

## Annual Leave

The annual leave entitlement is twenty-five days per annum, plus four extra statutory holidays\*. Annual leave entitlement for officers who, immediately prior to the commencement of the leave year have more than five years continuous service under one or more Local Authorities, is thirty days, plus four extra statutory holidays\*. New entrants to Local Government Service are entitled to annual leave proportionate to completed weeks of service during the year of entry, and thereafter on the normal scale. Any annual leave taken in anticipation of completed service must be reimbursed to the Authority in the event of the six months Probationary Period being unsuccessful or notice being served.

\*effective from 1/12/2010

# CARERS' LEAVE

## 1 Introduction

- 1.1 The Scheme applies to all employees working part-time or full-time regardless of hours worked, but with a minimum of one year's service with North East Derbyshire District Council at the commencement of the leave.
- 1.2 It is recognised that on occasion employees will require special absence for personal or family reasons, for example to nurse a sick or elderly relative.
- 1.3 Carers Leave would be taken on an unpaid basis. This scheme is intended to complement paid leave provisions for example the compassionate leave scheme.

## 2 Flexibility of the Scheme

- 2.1 Individual needs vary, and requests for carers leave may come in different forms:
  - a defined block of time:
    - eg an employee is able to indicate in advance the precise duration of carers leave required such as in cases of relatives temporary incapacity or pending alternative arrangements coming into effect.
  - an open-ended block of time, subject to regular review:
    - eg where the nature of the incapacity is such that the employee is unable to give an indication of how long the absence is expected to be.
  - regular intermittent time off:
    - eg where a carer is needed to be present for certain regular events only, eg hospital visits.
  - irregular intermittent time off:
    - eg where the carer is not required on a full-time basis, but needs to be available for certain events of an irregular nature.
  - term-time working pattern:
    - eg where the person who needs care and attention is a child who attends an educational establishment during term time.

- 2.2 The Authority will attempt to be flexible in its response to requests for carers' leave, subject to the needs of the service and to cover being available.
- 2.3 In return employees taking advantage of the scheme will provide as much information as possible about the duration of the absence to enable appropriate cover to be arranged.

### **3 Procedure**

- 3.1 It is likely that short absences for the purpose of caring for sick or elderly relatives will continue to be dealt with under the compassionate leave scheme. It is not possible to put a time limit on such absence as individual cases vary.
- 3.2 For longer or more regular absence, or to extend the compassionate leave period, requests will be considered by Cabinet. Requests should be addressed in the first instance to the Assistant Director of the appropriate Department, who will arrange for consideration at the next available meeting. The provisions of the Compassionate Leave Scheme should prevent any inconvenience which may be occasioned by the time lapse between Committee cycles.
- 3.3 Employees should maintain regular contact with the Council during their absence.  
From the Authority's side, employees will be sent regular copies of newsletters and other relevant information by their line manager.
- 3.4 Employees will not be allowed to undertake paid work during the period of absence.
- 3.5 Employees should give as much notice as possible of their intended return to work, and in any event not less than ten working days.
- 3.6 Employees may request a return to work on a job-share basis and this will be given consideration following the usual procedure.

### **4 Contractual Position**

- 4.1 In the case of Carers Leave, the existing contract will continue but with a temporary variation. There will therefore be no break in service.

- 4.2 Pay will cease for the duration of the absence, but pay rises and incremental progression will continue to take place as if the absence had not occurred. Employees are advised to apply for benefits during the period of absence. The Human Resource Section may be able to provide advice on this issue.
- 4.3 There is no requirement to pay National Insurance contributions during unpaid absence, but employees are advised to contact the DSS office for full details on any effect this may have, for example on benefits.
- 4.4 For absences of 30 days or less an employee who normally contributes to the Superannuation Scheme must continue to pay contributions. If the absence exceeds 30 days the employee may choose whether or not to continue to pay contributions. Advice on the effect on pension is available from the County Council Superannuation Section, or via the Human Resource Section at North East Derbyshire District Council.
- 4.5 If the employee is sick during the carers leave period, there is no entitlement to occupational sick pay. However there may be an entitlement to SSP if the employee is eligible in all other respects. In their own interests, therefore, employees should follow the normal sickness notification procedure.
- 4.6 An employee will not accrue any entitlement to annual leave during a period of unpaid leave and therefore an adjustment will be made to the annual entitlement in the year(s) in which the absence falls.
- 4.7 It is the employee's responsibility to make arrangements for the payment of trade union subscriptions during their absence.
- 4.8 Essential User Car Allowance - if an employee is absent for an extended period of time, they will receive the lump sum at full rate for the remainder of the first month of absence, then at the full rate for the first three full months, reducing to half for the following three full months. After six full months of absence, no lump sum is payable until the employee returns to work.
- 4.9 Telephone Allowance - if an employee is absent for more than two months, and they normally receive a telephone allowance, they will receive reimbursement for rental costs only during the remainder of their absence and will not be reimbursed for telephone calls for the period in excess of two months.

- 4.10 Car Loans may also be affected by a lengthy period of unpaid absence. However these will be dealt with on an individual basis and employees should contact the HR and Payroll section for appropriate information and advice.
- 4.11 As carers leave will be counted as continuous service, an employees' legal position, for example in respect of redundancy or unfair dismissal, will not be affected.

## **POLICY ON FLEXIBLE RETIREMENT**

The Policy on Flexible Retirement applies to all employees who are members of the Local Government Pension Scheme.

The needs of the service shall at all times take precedence over the scheme, and it is the responsibility of the Director of each department, acting through Service Managers, to ensure that the operational requirements of the Council are met.

Under the Policy, an employee can request a reduction in their hours or grade and early release of pension benefits where they are aged 55 or over. For the purpose of this Policy the cases have been categorised as follows:

- i) Employee is age 60 or over – There is no cost to the Council as the employee is past their earliest retirement date and, in the event that they do not meet the Rule of 85, their pension benefits will be reduced to reflect early payment.
- ii) Employee is age 55 or over but less than 60 and does not meet the Rule of 85 until after their 60th birthday. – In this case the whole of the cost of the early payment of pension benefits is borne by the employee by means of a reduced pension.
- iii) Employee is age 55 or over but less than 60 and does meet the Rule of 85 either at the date of flexible retirement or at a later date that is before their 60th birthday. - In these cases the Council would have to meet the Pension Fund shortfall arising from the early payment of pension benefits from the date when the Rule of 85 is met.

For those cases that fall within **categories i and ii** above, the Council's general policy is to give the employer's consent to the payment of benefits from the Local Government Pension Scheme where the employer has consented to a reduction in hours or grade in one of the following situations:

1. This arises from a change from full-time to half-time working or a new job-share arrangement in accordance with the Council's policy.
2. There is a direct financial benefit to the Council in that the reduced hours are not filled. The employing department will also need to demonstrate why a reduction in hours has not been considered earlier.
3. Where it can be demonstrated that there are other good reasons why it is in the employer's interests to allow an employee to reduce their hours and for these to be undertaken by another person.

Decisions relating to such cases can be taken by the Chief Executive / Director of the Department.

For **category iii** cases, the Council's general policy is **not** to agree to the early release of pension benefits. However, where it can be demonstrated to be in the Council's interests, taking into account all the relevant factors including the cost, Cabinet will consider these applications for flexible retirement.

In all cases decisions must be based on the merits of each application and the needs of the service and not be influenced by the employee's wish for early payment of their pension scheme benefits.

# FLEXIBLE WORKING ARRANGEMENTS - STATUTORY

This document outlines the new statutory provisions in respect of flexible working. These should be considered in conjunction with the Council's other policies which fall broadly into the categories of flexible working and work/life balance. These include the Flexitime Scheme, the Jobshare Policy and Carers Leave.

