

Working Hours Policy

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1.0 Policy Statement

- 1.1 This policy covers the City of Wolverhampton Council's working hours' scheme for all employees. Managers and employees are advised to familiarise themselves with the policy to ensure that they are aware of the requirements of working hours.

2.0 Scope

- 2.1 This policy and procedure applies to all employees of the Council. It excludes NJC employees and Teachers employed by Governing Bodies who are covered by Schools HR Policies. Policies adopted by the Council may, following discussion with relevant trade unions also be recommended as good practice models for adoption by maintained school governing bodies.

3.0 Principles

- 3.1 The City of Wolverhampton Council is first and foremost a public services organisation. Everything the Council do is based on delivering the very best possible services for the city.
- 3.2 The Council's standard full-time contract of employment is 37 hours per week. This is varied for part time staff whose hours will be as outlined in their contract of employment and terms and conditions and will be on a pro-rata basis to reflect the proportion of hours worked.
- 3.3 The working pattern of individuals will depend upon the working area, allocated work style and the service requirements. The Council no longer observe organisation wide 'core hours'. However, service areas may have local agreements for core work times which will be driven by the needs of their service.
- 3.4 Subject to the requirements of the service and following appropriate local consultation processes, the working week of individual employees may be arranged over a 7-day period (5 out of 7), including weekends, providing that the employee's average hours over a pre-determined reference period does not exceed 37 hours. Saturday and Sunday working does not attract any pay enhancements.

- 3.5 In line with the Council's Agile Working guide employees are expected to work on the working days stipulated in their contract of employment. The hours worked on these days can be flexible with prior management agreement to support agile working. However, any agile working should not impact on the service delivery or workload of peers. Any contractual changes to working days, such as compressed hours, should be made through a flexible working request in line with the Council's [Flexible Working Policy](#).
- 3.6 The Council is committed to ensuring that all rights and entitlements provided to under the Working Time Directive 1998 are adhered to.
- 3.7 The Council operates a scheme of flexible working, subject to service requirements.
- 3.8 Where overtime is available this is reimbursed in line with The City of Wolverhampton Council's local agreement.

4.0 Working Time Regulations 1998 (and amendments)

- 4.1 The Council's provisions conform to the Working Time Regulations including the following:
- Employees are only able to work a maximum of 48 per week including overtime, which is averaged over a 17-week period. It is possible to work over 48 hours in one week provided that this does not exceed 48 hours when averaged out over 17 weeks. For workers below the age of 18 this maximum is 40 hours without the ability to average out. Employees (other than young workers) can elect to opt out and must sign a declaration stating this.
 - A rest period of 11 consecutive hours of non-working time; a weekly rest period of 24 hours; and a daily 30-minute break where the working day is longer than six hours. Young people under the age of 18 are entitled to a rest break is 30 minutes when more than 4.5 hours are worked.
 - A day off each week.

- A “health assessment” (or “health and capabilities assessment” in the case of young workers) before being required to perform night work and at regular intervals thereafter.

5.0 Flexible working time and flexi leave

- 5.1 The Council operates a system of flexible working (flexi time), subject to operational requirements. The flexible working system allows employees to vary their start and finish times, depending upon the demands of the service and to meet personal requirements. Employees are still required to work their contracted days and hours per week although the hours can be averaged out over a four-week accounting period.
- 5.2 Where employees have accumulated enough credit, within a four-week accounting period, subject to the requirements of the service they may take up to one days’ flexi leave per accounting period, pro rata for part time employees.
- 5.3 The accounting period for the flexible working system is four weeks. The contractual hours are those that an employee is expected to work within the accounting period and are 148 hours (37 x 4) for full-time employees. Any hours in excess of 148 are referred to as credit hours and any hours less than 148 are referred to as debit hours.
- 5.4 At the end of the accounting period employees are able to carry forward a maximum of 10 hours ‘credit’ or 5 hours ‘debit’. Any hours over and above the maximum carry forward of 10 are lost unless there are specific circumstances, and these are approved before accrual by the employee’s manager. It is the employees responsibility to manage their hours and the manager should discuss with the employee if there is any support required if they are consistently losing hours. Debit and credit allowances are pro rata for part-time employees.
- 5.5 Where employees are consistently carrying over a debit of over 5 hours then they may be subject to fixed hours to address the deficit and ultimately disciplinary action if they cannot maintain their contractual hours. Each case and the justification will be given consideration based on all the circumstances.
- 5.6 The flexible working system is non-contractual and can be varied, subject to appropriate consultation, to support the needs and requirements of the service area.

