

Leave & Working Hours Policy & Procedure

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Leave & Working Hours Policy

- 1.0 This policy sets out eligibility and requirements for working hours and all forms of leave with the exception of absence due to sickness which is covered in the Capability Policy.

This includes providing flexibility in leave and working arrangements which, in addition to meeting statutory requirements, seek to effectively balance individual circumstances with PHSO's business needs. PHSO will help employees to manage their work-life balance through family-friendly special leave provisions and the provisions of the flexible working hours' policy.

Decisions on whether to approve leave requests will take into account:

- the operational requirements and business needs of PHSO, including ensuring that employees are available to meet customer needs and expectations;
- the employee's welfare, the requirements of the Working Time Regulations and the employee's wishes.
- employees are expected to meet appropriate standards of punctuality and reliability in their attendance and leave arrangements to ensure the PHSO business needs and service standards are met at all times;
- records of working hours must be maintained accurately and in a timely manner, they will be subject to management verification and approval in relation to carry-over and the taking of flexi-leave.

This policy is contractual and may be amended by PHSO at any time and may be adapted where necessary or appropriate in the particular circumstances of a case. Eg changes to legislation and in line with 3 year review process. Any changes will be consulted on and notified.

- 2.0 Our Equality, Diversity and Inclusion strategy sets out the organisation we want to be. We aim to foster a culture of diversity and inclusion. To develop and nurture our workforce to excel, making the most of their unique backgrounds and experiences. To operate with integrity, respect and empathy for colleagues, and people and organisations we work with.

3.0 Hours of work and annual leave

3.1 Standard Weekly Hours

The standard full-time working week for all PHSO employees at Pay band 4 - 6 and below, is 36 hours over five days, from Monday to Friday, excluding a minimum 30 minute lunch break.

- 3.2 Full-time senior staff (Director or above) have a minimum working week of 36 hours and, subject to Working Time Regulations (referred to below), are required to work such additional hours as may be reasonable and necessary for the effective and efficient performance of their responsibilities.
- 3.3 The Working Time Regulations 1988 (WTR), limit the hours an employee may work to an average of 48 hours per week over a rolling 17 week period. PHSO recognises that occasionally work pressures may result in an employee voluntarily working more than 48 hours in any given week. However, employees and managers are expected to manage the employee's workload and to ensure that the limit of 48 hours per week is not consistently exceeded.

4.0 Annual Leave

- 4.1 All full-time employees are entitled to 30 working days' paid annual leave for a complete year in employment, and should make every effort to use their full entitlement in each annual leave year. Annual leave will be calculated on a pro rata basis for:
- employees who work part-time, based on the hours and/or number of days they work; and
 - fixed-term employees, based on the length of their contract.

All leave for employees who work part time or full time compressed hours will be calculated, recorded and booked in hours.

- 3.2 The leave year usually runs from the date the employee started at PHSO (unless otherwise agreed) and employees may take up to 3 consecutive weeks' annual leave at any time in the leave year, subject to operational requirements and line manager approval.

Employees must have all annual leave approved by their line manager before they take the leave and should give as much notice as possible. Each annual leave request will be considered carefully on its merit however, the line manager must consider operational requirements before approving a request. Employees are advised not to make holiday arrangements until they have had their leave requests approved.

All leave must be booked in accordance with the correct procedure, failure to do so may lead to disciplinary action being taken.

The reason/s behind any decision not to approve a leave request will always be communicated to the employee by the line manager. There is no right of appeal against the refusal of annual leave.

Employees are expected to apply for any extended leave period (longer than three continuous weeks) with as much notice as possible and with no less

than three months' notice. It may be possible to take such leave as a combination of paid and unpaid leave, subject to **line** manager authorisation.

- 3.3 The maximum amount of leave that can be carried over from one leave year to the next is limited to 10 working days for full-time employees. Advice must be sought from HR, People & Talent regarding any proposed higher carry over of annual leave.

A carry over of more than 10 working days must be approved at the appropriate Director level, or above, in advance of the leave year ending.