The statutory rights to request flexible working are now available to all employees.

## 1 Eligibility for Flexible Working

This is a statutory right which exists in addition to policies specific to NEDDC.

An employee must meet the following criteria to be eligible to make a request under this right:

- Be an employee of NEDDC and not be an agency worker
- Have a minimum of 26 weeks' continuous Local Government service at the date the application is made
- Not have made another application to work flexibly under the right during the past 12 months

## 2 Under what circumstances can an application be made?

An application can be made in a variety of circumstances, for example, it may enable the employee to spend more time with their family, or simply to achieve a better work/life balance. (See also the Council's Jobshare Policy and Flexitime Scheme)

## 3 When should the application be made?

Employees should consider when they would like the new working pattern to begin. The process can take up to 14 weeks to complete, and sometimes longer where a problem arises.

Employees who wish to return from maternity leave on changed hours may wish to mention this as early as possible, but no later than 28 days prior to their intended return to work date, to enable the request to be properly considered in time for arrangements to be put in place on the employee's return.

## 4 How often can an application be made?

No more than one application a year can be made under the right. Each year runs from the date when the application was made.

## 5 What kind of changes can be applied for?

There is scope to apply for a wide variety of different types of working pattern. Eligible employees can request to:

- Change the hours they work;
- Change the times when they are required to work; or
- Work from home (whether for all or part of the week).

A request may be as simple as asking to start half an hour later than usual to allow the employee to drop their child off at school. Or it may be a bigger change to their hours in order to fit their work around childcare requirements.

An application for flexible working can be for any working pattern other than the normal working pattern in an organisation. However all applications will be subject to service requirements (see below).

## 6 What information should an application contain?

The written application must state the date when the employee would like the new working pattern to start. The proposed date should allow time for the application to be considered and implemented. They must also state if and when any previous application was made.

The employee must also indicate how the proposed working pattern can be made to work, and how the impact on the service/organisation can be minimised.



## **7 Can an employee go back to their previous hours if their circumstances change?**

Any request that is made and accepted under the statutory right will be a permanent change to the employee's contractual terms and conditions (unless otherwise agreed). The employee has no automatic right to revert back to the previous working pattern. However if the employee is only looking for an informal change for a short period, for instance to cope with a bereavement or to pursue a short course of study, consideration will be given to permitting a return to the employee's original terms and conditions after a specified period.

## **8 What happens after the application is submitted?**

- The Service Manager, in consultation with a representative from Human Resources, must hold a meeting to consider the request within 28 days after the date the application is received. This meeting will provide an opportunity for both parties to discuss the desired work pattern in depth and consider how it might be accommodated. Both the Service Manager and employee should be prepared to be flexible. If the original suggestion for an alternative working pattern cannot be accommodated, the meeting also provides an opportunity to see if an alternative working arrangement may be appropriate. It may also be in the interests of both parties to agree that the new working pattern will take place on a trial period in order to see how it would work.
- The employee can be accompanied by a companion, ie a Trade Union representative or colleague, at the meeting.
- If the companion is unable to attend the meeting, the employee should rearrange the meeting for a date within seven days of the originally proposed time, ensuring the new time is convenient to all parties – or they might wish to consider an alternative companion.
- The Service Manager, in consultation with the Human Resources representative, must write to the employee informing them of the decision within 14 days of the meeting. If the request is accepted, the notification should include a description of the new working pattern and indicate the date it will commence. If the request is rejected, the notification must state the business grounds for refusing the application, with sufficient explanation. It should also provide details of the employee's right to appeal.

## **9 What are the grounds for refusing a request for flexible working?**

A request under this statutory right can only be refused on business grounds, as follows:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise 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.

## **10 What is the procedure for appealing against a decision?**

- An employee must make their appeal in writing within 14 days of the date they receive written notice that their request has been rejected. The appeal should set out the grounds for making the appeal.
- The appeal will be heard by the Assistant Director.
- An appeal meeting will be arranged to take place within 14 days of receiving notice of the appeal.
- The employee can be accompanied.
- The employee will be informed of the outcome of the appeal in writing within 5 days of the date of the meeting.
- If the appeal is upheld, the written decision must include a description of the new working pattern and indicate the start date.

## **11 Extension of time limits**

There are two circumstances where the time limits can be extended:

- Through agreement between both parties
- Through the absence of the employer. In this case the period that the employer has to arrange the meeting will commence either on the day of the manager's return or 28 days after the application is made, whichever is sooner.

There are no other circumstances where an automatic extension to any period applies.

# APPENDIX B

## NORTH EAST DERBYSHIRE DISTRICT COUNCIL

### HOME WORKING POLICY

#### 1. Introduction

- 1.1 Flexible working practices are part of the government's modernisation and E- government agenda to enable Councils to deliver continuous improvements by implementing improved access across a full range of services. When any application for at/from home working is made the impact on the business needs of the Council need to be carefully considered.
- 1.2 North East Derbyshire District Council is also committed to promoting flexible working and increased work-life balance opportunities, of which home working is one, to enable its employees to balance work with other responsibilities. It recognises as a proactive employer, that employees benefit from an enhanced benefits package that includes flexible working practices e.g. as a result of reductions in travel time. Methods of promoting work life balance also include job share working, career breaks and the availability of flexi time, all of which are dealt with in separate policies.
- 1.3 The home working policy specifically applies to both working **at** home and working **from** home.
- 1.4 Prior to agreement, home working that requires ICT systems and telecomm installations/facilities are subject to a costed feasibility study by the ICT section. All policies of the Council (with the exception of the scheme of flexible working) apply to home workers including health and safety, email, internet and acceptable use policies and data protection.
- 1.5 The employee also has a responsibility to think carefully about their desired work pattern, and the Council is required to follow a specific procedure to ensure requests are considered fairly.
- 1.6 The Council **may request**, according to the needs of service that employees work at/from home and this procedure is outlined in section 5. **Employees have the right to reject this proposal and do not need to give a reason.** Where this is the case for new employees full induction procedures both corporately and departmentally will be followed.

#### 2. Definition

- 2.1 Home working is where an employee uses their home as their office for part or all of the week. This could be either on an ad-hoc basis/

occasional basis, for instance when writing new policies or undertaking research or where the employee is based permanently at home for part or all of their working week.

- 2.2 Working **at** home involves an employee undertaking at home, work which has been traditionally been done in an office.
- 2.3 Working **from** home involves an employee in a 'mobile' occupation. Examples of 'mobile' occupations include Environmental Health, Housing, Planning and Building Control Officers (this is not exhaustive) who visit sites and may therefore, use their home rather than an office as the base from which journeys are undertaken.
- 2.4 In practice, some jobs may include elements of both these types of working.

### **3. Eligibility**

- 3.1 Not all posts are suitable for home working; posts that may not be suitable or practicable are those that provide a direct service to the public attending Council buildings e.g. dealing with the public as at leisure centres. Each application from an employee for at/from home working will therefore be considered on its own merits and subject to operational needs. Posts where an employee's work is highly self regulated with a large degree of personal autonomy in how daily tasks are processed, or involve specific project work may be particularly suitable for home working.
- 3.2 To work effectively, home working has to meet and balance the business needs of the service as well as those of the individual. Therefore:
  - home working must be agreed between management and the individual in each case;
  - home working will be subject to overall agreement by the Service Manager
  - . Service Managers should apply to their Assistant Director for at/from home working;
  - Assistant Directors should apply to their Director for at/from home working; and
  - Directors should make an appropriate application to the Chief Executive when they seek to work at/from home.
  - In the case of the Chief Executive, approval to work at/from home must be gained from Members.

