

HOURS OF WORK AND ANNUAL LEAVE POLICY

Date policy adopted: 01/04/2011 (Holidays and Annual Leave) 20/12/2018 (Hours of work and flexi-leave)

Date of last review: 01/06/2021

1. Purpose and Scope

This Policy sets out the working hours requirements and annual leave and public/privilege holiday entitlements and the basis on which these may be taken for all employees working for the Ethical Standards Commissioner (ESC).

This policy forms part of the contract of employment. Employees should bear in mind that refusal to co-operate in the application of any of our policies or procedures may be treated as misconduct and dealt with under the disciplinary procedures.

This policy applies to all employees regardless of working pattern or nature of employment contract. It will not apply to others carrying out work on behalf of ESC (agency staff, contractors etc) who will be governed by the contract under which they have been employed or contracted.

2. Policy Statement

ESC is committed to a culture where employees are not required or expected to work long or excessive hours and where employees are encouraged to take appropriate breaks so that working time is efficient, productive and conducive to good mental health. ESC has also made provisions for annual leave and public/privilege holidays. In doing so, legal obligations as an employer have been met and employees assisted to achieve an appropriate balance between working life and personal commitments. The importance of using breaks from work in the form of leave and not working excessive hours in maintaining a mentally healthy lifestyle is recognised and encouraged.

3. Implementation, monitoring and review of the policy

Overall responsibility for policy implementation, monitoring and review lies with ESC. Everyone covered by the scope of the policy is obliged to adhere to, and facilitate implementation of the policy. Appropriate action will be taken to inform all new and existing employees and others covered by the scope of the existence of the policy and their role in adhering to it. The policy will be reviewed at such times as legislation or a change to ESC policy position requires it. The policy will be made available to the general public.

4. Hours of work and annual leave entitlements

Hours of work

The standard full-time working week is 37 hours and the normal office opening hours are Monday – Friday 09.00 to 17.00.

Employees' specific hours of work and working pattern are set out in the contract of employment which may be amended from time to time.

The Corporate Services Team will provide employees with details of their working hours:

- when employment begins;
- annually in April; or
- when there is a change to terms and conditions.

Annual leave entitlement

The annual leave year runs from 1 April to 31 March.

All employees are entitled to paid annual leave and public/privilege holidays. The Working Time Regulations set a 'minimum' lawful holiday entitlement which is currently 28 days (5.6 weeks; pro-rated to weekly contractual hours) each year, inclusive of up to eight public holidays.

New employees are entitled to an annual leave allowance of 25 days, with one day added in each following leave year up to the maximum entitlement of 30 days.

If employment with ESC begins or ends part-way through an annual leave year, the annual leave entitlement will be apportioned at the rate of 1/365th for each completed calendar day of service during that leave year, rounded up to the nearest half day as appropriate.

Employees are entitled to 11.5 public and privilege holidays each year. Currently, the office closes at Easter and over the Festive period. Employees will be notified of the dates on which the office will close at the beginning of each leave year. Any remaining balance will be added to each employee's annual leave allowance.

Employees working part time are entitled to annual leave and public/privilege holidays on a pro-rata basis.

Employees on annualised hours contracts have their annual leave and public/privilege holiday entitlement deducted from their contracted hours; the balance being the hours that must be worked in the period.

Where an employee routinely works irregular hours or does not have contracted or normal hours of work, their entitlement will be calculated on the basis of actual hours worked over the 12 months worked preceding their period of leave.

5. Flexible Working Hours (Flexi-time)

For employees working on standard full-time or part-time contracts, a system of flexi-time working is in operation. This provides a degree of flexibility within the contracted hours over a longer daily timeframe, and opportunity to work weekend days if preferred and as long as this is agreed in advance. This does not apply to employees working on zero hours or annualised hours contracts. For more information about these contracts please contact the Corporate Services Team.

Employees must communicate to ensure that office cover is provided during normal opening hours which are Monday to Friday, between 09.00 and 17.00. Each function, e.g. standards, appointments and corporate services, should have adequate cover. Members of the Senior Management Team must also consider whether there is adequate management cover in place.

This is particularly important if any employee wishes to work a weekend day, in place of a weekday.

Daily Flexitime

The flexi-time bandwidth operates from 06:00 – 23:00 hours. Any hours worked prior to 06:00 and after 23:00 should be agreed in advance between employee and line manager. There must always be an 11 hour rest period between finishing one day and starting the next. (Note: any employee working in the office should check the current opening hours of the building – the building may not be open for the full flexi-time bandwidth. In this case the employees working pattern will be limited to the opening hours of the building or, provided some form of remote working has been approved with the employee to allow them to work at home or another location (see the Remote working policy), the employee could work a split shift in order to make use of the full flexi-time bandwidth. e.g. work from 3pm – 7pm in the office, travel home between 7pm and 8pm, then work at home 8pm – 11pm recording 7 hours on the timesheet).

In any working day, no more than 6 hours can be worked consecutively. Any longer than this will require a minimum of a 30 minute break (usually this will be considered to be a lunch break) to be built in and recorded on the timesheet. The Health, Safety and Wellbeing Policy and Display Screen Equipment policies should be referred to for guidance on additional breaks which may be required, but which will not need to be recorded on the timesheet.