Employees who work part-time are entitled to carry over leave on a pro rata basis in proportion to the number of days and/or hours worked. Any untaken leave not approved for carry-over will be lost.

Payment for untaken leave will not be made, other than in exceptional circumstances, and where it has been agreed by the Senior Leadership Team.

The maximum amount of leave that can be carried over from one leave year to the next is limited to the equivalent of two working weeks or 10 working days for full-time employees. A standard working day for full time employees is 7.2 hours so this equates to a maximum carry-over 10 x 7.2 hour days or 72 hours.

Compressed hours. The maximum 72 hours carry over allowance also applies to staff working compressed hours. An employee working compressed hours will work a maximum of 36 hours in any week, for example 4 x 9 hour days. The default for calculation purposes is always a standard working week, i.e. a maximum of 36 hours or 5 x 7.2 hours. Therefore an employee working compressed hours will be able to carry over two of their working weeks, e.g. 72 hours.

Part-time hours. Employees who work part-time are entitled to carry over leave on a pro rata basis in proportion to the number of days and/or hours worked, ie two of their standard working weeks. For example, an employee working 21 hours per week can carry over a maximum of 42 hours and an employee working 16 hours can carry over 32 hours.

- 3.4 When an employee leaves PHSO employment, they are expected to take any outstanding annual leave before their departure. If this is not possible due to operational requirements, any excess days owed to them may be paid in lieu, with the agreement of their line manager (and budget manager, if not the same person). If the employee has taken too many days' annual leave in relation to their accrued entitlement at the time of departure, PHSO will deduct pay for the number of days taken in excess **from their final salary**.
- 3.5 PHSO requires as much notice as possible for a temporary agency worker's absence.

In accordance with the Agency Workers Regulations, on completion of a 12 week qualifying period, agency workers are entitled to the same holiday entitlement as a permanent employee. Agency workers should have arrangements in place with the agency regarding their holiday pay.

4.0 Public and extra-statutory days

- 4.1 Full time PHSO employees are entitled to paid public holidays and extra-statutory days off, normally 10.5 days each year. Employees who work part-time are entitled to these days on a pro rata basis in proportion to the number of days and/or hours worked. Employees who work full time compressed hours receive the full entitlement and this is calculated in hours.
- 4.2 Public holidays (eight days) are fixed days on which PHSO is closed for business. Extra-statutory days ie 2½ days are linked with specific occasions, as detailed below and may be taken flexibly in agreement with the employee's line manager. PHSO offices remain open on extra-statutory days and employees and managers must ensure that there is adequate cover when arranging to take an extra-statutory day, usually within a week of the event.
- 4.3 Public & Extra-statutory days are usually:
 - New Year's Day
 - Extra-statutory half day (afternoon) on Maundy Thursday
 - Good Friday
 - Easter Monday
 - May Day Bank Holiday (early May)
 - Spring Bank Holiday (late May)
 - Extra-statutory day for the Queen's birthday
 - Summer Bank Holiday (late August)
 - Extra-statutory day for Christmas
 - Christmas Day
 - Boxing Day

5.0 Flexible Working Hours (FWH)

- 5.1 Most PHSO employees can participate in the Flexible Working Hours (FWH) system. The exceptions to this are:
 - employees in posts that require them to work fixed hours;
 - employees who have had this facility revoked for reasons related to capability or disciplinary action, as described in paragraph 5.7 below
 - full-time senior staff, Director or above, - where operational requirements necessitate unsocial/condensed hours working, senior staff

are expected to make appropriate adjustments to ensure Working Time Regulations are met.

- 5.2 The FWH system allows employees to vary their hours of work within certain parameters to help them balance work and other commitments.

The rules of the FWH system are:

- employees must be engaged in PHSO work during core hours which are from 10.00 to 12.00 and from 14.00 to 16.00, unless otherwise exceptionally agreed with their line manager, for example as a reasonable adjustment;
- employees may choose their hours of work, within the constraints of operational requirements and business needs, in the flexible bands which are from 07.00 to 10.00 and 16.00 to 19.00;
- employees must take a minimum of a 30 minute lunch break, usually between the hours of 12.00 and 14.00;
- working in excess of standard hours must be to meet the needs of the business and not solely for the purpose of accruing flexi leave.

