

# Flexitime, TOIL and Overtime Policy and Procedure (Support Staff)

## 1 Introduction

- 1.1 Whilst the University expects its employees and employees to comply with this policy, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation with recognised trade unions.
- 1.2 This policy will be reviewed by the Human Resources department on a 3 year basis or amended in response to changes in future legislation, case law or the ACAS code.

## 2 Ownership

The Human Resources department owns and manages this policy on behalf of The University of Northampton.

## 3 Organisational Scope

- 3.1 This policy is a corporate policy and applies to all eligible professional services and support staff (and workers, if applicable) of the University of Northampton unless an alternative policy exists, subject to any qualifying conditions. It does not apply to Senior or Academic employees.
- 3.2 Whilst it is important that there is consistency across the University, it is accepted that for some roles or specific circumstances, alternative arrangements will need to be made. Any variations to this policy must be clearly put in writing and agreed by the Director of HR.

## 4 Definitions

**Flexi hours:** Hours during which employees can choose their arrival and departure times, in agreement with their line manager.

**Core service hours:** Hours the service must be open and accessible to customers, to be determined by each professional service, faculty or team as required.

**Contract Working hours:** Those hours which contractually apply to individual

members of employees e.g. 37 hours per week

**Rest break:** An uninterrupted and unpaid break during the working day

**Credit balance:** Hours above contracted working hours that are owed to an employee under flexi-time. The maximum credit balance for a full-time employee is normally 15 hours, this will be pro-rated for part time employees.

**Debit balance:** Hours below contracted working hours that are owed by an employee under flexi-time. The maximum debit balance for a full time employee is 8 hours, this will be pro-rated for part time employees.

**Flexi leave:** Leave taken as part of the flexitime scheme where employees will either be using hours from their credit balance or adding hours to their debit balance.

**Time off in lieu (TOIL):** Time off for hours that are worked either in addition to contracted working hours or outside of normal working hours.

**Normal working hours:** the hours an employee normally works in any given week e.g. Monday to Friday 9-5. Working hours could be between 6am to 10pm dependant on business need and line managers prior agreement.

**Overtime:** Hours worked that are paid over and above the contractual hours stated in an individual's contract.

**Week:** For these purposes, a week is defined as a period of 7 consecutive days starting on a Monday and ending on a Sunday.

**Normal hourly rate:** Calculated by dividing the employee's full time equivalent annual salary by 52.1429 and then by 37.

## 5 Policy Statement

- 5.1 The University is committed to the promotion of a healthy work-life balance for all colleagues and this policy aims to provide the tools to support employees to work more flexibly and efficiently to the benefit of both themselves and the University.
- 5.2 The University recognises that the nature of its work means that on occasions employees will be required to work over their weekly contracted hours or outside of their normal working hours. However, this requirement is balanced by its duty to protect the health and safety of its employees by ensuring that they do not work excessive hours and that any additional hours are agreed in advance and monitored.

- 5.3 It is the line manager's responsibility to oversee their team's workload so that the requirement for employees to work over their weekly contracted hours is minimised.
- 5.4 This policy sets out the procedure for using Flexitime, TOIL and Overtime as tools for managing their team's hours, additional hours and hours worked outside of normal working hours.
- Flexitime should be used for employees to manage their own arrival and departure times to manage their daily workload.
  - TOIL may be considered for hours that are worked in addition to contracted hours outside of their normal working hours.
  - Overtime should only be used in exceptional circumstances where it is not possible to take TOIL for the additional hours worked.
- 5.5 Employees found to be abusing the flexitime, TOIL or overtime procedures may be subject to disciplinary action under the University's Disciplinary Policy and Procedure.
- 5.6 Flexibility of working hours is necessary for meeting business needs: For some roles, particularly externally facing roles, there will be a greater expectation of additional/out of hours working which is necessary to fulfil the requirements of the role and meet the business needs of the University. This may include evening and weekend work away from the University, extended travelling time and overnight stays. There may also be occasions where employees are requested to work on a day that they would not normally work, during an evening, or weekend. For example, this may be to attend training, assist at Welcome week, or carry out additional work at year end.

## **6 Key Principles**

- 6.1 It is expected that all employees and managers will apply flexitime, TOIL and overtime in a fair and consistent manner.
- 6.2 To ensure that work life balance and the health and wellbeing of employees is protected, Flexitime or TOIL, as appropriate, are the recommended approach to compensate employees for additional hours worked over the normal week.
- 6.3 It is recognised that employees may be required to work additional hours and payment for overtime may need to be applied in exceptional circumstances. Payment for overtime may only be used where:
- It is not possible for the employee to take Flexitime or TOIL due to operational demands.
  - It has been authorised, in advance, by the relevant Dean or Director;
  - It is for a period of greater than 30 minutes;