Contracted home working will only be considered where:

- An employee is able to complete tasks on a regular basis either at home or in the office

- The job does not involve a high degree of personal interaction with colleagues
  - The employee is willing and able to attend the Council's offices for essential interaction with colleagues, management meetings/team meetings or development courses as required.
- 3.3 There are also a number of circumstances where temporary home working is particularly appropriate such as where an employee:
- Has a backlog of administrative tasks
  - Needs uninterrupted 'quiet time' to undertake research or write complex papers
  - Has a specific job which can be undertaken at home
  - Has clarity around what will be accomplished
  - As a result of a short term restriction on mobility
- 3.4 No more than one application a year for regular, contracted working can be made. Each year runs from the date when the application is made.

#### **4. Application Procedure - by the individual**

- 4.1 The policy recognises that employees have the right to request at/from home working. The process can take up to 14 weeks to complete especially when the home working requested is to be on a regular, contracted basis.
- 4.2 If an employee wants to apply to work at home, he/she should make the request in writing to their Service Manager on the enclosed proforma in Appendix 1 of the Employee Guidelines. The written application for at/from home working must state the date when the employee would like the home working arrangement to start.
- 4.3 The Service Manager in consultation with the employee's line manager must hold a meeting with the employee to consider the request within 28 days after the date the application is received.
- 4.4 The employee can be accompanied by a companion e.g. a colleague or Trade Union representative at the meeting if they wish. If the companion is unable to attend the meeting, the employee should rearrange the meeting for a date within seven calendar days of the originally proposed time, ensuring the new time is convenient to all parties.
- 4.5 The Service Manager in consultation with the line manager must write to the employee informing them of the decision within 7 calendar days of the meeting.
- 4.6 In all cases, the Service Manager and line manager will need to consider the following factors very carefully, (although this list is not exhaustive

and their may be additional factors unique to a particular employee's post and circumstances)

- business/service needs.
- whether the job is suitable for home working taking into account the nature of the work the employee has done.
- whether the employee is likely to be effective as a home worker.
- what impact home working might have on the efficiency of the office, section, area of work and overall service.
- The implications for immediate colleagues, including, if applicable, people who are managed by the prospective home worker.
- What new arrangements must be implemented and any related costs, to ensure effective communication between the home worker and Council workplace.
- How the employee will be managed, supervised and supported while undertaking at/from home working.

- 4.7 Any application to homework will be approved on a trial basis of three months, and each trial will be evaluated by the Service Manager in consultation with the line manager and the employee, in order to accurately and fairly assess its success. During this three month period, there will be regular reviews at four, eight and twelve weeks with any areas of concern by either management or the employee raised with an action plan then agreed to deal with these.
- 4.8 Following a trial period of at/from home working, any request that is made and accepted for home working will be on a contracted basis as a regular feature of employment and will be a permanent change to the employee's contractual terms and conditions. .
- 4.9 The employee has no automatic right to revert back to the previous working base/pattern. Where the circumstances of the employee may have **significantly** changed from when they originally commenced home working and **it is clear that it is unreasonable for home working to continue** a meeting will be arranged with the Service Manager to discuss the issues involved **and how to facilitate a return to work at Council accommodation.**
- 4.10 Management may also review home working arrangements with regard to the needs of the service when these have changed from the time the home working request was originally approved. If an employee is required to revert to their original work place they will incur their own to/from work cost and consequently have no entitlement to claim

excess travel cost. This is in accordance with National Conditions of Service.

## 5. When the Council makes an at/from home working request of the employee

5.1 There will be times when it is beneficial for the Council for business/service reasons to request individual employees **or groups of employees within a particular service area** work at/from home on an occasional or permanent basis. ***Where a manager has identified a business case for at/from home working in a particular service area, they should assess which employees need to be involved in discussions to facilitate home working and then invite applications in writing from this individual or group.***

5.2 ***When the manager receives replies to the proposed home working arrangements, they will assess these in line with business need and the additional factors to be considered as stated in section 4.6 of the policy. It is extremely important that every regard must also be made to the Council's Equalities policy to ensure fair selection of employees for home working with HR advice being sought as appropriate.***

5.3 The Service Manager will invite ***in writing*** the employee(s) and his/her companion/representative to a meeting within 28 days to discuss the ***possibility of home working, and what arrangements would be implemented to facilitate this. The procedure for this meeting remains as stated in section 4.4.***

5.4 Following the meeting, the Service Manager must write to the employee(s) within 7 calendar days ***confirming the home working proposals and requesting a formal response of the employee(s) to these.*** If the employee(s) accepts the proposed home working arrangements they will commence working at/from home on a trial basis of three months ***on a mutually agreed date.*** The trial will be evaluated as stated in paragraph 4.7 and if successful for both the Council and the employee(s) the appropriate changes will be made to the employee's contract by the Human Resources and Payroll Section.

5.5 If the employee does not wish to work at/from home they should confirm this ***in writing with no requirement to give reasons for their refusal of the home working proposals.***

## 6. Terms and Conditions of employment for at/from home working

6.1 If the request for home working is approved, employees will be subject to the same performance measures, processes and objectives that apply to office based employees. Details of work undertaken at home

should be reported on a Home working Time Sheet (see Appendix 2 of the employee guidelines).

- 6.2 Line managers must agree working hours and patterns, contact times and availability with the employee in advance. Any variation of the agreed working pattern must also be agreed with the line manager. If any employee has any concerns with their working arrangements, they must bring the matter to the attention of their line manager without delay.
- 6.3 Line Managers in consultation with Human Resources must ensure that revised contract documentation is issued as necessary where regular at/from home working is involved.
- 6.4 The Council reserves the right to withdraw home working from an employee, subject to contractual notice to vary terms and conditions, (see 4.10 in relation to excess travel). However, where there are performance management/capability issues the Council has the right to immediately withdraw home working without notice to enable the employee to be more closely supervised.
- 6.5 Pay and benefits are not affected on the basis that the full-time hours for the post are worked. Part time employees will be entitled to salary and other benefits on a pro-rata basis.
- 6.6 If any employee has any concerns (e.g. health and safety, performance management or learning and development) with their at/from home working arrangements, they must bring these to the attention of their manager without delay.

## 7. **Appeal Process**

- 7.1 If the request for home working by the employee is declined by the Service Manager the employee has the right of appeal as follows:
  - a) An employee must make their appeal in writing within 10 working days of the date they receive written notice that their request has been rejected to the Director. The appeal should set out the grounds for making the appeal.  
These include:
    - ***The home working procedure has been wrongly applied***
    - ***The decision that has been reached has been based on incomplete information***
    - ***There has been a lack of consistency when comparable posts have been approved as being suitable for home working.***
  - b) The appeal will be heard by the Director.

- c) An appeal meeting will be arranged to take place within 14 days of the Director receiving notice of the appeal.
- d) The employee can be accompanied.
- e) The employee will be informed of the outcome of the appeal in writing within 5 working days of the date of the meeting.
- f) If the appeal is upheld, the written decision must include a description of the new home working arrangement and indicate the start date.
- g) Any extension to the time limits specified for both an application to work at/from home or to appeal against a decision to refuse home working can only be made through agreement of both parties
- h) This is the final stage of Appeal regarding at/from home working.

## **8. Operational Considerations**

### **8.1 Equipment**

The Council, after consultation with the ICT section, will supply equipment needed to enable an employee to work effectively at or from home where this will be undertaken on a regular, contracted basis. The equipment required will vary from case to case but may include such items as:

- A mobile phone for official work purposes or soft phone software program (which can be installed on a computer which when connected to the Council's network acts as a working extension on the telephone network) in order for a detailed record of official calls to be kept
- Relevant IT equipment including PC, laptops, printer/fax
- Furniture including desk, chair, lockable drawers

Final decisions on what is needed will be made by the Service Manager and Line Manager after consultation with the ICT section and the employee.