Weekend Working

Any employee who wishes to work a weekend day, must agree this with their line manager and colleagues in advance and then substitute a day during the week in order to do so. The substituted day should be marked on the timesheet with an explanatory note clarifying which weekend day was worked instead. No employee should work more than 5 days in a week, unless previously agreed with their line manager.

Weekly Hours

Employees must take care that no more than 48 hours are worked in any week, unless previously agreed with their line manager.

Debits and Credits

Flexi-time hours are credited for hours worked over and above contracted hours and debited where fewer hours than contracted are worked.

Balances of hours over or under will be monitored to ensure that credits or debits are effectively managed. Line managers will discuss and address any issues arising as required.

Employees may take credited hours as a half or full day's flexi-leave if authorised in advance by their line manager. See also the section on Tracking working hours.

6. Annual Leave Arrangements

Annual leave on starting employment

New employees will not normally be allowed to take holiday leave during their first month of employment.

Annual leave and business requirements

Holiday dates are expected to be carefully organised in order to avoid work disruption and to maintain the smooth running of the office. Unless with the express permission of the

Commissioner, there should always be a presence in the office to answer the main telephone number and log or deal with enquiries during hours when the office is open for business (Monday to Friday, 09.00 to 17.00).

Employees may only take annual leave or use flexi-leave to take a half day or full day's leave where this is authorised in advance by their line manager. In deciding whether to grant leave, the line manager must ensure that the needs of the business are met. In particular, employees must ensure with their line manager that there is adequate cover for their role. The employee should provide as much advance notice as reasonably practical of their wish to take annual leave at a particular time and to note that a minimum of four weeks' notice is usually required for any holiday absence of more than five days. Annual leave will generally be allocated on a first come first served basis and in accordance with business requirements.

All employees will ensure there is a structured handover with their line manager and key colleagues prior to their taking annual leave. Where periods of annual leave are 'back to back' and so do not allow a face to face handover an alternative must be put in place. Please note that it is the responsibility of the employee taking leave to make arrangements for the structured hand over, be it face to face or an alternative.

Requesting Annual Leave and Authorisation

Employees should request annual leave by sending their line manager an email setting out the dates requested. The line manager will issue their decision by email, copying this to the Corporate Services Team. Employees can use the Annual Leave Request Form to request leave if they wish, but this is not essential. The employee should record all leave in the Staff Availability calendar and in their timesheet. The Corporate Services Team will update employees and their line managers about their outstanding leave on a regular basis.

Wherever possible, employees' preferred dates will be accommodated, but this cannot be guaranteed. Where clashes of holiday requests arise the line manager and / or Commissioner will endeavour to make the final allocation in the fairest manner.

Line managers will respond promptly to leave requests, but employees should await confirmation of their request prior to making any fixed holiday arrangements.

7. Tracking working hours

Recording working hours - timesheets

All employees are required to complete a monthly timesheet. The format varies depending on the terms and conditions set out in the employment contract. The Corporate Services Team will issue the appropriate timesheet to each employee annually in April. Employees should complete their timesheet regularly and accurately reflecting the exact hours worked and arrange for their line manager to sign it within one month of completion.

Sickness absence, annual leave or public holidays should be recorded in the timesheet as normal working hours with a brief explanation. Flexi-leave taken should be noted only.

Monitoring Annual leave and Excessive Credit or Debit Hours

Employees and their line manager will be jointly responsible for ensuring that hours worked in each period are not excessively in debit or credit. Excess leave in particular should trigger a discussion about the employee's workload, whether it is reasonable, and what steps should be put in place to bring excess leave down by way of, for example, delegation of work or additional support and resources for the employee concerned. Likewise, annual leave should

be checked regularly to ensure appropriate use of the entitlement throughout the year so that leave does not build up to a level where it may not be able to be taken by the end of the leave year.

Sufficient hours in credit may be built up to allow flexi-leave to be taken, provided the directions above (under the Flexible Working Hours section) are followed. All such requests should be made as a normal leave request (see the section on requesting annual leave and authorisation above).

A maximum of 14 hours 48 minutes (two days) flexi-time in credit or debit may be carried from one timesheet to the next unless with the express permission of the Commissioner.

Where the deficit or credit is more than 14 hours 48 minutes, a discussion will take place between line manager and employee to agree how this will be reduced.

At the end of the year, a full-time employee will be permitted to carry over a maximum of 51.8 hours (51 hours and 48 minutes). This equates to 5 days annual leave and 2 days flexi-leave.

In exceptional circumstances if authorised by the Commissioner:

- up to a further 5 days of annual leave may be carried forward;
- up to 10 days' (74 hours) annual leave may be brought forward
- a payment may be made in lieu of annual leave.

Please note that ESC cannot make payment in lieu of annual leave, or carry over entitlement into the next holiday year, if this would result in employees taking fewer holidays than the minimum statutory entitlement of 28 days per annum.

