# Cumbria Fire & Rescue Service

## Time Off in Lieu & Flexi-Time

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**Introduction**

This policy is to explain Cumbria Fire and Rescue Service’s position on flexible working and time off in lieu. Throughout this policy, Grey Book Staff will be referred to as Operational Staff and Green Book Staff will be referred to as Corporate Staff. Time off in Lieu or ‘TOIL’ is covered in Part One of this policy and is predominantly for Operational staff however, there can be instances such as training where it can be used for Corporate staff. Flexible working or ‘Flexi’ is covered in Part Two of this policy and is for Corporate staff.

The difference between TOIL and Flexi is that TOIL is time reimbursed to the employee when they have been required to work outside of their contracted hours. This is an alternative to paid overtime and is usually due to a service requirement. Flexi, however, is where an individual can work additional hours within the flexi time period (usually 7:30am – 18:00) to accrue time allowing them to flexibly manage their working hours. This is at the discretion of their line manager.

CFRS recognises that promoting a healthy work/life balance for employees is beneficial to their job satisfaction. For example, where an operational employee is required to work on a public bank holiday, that time can be reimbursed with TOIL. Alternatively, a corporate employee may be required to attend a meeting or training session which is planned to end one hour after their contracted finish time. They can, therefore, use that hour to finish early on another day.

**Scope**

Part One of this policy is aimed at Operational staff in the position of Firefighter to Watch Manager with the inclusion of Day Duty Station Managers. Anyone in a higher position may be on the flexible duty system instead.

Part Two is primarily aimed at Corporate staff who are eligible to work on a flexible working arrangement.

**PART ONE: Time Off In Lieu (TOIL)**

* 1. **Principle**
* TOIL is capped at 48 hours for all staff and all TOIL must be taken within 12 months of it being accrued or it will be lost.
* The request will be granted subject to crewing and the exigencies of the Service and can be cancelled without notice
* TOIL will be managed only through Gartan, not a paper-based system. It can only be taken with managerial approval.
* Employees taking TOIL will be responsible for organising their replacement in line with station practice.

CFRS must not suffer financially as a result of the TOIL system. The accrual and taking of TOIL must not generate additional costs therefore TOIL can only be accrued during plain time. Any TOIL requests shall either be for whole shifts or in periods of four hours.

* 1. **Accrual of TOIL**

Employees within the scope of the TOIL policy can request up to 48hrs in TOIL. Ideally, they should have the time already accrued before requesting to take it but the service is aware this may not always be possible. Employees can take TOIL if they don’t have the full amount of time needed accrued but they must have at least 25% of that time for it to be approved. Otherwise, alternative forms of leave should be considered.

Where TOIL has been approved and taken, it cannot be claimed for in expenses as the debit will have been repaid. Where an employee has elected to accrue TOIL rather than receive a payment for their overtime, they cannot change their minds later. TOIL cannot be exchanged between employees.

* 1. **Taking TOIL**

Employees who benefit from the TOIL scheme can apply to their line manager to take TOIL leave. This is to be recorded on Gartan. Employees shall not accrue more than 48hrs of TOIL at any one time. Employees can request to take TOIL during any period of duty unless they have pre-arranged training courses or activities scheduled. In that case, the TOIL request would not be granted. TOIL will only be granted providing there is sufficient crewing numbers in place to cover for the absence. If there are not sufficient crewing numbers, the employee requesting the leave would be responsible for finding the appropriately skilled cover before TOIL is granted.

TOIL requests need to be made with as much notice as possible. An absolute minimum of 48hrs notice is required for an application. This timeframe needs to include a period of duty for the employee’s line manager to be present to enable them to decide whether to approve or not. If it is not possible to consult the line manager, the employee can consult the duty manager.

Employees who have had TOIL leave authorised and are absent due to sickness will not have the TOIL cancelled and re-added to their balance unless the sickness has been covered with a medical fit note. The sickness would then be managed under the absence management procedure.

* 1. Compensatory Leave

Employees who are required to attend training courses on their rota days may request to take compensatory leave instead of being reimbursed with single-time pay. The employee would be entitled to a compensatory shift in lieu, provided it does not disadvantage the crewing numbers and service delivery activity. Compensatory leave must be authorised in advance by a supervisory manager.

An example of compensatory leave may be, if a training course is held during the day and the participant was scheduled on shift for that night, they may request compensatory leave for the night shift.