- 6.4 The Working Time Regulations 1998 must be considered when asking an employee to work additional hours. These regulations state that an individual should not work more than 48 hours per week on average. Employees are also required to have a minimum rest period of 11 consecutive hours in any 24 hour period and at least two days rest in each 14 day period.
- 6.5 Where a manager is aware of a busy period or specific event (e.g. Welcome Week) they should plan accordingly and review available staffing. Consideration should be given to maximising employees availability such as revising or reviewing annual leave requests or utilising temporary employees.
- 6.6 Staff on Grade 8 and above are expected to work flexibly and manage their own time to achieve the objectives of their position. This means during busy periods they may work longer days but will receive flexibility in return during quieter periods.
- 6.7 Line managers are encouraged to support their employees to self-manage their time flexibly in such a way that they do not work unreasonable or excessive hours.
- 6.8 It is expected that managers regularly review employee's flexi-time accrual, TOIL and overtime to ensure that where employees are frequently working excessive hours, this is discussed with the employee from a wellbeing and workload perspective.
- 6.9 Employees are responsible for ensuring that where they work more than 6 hours in a day, they take the appropriate rest break of 30 minutes. Where managers become aware that employees are not taking the prescribed rest breaks, they must discuss this with the employee, addressing workload and ensuring breaks are taken in future.

## **7 Flexitime**

### **7.1 Additional Principles**

- 7.1.1 Flexitime applies to eligible support staff employed by the University who are on Grade 7 or below, including employees on both full and part time contracts.

For employees on part time contracts or with flexible working agreements already in place, it may be that their current arrangements already represent the maximum degree of flexibility to meet operational requirements.

- 7.1.2 Flexitime will only apply in those departments where the system has been agreed between the manager and employees. It is recognised that the system will not apply in some areas or to some posts, for example where there is a requirement for service between set hours, shift work or where the nature of the job requires that a significant proportion of working time is spent away

from the office.

- 7.1.3 Managers reserve the right to suspend flexitime for set periods in order to meet operational requirements, this could be designated on an ad-hoc basis or set annually. Ordinarily, advance notice will be given when the scheme is to be suspended. Consideration to individual circumstances will be given
- 7.1.4 Following approval from their manager, flexitime gives employees the opportunity to determine their own start and finish times and to take time off for appointments that cannot be arranged outside of normal working time.
- 7.1.5 Flexitime should only be used if it doesn't have an adverse effect on the overall efficiency of the team.
- 7.1.6 Managers should ensure that all employees are aware of and how flexitime operates within their team including: what the flexi hours and core service hours are for the area, any periods flexitime will not apply, and the approval process for requesting or taking flexi leave.
- 7.1.7 If more than 6 hours work for one day is recorded on a flexi form with no break, managers will automatically deduct 20 minutes from their credit balance depending upon working patterns

## 7.2 Procedure

- 7.2.1 Employees using flexitime must record their hours (start time, breaks and end time) electronically via a flexi form, unless otherwise specified by the team/department manager. Time should be recorded in blocks of 15 minutes.
- 7.2.2 All flexitime must be recorded in 4 weekly periods, at the end of which, full time employees can carry forward a maximum of 15 hours credit or 8 hours debit to the next 4-week period. Any flexi in excess of the maximum credit will normally be forfeited. Where there is a debit balance the employee and line manager must agree when this will be worked or if a deduction from pay will be made. These balances should be pro-rated for part time employees.

The accumulation of a credit balance should only be as a result of completing necessary work and must not be accumulated for the sole purpose of accumulating flexi leave. Additionally, flexi leave cannot be exchanged to cover sickness absence.

- 7.2.3 Flexi forms should be submitted to the relevant manager for authorisation within 5 working days of the end of each period. By submitting the form to a manager, the employee is confirming that the information recorded is, to the

best of their knowledge, accurate and up to date.

- 7.2.4 Absence from work, for example due to sickness or annual leave should be recorded as normal hours on the flexi form for that day in order to avoid the day being recorded incorrectly as a deficit.
- 7.2.5 Employees should ensure that any requests for flexi leave are submitted in the appropriate way as agreed by the team/department manager and should allow sufficient time for the manager to consider and arrange suitable cover if necessary/possible. All flexi leave will be at the discretion of managers and must be authorised before it can be taken.
- 7.2.6 All employees leaving the University must ensure that their flexi form is balanced, all credit is used or forfeited, and any debit owed is made up. In exceptional circumstances where employees leave with a debit balance or credit balance and the time cannot reasonably be made up or taken, any remaining hours will be deducted from salary or paid in lieu.