Where Council equipment is used, employees must take reasonable care of the equipment and use it only as directed in the ICT acceptable use policy and in accordance with any operating instructions. Repairs to Council provided IT equipment will be undertaken at Council premises and not in the home of the employee. All repairs will be arranged through the ICT section as will software support.

ICT equipment provided by the Council cannot be used for personal use.



Work usage must comply with the Council's acceptable use policy as applied to office workers.

All usage of the hardware, software and internet should be undertaken in line with the Council's policies on email, internet and acceptable use.

Internet usage should be conducted through the equipment provided by the Council's ICT section.

No allowance will be paid in respect of heating and lighting, as home working will provide considerable benefits to employees by reducing travel time and costs as well as work life balance benefits.

## **8.2 Personal Equipment**

Employees must have their Line Manager's written agreement before any personal item of office/ ICT equipment is used. The Council is not responsible for the maintenance costs, replacement, or repair in the event of loss or damage to any personal equipment that is used.

## **8.3 Insurance**

Working at or from home may affect the home and contents insurance policies of the householder. Employees must inform their insurers before commencing home working. This does not usually result in a premium. The Council will not reimburse any increase in premium should this occur.

## **8.4 Employers Liability**

Employees working at home are covered by the Council's Employer's Liability Policy, which provides cover if the Council is proved to be negligent. In the event of accident or injury at home, it may, however, be very difficult to prove negligence on the part of the Council because an officer working at/from home would be primarily responsible for his/her own working environment. Any accidents must be reported immediately to his/her line manager.

## **8.5 Public Liability**

Although covered by the Council's Employer's Liability Policy employees working at or from home are advised to ensure their home contents policy has public liability cover for at least £2 million. This is a standard clause in most home insurance policies. If an employee does not have such cover then his/her manager should seek appropriate advice from their home insurance provider.

## **8.6 Mileage Claims**

During home working, mileage will be payable on business journeys from home to work site subject to this not exceeding the mileage which would have been incurred to these sites from the normal office base. It will be necessary for the manager and the employee to agree the detail of this in each individual case. Mileage will be paid to those employees who work at/from home on a regular, contracted basis when they are required to attend meetings or progress work at one of the main Council sites.

All arrangements must comply with the Car Allowance Scheme.

#### **8.7 Reduced office/work based cover/Emergency Planning**

*In the event of staff sickness and reduced office/service cover or in the event of an emergency planning matter, managers may request at/from home workers to attend work to assist at this time. Such an arrangement would be as a temporary measure through mutual agreement.*

#### **9. Health and Safety**

Employees working at or from home have the same duties under the Health and Safety at Work Act as all other employees. They must take reasonable care of their own health and safety and that of anyone else who might be affected by their actions and omissions. The Council retains the right to check the employee's work areas in their own homes for Health and Safety purposes.

Guidance on what is suitable accommodation for work purposes will be provided by the Health and Safety Advisor.

The employee's line manager will actively seek confirmation of safe working practice by communicating regularly and effectively about Health and Safety issues. A Home Workplace Risk Assessment will need to be completed in all circumstances by the employee's line manager before working at home can be agreed. (See Appendix 1 of the management guidelines).

#### **10. Data Protection and Security**

Private and confidential material must be kept secure at all times and in accordance with IT policy and procedure and legislative requirements e.g. the Data Protection Act.

The Council's data protection policy applies to all employees regardless of the workplace location. Any breach of this policy may result in disciplinary action being taken where employees have been involved with unauthorised or unlawful processing of personal data or destruction of, or damage to, personal data.

Officers will be deemed responsible for all electronic actions under their log in. Following appropriate training from a member of the ICT section/Data Protection Officer employees should ensure that they read and sign the relevant form (see Appendix 4 of the employee guidelines) indicating that they fully understand the Council's data protection policy and its implications before commencing at/from home working.

Line managers must be satisfied that all reasonable precautions are taken to maintain confidentiality of material.

## **11. Ad hoc home working**

Any employee who works at or from home on an ad hoc basis will not be subject to full application process as above but will need agreement from their line manager to undertake home working **prior** to undertaking any work at or from home.

The employee should also note that sections 6.1, 6.2, 8.1-8.7, 9 and 10 of the above policy will apply to ad hoc home workers.

Occasional at/from home workers will not usually be supplied with permanent telecoms links or other equipment but may be given access to 'dial in' using a laptop if appropriate. If occasional home workers use their home telephone for official purposes, a detailed record based on an itemised phone bill must be kept for reimbursement purposes.

Where Council equipment is used, employees must take reasonable care of the equipment and use it only as directed in the ICT acceptable use policy and in accordance with any operating instructions. Repairs to Council provided IT equipment will be undertaken at Council premises and not in the home of the employee. All repairs will be arranged through the ICT section as will software support.

ICT equipment provided by the Council cannot be used for personal use.

Any usage for work purposes must comply with the Council's acceptable use policy as applied to office workers.

All usage of the hardware, software and internet should be undertaken in line with the Councils policies on email, internet and acceptable use.

Internet usage should be conducted through the equipment provided by the Council's ICT section where available.

No allowance will be paid in respect of heating and lighting, as home working will provide considerable benefits to employees by reducing travel time and costs as well as work life balance benefits.

# JOB SHARE SCHEME

## 1. Statement of Intent

North East Derbyshire District Council is committed to providing equality of opportunity, and to helping employees achieve a better balance between work and the rest of their lives. This policy forms part of North East Derbyshire District Council's flexible working arrangements.

## 2. Definition

Job sharing is defined as the voluntary sharing of an established post by two people, either through the creation of a vacancy or by an existing postholder expressing the wish to participate in a job share arrangement.

## 3. Application

Very few posts are unsuitable for job sharing. Any exceptions from job sharing will require specific identification and justification, although it is acknowledged that there may be certain posts that may be difficult to consider for job sharing. Managers must demonstrate that it would be detrimental to the effective running of the service to consider job sharing. Grounds for refusal of a job share request must therefore be carefully considered and discussed with the Human Resource Manager. A decision in writing as to whether the post is suitable for job sharing will be made within one month of the date of the request.

## 4. Principles

Equality of responsibility exists between job sharers, and equal opportunities for training will be provided under the EDPR Scheme.

The reason for an individual requesting job share does not have to be given and approval for the request should be based on operational reasons only.

Managers must ensure that part-time and job-share employees are not disadvantaged by their pattern of attendance in terms of assessment of promotion\*. Managers are encouraged to value employees for their contribution to service targets rather than their presence

The Council recognises that an individual's circumstances will change over time and therefore there should be no restrictions on existing job share employees to apply for and accept another jobshare arrangement within the Authority. However, the needs of the service will always be paramount and whilst it is not anticipated that an individual will hold two separate job share posts within one operational unit, it will be for the Director, in consultation

with the Human Resource Manager, to determine whether or not there would be a conflict of interest.

\*This is a legal requirement under (a) Employment Relations Act 1999; (b) Part Time Workers (Prevention of Less Favourable Treatment Regulations 2000); and (c) the Part Time Workers Directive.

## **5. Dividing the Workload**

How the workload and full-time hours are divided depends on the needs of the job, the line manager/ supervisor, and the employees involved. Working arrangements will be as flexible as possible and will be agreed by all parties. The total number of hours worked and the workload will not exceed those prescribed for the established job.

It may be necessary for job sharers to attend work at the same time for a short period (overlap) to discuss matters concerning their work. If this facility is necessary it must be arranged within the confines of the job's established hours.