- 5.3 Employees may vary their hours of work on a day-to-day basis within the parameters defined above but must ensure that:

- their line managers are aware of their usual pattern of work and any variations;
- their own work commitments are met at all times;
- there is adequate cover in their teams or sections between the hours of 09.00 and 17.00 from Monday to Friday, as appropriate and necessary.

- 5.4 Employees are required to complete a timesheet on a daily basis recording the actual hours worked (not the hours they are present in the office) and submit it to their line manager for approval once every four weeks.

- 5.5 Employees may carry forward credit or deficit hours and either take the time off as flexi-leave or make up the shortfall, as appropriate, with their line manager's authorisation.

The maximum amount of credit or deficit that may be carried forward is 2 standard working days within each 4 week accounting period. For example, for a full-time employee this would be 14 hours and 24 minutes. Credit hours in excess of this will not be paid and will, therefore, be lost. The maximum amount of accredited flexi-leave that can be taken in any 4 week accounting period is two days. Any flexi-leave not taken within the following

accounting period eg due to sickness absence, will not be paid and will, therefore, be lost.

All flexi-leave must be approved by the line manager on the same basis as annual leave. Employees who work part-time are entitled to carry over flexi credit or debit on a pro rata basis in proportion to the number of days and/or hours worked.

- 5.6 All forms of authorised leave, including annual leave, sickness absence and paid special leave, should be recorded on the flexi-sheet as credited hours, using the appropriate code specified on the form.
- 5.7 The FWH system operates on the basis of trust and assumes that employees are able to organise their working time effectively. The employee may have the FWH facility withdrawn and be required to work fixed hours agreed with their line manager if:
- the manager considers on the basis of available evidence that the employee is unable to organise their working time effectively;
 - it can be reasonably established on a balance of probabilities that an employee has abused the system. In such a case, in addition to requiring the employee to work fixed hours, action may be taken under the disciplinary procedure.
- 5.8 On occasion, it may be necessary for staff to attend events and activities that take place in a location away from their parent office. This may include training courses, seminars and the PHSO 'Away Days'. When attending such events, staff who work flexi-time are expected to record the actual hours worked at the event plus any **additional** travelling time to get to and from the event, excluding the time normally taken for their usual home to office travel. If the event requires the employee to stay overnight, then flexi-time accrual will cease once they reach their accommodation and re-start when the employee leaves the accommodation the following morning, minus usual travelling time.

For example:

An event commences at 11:00am and is scheduled to run until 4:30pm with a 30 minute lunch break.

The employee travels from 09:30 to arrive for the starting time with an end journey time of 18:00. They will record the journey start and finish times and lunch break on their flexi sheet, minus their normal home to work journey time.

Assuming their normal home to office journey is one hour each way, they can claim flexi hours of six hours (8 hours less 2 hours for travel and 30 minutes for lunch).

6.0 Overtime and additional hours

In exceptional circumstances employees at Pay Band 6 or below, are entitled to be paid for additional hours at overtime rates. An overtime claim must meet the following qualifying conditions:

- it must have prior management authorisation by your line manager;
- the employee must have undertaken their standard full time hours (ie 36 hours) hours for the week before overtime can be paid;
- the claim form should be submitted on a monthly basis in which the overtime hours are worked;
- the employee's average weekly hours over a 17-week period do not exceed the 48-hour limit laid down by the Working Time Regulations (WTR);
- in line with the WTR & Employer Duty of Care, any overtime worked longer than 6 hours must include a 30 minute break;
- employees working on the FWH system are usually expected to take time off in lieu of any additional hours worked.

Managers who arrange for employees to work additional hours over a period of time, for example to complete a specific project, should ensure that the additional hours are distributed equitably and are available to all employees who wish to work them.

6.2 Subject to the conditions set out above, overtime rates are:

For pay bands 1 - 3

- Monday to Friday: time and a half;
- Saturday and Sunday: time and a half plus reimbursement for any additional travel costs;
- overtime undertaken on a Bank Holiday will be paid at time and a half.

