

PEOPLE POLICIES AND PROCEDURES

WORKING HOURS

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¹ Wellbeing hour s being piloted as part of 2017-19 Pay deal

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Related Forms and Information:

[Change of Hours/Pattern form](#)

[Business or Other Potential Conflicts of Interest form](#)

[Gov.uk guidance on young workers](#)

[Overtime and Travel Time Policy](#)

[Wellbeing Hour guidance](#)

COVID-19: TEMPORARY ARRANGEMENTS FOR FLEXIBLE WORKING HOURS

Whilst we are dealing with the challenges set by COVID-19, we have made the following amendments to the flexi-time arrangements set out in Annex B of the Working Hours Policy:

- *Colleagues have the option for claiming any flexi credit over 37 hours as overtime **at the end of a 4 week reporting period.***

These arrangements are backdated to Monday 9th March 2020 and must be agreed by your Deputy Director. They are in addition to current policy provisions.

ROLES AND RESPONSIBILITIES

Employees are responsible for:

- Correctly recording hours worked
- Agreeing with line manager what flexible approach can be implemented through an 'Individual Charter (see para 6) where the role is suitable;
- Informing their line manager if they are unfit for work or if they have a medical appointment in line with the [Attendance Management Policy](#) and Guidance.
- Applying to their line manager to change working hours and completing the [Change of Hours/Pattern form](#);
- Informing their line manager if they take up outside employment and completing the [Business or Other Potential Conflicts of Interest form](#);
- Keeping records of working hours for a minimum of 6 years.

Line managers are responsible for:

- Agreeing with employee what flexible approach can be implemented through Team and Individual Charters (see para 6) where the role is suitable;
- Reading and familiarising themselves with the contents of the Checklist for Managers (Worried About Long Hours? Annex E);
- Agreeing with employees who work regular (fixed) hours their daily starting and finishing times and the length of their meal breaks, which will not normally be less than 30 minutes;
- Ensuring that they are aware of the cumulative working hours of all employees in their team. Records must be kept by both employees and line managers in the event that they are required for inspection under the Working Time Regulations (see para 21).
- Recording and monitoring the average working hours of employees who have more than one job to ensure compliance with the Working Time Regulations unless the employee has opted out), and ensuring that the [Business or Other Potential Conflicts of Interest form](#) is completed;
- Notifying the Corporate Shared Service Helpdesk if they, or any member of their team, are regularly working long hours. For guidance on this, please refer to para 20 and Annex E;
- Ensuring that all employees take a rest break of at least 30 minutes if the working day is longer than six hours (4 ½ hours for employees under age 18);
- Ensuring employees under age 18 will not work over 8 hours in a normal working day;
- Considering fully and fairly any all options for Smart Working, including the needs and wishes of the individual as well as the needs of the business;
- Considering requests and applications from employees wishing to change their working patterns or hours in accordance with the flexible working arrangements;
- Putting forward requests for employees wishing to permanently change their working hours to the relevant Deputy Director;
- Checking and endorsing completed flexible working sheets;
- Agreeing and authorising excessive deficits as detailed in the Flexible Working Hours scheme (Annex B);
- Agreeing and authorising excess accrued hours over standard hours up to 37 hours to be carried over and added to the recorded hours for the next accounting period. Any remaining excess will normally be discounted;

- Agreeing and authorising the carry-over of excess accrued hours over 37 hours which the employee could not take as planned leave because they were required to work;
- Authorising flexi-leave and, where appropriate, credits for absence from the office.

Deputy Directors are responsible for:

- Considering requests for employees wishing to permanently change their working hours in accordance with the Common Control Framework. Where required by the Common Control Framework or local process the Deputy Director is responsible for submitting requests to the Group or WG Resourcing Panel.

Resourcing Panels are responsible for:

- Considering requests from employees to permanently change their working hours where stipulated by the Common Control Framework or local process.

Corporate Shared Service Centre (SSC) is responsible for:

- Checking leave calculations where an employee's working hours pattern has changed and updating where necessary;
- Updating payroll and pension data so that employees receive correct pay and pension benefits when they change hours;
- Informing part time employees of their personal entitlements to leave and individual conditions in line with the Flexible Working Hours scheme;
- Working with line managers to ensure employees are not in breach of the Working Time Regulations and that opt-out forms are completed and retained if applicable.