- 5.7 The flexible working system will not be appropriate for all service areas especially where employees are expected to work set hours to meet the needs of the service.
- 5.8 The flexible working system accumulates hours worked above an employee's contracted hours.
- 5.9 Abuse of the flexi time system may result in disciplinary action being taken and the removal of the flexible working scheme.

6.0 Part-time employees and the flexible working time scheme

- 6.1 Part time employees should be afforded the same rights as full time employees, so where a system of flexible working is in operation then they should be included in the scheme. Part time employees should discuss their hours with their managers and any benefits under the flexible working scheme should be pro-rata to the employee's hours including flexi leave entitlement and the carry over provisions for credit or debit.

7.0 Overtime working

- 7.1 The flexible working scheme should enable managers and employees to plan and organise their work around the peaks and troughs of the workload. However, there may be occasions where the hours cannot be reasonably retrieved through the flexible working scheme. Where this is the case managers may ask employees to work overtime and will specify when overtime will start and finish.
- 7.2 When an employee on Pay Point 16 or below works in excess of 37 hours a week, they should be paid overtime. Their line manager must approve the overtime in advance of the employee working in excess of 37 hours. Where an employee is on Pay Point 17 or above and works in excess of 37 hours this can be taken as time off in lieu (TOIL). For further information please see the [Collective Agreement – Managers Guide](#).
- 7.3 Where part time employees are requested to work overtime, this will not be paid at enhanced rates until 37 hours have been worked.
- 7.4 Care should be taken when regular overtime is to be worked as this may become contractual. Overtime will be seen to be contractual where:

- There is a reasonable expectation for the employer to offer overtime.
- It would be unreasonable for the employee to refuse overtime.

For further advice, contact People Services at hr.supportdesk@wolverhampton.gov.uk

8.0 Medical appointments

- 8.1 Wherever possible hospital, doctor or dentist appointments should be arranged for outside of working hours. Where this is not possible and managers are satisfied all efforts have been made to attend outside of working hours, paid time off to attend such appointments will be granted, as it is appreciated that such appointments are not always available. Managers may request to see evidence of the appointment.
- 8.2 If the employee is unable to return to work, becomes unwell or needs recovery time after the appointment, this should be recorded as sickness absence.

9.0 Working hours

- 9.1 Agile working provides employees with the flexibility to work around personal commitments to help achieve a better work/life balance. Managers and employees should agree on expected hours to ensure the team is adequately resourced to meet business and service needs. For permanent changes to contractual hours of work, such as reducing hours or changing working days, employees are required to submit a Flexible Working request through the Council's [Flexible Working Policy](#).
- 9.2 If an employee, with agreement from their manager, requests to work ad-hoc unusual patterns such as splitting their working day for childcare etc. or weekend and evening working no enhancements or allowances will be paid, unless it forms part of their normal terms and conditions of employment. For further information refer to the [Collective Agreement Managers Guidance](#)
- 9.3 Where possible, the employee should give their line manager notice of any unusual working requests. Managers should be empathetic to the request and consider the circumstances, such as urgent medical appointments.

- 9.4 Employees are required to observe rest breaks in accordance with their contract of employment and in line with the Working Time Regulations 1998. All employees who work more than 6 hours per day are required to book a minimum 30-minute rest period, normally taken as a meal break. This break must be taken during the working day and not at the beginning or end of the day.
- 9.5 As part of agile working, the Council understands that an employee's hours of work will vary based on individual circumstances and service needs. However, the Council emphasises the need for employees to work within reasonable hours and to ensure they abide by the Working Time regulations 1998.
- 9.6 Managers are responsible for ensuring working hours are discussed and agreed with employees to ensure they are working within the regulations and are working reasonable hours that are meeting the needs of both the service and the employee.

10.0 Secondary (or more) Employment

- 10.1 To ensure the Council meets its obligations under the Working Time Regulations 1998, employees who have secondary (or more) employment within the Council OR external to the Council, including employment via an agency, are required to inform their manager of this as soon as the secondary employment commences (or declare this upon appointment if the new position is the secondary appointment). Employees are also required to complete the secondary employment form and submit it to People Services. The Council will undertake an assessment in relation to Working Time Regulations to ensure there is no conflict of interest (for further information refer to the [Employee Code of Conduct](#)) or breach of the regulations.
- 10.2 If hours of work change after the assessment is complete, employees will need to update their manager so the assessment can be reviewed.
- 10.3 Failure to inform/update your manager may result in appropriate action being taken in accordance with Council procedures.

