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# Flex Scheme

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**Working towards an agile organisation**

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## 1. Executive summary and introduction to the Flex Scheme

This policy outlines the first phase of Birmingham City Council's commitment to greater organisational and workplace agility. It is a revision of our previous scheme.

In order to fulfil our vision and achieve our priorities, Birmingham City Council needs an excellent workforce. We need to be an employer of choice in order to attract and retain excellent staff. This revised Flex Scheme has been developed alongside our existing Rewards and Benefits strategy to strengthen our core offer and enable colleagues to be better able to make a positive difference every day to people's lives.

The revised scheme will mean that, where appropriate for the service and with a manager's consent:

- Staff have the flexibility to work around personal commitments to help achieve a better work/life balance and not necessarily work set hours in a fixed workplace. If staff work in a more agile way, managers and team members should agree on a suitable way to record hours worked and accurately maintain it.
- A maximum of 30 hours' credit can be accrued over each eight-week flex-time settlement period for full-time staff; pro rata for part-time staff. Staff should take all credit accrued as leave within each eight-week flex settlement period.
- No more than seven hours 18 minutes (a standard working day) can be carried forward to the next eight-week flex settlement period.

Previous flex schemes have been:

- Numerous.
- Inequitable (unequal).
- Confusing.
- Restricting to working in an agile way as they required attendance during core hours.
- Sometimes used as an extension to holiday entitlements where colleagues have banked flex at times where there is no genuine business need.

The new scheme offers:

- ✓ Fairness and equity (equality).
- ✓ Simplification.
- ✓ No core hours.
- ✓ Greater opportunities to work in an agile way.
- ✓ A chance for employees to manage their time so they don't need to accrue credit.
- ✓ Increased commitment, morale and motivation.
- ✓ Improved trust between team members and management.
- ✓ Improved productivity.

This Flex Scheme should not be confused with the [Flexible Working Policy](#) details of which can be found on the staff intranet, through your trade union representative or by contacting

HR (see details at the end of this document). 'Flexible working' refers to permanent working patterns agreed between an employee and Birmingham City Council. This Flex Scheme is about temporary changes to an employee's working pattern to accommodate specific circumstances.

This Flex Scheme will be operational until its relevance is reviewed in relation to the agility of the organisation.

## **2. Scope of the Flex Scheme**

The Flex Scheme may not be suitable for all roles or services within the organisation – for example, services that require face-to-face delivery during specified times. For further clarification, please speak to your manager.

## **3. Flex Scheme structure**

The Flex Scheme allows an employee, subject to service need and **with managerial consent/approval**, to:

- Work their hours over 24 hours a day, seven days a week.
- Log their time using Borer or another agreed time-recording method.
- No longer observe 'core hours'.

### **3.1. *How to apply the scheme in practice***

- The method of recording hours worked and flex-time requests must be in place before any request for flex leave is made (this may be via Borer, time sheet or another method of recording). The method used must be agreed between the employee and manager.
- In agreement with their line manager, an employee can request to start work later, finish earlier, have a longer lunch and so forth to help manage personal commitments and fulfil their workload, whilst ensuring the team is adequately resourced to meet the business and service needs.
- It is the employee's responsibility to keep accurate records of hours worked. Anomalies may result in capability or disciplinary actions. Employees should remind themselves of their responsibilities under the Code of Conduct and observe and lead by our values and behaviours.
- The line manager should oversee the employee's record of hours – if they fail to do so, they may face disciplinary or capability proceedings in line with their responsibilities under the Code of Conduct and expectations to observe and lead by our values and behaviours.
- Requests for half-day, full day or hours' flex leave can be made on the staff intranet, or whichever method is agreed between the employee and line manager.

- Where possible, the employee should give their manager maximum notice of any request; however, this may not always be possible. Managers should be empathetic in such circumstances.
- If, with their manager's agreement, the employee chooses to work from home after 8pm and before 6am, night-working allowance will not be paid. If night working is part of the employee's normal pattern of work, then night rate will apply (please refer to separate guidance included in your contract of employment).
- It is imperative that normal service delivery is not affected by a flex-time request. Employees must always bear this in mind.
- Workplace buildings cannot be 'opened' at an employee's request – council buildings will continue to have the same opening hours.
- Employees and managers should ensure compliance and adherence to legislation e.g. Working Time Regulations, Health and Safety at Work Act and so forth wherever they work.

### **3.2 Flex Scheme credit**

Credit is accrued once an employee has worked additional time to their normal contracted hours. It should not be necessary for an employee to accrue hours' credit under this Flex Scheme unless there is a business need for doing so, as greater autonomy to manage working time is allowed with managers' approval.

Guidance for accruing flex-time credit is as follows:

- An employee can accrue a maximum of 30 hours' credit for full-time staff within the eight-week settlement period. For part-time employees this will be pro rata.
- Flex-time credit may be requested as full days/half days or hours.
- Your flex-time credit should be taken within the eight-week settlement period in which it was accrued.
- Employees will be able to carry forward credit up to a maximum of seven hours 18 minutes into the following eight-week period.
- Flex-time credit will not be converted into any form of additional pay.
- Should an employee leave the authority, their start and finish times for work must be adjusted to ensure they are no longer in flex credit or debit on their last working day. This should be discussed and agreed with the appropriate manager.

### **3.3 Flex Scheme debit**

Debit occurs when an employee has worked fewer than their normal contracted hours. As this Flex Scheme gives greater opportunity to manage working time, debit scenarios should be uncommon.

In debit situations:

- Both full and part time employees should be no more than seven hours 18 minutes in debit at the end of each eight-week settlement period.
- If the debit is exceeded, managers can instruct the employee to make up the deficit during the next settlement period.
- If debit is continually exceeded and/or the debit balance is not reduced Flex Scheme privileges may be suspended as a supportive measure with the requirement to work fixed hours. Disciplinary action may also be considered.

### **3.4 Rest breaks**

All employees should observe rest breaks in accordance with their contract of employment and the Working Time Regulations.

## **4. Suspension or termination of the Flex Scheme**

There may be occasions where the suspension or termination of Flex Scheme privileges is necessary. This action would not be taken lightly and would require the approval of an Assistant Director.

Below are examples where the Flex Scheme may be suspended or terminated (although this list is not exhaustive):

- Work demands that may require fixed hours for a temporary period.
- Consistent failure to reduce debit allowance or if employees are finding it difficult to manage their working time.
- Abuse of the Flex Scheme, which may also lead to disciplinary action (see '5. Breach of Policy' below).
- Change of job role due to business/service need.

In all cases except abuse of the scheme (see '5. Breach of Policy' below) one week's notice will be issued and working hours will be based around Birmingham City Council's official opening hours, in line with the employee's contracted hours.

## **5. Breach of policy**

In the event that the Flex Scheme has been misused, this will be treated very seriously as it could constitute fraud. It may be considered gross misconduct and could result in disciplinary action – a potential outcome of which may be dismissal.

## Transition to the new the Flex Scheme

The new scheme will come into effect on 4 September 2017. You will be able to carry forward a maximum of 30 hours flex credit into the new scheme. These hours' credit should be taken during the first full eight-week settlement period (ending 26 November 2017).

### Find out more

- If you have any queries about the Flex Scheme, please ask your manager or trade union representative.
  - Go online to [www.gov.uk](http://www.gov.uk) to read more about the Working Time Regulations.
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