It is anticipated that job sharers will make their own arrangements to ensure continuity of service in accordance with the Guidance Notes on Job Sharing.

## **6. Conditions of Service**

Job share employees will enjoy all the conditions of service applicable to full-time employees, and these will be applied on a pro-rata basis where appropriate, except for two areas: training and development – where part-time employees will have access equal to that of full time employees, and when on training courses outside their contracted daily hours shall be paid on the same basis as full-time employees; and the car allowance scheme – which applies to part time employees in full on the same basis as full time employees.

## **7. Procedure for Recruitment**

There are numerous ways in which a job share vacancy can arise. These are:

- a) Existing full-time post-holder requests job share
- b) Full-time post is advertised and successful applicant wishes to accept on a job-share basis
- c) Existing job-share employee leaves the Council

In respect of (a) and (b), once a decision has been made that a post is suitable for job share (see paragraph 3 above), then the resulting vacancy will go through the normal recruitment process, if it is considered necessary to fill the remaining part of the post. The Council's Recruitment and

Selection Procedure and Equalities Policy will be adhered to throughout the process.

The Manager should ensure that the agreed working arrangements meet the full requirements of the job as set out on the job description prior to appointment.

In respect of (c), if one part of a shared post becomes vacant the Council will:

- i. Offer the vacant part of the post to the remaining job sharer, who would revert to full-time employment, unless it is considered operationally preferable to retain the job on a job share basis. The remaining job sharer should also be asked if they wish to change their working hours.
- ii. If (a) is not offered, or being offered is not accepted, attempt to recruit another job sharer. If the first attempt is not successful, there should be at least two further attempts at recruitment within six months.
- iii. In the interim it may be appropriate to discuss a temporary variation to hours with the existing job sharer.
- iv. If it does not prove possible to fill the jobshare vacancy, consideration should be given to the possibility of converting the full-time position to a part-time post, if practicable.
- v. If all of the above steps prove unsuccessful, consideration may need to be given to attempting to redeploy the employee to an alternative post on a similar grade.
- vi. The original post will then be advertised on a full-time basis.

## **8. Grievances**

Any grievance relating to the interpretation and application of this procedure should be raised through the Council's Grievance Procedure.

## **9. Further information**

If you have any queries or concerns about this policy please do not hesitate to contact the Human Resource Section.

July 2003

## LEARNING AND DEVELOPMENT POLICY

### DEFINITIONS

The aim of learning and development is to assist employees to reach their full potential and improve workplace performance. This is achieved by individuals identifying their development needs, via both formal and informal learning methods, jointly with line managers. These should be linked to personal objectives, Service Plans and the Corporate Plan, through the Employee Development and Performance Review Scheme.

Learning and development falls broadly into the following categories:

- Informal on-the-job learning and development
- Internal seminars / short courses
- External seminars / short courses\*
- Formal further / higher education courses\*

\* courses operated by external providers, often leading to a recognised qualification, can vary significantly in duration and cost. In order to ensure consistency of approach across all Council services, it is necessary to make a distinction to ensure that all employees have equal access to learning opportunities. Therefore the following definitions should be used to identify the category of training, and therefore the method of application and appropriate budget:

- *Formal further and higher education* courses generally lead to some form of college, university or other qualifications and applications should be made via the Learning and Development Support Scheme (see below);
- *External seminars / short courses* do not generally lead to any form of qualification. Applications should be made via the Application for a Short Course process (see below).

### PURPOSE

The purpose of this policy is to:-

- (a) Outline North East Derbyshire District Council's commitment to Learning and Development for all its employees.
- (b) Confirm the Council's commitment to Equal Opportunities with regard to learning and development opportunities.
- (c) Outline the Council's Learning and Development procedures.
- (d) Define the evaluation process to ensure learning and development activities effectively meet individual and organisation needs.

### COMMITMENT TO LEARNING AND DEVELOPMENT

- (a) The Council accepts a responsibility to provide facilities, financial support, advice and opportunity to enable all employees to access

relevant learning and development in order to maximise their potential and to meet the present and future needs of the Council.

- (b) In order that resources are invested effectively, the Council requires Supervisors or Line Managers to identify learning needs with the employee to help achieve the organisational objectives, through the use of the Employee Development and Performance Review Scheme and day to day observations and interactions with employees.
- (c) The Council is committed to ensuring that all employees have access to relevant learning and development opportunities, regardless of their grade or job. No employee will be treated less favourably on grounds of age, colour, gender, disability, ethnic origins, marital status, religion, sexual identity, HIV status, race or political beliefs.
- (d) The Council encourages all employees to engage in the learning process in their work environment, and although learning and development opportunities will be made equally available, individuals will still be responsible for their own learning.
- (e) The Council recognises that a commitment to cost effective learning and development is necessary if a quality service is to be provided, maintained and continually improved. Individuals are to be provided with the opportunity to implement newly applied skills at work.
- (f) The Council recognises the importance of the continuous development of its employees by committing itself to achieving the Investors in People standard.
- (g) The Council is committed to providing a planned approach to Member development by signing the East Midlands Councillor Development Charter

## **LEARNING AND DEVELOPMENT REQUIREMENTS**

'Specific employee learning and development needs' are usually those identified at the EDPR interview ie:-

- (a) those which enable employees to continue to improve their job performance and meet their personal objectives;
- (b) those which are necessary for employees to be able to fulfil and develop their roles more effectively;
- (c) those which are required for employees to meet the challenge of changes in legislation, technology, policies and practices;
- (d) activities which prepare employees for further roles and responsibilities with the Council.
- (e) those which require a statutory certification to undertake a specific role or activity.

Member Learning and Development requirements are:-

- (a) those needed at induction of new members into the Council;
- (b) those which are needed to keep members up to date with changes in legislation and policy developments.



- (c) enable members to fully carry out their roles and responsibilities as elected representatives.

## **LEARNING AND DEVELOPMENT PROCEDURES**

### **Identification**

The identification of learning and development needs of all employees is essential to the success of a Learning and Development Policy. Management will ensure that needs are accurately identified, with an Action Plan being agreed with each employee, as part of the Employee Development and Performance Review Scheme and as a result of day to day observations or interactions with employees.

The responsibility for analysis and identification of appropriate learning and development activities lies in the first instance with employees through (self development), Line Managers and Supervisors. The Strategic Alliance Management Team will be responsible for authorising the provision of learning and development opportunities at their discretion.

Development needs will be identified through the Employee Development and Performance Review Scheme. Where additional learning and development needs are identified, an appropriate discussion should take place between the employee and Line Manager to ensure the identified learning and development needs meet the individual, section and organisational objectives.

Any requests for learning and development should be raised with the HR and Payroll Team as follows:

### **Formal further and higher education courses**

Requests for further and higher education courses, e.g. college, university or other qualifications, should be made under the Learning and Development Support Scheme (LDSS - previously PET). Learning and Development Support Scheme applications can be collected from the HR and Payroll office. The deadline for submitting these forms is the end of May each year. Forms should be completed and returned to HR and Payroll. HR and Payroll will then complete a report to the Strategic Alliance Management Team to seek approval. Employees will be notified of approval or otherwise by July prior to enrolment.

### **Application for Short Courses**

Any other requests for learning and development should be made using the template attached at Appendix A. These requests should be sent to the HR and Payroll Section once complete. HR and Payroll will then complete a report to SAMT to seek approval. Employees will be notified of approval or otherwise following SAMT decision.