**PART 2: Corporate Flexi Scheme**

* 1. **What is Flexi-Time?**

Flexi-time is a scheme that gives Corporate Staff the ability to manage the distribution of hours they work.

Flexibility is allowed within specified guidelines throughout the working day to allow employees to determine their arrival and departure time and to accommodate other commitments where required.

The aim of the flexi-time scheme is to encourage all employees to achieve and maintain an effective balance between their work and home lives, whilst also ensuring that Cumbria Fire and Rescue Service (CFRS) is able to retain the high quality employees that it needs to deliver high level of quality services.

It is essential that adequate cover is maintained in departments and that work is completed as required, therefore managers may specify reasonable restrictions as appropriate.

* 1. [**What**](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) **is Expected**

* + 1. **Expectations of Managers**
* The aim of this scheme is to provide managers with the flexibility and tools to manage the service they provide and the working hours of their employees. Managers are therefore expected to use their discretion when applying the scheme.
* Managers are expected to balance service delivery needs with the needs of employees to work flexibly and to be able to balance their work and home commitments.
* Within the bands of 07:00hrs –22:00hrs, managers are to set office opening hours and working bands for their employees.
* Managers are to make local arrangements for the opening / closing and security of offices and premises.
* Where there is a demonstrable need for minimum staffing levels and where departments provide a front line service to members of the public, managers may introduce core hours when employees must be present.
* Where managers wish to depart from aspects of this scheme they must seek prior agreement from the HR Team.

* + 1. **Expectations of Employees**

* The flexi-time scheme is based on trust.  CFRS employees are expected to record their hours honestly and accurately on a flexi-time record at the end of each day and submit the completed form to their managers upon request or at least every 4 weeks.
* To understand that there may be times due to operational requirements, workloads and office cover when it may not be possible to take flexi leave.
* Employees are expected to keep within the flexi-time scheme credit / debit balances.
* Where managers set core times, employees are expected to be present at work unless they have an authorised absence.
* Corporate employees should not work longer than a 10-hour day, without prior permission from their line manager. This can also be flexible if the employee works ‘condensed’ hours.
* Where an employee works less than 4 hours a day, flexi leave, annual leave or other authorised absence must be agreed with their line manager in advance.
* In accordance with the Working Time Regulations an average working week must not exceed 48 hours averaged over a 17-week reference period.  This limit includes all secondary employment a person may be undertaking inside or outside of the service’s employment.

* 1. [**Rules**](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) **of the Flexi-Time Scheme**

The flexi-time scheme is dependent up on mutual trust and co-operation for all concerned.  Abuse of that trust could endanger the continuation of the scheme.

Abuse of the flexi-time scheme including falsifying record sheets will be dealt with under the service’s Disciplinary Procedure and may also lead to the flexi-time scheme being withdrawn from employees should they be found to be abusing the scheme.

It is important to note that the flexi-time scheme is a benefit but it is not a contractual right, as such the scheme may be withdrawn at management discretion.

For further advice on the application of the flexi-time scheme please contact the HR Team at [HR@cumbria.gov.uk](mailto:HR@cumbria.gov.uk).

* 1. **Application**

New employees joining CFRS will be informed in their starter pack of the hours they are required to work and whether their role is covered by the flexi-time scheme.

Due to operational demands it is not possible for all CFRS employees to work within the flexi-time scheme.  Some posts may be exempt from the scheme.

For further information on posts exempt from the flexi-time scheme please contact your line manager or HR Team at [HR@cumbriafire.gov.uk](mailto:HR@cumbriafire.gov.uk).

* 1. **Part Time / Job Share Employees**

The flexi-time scheme is available to employees whether they work full time, part time or job share.  Those employees working part time or job share should pro rata the equivalent of the cumulative credit / debit balance they can carry forward and the amount of flexi leave, in accordance with their full-time equivalent hours.

* 1. **The Working Day**

Except for authorised absence, including leave and sickness, all employees should attend work to achieve the weekly working hours specified in their contracts of employment.

* Full time employees work a 37-hour week
* Part Time Employees / Job Share work a set number of hours with a specified working pattern.

Subject to local arrangements the bands for a working day can be set between 07.00hrs and 22:00hrs.  This is subject to there being access to buildings at these times and complying with Health and Safety Regulations, Working Time Regulations and CFRS policies on lone working.

Managers may set office hours where there is a clear and demonstrable need for office cover at certain times due to service delivery needs and operational requirements.