11.0 Travel Time

- 11.1 Employees cannot claim work time for their first and final journey to the designated office base. Employees deduct their usual travel time from the first

and final journey when attending a location other than the designated office base. All employees will have a designated office base which should be used for travel time purposes. If unsure of designated office base, employees should seek clarification from their line manager in the first instance.

- 11.2 Travel time must not be claimed for journeys between the employees' home and their normal place of work, unless the first and final journey exceeds their normal commuting time (known as excess travel time).
- 11.3 If an employee is working from home and part of their regular work involves travelling to a destination other than a designated office base (such as a site meeting/service user visits etc.) then employees are not required to clock out for such travel as it will form part of their normal working day.

12.0 Time recording

- 12.1 Employees are required to record their time in the recommended format on the electronic time recording spreadsheet. Line managers are responsible for monitoring and authorising any adjustments to time records.
- 12.2 Absences are credited at a standard day. Where an absence is less than one day or half a day employees should record their actual arrival and leaving time on the spreadsheet.
- 12.3 As part of an agile working approach, an employee's diary should be kept up to date at all times and a timesheet completed and accessible on a shared drive by the employee's manager. Managers are responsible for reviewing their employee's timesheets on a regular basis and before approving a flexi leave request.

13.0 Inclement Weather

- 13.1 In cases of snow or severe weather conditions employees should continue to undertake their work in the usual way. When travelling to an office location, employees should aim to get to work at their usual time. Where employees are unable to work in their usual way, they should discuss other options with their line manager, such as working from a different location, working from home, taking flexi or annual leave. Employees otherwise absent (unless as a result of sickness) are not entitled to paid leave. Where an employee in a fixed workstyle experiences difficulties in travelling to work, then usual working hours can be

relaxed at the discretion of the Director or nominee, for instance to allow a later start or earlier finish.

13.2 Managers should be aware that they might need to give additional consideration to the needs of disabled employees, pregnant employees and employees with caring responsibilities. Further advice can be sought from People Services.

14.0 Roles and Responsibilities

14.1 Employees are required to:

- Ensure that they work their contractual hours and days, comply with the flexi time system (where appropriate), overtime arrangements and conform to the time recording system in operation within their place of work.
- they are responsible for ensuring that they respond to the needs of the service when operating the flexi time system, including making themselves available at peak times when the need arises.
- to inform their manager of secondary (or more) employment and to complete the secondary employment form.

14.2 Managers are required to:

- Ensure that employees comply with the working hours policy and that they monitor and manage leave in line with the policy, including the authorisation of flexi leave and leave for medical appointments, or other time spent away from work. Managers are also responsible for ensuring that their service area is adequately resourced.
- recognise that employees irrespective of their agreed work style need rest periods and downtime. Employees have a right to privacy out of hours and to be able to separate their working and home lives.
- carry out an assessment of an employee's secondary employment to ensure there is no conflict or breach of the Working Time Regulations and managers to ensure the employee has completed the secondary employment form.

14.3 People Services are required to:

- Provide support and guidance to managers and employees on this policy.

- ensure the communication, maintenance, regular review and updating of this policy and procedure.
- monitor and review delivery and impact of this policy.

14.4 Deputy Director of People and Change is required to:

- In consultation with the recognised trade unions, the Deputy Director of People and Change will exercise delegated authority for and be responsible for the on-going review and updating of this policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes will be approved following an Individual Executive Decision Notice.

14.5 Trade Unions are required to:

- Work in consultation with People Services on any review and revisions of this policy
- represent trade union members, if required.

15.0 Monitoring and review

- 15.1 This policy will be reviewed every 3 years or earlier if there are significant changes required in the light of best practice and any changes to legislation and Government guidance.

16.0 Links to other Policies and Procedures

The Working Hours policy cannot be seen in isolation and must be read in conjunction with the following policies:

- Leave Policy
- Flexible Working Policy
- Collective Agreement - Managers guide

17.0 Equality and Diversity

- 17.1 The Council is committed to equality and fairness for all employees and will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 17.2 In developing this policy we have undertaken an Equality Analysis the results of which indicate that it is lawful to proceed in the way described by this policy. The Council is committed to promoting equality and recognising the diversity of our communities and will work to ensure all parts of our community are treated fairly.

Appendix 1- Opt out declaration

Agreement to opt out of 48 hour working week	
Employees name	
Job title	
Service	
<p>I agree that I may work for more than an average of 48 hours per week as stipulated by the Working Time Regulations 1998.</p> <p>If I change my mind, I will give the City of Wolverhampton Council seven days' notice in writing to end this agreement.</p>	
Employees signature	
Date	