All our policies are fully inclusive of all staff regardless of age, marriage and civil partnership (both same sex and opposite sex), pregnancy and maternity, race, religion or belief, sex, sexual orientation, whether they have an impairment or health condition, are neurodivergent or use British Sign Language, their gender identity or gender expression. We acknowledge that the terms 'gender identity' and 'gender expression' are not protected characteristics as defined by the Equality Act 2010, however, we believe that Government policy which includes provision for those persons who identify within the 'trans' umbrella (rather than on the basis of binary gender) is a more inclusive approach and one which ensures the Welsh Ministers are in a position to comply with all their statutory duties related to equality and the promotion of well-being in Wales. If you have any feedback on the inclusivity of this policy, please email EqualityintheWorkplaceTeam@gov.wales

THE PROCEDURES

1. Introduction

- 1.1 The agreed working hours of an employee are contractual and may not be varied without the agreement of both employer and employee. Employees or their representatives will be consulted before any changes are made to the existing policy on working hours.

2. Conditioned hours

- 2.1 Conditioned hours are the number of hours the WG requires an employee to work in order to receive a salary attached to the employee's job. These hours are expressed in terms of hours per week.

3. Full-time hours

- 3.1 The conditioned hours of attendance for full time employees are 37 hours net.
- 3.2 For any WG employees working in the London pay area, the conditioned hours are 36 hours net.

4. Part-time hours

- 4.1 Part-time hours are those hours worked which are less than the full-time conditioned hours referred to above.

5. Hours of attendance

- 5.1 All employees automatically work flexible working hours (flexi time), unless the nature of their job requires otherwise e.g. shift working. Employees not wishing to work flexible working hours must make a formal request to their line manager to work regular hours of attendance.

6. Regular hours

- 6.1 Regular hours are where the conditioned hours are spread over a five day week from Monday to Friday with regular hours of attendance (i.e. fixed starting and finishing times). Employees who wish to work regular hours must agree with their line manager their daily starting and finishing times and the length of their meal breaks, which should not be less than 30 minutes. Line managers are responsible for arranging adequate supervision of work and this will have to be considered in reaching an agreement as to the working hours. Line managers are also responsible for ensuring that the full conditioned hours are worked.
- 6.2 Employees who work regular hours are not required to keep individual records of attendance except when overtime or long hours gratuities such as time off in lieu are

being claimed. Employees who work regular hours may transfer to SMART working practices at any time. Requests to transfer out of these arrangements may, however, only be considered in the event of a change of circumstances which cannot reasonably be met within the existing practice.

6.3 Employees aged up to 18 will not work more than 8 hours in a working day.

7. Smart Working

7.1 The business needs of the Welsh Government and supporting its ministers are the primary drivers in determining how employees carry out their role. Through our Smart Working approach all employees are encouraged to have a conversation with their line managers about the options available to them for working in a smarter way. This might include

- A change to the hours they work
- A change to the times they are required to work
- A change in their work location

While most roles are suitable for Smart Working arrangements, some roles may not be e.g. reception or employees working in contact centre type roles. For roles which are suitable for Smart Working, consideration needs to be given to both business and personal needs, bearing in mind that work to support Ministers will always be the main priority. It is ultimately for business areas to determine whether Smart Working is suitable for their areas.

7.2 Assuming the role is compatible with Smart Working, there must be agreement between employee and management on how a flexible approach can be implemented. This will be captured in an individual charter to record mutually acceptable arrangements (see [here](#) for further information).

7.3 Ordinarily, employees will be able to work their contracted working hours at a location and time, to suit their and business needs. The flexi bandwidth (0600 until 2000 weekdays) represents best practice for people to maintain their health, well-being and a good work-life balance. Employees may, exceptionally and with the agreement of their line manager, work outside these times if it suits both them and the business area. Where office locations are unable to accommodate extended working hours, people can work at home.

7.4 Employees will have a set office base for travel and subsistence purposes (a 'hub' – typically, their normal place of work) but they do not need to attend the hub every day. If employees attend another office for reasons of personal reasons or out of personal preference rather than business need, they cannot claim travel and subsistence costs.