### **Repayment of Fees**

If an employee leaves the Council within two years of obtaining the assistance / qualification, there is a requirement to repay on a sliding scale\*:

- First six months after end of assistance: 100%
- 7-12 months after end of assistance: 75%

- 13-18 months after end of assistance: 50%
- 19-24 months after end of assistance: 25%

\*for jointly funded appointments where the Council has paid 50% of the training costs, repayment will be based on the actual costs incurred by the Council.

### **Learning and Development – General**

The following provisions are in place in respect of learning under the Learning and Development Support Scheme (LDSS)

- Paid time off for training courses that fall within working hours
- Time off in lieu for training courses that fall outside working hours
- Payment of agreed tuition / course fees, travelling costs and subsistence allowances
- Paid leave for sitting examinations, including first re-sit
- Half a day paid study leave for original examination only
- Slow / unsatisfactory progress / discontinuation of course – facilities may be withdrawn and requirement to refund appropriate fees

### **Learning and Development Support Scheme – Additional information**

Expenses:

- If an employee is attending a college or University course, mileage is paid at public transport rate. Payment of the difference between home to work and home to the training venue will be paid as travelling expenses.
- Meals can only be claimed on the basis of actual cost up to set limits – please contact HR and Payroll for information about the limits applicable.
- Both anticipated travel and subsistence expense claims should be included on the LDSS training application form.
- Employees attending Chesterfield College, including the Tapton Campus, who are based at locations in the chesterfield area, may not claim expenses.
- Employees should submit claims as regularly as possible. The deadline for submission of any claims is the 6<sup>th</sup> of the month for payment on 25<sup>th</sup> of the same month. Any claims received after the 6<sup>th</sup> will be paid on 25<sup>th</sup> of the following month.

Other:

- Attached at Appendix C is a document outlining the responsibilities of LDSS participants.

## **Evaluation**

All learning and development must be evaluated to provide information on the effectiveness of the learning and development received. Employees should complete a post learning and development evaluation questionnaire with Line Managers having the responsibility to assess improvement in job performance following any learning and development event. These should be included in Employee Development and Performance Reviews. See Appendix B.

For the development to be effective, learning needs must be clearly identified and assessed between employees and their Line Managers.

Pre-training discussions will ensure individuals are well prepared and understand the reasons and benefits of undertaking the experience.

Post training discussions immediately after the event should identify whether the learning and development met the individual needs and how performance will be improved as a result for the team and Council.

Further discussions should take place at a later stage to assess the effect of the learning on job performance, the team and the Council overall.

## **Links to the Corporate Plan**

To achieve and maintain the Investors in People Standard, the learning and development of employees must be continually assessed and evaluated to ensure it meets the needs of the Council and is delivered in the most effective way.

The development of employees will be prioritised according to the changing needs of the Council with mandatory training from time to time to deliver the required services.

December 2012

**APPENDIX A – Learning and Development Request Form**

<b>Name of delegate(s)</b>	
<b>Service Area</b>	
<b>Learning and Development Course</b>	
<b>Date and Length of Course</b>	
<b>Course Provider</b>	
<b>Cost (Including Travel &amp; Subsistence Costs)</b>	
<b>Location / Venue</b>	
<b>Link to Individual / Team / Organisational Objectives</b>	
<b>Outcomes / Benefits</b>	
<b>Risks of Non-Attendance</b>	

**APPENDIX B – Learning and Development Evaluation Form**

<b>Name</b>	
<b>Service Area</b>	
<b>Learning and Development Course</b>	
<b>Date and Length of Course</b>	
<b>Course Provider</b>	
<b>Location / Venue</b>	

<b>IMMEDIATE EVALUATION</b>				
<b>Reason for Attending / Objective</b>				
<b>Did a discussion take place between yourself and your manager?</b>				
<b>To what extent have your objectives been met?</b>	Fully met		Mainly met	
	Partially met		Not at all	
<b>Immediate Benefits from Attendance</b>				
<b>Concerns / Issues / Areas for Improvement</b>				
<b>Would you recommend to a colleague? Why?</b>				

<b>Individual / Team / Organisational Benefit</b>			
<b>Link to Individual / Team / Organisational Objectives</b>			
<b>What would you do differently?</b>			
<b>How helpful were the following on a scale of 1-4 (1 being the least, 5 being the most). Please give reasons if you rate any as 2 or below.</b>			
Materials		Length of course	
Trainer		Venue	
Comments			

<b>3 - 6 MONTH REVIEW</b>	
<b>Reviewing the above, can you now identify any additional information e.g. benefits, improved job performance, areas for improvement, what you could do differently.</b>	

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**6 - 12 MONTH REVIEW**

**Reviewing the above, can you now identify any additional information e.g. benefits, improved job performance, areas for improvement, what you could do differently.**

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**Appendix C**

**RESPONSIBILITIES OF LEARNING AND DEVELOPMENT SUPPORT  
SCHEME PARTICIPANTS**

N.B. Completed application form to be returned to HR by the end of May

1. L.D.S.S. Application Forms should be submitted with an amount for the course itself, registration and examination fees. Where you are unable to obtain an exact figure from the college, etc., please give an approximate figure in every case. Do not forget to include estimates for travel and subsistence.
2. Once you have submitted your form, any changes to any part, e.g. you decide to go to another college, should be reported to HR.
3. SAMT will consider your application and decide whether or not to support your request. If your request receives approval, you will be notified in July.
4. Where SAMT recommends refusal of an application for learning and development support scheme, you will be informed of the reasons for the refusal, together with your right of recourse to the grievance procedure.
5. If your application is successful, before attending college for registration purposes, you will need to collect a letter which permits you to attend the course and gives the college / university authorisation to invoice for tuition fees.
6. All claims for reimbursement of fees, books, travel etc. should be made on a special expenses claim form which can be collected from HR. The completed form should be submitted to HR after approval by your Service Manager.
7. As soon as you receive notification of the outcome of your studies you will be expected to forward a copy of the appropriate document to the HR Section.
8. If you intend to study for a qualification which will take you more than one academic year to achieve, you will need to apply separately for each successive year, e.g. if the course lasts for three years, you will need to apply three times before the beginning of each academic year for Learning and Development Support Scheme approval.
9. If you are unsure about any aspect of Learning and Development Support Scheme and would like further information, ask your HR Section for advice.

*GOOD LUCK WITH YOUR STUDIES!*



## **THE SCHEME OF CONDITIONS RELATING TO LEARNING AND DEVELOPMENT SUPPORT SCHEME**

The expenses ranking for assistance is (where these are paid direct by the Authority, conditions will still apply):-

- a) All prescribed course fees.
- b) Registration and Exemption fees.
- c) Examination entry fee.
- d) The cost of borrowing or purchasing apparatus and other equipment which the student is required to provide by the Authority conducting the course.
- e) The cost of text books which the Authority conducting the course requires the student to obtain and which are not available at the Public Library. The student is allowed one book per subject (unless authorised by SAMT in conjunction with the Assistant Director HR).
- f) Typing/word processing, where needed, is to be undertaken by the Council staff wherever possible.
- g) Students are allowed to use the Council's stationery and where special stationery is required they need to claim through normal reimbursement procedures.
- h) The cost of approved additional expenditure incurred by the employee as travelling and subsistence for this purpose:-
  1. Additional expenditure on travelling means the excess of the cost of travelling to and from the venue of the course or examination over the cost of travelling to and from the place of employment.
  2. The cost will be based on public transport fares.
  3. The expenditure on subsistence will be the average cost of a standard meal at the establishment. No subsistence allowances are made in respect of attendance at evening classes only. NOTE:- Whilst undertaking Learning and Development Support Scheme, study leave is granted as ½ day's leave per examination. The Council has decided to invoke Section 5 of Paragraph 20 of the Purple Book Scheme of Conditions of Service which relates to financial assistance towards the cost of Learning and Development Support Scheme and provides as follows:-
    - a) Where an officer without good reason fails to sit for an examination within a reasonable period or fails to show satisfactory progress in his/her studies or discontinues his/her course, the Authority may forthwith withdraw the facilities granted under this scheme and may require the refunding of such proportion of the financial assistance granted as the Authority may determine in the particular case.
    - b) The continuance of facilities under this scheme, whether for a second or succeeding stage of study or for a second attempt at an examination, shall be granted only if the Authority is satisfied either that the officer has passed the appropriate examination, has otherwise made satisfactory progress in his/her studies, or merits assistance to enable him/her to sit the examination again.
    - c) Where facilities are granted under this scheme to enable an officer to acquire a recognised qualification, the employing authority may make it

a condition precedent to the granting of such facilities that the officer shall be required to undertake to remain in the service of the employing Authority for a period of two years from the date on which the qualification is obtained, always providing there is available for him/her a post requiring this qualification which he/she has secured. Where the officer who has been granted facilities under this scheme fails to honour his/her obligation as a result of obtaining a post outside the Authority then repayment of the financial assistance should be required as follows:

- First six months after end of assistance: 100%
  - 7-12 months after end of assistance: 75%
  - 13-18 months after end of assistance: 50%
  - 19-24 months after end of assistance: 25%
- d) Where facilities are granted under this scheme to enable an officer to acquire a recognised qualification and the officer leaves the employ of the Authority before completing the whole or a defined part of the qualification, the Authority shall be entitled to claim repayment on the lines of paragraph (c).
- e) Where repayment of financial assistance is required this shall not include salary paid in respect of time spent at approved courses of study.

**\* Details of the current travel and subsistence rates are available from HR.**



## Purchase of Annual Leave

This scheme applies to all employees who have contractual hours with the Council and have successfully completed their probationary period. The maximum number of days which can be purchased in any one leave year is ten working days (pro rata for part time employees).

The purchase of annual leave would be made by deductions from pay in instalments. The cost would be spread out over the remaining months within Local Conditions of Service for the leave year to which the additional leave applies. Amounts deducted from pay would be recalculated if the employee's salary increases or decreases. Any adjustments to pay would be before income tax and national insurance contributions are deducted.

The leave purchased will be treated as approved leave and as such, in accordance with the Local Government Pension Scheme, pension contributions will have to be made on pay before the deduction is made. If the employee leaves the Council's employment during a year in which purchase of annual leave is being made, an adjustment will be made to the final pay to reflect any outstanding entitlement

**NORTH EAST DERBYSHIRE DISTRICT COUNCIL**

**SCHEME OF FLEXIBLE WORKING HOURS  
(including TIME OFF IN LIEU)**

**August 2007**

## **1 INTRODUCTION**

The concept of flexible working hours recognises that people have private lives as well as working lives and allows them to balance these two commitments. Additionally, flexitime helps bring about equal opportunities in employment by making job opportunities available to people who may neither wish nor be able to work standard, fixed working hours.

## **2 GENERAL**

In principle, the scheme of flexible working hours will apply to as many of the Council's posts as possible. This may be in the form of the full scheme or a modified version. However, the needs of the service shall at all times take precedence over the scheme, and it is the responsibility of the Director of each department, acting through Section Heads, to ensure that the operational requirements of the Council are met.

Subject to operational needs, employees are able to come and go within specified periods each day. However, over the settlement period (four weeks), the employee must ensure that they complete the number of hours' attendance specified within their contract of employment, subject to the provisions of this scheme.

It will be necessary to ensure that the service is adequately staffed and therefore there must be service cover between 0830 and 1700 hours Monday to Thursday and between 0830 and 1630 on a Friday.

## **WORKING ARRANGEMENTS**

### **Band width**

The flexible working day will cover the period from 0700 to 2000 hours Monday to Friday.

In exceptional circumstances the appropriate manager may vary this where it can be demonstrated that it is essential for operational efficiency/service delivery requirements, following consultation with the staff group and representatives.

In the light of the extended band width, care must be taken to manage office cover effectively to ensure that the service is not adversely affected. In addition, it will be necessary to bear in mind the health and safety issues associated with early / late working, especially where employees are working alone.

### **Core Times**

Core times are those hours each day when all employees must be present at work. There will be no core times within the flexi scheme.

### **Lunch Arrangements**

In normal circumstances a minimum of 30 minutes for lunch-breaks must be taken and accounted for. The timing of the lunch-break shall be determined by agreement with management, taking account of the minimum number of employees that must be present during the lunch-break for service delivery reasons. There is no maximum break but the lunch break must be taken within 6 hours of the start time.

## **Settlement/Accounting Period**

For accounting purposes flexitime periods shall be four weeks. The settlement/accounting period is the time within which employees must complete their contractual hours.

## **Time Recording**

Employees on flexitime working hours are responsible for recording their working hours accurately on a daily basis using the manual recording system.

In completing the record sheet the following points must be followed:

- (a) The times recorded should be those where the individual actually starts and finishes work;
- (b) Where a journey is undertaken from home or involves a return direct to home without attending the work base, the following rules will apply:
  - Where the time taken on the journey is less than the time taken for the normal home to usual place of work journey, the actual times of arriving at or leaving the venue are to be used as the starting and finishing times.
  - Where the time taken on the journey is more than the time taken for the normal home to usual place of work journey, the time recorded should be that of arriving at or leaving the venue PLUS travel time, LESS usual traveling time from home to work.
- (c) Where flexi-leave is taken, this should be entered on the record sheet as an authorised absence, but the hours taken should not be credited;
- (d) The supervising officer has a responsibility to check record sheets. The Administrative Officer in each department will collate the sheets and undertake random checks.
- (e) Completed record sheets should be kept for six months.

It should be noted that falsification of timesheets is considered gross misconduct and will result in dismissal.

## **Credit/Debit Arrangements**

Employees can carry over from one accounting period to the next a maximum of 15 hours credit or 7hours 24 minutes debit (pro rata for part-time/job share). Any hours gained above the maximum will be lost without the specific authorisation in exceptional circumstances of the Line Manager (see section on Time off in Lieu below). Any debit above the limit (7 hours 24 minutes) may lead to disciplinary action.

## **Overtime / Time off in Lieu**

Whilst the new extended band width will allow flexibility to attend early evening or early morning visits and meetings, it is recognised that there will still be times when employees will be required to work before 7.00am or after 8.00pm.

In these circumstances, the existing agreements on overtime / time off in lieu will apply. However, it should be noted that agreement should be reached with management to either time off in lieu, or an overtime payment as appropriate, in advance of the additional time being worked.

In exceptional circumstances, and with agreement of the Service Manager, where staff shortages or peaks in workload involve the aggregation of hours in excess of those allowed by the Flexitime scheme, these may also be converted to time off in lieu or an overtime payment, as appropriate.

In order to maintain a consistent approach across the Council, application of the procedure will be monitored by the Human Resource Manager.

Under this agreement, management will attempt to be reasonable in requesting that additional hours be worked, and employees are asked to co-operate wherever possible.

In addition, employees should be reasonable in their requests for time off, and management will attempt to be reasonable in their response.

Whilst regard will be given to individual needs, it should be noted that as with all other policies of the Council, service needs will always take precedence.

Managers should monitor time off in lieu balances and ensure that these do not become excessive. Where it is clear that the appropriate time off cannot be taken in the foreseeable future, time should be paid as planned overtime at the appropriate rate.

### **Employee Transfer/Leaving Employment**

If the employee leaves employment they should clear all debit hours before the transfer/last day of notice period.

