.3. Any member of staff who avails of FWT by starting earlier than the normal starting time or leaving later than the normal finishing time should inform his/her supervisor if he/she considers that they have not enough work for the period in question.
- 5.4. The operation and control of rests with the Head of Finance and Corporate Affairs, and the success of the scheme will depend largely on the relations between staff and their individual line managers. Nevertheless, any system of time recording can be abused if an individual is sufficiently enterprising and insensitive to the views of colleagues. Fortunately such individuals are rare, but it is only fair to everybody else that line managers should examine individual FWT records and ensure by frequent checks at irregular intervals that the scheme is not being abused.
- 5.5. Times should be recorded by staff at the start and end of the day and must be accessible to Managers for scrutiny.
- 5.6. Since abuse of FWT is a breach of the scheme, the offender's participation in the scheme may be suspended temporarily or indefinitely for persistent or serious abuse. This will be made clear, particularly for newly-recruited staff; and the normal times of arrival and departure (which would apply if participation in FWT was suspended) will be specified in staff regulations. Whether and what disciplinary action should be taken if there is abuse, depends of course very much on the circumstances of each individual case.

6. Time Recording

- 6.1. It will be quite clear that an essential part of any FWT scheme is the accurate recording of the hours staff actually work. The method of time recording is by agreement of the Chief Executive.

7. Record Keeping

- 7.1. Paperwork should be kept to a minimum and records need not be kept for longer than three months from the end of the accounting period to which they refer, unless used to monitor compliance with the Working Time Regulations, in which case retention until after each 17-week reference period will be necessary.

8. Flexible Working Time and Certain Conditions of Service

General

- 8.1. It is one of the basic principles of FWT that it should not place a member of staff in any more or less favourable position than a non-FWT member of staff in relation to his/her conditions of service. However, FWT arrangements can sometimes give rise to misunderstandings in this respect, and the application of certain conditions of service to staff who work FWT is therefore explained below.

Overtime for Excess Hours Worked and Other Premium Payments

- 8.2. There is a clear distinction between extra hours worked by individuals on FWT to suit themselves, as part of the normal FWT arrangements, and additional attendance outside coretime which may attract overtime or other premium payments or time off in lieu, where appropriate.
- 8.3. It is a general rule that all overtime for which payment is to be made must be authorized, and that claims for overtime, or other premium payments, must be properly supported by a record of hours worked. Overtime for staff who are on FWT must therefore be authorised and supervised in the normal way, and work for which overtime or other premium payments are being claimed, should be recorded completely separately from FWT. Before starting to work overtime, staff must record the time at which normal working ended.
- 8.4. It follows that:
 - a) hours credited to the FWT total may not attract payment of overtime, travel time outside office hours, and similar as an alternative to flexi leave; and
 - b) extra attendance which is authorised as overtime may not be added to the FWT total, whether or not such attendance qualifies for additional payment
- 8.5. Because overtime is worked at the request of management, and is recorded separately from FWT, it follows that a member of staff is able to work overtime and still accumulate the number of credit/debit hours on his/her FWT record up to the normal limit.

9. Working Away from the Office

- 9.1. Where a member of staff is travelling direct from their home to an assignment, without first calling at the office, their starting time is the time at which they leave home.
- 9.2. Finishing times will be similarly calculated.

10. Attendance at Training Courses and the like

- 10.1. Staff attending internal and short full-time and part-time external courses, may be considered to have worked their full hours provided that the hours of the course are not more than one hour less per day than their conditioned hours. This applies equally to FWT and non-FWT staff and a day's attendance at such a course should attract a Standard Day's credit to the FWT record.

11. FWT Credit/Debit on Leaving the Service

- 11.1. On receipt of notification from a member of staff working FWT that he/she intends to leave the Service, management must inform him/her that a nil balance of hours should be achieved by the last working day.
- 11.2. Where exceptionally this balance has not been achieved, any debit balance should firstly be offset against any outstanding annual leave and if this is not possible final payment must be adjusted accordingly, in other words by a deduction made for the debit balance of hours. Similarly, an addition will be made for excess balance of hours. Early notice should be given where a nil balance will not be achieved. Should the member of staff die whilst in debit in flexi-time, the requirement to recover an equivalent cash amount should be waived.

11.3. In the case of late notified debit balances it may be necessary for issue of final pay to be deferred. Where credit balances are notified late final pay will be issued as originally calculated, with a balancing payment being issued subsequently.