It is anticipated that the large flexible band will enable employees to record time taken to travel to meetings or attend training courses, which would require an early start and/or late finish.

* 1. **Core Times**

Some departments may predetermine “core time” for their employees.  Core hours are times when, except for authorised absence, including leave and sickness, all employees must be present at work.

Managers are encouraged to be flexible and only set core times where a minimum staffing level is required to meet high demand for internal or external services.

Whether core time is required or not, it is still essential that adequate cover is provided within the workplace and that services are carried out effectively and efficiently to meet customer and service needs.

* 1. **Rest Breaks**

In accordance with the Working Time Regulations CFRS expects that employees under the age of 19, working for a period of 4 ½ hours or more must take a break of at least 30 minutes, within this period.

Employees over the age of 19 and working 6 hours or more should take a break of at least 30 minutes within this period.

* 1. **Additional Hours**

Additional hours are completely separate from the flexi-time scheme.  Additional Hours should be recorded on a separate claim form and not included on the flexi-time record.

Only certain employees are eligible to claim payment for additional hours worked outside normal working hours.  Those employees entitled to claim additional hours must have been specifically requested by their manager to work outside normal working hours.

There are no premium payments for additional hours worked.

* 1. **Flexi Leave**

During each 4-week flexi-time period employees will be able to take up to 2 full days or 4 half days flexi leave.

**Flexi leave is subject to the prior approval of the person who normally authorises annual leave and is subject to operational or service requirements and appropriate staffing levels being available.**

Individuals requesting a full day or half a day flexi leave should generally have a credit balance.  However in exceptional cases managers should use their discretion.

Employees will be required to attend work for a minimum of 4 hours a day, without having to take leave.

Employees will be required to attend work for a minimum of 4 hours a day, without having to take leave. Employees working less than 4 hours a day will be required to take flexi leave or any other authorised leave.

Flexi leave should be recorded as zero hours.

**Examples of the Flexi-Time Scheme for Employees who Work Full Time**

**Example One**

Louise comes into work on Friday and works from 9am to 2pm.  Louise does not have to take flexi leave or annual leave as she worked over 4 hours.

However if Louise wanted she could still take half a day annual leave and credit herself 3 hours and 42 minutes in addition to the 5 hours she also worked.

**Example Two**

Emma comes into work on a Monday and works from 10am to 1.30pm.  As Emma has worked less than 4 hours she must take the rest of the day as flexi leave or annual leave as authorised by her manager.

If Emma took flexi leave she must record this on her flexi-time record which should automatically adjust her credit / debit balance accordingly.

**Example Three**

Graham has asked his manager for all day Friday as flexi leave.

Graham must then record a zero balance for Friday on his flexi-time record, which will then adjust his credit / debit balance accordingly.

**Examples of the Flexi-Time Scheme for Employees who Work Part Time or Job Share**

The majority of employees who work part time or to a job share arrangement can work within the flexi-time scheme.  Below are some examples of how flexi-time can be accommodated for part time and job share employees.

**Example One**

Sarah is contracted to work 18.5 hours a week.  Her working days are Monday, Tuesday and Wednesday.  Sarah works 6 hours on a Monday and Tuesday and 6 hours and 30 minutes on a Wednesday.

If Sarah requested to take Monday as flexi leave it would cost Sarah 6 hours in flexi-time.  If she requested to take Wednesday as flexi leave it would cost Sarah 6 hours and 30 minutes.

**Example Two**

George is contracted to work 15 hours a week.  George works Monday, Wednesday and Friday mornings only.

George works 5 hours each day.  If George requested to take flexi leave it would cost him 5 hours for a day.

**Example Three**

Richard is contracted to work 16 hours a week.  Richard works 6 hours on a Monday and Tuesday and 4 hours on a Thursday.

If Richard requested to take flexi leave on a Monday it would cost him 6 hours.  If Richard requested to take flexi leave on a Thursday it would cost him 4 hours.

* 1. **Recording of Hours**

All employees should record their hours on a new record sheet at the beginning of each settlement period and record their **daily** start and finish times. This must be done on arrival and departure and not left to a later date.  Employees starting or finishing away from their normal place of work must make a note of the time and enter this on their record sheet upon return to the workplace.

Where possible electronic flexi-time records should be used and displayed in an electronic folder where managers can view at any time.  Alternatively those that use paper flexi-time records should ensure that their form is available for their manager to see upon request.