For pay bands 4 - 6

- Monday to Friday: plain time;
- Saturday and Sunday: time and a half plus reimbursement for any additional travel costs;
- overtime undertaken on a Bank Holiday will be paid at time and a half.

Part-time employees may claim payment:

- at their usual rate of pay, for additional hours until the total number of hours worked in any given week reaches standard full-time hours (ie 36 hours);
- at overtime rates for hours worked beyond 36 hours in one week.

Assistant Directors and above are not eligible for overtime payments.

- 6.3 In view of the extra cost of weekend and Bank Holiday working, overtime payments on those days should only be authorised on a very exceptional basis at Director level or above.

7.0 Public transport disruptions

- 7.1 Public transport may occasionally be disrupted due to factors such as engineering works, severe weather, industrial action or security alerts. PHSO's position on such disruptions is that employees must make every reasonable attempt to either attend work at the office or work at home, where this is possible.
- 7.2 If a public transport disruption can be anticipated, for example planned industrial action or engineering works, in advance of the disruption the employee should discuss their options for getting to work with their line manager.
- 7.3 If the disruption occurs unexpectedly, for example sudden severe weather or a security alert, the employee must contact their line manager to keep them informed. If the line manager is unavailable the employee should leave a message with another manager or with HR, People & Talent (but not with a colleague). If the employee is unable to speak to a manager or HR, People & Talent, they may email their line manager and provide them with contact details so that the manager can speak to them, if necessary.
- 7.4 When disruptions occur, employees should consider either using alternative forms of transport or working at home, if this is practicable. If neither of these options is viable, the employee will usually be expected to take the day off using either annual leave or flexi-leave.

If a disabled team member works in a role in which it is possible to work from home e.g. Senior Caseworker, but they are unable to work from home for a reason relating to their disability, they should receive paid special leave if they are not able to get into the office.

If a disabled team member works in a team where people cannot work from home e.g. Intake, all staff should be treated the same and the Leave and Working Hours policy will apply.

- 7.5 If the transport disruption/severe weather is likely to last longer than a day, for example due to engineering works or as a result of an accident on a train line, the employee should discuss the situation with their line manager as soon as they become aware of the possibility. In some cases, it may be possible to agree a form of flexible working for the duration of the disruption.
- 7.6 If the employee arrives late or has to leave earlier than usual due to severe weather or transport disruption then the line manager may authorize flexi-time credit to make up the shortfall up to the usual contracted hours.

8.0 Disability Leave

- 8.1 Disability Leave is intended to apply when the employee is otherwise fit for work, in order to cover a short period of absence related to the employee's disability. It is not an alternative to sickness absence. However, it may be appropriate as a temporary reasonable adjustment for rehabilitation, assessment or treatment in relation to the employee's disability. Disability Leave usually applies after other alternatives have been considered, for example flexible working options such as working from home, have already been considered and deemed not to be appropriate or practicable.
- 8.2 Disability Leave may follow different patterns (for example consecutive days or single recurring days or a part of a day) within a finite period. The amount of Disability Leave will depend on individual circumstances but as a general rule it is not expected that an employee will exceed 4 weeks' Disability Leave in any rolling 12-month period. HR, People & Talent will seek advice from Occupational Health where appropriate.
- 8.3 Examples of when Disability Leave may be appropriate include:
 - physiotherapy or chemotherapy one day per week for six weeks;
 - adjustments being made to the workplace subsequent to workplace assessment, as a result of which an employee is unable to carry out their normal work during the period of adjustment;
 - participation in guide dog training for a visually impaired person;
 - training to learn lip-reading or sign language for a hearing impaired person;
 - wheelchair damage being repaired as a result of which the employee is unable to come to work; or
 - rehabilitation treatment after injury caused by accident.
- 8.4 Employees wishing to apply for Disability Leave should speak to their line manager in the first instance. The line manager will discuss this with HR, People & Talent and, if Disability Leave is agreed, HR, People & Talent will record this separately from other forms of absence. Disability Leave is treated as "Special Leave" and not sickness absence.