## **3 PROVISIONS OF THE SCHEME - TIME-OFF ARRANGEMENTS**

### **Flexi-Leave**

Flexi-leave may be taken in respect of credit time built up by the end of the accounting period up to a maximum of 15 hours (i.e. 2 full days; 1 full day and 2 half days; or four half days leave). Such leave may only be taken at a mutually convenient time and is subject to the requirements of the service. In any 12 month period a full-time employee may have up to 24 days or 48 half days flexi-leave. (Part-time/jobshare pro rata)

The employee is responsible for ensuring that sufficient entitlement for flexi-leave exists - not the person authorising the flexi-leave.

Flexi time off will be allowed prior to sufficient credit being accrued, subject to credit or debit limits not having been exceeded by the end of the accounting period.

### **Annual Leave/Sickness**

Employees who are absent on annual leave or sickness will be credited with the hours for a standard day or part day. For accounting purposes a standard day is 7 hours 24 minutes.



Employees absent due to sickness will be required to notify their supervisor in accordance with the rules set out in the Sickness Absence Management Procedure.

Where certificated sickness absence results in it not being possible for an employee to take a pre-booked flexi-leave day by the end of the accounting period, the employee can, with the approval of their appropriate manager and production of a sick note, carry forward the hours to the next accounting period in addition to the normal 15 hours credit maximum. Such occurrences will be monitored however.

### **Training Courses / Conferences / Day release for college attendance**

The following table indicates types of training event and how these should be credited under the Scheme:

<b>Training event / Conference / Seminar</b>	<b>Suggestions on how to credit time</b>
Post entry training / related conference / Seminar	<ul style="list-style-type: none"> <li>• Standard day / half day as appropriate</li> <li>• Where training takes place during afternoon and evening record actual training time or standard day whichever is shorter</li> <li>• Where training takes place during evening only, record actual training time or standard half day whichever is shorter</li> </ul>
Internal training course	<ul style="list-style-type: none"> <li>• Where training at employee's work base - actual start and finish times at work to be recorded</li> <li>• Where training away from employee's work base record standard working day / half day,</li> <li>• If required to attend work before / after training record actual start and finish times</li> </ul>
External training / work related conference / seminar involving travel (includes breakfast or evening meetings)	<ul style="list-style-type: none"> <li>• Where traveling from/to home, record actual start time LESS time normally taken to travel to/from work base</li> <li>• Where traveling from/to work base record actual start and finish times at work base</li> <li>• Combination of the above</li> </ul>
External training / work related conference / seminar involving overnight stay	<ul style="list-style-type: none"> <li>• As above, except record journey once only, i.e. day 1 include appropriate travel time TO venue, and include return travel time on last day of training.</li> <li>• For training element record actual training time or standard working day, whichever is greater</li> </ul>

### **Appointments**

Appointments with doctors, dentists and opticians should be made at the beginning/end of the day where possible. However, regardless of the time of the appointment, medical appointments will not be credited as working time. The employee must agree this

absence with their line manager in advance to ensure that minimum staffing levels can be maintained.

Exceptions to this rule include appointments associated with cancer screening/treatment, antenatal care, and opticians appointments under the Health and Safety (Display Screen Equipment) Regulations 1992.

Where an employee is required to attend hospital for frequent appointments, the employee can ask for their case to be considered for a special exemption. Such a request should be addressed to the appropriate Director / Assistant/Deputy Chief Executive, who will consult with the Human Resource Manager.

It should be noted that where a disabled employee has regular appointments in relation to their disability, these may be considered separately as a potential 'reasonable adjustment'. Employees should discuss such circumstances with their line manager.

### **Absence due to Emergencies/Transport disruptions/Severe Inclement Weather**

Where an employee is unable to attend work or continue to work due to emergencies (e.g. fire/bomb alert) standard hours shall be recorded.

In the case of 'transport disruptions' (e.g. industrial action) or 'severe inclement weather' any lost time will not be credited as working time and employees will be required to use flexi-time or annual leave to cover such absences.

### **Other Authorised Absences**

Where statutory requirements or the policies of council prescribe paid time-off for such circumstances as for example; jury service, public duties, compassionate leave, cancer screening or ante-natal care, etc, the employee concerned will be credited with standard hours.

### **Overtime Working - Outside of Provision of the Scheme**

For the purposes of this scheme 'overtime' applies where an employee works outside the bandwidth stated above. Overtime working which occurs outside the band width hours shall be recorded separately. It is not subject to the provisions of the scheme. Overtime will only be worked and paid with the consent of management, which must be given in advance of any hours being worked.

## **4 ABUSE OF THE SCHEME**

Employees are expected to operate the scheme with common sense and responsibility. It will be a disciplinary offence to abuse the scheme either through dishonesty or deliberate non-co-operation. Anyone who does abuse the scheme may have the benefit of the scheme withdrawn and will be subject to disciplinary action in accordance with the Council's Disciplinary Policy and Procedure.

Employees who consider that this scheme is not being fairly applied to them will have recourse to the Grievance Procedure.

## **General Notes on the operation of the flexi time scheme for North East Derbyshire District Council**

1. It will be the responsibility of individual employees and section managers to ensure that service delivery and other teams are not adversely affected;
2. Employees in the section together with line managers will agree minimum target staffing levels for the different times of the day (assuming full staffing complements);
3. Requests for **Annual** leave will not be unreasonably made and will not be unreasonably refused;
4. Requests for **Flexi** leave will not be unreasonably made and will not be unreasonably refused;
5. Requests for **TOIL** will not be unreasonably made and will not be unreasonably refused;
6. Regular reviews of the operation of the scheme will take place. If it is found that the Service is being adversely affected by the revised working practices on a consistent basis, these areas will revert to previous working practices;
7. Whilst it is possible for employees to request longer lunch breaks it is also recognised that the lunch period can be a busy time. Agreement should be reached on providing cover at these times;
8. The scheme provides employees with more flexibility, but in return there should be an improvement in service delivery.

## **POLICY ON TIME-OFF-IN-LIEU**

### **Introduction**

1. The Authority operates a system of time-off-in-lieu in cases where employees work hours additional to their normal working week outside of the flexitime scheme.
2. With the advent of flexible working hours it is essential that this system be formalised so that it may be applied consistently for all employees.

### **The Scheme**

3. All employees are entitled to payment or Time off in Lieu for planned overtime worked **subject to prior agreement with their Service Manager**.
4. Time-of-in-lieu will be taken on the basis of one hour off for each hour worked except weekday evenings where a return to work is involved, week-day nights (after 12 midnight), weekends and bank holidays. In these cases only, time off will be taken on the basis of one-and-a-half-hours for each hour worked.
5. Time worked shall be recorded on the appropriate form, held by the Service Manager who will be responsible for authorising time-off-in-lieu (in advance wherever possible).
6. Under this agreement, officers should not refuse to work additional hours when reasonably requested so to do.
7. Time-of-in-lieu should not be worked whenever it is clear that the appropriate time off cannot be taken in the foreseeable future. In these circumstances, it is the responsibility of the Director to formally request Committee approval to overtime being worked.
8. When it is clear that additional hours will be required to be worked taking an officer above the maximum of twenty-five hours in any four weeks the balance above the twenty-five hours should be paid as planned overtime, duly authorised, at the appropriate rate.
9. The running total of time-off-in-lieu credit for any individual officer should not exceed twenty-five hours. However in exceptional circumstances where there is a surge in the workload, approval may be sought from the Service Manager for a temporary increase to this limit. In such cases it is expected that the excess will be taken as time off as soon as possible, and in any event within six months of the event that necessitated the additional hours.

## **Disagreements**

Any difference or grievances arising out of the operation of this Scheme shall be referred through the procedure adopted in the case of similar disagreements in respect of flexi-time.