7.5 Employees can choose where and when they work but must:

- take into account business needs in agreeing arrangements with line manager;

- make their line manager aware of their plans in advance so that their line manager and colleagues will know when and where they can be contacted;
- achieve set objectives and tasks;
- notify line manager if they are sick or if they have a medical appointment (in accordance with the attendance management policy and procedures);
- attend their hub for team or other meetings on a date and at a time determined by line manager, and potentially at short notice;
- not presume desk space will be available at every location and book desks where necessary at office locations where 'touch down' desks are available
- attend other meetings at a location best suited to their purpose as required to carry out their job role (e.g. at a WG office or a contractor's premises);
- attend performance management meetings with their line manager on an agreed date, time and location; and,
- adhere to the requirements of the Security Policy at all times

7.6 If there is agreement that the employee can work at home for all or part of the week, they must follow the requirements of the homeworking policy and procedures or remote working guidance regarding health and safety issues and caring for dependents. These are confirmed in the employee's Individual Charter if the homeworking is not formal or in the homeworking agreement if the homeworking is formal. Either document must be signed by both the employee and the line manager.

7.7 These arrangements are based on trust and are intended to support the best means of achieving business objectives. Any deliberate failure to adhere to these arrangements may lead to the withdrawal of Smart Working arrangements. Persistent deliberate failure may lead to disciplinary procedures being instigated.

7.8 Smart Working arrangements are not intended to be used to enable employees to undertake another job with a second employer. The [Financial Dealings and Conflict of Interests policy](#) applies.

8. Flexible working hours

8.1 The rules relating to the Flexible Working Hours scheme for full-time employees are set out in Annex B. Individual maximum debit and credit hours will be set for part-time employees based on the number of hours worked per week.

8.2 Under no circumstances will excess flexible working hours (i.e. a flexi credit) be paid for or any additional payment made in lieu of excess hours worked. Employees should ensure that they have a nil flexi balance when they leave the organisation. If this is not the case, any shortfall in hours worked (i.e. a flexi debit) will be recovered from final salary and any excess hours (i.e. a flexi credit) will be lost.

9. Notification of absence

9.1 Except where absence has been authorised by line management, an employee must attend for duty or indicate they are working in line with the Smart Working Agreement

policy on each contracted working day. If, for any reason, any employee is unable to attend for duty or undertake work, they must either telephone their Line Manager (or team member if no line manager is available or HR Case Advisory Team if no team member is available) by 0930 or email or text as soon as they know they are not fit to attend or undertake work. If they have used email or text, they must follow this up with a phone conversation by 1200 (midday) at the latest. Failure to fulfil this requirement may result in the absence being regarded as unauthorised and pay may be withheld. Unauthorised absence is a disciplinary offence. For details of sickness absence, see the [Attendance Management policy](#).

10. Records of attendance

- 10.1 Employees working flexible working hours are required to keep individual records of attendance in accordance with the arrangements set out in Annex B. These hours may be recorded manually or electronically on a personal time record – usually referred to as a flexi sheet. Records must be kept for a minimum of six years for audit purposes to meet employer obligations for compliance with HMRC national minimum wage regulations. Persistent or serious abuse of the flexible working hours arrangements may result in disciplinary action being taken against the employee.

11. Meal and refreshment breaks

- 11.1 There is a statutory requirement that all employees who work more than 6 hours in a day (4 ½ hours for employees under age 18) have a 20 minute break. Although the statutory requirement is for a 20 minute break it is WG policy that employees take a 30 minute lunch break when working longer than a 6 hour day (4 ½ hours for employees under age 18). Line managers are responsible for ensuring that this is enforced. If, in exceptional circumstances, meal breaks cannot be taken, no lunch break should be recorded on your flexi sheet, e.g. start at 0800 - 1200 / 1200 - 1500. You should record only the actual hours worked and must not add an additional half hour for lunch.
- 11.2 There is no legal entitlement to morning or afternoon breaks. However, it is the WG's policy that employees are allowed a maximum 15 minute break in both the morning and the afternoon. Line managers have discretion over when any break can be taken and all employees are expected to behave reasonably regarding taking breaks, e.g. not taking them shortly after arriving for work or just before leaving for the day.