## **8 TIME OFF IN LIEU (TOIL)**

### **8.1 Additional Principles**

- 8.1.1 TOIL applies to employees if they work additional days or part days during the week over their contracted hours.
- 8.1.2 For part-time employees, TOIL will be accrued on an hour for hour basis up to the 37-hour standard working week. Thereafter, and/or for any weekend working, the appropriate TOIL rates will be applied.
- 8.1.3 No monetary compensation will be paid for TOIL accrued.
- 8.1.4 For grade 7 and below, TOIL will be accrued at the following rates:

Up to 37 hours worked in a week Monday to Friday (incl. contracted hours)	Equivalent time off, equal to the time actually worked (e.g. 1 hour worked – 1 hour off)
Over 37 hours in a week Monday to Friday	Equivalent time plus one half
Saturday/ Sunday/ Bank Holidays – incl. part time employees	Equivalent time plus one half

- 8.1.5 Employees that are on grade 8 and above will accrue TOIL at normal hourly rate with no enhancements in all circumstances.

## 8.2 Procedure

- 8.2.1 Accruing and taking TOIL must be agreed in advance with the line manager.
- 8.2.2 Where additional working has attracted TOIL, managers should ensure that employees are given reasonable opportunities to take the time back as soon as possible, preferably within the week after accruing. In all circumstances TOIL must be taken within 2 months to ensure hours do not accrue over extended periods and the employee receives appropriate rest days. Normally any TOIL not taken within this time will be lost.
- 8.2.3 Employees should record TOIL accrued and seek approval from their line manager before taking the time back.

## 8.3 International Travel

- 8.3.1 The University recognises that some staff undertake international travel as a core part of their duties, sometimes spending long periods away from the University. The following guidance applies when undertaking business trips outside the UK, whether occasional or regular. As travel often extends over weekends and occasionally Bank Holidays, weekends and Bank Holidays, hours worked will be repaid via TOIL.
- 8.3.2 When planning international travel lasting a week or more, rest days should be built into the schedule. As every overseas trip will be different a flexible approach needs to be applied. Flight times, length of flight, number of days overseas and the work schedule during the trip, should be taken into account. Ideally there would be at least 1 rest day in every 7 days away built in. Rest days do not have to be a Saturday or Sunday and can be taken the day after arriving in country.
- 8.3.3 Travel days are considered working days.
- 8.3.4 Where it is not possible to arrange rest days during the trip, time off in lieu must be agreed beforehand and taken within 2 months of return to the UK.
- 8.3.5 The University recognises that international travel can be tiring. When planning longer overseas trips with long flight times, managers and employees should make arrangements to provide rest breaks both before the first appointment (unless travelling business class) and after return to the UK.
- 8.3.6 Where appropriate the rests days taken from TOIL should be taken as follows:
  - If arrival at home is before 12 noon, this is the day of arrival.

- If arrival at home is after 12 noon, the Rest day would normally be the next day.
- If arrival at home is on a weekend a Rest day is the weekend unless the arrival is after 12 noon on the Sunday, in which case the Monday would normally be taken as a Rest day.

8.3.7 Managers and staff should aim to agree the timing of Rest Days and TOIL Days as part of the planning before an international trip commences.

## 8.4 UK Travel and overnight stays

Some staff may be required to travel in the UK and occasionally stay overnight in location. Wherever possible travel time should be undertaken during normal working hours. Where this is not possible flexitime or TOIL may be claimed for the travel time only.

# 9 Overtime

## 9.1 Additional Principles

9.1.1 Overtime should only be paid in exceptional circumstances for example where workload does not allow for the employee to take TOIL for the extra hours worked or, following discussion with the employee other considerations that have a negative impact are taken into account.

9.1.2 Managers should ensure that overtime is only used as a temporary arrangement and should last for no longer than four consecutive weeks. If a longer-term arrangement is required, then the line manager should discuss alternative arrangements with their HR contact.

9.1.3 Overtime payments will be made at the following rates:

Up to 37 hours worked in a week Monday to Friday (incl. contracted hours)	Normal hourly rate
Over 37 hours in a week Monday to Friday	Normal hourly rate plus one half
Saturday/ Sunday/ Bank Holidays – incl. part time employees	Normal hourly rate plus one half

9.1.4 Employees that are on grade 8 will be paid overtime at normal hourly rate with no enhancements in all circumstances. Overtime will not be paid for

grade 9 and above in any circumstance and TOIL should be taken

## 9.2 Procedure

- 9.2.1 Employees claiming overtime must record their hours on the Overtime Claim Form and submit it to their line manager for approval. Once approved the line manager should submit the form to payroll in a timely manner.
- 9.2.2 All overtime claims must be made within 2 months of the hours being worked or risk non-payment.

## 10 Associated Documents

Overtime Claim Form  
TOIL record  
Flexi record form

## 11 Equality Impact Assessment

## 12 Version Control

<b>Version Control</b>	V1	<b>Approval record</b>	
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September 2019	V1	Joining together the existing separate Flexitime, TOIL and Overtime guides.	
		Clarity of when flexi-time, TOIL and overtime can be used	
		Clarity of grades which flexi-time, TOIL and overtime apply.	
		Changes to weekend enhanced rates for TOIL and Overtime.	