- 8.5 Where the employee has no alternative but to attend a medical appointment during their usual working hours they must obtain approval from their line manager in advance of the appointment. If the absence is short (less than half a day) the employee will not usually be required to take annual or flexi-leave to cover the absence. However, if the employee is absent from work for half a day or more this should be recorded as sick absence.
- 8.6 Alternatively, the employee may wish to use flexi or annual leave to attend the appointment. If the medical appointment is related to the treatment of a disability it may be appropriate for the time taken for the medical appointment to be recorded as Disability Leave.

9.0 Special Leave

- 9.1 The provision of special leave with pay is intended to enable employees to take time off work for personal commitments that are not covered under the, by maternity, adoption, paternity and parental, shared-parental policies. For information regarding time off for dependents (unpaid leave) also see the Time off for Dependents Policy.

For information regarding study leave, see the Learning & Development policy.

An employee may supplement special leave with annual leave, subject to management authorisation.

The types of special leave detailed in this procedure are:

- bereavement and care leave;
- court attendance (including jury service);
- public service leave;
- investiture/honours and attendance at royal garden parties

Special leave applications will be considered in the same way as other leave requests, with due regard to operational requirements and business needs

9.1 Bereavement Leave

Up to 5 days special leave with pay may be allowed on the death of a close relative, spouse or partner. This leave must be taken at the time of the death.

The application should be made to the line manager, who will consider the length of compassionate leave to be approved, taking account of factors such as:

- the relationship of the deceased to the employee;
- whether the employee has a practical role to play (for example organising the funeral or settling affairs);

- how far the employee has to travel for the funeral.

9.2 Care Purposes

Special leave with pay should only normally be awarded for care purposes where:

- a near relative is gravely ill; or
- an employee is advised to stay with a child or close relative when they are admitted to hospital;

Special leave with pay should not be granted to cover instances where members of an employee's household, particularly young children, suffer from common ailments. Employees are expected to use annual leave or flexi leave to cover such contingencies.

9.3 Jury Service and other Court Attendance

Special leave with pay will be authorised for an employee who has been summoned for jury service. However, in exceptional cases, PHSO may ask an employee to defer their jury service due to essential operational requirements.

Employees who are required to attend court in an official capacity (such as appearing as a witness) will be regarded as being on official duty and will receive their usual pay and travelling and subsistence allowances.

Employees who are required to attend court in any other private capacity will usually be required to take annual leave or special leave without pay to cover their absence.

In all matters of court attendance, employees:

- must inform their line manager as soon as they have received a notification of court attendance;
- must keep in contact with their line manager to update them on the duration of their absence;
- may claim travel and subsistence allowance if on official duty. If such allowances are received from the court or if they claim loss of earnings, they must reimburse PHSO for the amount received from the court.

9.4 Public Service Leave

PHSO wishes to support employees who carry out public service duties and may grant a reasonable special leave for duties such as magisterial duties (as Justice of the Peace), governor of an educational institution, members of a statutory tribunal, police authority or board of prison visitors. Each

application will be considered on a case-by-case basis to determine whether the leave can be authorised and whether it should be paid or unpaid. The line manager should make a recommendation to an Assistant Director for approval. Factors taken into account in such decisions will include:

- the length of special leave requested;
- utilization of annual leave and flexi to cover time off for public duties
- time the employee has already had off, including special leave, annual leave and sickness absence;
- operational requirements and business needs.

New employees who hold public positions should inform HR, People & Talent and their line manager on joining PHSO, employees who intend to apply for such a position should discuss it with their line manager prior to accepting the position. The line manager will consult with HR, People & Talent as necessary.

See Conflict of Interest Policy for further information.

9.3 Investiture, honours and attendance at royal garden parties

Employees will be granted paid special leave to attend an Investiture to receive an award or to attend a royal garden party. Employees must notify their line manager as soon as they become aware of the award or invitation.

Policy information

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Related policies and guidance: Leave & Working Hours Process Flow

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