When completing the record sheet any absence away from the workplace should be recorded using the following codes:

Annual Leave  H Trade Union Duties D

Public Holiday P Approved Training T

Special Leave L Other Authorised Reason R

Sickness S Flexi Leave F

The record sheet should be forwarded to the relevant manager for approval.

* 1. [**Accounting/Settlement**](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) **Period**

The accounting period is 4 weeks.  During this time all employees must complete their contracted hours subject to the agreed credit and debits, which may be carried forward.

Hours worked in excess of the normal working week will be counted as credit and less than this amount, as debit.  This credit / debit may be carried forward.

The cumulative credit carried forward must not exceed 22 hours and 12 minutes (3 working days for full time employees). If employees regularly exceed 22 hours and 12 minutes flexi credit then their manager may be required to review their workload to minimise this.

The cumulative debit carried forward must not exceed 11 hours and 06 minutes (1 ½ working days for full time employees).

* 1. **Excess of Credit**

At the end of the accounting period where an employee has a credit balance in excess of the flexi-time scheme allowance this time will be lost.

In exceptional circumstances managers may agree the excess credit balance to be carried over to the next accounting period with a view to this being reduced.

* 1. **Excess of Debit**

Whilst the flexi-time scheme allows for flexibility, several consistent periods of debit should not

become the “norm”.

If at the end of an accounting period an employee has a debit balance over the flexi-time

scheme allowance and the excess has not been agreed with their manager, the manager

should raise ways to reduce the debit balance with the employee.

Options may include using:

* Annual leave
* Reduction in pay
* Allowing the debit balance to carry forward providing the deficit is cleared in the next accounting period.

* 1. [**Absences**](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) **from Work**

Absence for annual leave, public holiday, special leave or sickness will be credited as follows:

For each full day = 7 hours and 24 minutes (full time employees)

For each half day = 3 hours and 42 minutes (full time employees)

Should an employee become ill during the working day the standard hours for the morning and / or afternoon will be credited.  Employees working part time will be credited with the hours they would have normally worked that day or half of that day.

* 1. **Absences for Medical and Dental Treatment**

Cumbria Fire and Rescue Service understands that at times employees may need to be absent during working hours for routine medical and dental appointments.  These appointments may be taken at any time; however time will not be credited back to the employee.

Please note that travelling time to and from medical and / or dental appointments will not be credited.

**Where a female employee is attending an antenatal appointment this is an exception to the above.  Time for attending antenatal appointments should be credited back.**

Where absence is required to attend a hospital appointment, medical health screening or an emergency medical or dental appointment an employee’s manager may grant the absence and the time credited.

For the purpose of this scheme and for the guidance of managers the definition of emergency is considered to be **“a sudden and unforeseen event needing prompt action and where the employee would need to seek urgent medical advice or treatment.”**

Employees may credit the time back where they have attended Occupational Health.

If managers need further advice or guidance on applying this part of the flexi-time scheme they should contact the HR Team.

* 1. **Attending a Training Course or Conference**

All time involved in attending training courses or conferences between the flexi-time bands of 07:00hrs and 22:00hrs can be calculated as working time and should be recorded on the flexi-time record accordingly.

Travelling time to an event will only be credited where the venue is located away from the employee’s normal base or place of work.

Where an employee is required to travel over a weekend or outside of the flexible bands to attend a training course or conference this time should be taken as Time Off in Lieu and not as flexi leave.

* 1. **Employees Leaving or Transferring**

Employees leaving the service or transferring to another department should complete the appropriate number of contracted hours to leave a nil balance at the time of leaving / transfer.

Employee’s will not be able to claim back any flexi credit they have accrued, financially or otherwise, after they have left the role where it built up. It is their responsibility to make sure they do not have any outstanding flexi credit before leaving a role.

* 1. **Additional Hours**

Additional hours are completely separate from the flexi-time scheme.  Additional Hours should be recorded on a separate claim form and not included on the flexi-time record.

Only certain employees are eligible to claim payment for additional hours worked outside normal working hours.  Those employees entitled to claim additional hours must have been specifically requested by their manager to work outside normal working hours.

There are no premium payments for additional hours worked.

* 1. **Time Off In Lieu for Corporate Employees**

Time off in lieu is entirely separate to the flexi-time scheme and as such is not to be included on the flexi record sheet.

Where individual departments identify a clear service need for time off in lieu this must be considered separately from the flexi-time scheme.

Time off in lieu should not be converted to flexi-time and vice versa.

Appendix 1:

1. CFRS Standard Blank Flexi Sheet