All arrangements related to carry forward, bring forward or payment in lieu of leave will be applicable to part time employees on a pro-rata equivalent based on the number of hours they are contracted to work.

Working Overtime

Any hours worked in excess of contractual hours will accrue at single time. This applies to all additional hours worked including any weekend, public or privilege holiday working. Any additional hours should be recorded on the timesheet and can be taken as flexi-time at a time agreed between employee and line manager. In exceptional cases, ESC may make payment for any additional hours worked.

Where working additional hours or overtime is necessary, volunteers will be sought. Where the number or skills of those volunteering do not match the work-load requirements, employees may then be requested to work overtime. Working overtime when requested to do so is a condition of employment which applies to all employees. In all cases as much notice as possible will be given.

Personal Appointments

In general, any personal appointments (doctor, dentist etc) should be planned and taken in an employees' own time. Authorised absence for such appointments is at the discretion of the line manager. There are some exceptions as listed under 'events that are considered as normal working time' below.

Travelling time

Travelling time to and from the normal place of work does not count as working time. However, job-related travelling time away from the normal place of work does count and can be credited as working time.

Events that are considered as normal working time for the purpose of the timesheet

The following may be claimed as normal working hours:

- attending for ante natal care or pre-adoption appointments. Please refer to the Supporting Work/Life Balance Policy;
- participating in authorised trade union activity as a member or as a representative of a union officially recognised by ESC;
- carrying out the duties of an authorised Health and Safety representative;
- attending authorised training;
- Sickness Absence; and
- Attendance at court for jury service or as a witness

For any of the above events, the normal working pattern hours, or extended hours if approved by the line manager (e.g. attending authorised training the duration of which is longer than would be the normal working pattern for the day) should be recorded on the timesheet with a brief note to explain the event that occurred that day.

Working Time Regulations

Hours of work are subject to the requirements of the working time regulations. For more information please visit the Working Hours pages in the Advice and Guidance section of the ACAS website: www.acas.org.uk

The arrangements set out under the Flexible Working Hours (flexi-time) section above have been designed to ensure that the working hours of employees do not breach the working time regulations but the line manager also has a responsibility for ensuring that working time falls within the required limits and will take remedial action to ensure that any excessive hours are reduced.

Sickness Absence

If an employee is unable to take all of their annual leave or public/privilege holiday entitlement within the leave year because of long-term illness, the employee may carry forward the entitlement they would otherwise lose (up to a maximum of 20 days – 148 hours) to the next leave year. This will be pro-rata for part time employees. The employee may be asked to take any carried forward leave in excess of 10 days (74 hours) prior to returning to work.

If they wish to request to take annual holiday entitlement while off sick employees can do so by sending a request in writing to their line manager. Otherwise, they will be able to take their holiday entitlement on their return to work.

Family Leave

The accrual of holidays for employees who are on family leave (for example maternity leave, adoption leave or shared parental leave) will continue whilst on leave. They will be entitled to take these holidays on their return, even if the return is in a new annual leave year. Accrued annual leave should normally be taken prior to returning to work.

Issues arising whilst on leave

If an employee becomes ill during or immediately before they are due to commence a period of annual leave or when a public/privilege holiday falls, they may ask to convert the period of

leave concerned to sick leave and take the missed annual leave or public/privilege holiday at a later date. To do so, the employee must follow the absence notification procedures set out in the Absence Policy and if required provide a Statement of Fitness for Work from their General Practitioner to cover the day(s) concerned, confirming that they were not fit to attend work due to illness. Employees should submit a further annual leave request for the new period of leave and note the period of sickness absence on the timesheet.

Where an employee's return from holiday is, or is likely to be, delayed for any reason they must inform their line manager at the earliest opportunity. Without such notification, the absence may be treated as unauthorised and disciplinary action, under the terms of the Absence Policy, may be taken.

8. Leaving ESC Employment

On leaving ESC employment, employees will normally be expected to take any outstanding annual leave entitlement during their notice period. Where this is not possible due to the needs of the business, the employee may receive payment in lieu of any outstanding entitlement. Any balance of hours in credit, will be paid in the employee's final salary. Where the balance of hours is in debit, the final salary will be adjusted to take account of the balance owing.

Equality Impact Assessment

Does this policy comply with the general Public Sector Equality Duty (s149 Equality Act 2010)?

This policy applies to all employees. Its impact was considered when drafting. In providing a wider time width for flexitime in this revised version, those with caring responsibilities or health conditions which may mean that standard working hours are challenging have the opportunity to work to a pattern which suits them better. We consulted with all employees prior to publication to identify and address any issues.

Data Protection Impact Assessment

Have we considered any effect the policy may have on the collecting, processing and storing of personal data? The records generated by this policy will contain personal data. Suitable retention and destruction policies are in place to manage this material.

Information Security Impact Assessment

Have we considered the impact any policy may have on our cyber-resilience?

This policy should have no impact on our cyber-resilience.

Records Management Impact

Have we considered the impact any policy may have on our ability to manage our records?

This policy should have no impact on our ability to manage our records.

Version	Description	Date	Author
1.0	First draft	01/06/21	Public Appointments Officer