12 Wellbeing Hour

- 12.1 The Wellbeing Hour pilot was agreed in the 2017-19 Pay Award as part of the Welsh Government's approach to help safeguard your health and wellbeing. It is intended to allow each employee a small amount of time during the course of each week to focus on their wellbeing and is part of normal working hours. For further information, please refer to [Wellbeing pages on intranet](#).

13 Changing working hours

13.1 Employees may apply to change their working hours, either to change from full-time to part-time, or vice versa, or to change their part-time hours or working patterns. The consent of the line manager must be obtained prior to formal approval being sought. All permanent employees and those on fixed term contracts who have completed 26 weeks continuous service have the right to apply to work flexibly. This is known as 'making a statutory application'. Employers must deal with requests in a 'reasonable manner'. Examples of handling requests in a reasonable manner include:

- assessing the advantages and disadvantages of the application
- holding a meeting to discuss the request with the employee
- offering an appeal process if the request is turned down.

Requests from employees to change their working hours will be approved in line with the [Common Control Framework](#). At a minimum requests will be considered at Deputy Director level and in some instances at Group or WG Resourcing Panel.

13.2 Employees are allowed a maximum of three changes to their working hours each financial year (April to March). Further changes would only be considered in exceptional circumstances.

13.3 Employees who change their working hours must remain on the new pattern for a minimum of two months unless there are exceptional circumstances that mean a further change is necessary before the minimum period has passed.

13.4 Employees who wish to change their working hours for a period of time shorter than two months should discuss the options available to them with their line manager and the Corporate Shared Service Centre. Alternative options include use of the flexible working hours scheme, special leave with or without pay or overtime for part time workers to temporarily increase their hours. (See [Overtime and Travel Time policy and procedures](#) for the rate of pay in these circumstances.)

13.5 Employees who change their working hours are required to choose a work pattern that is limited to full standard days (7 hours 24 minutes), half standard days (3 hours 42 minutes) or time to the nearest 15 minutes, (i.e. X hours, X hours 15 minutes, X hours 30 minutes or X hours 45 minutes)

13.6 Employees who are already on working patterns that do not fit the parameters set out in 13.5 will not be asked to change their existing working pattern, but any future change to their working pattern must comply with the parameters in 13.5.

14 Term Time Working

14.1 Term time working is open to all permanent employees. It allows an employee to take regular, planned unpaid leave for all or some of the school holidays. For further details see the [Term Time Working policy](#).

15 Compressed/condensed hours

15.1 Compressed or condensed hours apply when an employee works full-time hours over fewer days. For further details see the [Compressed Hours policy](#).

16. Employees transferred permanently or on detached duty

16.1 Employees work the conditioned hours of the office they have moved to when they:

- a. have been permanently transferred; or
- b. are working on detached duty.

17 TUPE and COSoP transfers into the WG

17.1 Employees who have transferred into the WG from outside the public sector under TUPE (Transfer of Undertakings (Protection of Employment) Regulations), or from elsewhere in the public sector under COSoP (Cabinet Office Statement of Practice on Staff Transfers) are still subject to the conditioned hours of their former organisation if they have chosen to retain that organisation's Terms and Conditions of Service. Where they have chosen to move onto the WG's terms and conditions of service, they are subject to the policies and procedures outlined in this document.

18 Working outside normal working hours

18.1 In order to secure a healthy work-life balance, employees are expected to work within the parameters of the flexi bandwidths. There are occasions, however, where employees could be required to work hours in excess of conditioned hours or at weekends or on public or privilege holidays. This is separate from the flexible working hours system. For further details of payment for excess hours, see the [Overtime & Travel Time policy](#). Certain travel and subsistence expenses can also be claimed - see the [Travel & Subsistence policy](#).

18.2 Certain employees who work shift or night duty and employees required to be available outside normal hours can be paid allowances – see the [Allowances policies](#).

19 Night Duty: Employees Under 18

19.1 The Working Time Regulations 1998 applies special rules to "young workers" who are defined as those who have reached the age of 15 but are not yet 18. Under Regulations 6A, such young workers are not permitted to work during the "restricted period". The restricted period is between 2200 and 0600 or, if the contract of employment provides for working after 2200, 2300 to 0700. The only circumstances in which young workers could be asked to work during that restricted period is where the "force majeure" Regulation 27 applies or circumstances of an "exceptional nature" under Regulation 7(4) arise (this is undefined). For example, it might be permitted to require young workers to work at night where a national emergency arose, on a

temporary basis, provided measures are put in place to ensure compensatory rest and health assessment of those workers.

20 Long hours working and the Working Time Regulations (WTR)

20.1 To ensure compliance with the WTRs it is necessary that:

- HR Business partners work with their Directorates to help ensure compliance with the WTR and to identify potential 'hot spots'.
- Long hours working becomes a standard item on DG's Senior Management Team meetings. At these meetings HR Business Partners will assist senior management in agreeing ways of addressing problem areas in their Directorates.

21 Working Time Regulations - Guidance for employees and their line managers:

21.1 Long hours working is associated with various negative effects, such as poor performance, decreased productivity, health problems and lower employee motivation. The WTR provides limits on working times and the WG has specific duties under the WTR. See Annex C for more information on the WTR.

21.2 Line managers must ensure that employees do not work longer than an average of 48 hours per week, including overtime but excluding breaks, over an average period of 17 weeks (just under 4 months). Conditioned hours in the WG are typically 37 net per week and although circumstances sometimes dictate that overtime working is necessary for a sustained period, prolonged use of such a pattern of working could be in breach of the WTR and should be necessary only exceptionally. Line managers are responsible for ensuring that the regulations are complied with in this respect and could, in certain circumstances, be held personally liable for a breach of the WTR.

21.3 The WTR state that employees aged under 18 will not work more than 8 hours in a working day. Line managers are responsible for ensuring that the regulations are complied with in this respect and could, in certain circumstances, be held personally liable for a breach of the WTR.

22 Keeping records

22.1 It is important that line managers put in place procedures to ensure that they are fully aware of the cumulative working hours of all employees in their team. Records must be kept by both employees and their line managers in the event that they be required for inspection under the WTR. Existing methods of recording working hours under the Flexible Working Hours Agreement will be sufficient for this purpose. Alternatively, employees may agree with their manager alternative methods of recording working hours. Line managers should discuss with the employee and notify the Shared Service Helpdesk if they, or any member of their team, are working long hours.

22.2 HR Business Partners will be working with Deputy Directors to identify employees who are regularly working in excess of the hours prescribed in the regulations. Steps will then be taken either to reach voluntary agreements by signing opt-out forms (see Annex D below) with individuals about exceeding those limits (only where there is a compelling management reason to do so), or to review the working patterns of such employees as appropriate. The working hours of employees who are consistently working close to the 48 hour limit will also be carefully monitored.

22.3 Employees are not obliged to sign an agreement opting out of this part of the Working Time Regulations if they do not wish to and they will not be subject to a detriment as a result of not doing so. Employees who voluntarily choose to opt out of the maximum working time limit of 48 hours will be permitted to bring such an agreement to an end by giving not less than seven days' notice to the WG in writing.

22.4 Working time records ('flexi sheets') must be kept by both line managers and individuals for a minimum of six years.

23 Employees with more than one job

23.1 Employees are required to report outside employment, including the average number of hours worked in undertaking such employment. This is so that the WG can meet its obligation to take reasonable steps to ensure that the 48 hour limit is complied with in the case of each employee, even when some of those hours are worked in other employment.

23.2 Employees who undertake outside employment must provide details of the employment to their line manager and the Corporate Shared Service Centre by completing and submitting the [Business or Other Potential Conflicts of Interest form](#).

24 Employees Under 18

24.1 Employees under age 18 will not work over 8 hours in a normal working day. They must receive:

- a 30 minute rest break if they work more than 4.5 hours (if possible this should be one continuous break)
- daily rest of 12 hours
- weekly rest of 48 hours

25 The Senior Civil Service (SCS)

25.1 All members of the SCS are subject to the Working Time Regulations and records of their attendance and agreements to opt out of the maximum working time limit where appropriate must be kept and maintained.

26 Further information

26.1 For further information contact the [Shared Service Helpdesk](#) on 0300025454.

This policy will be reviewed after 2 years.

Revised: April 2001
February 2009
February 2010
July 2010
April 2012
May 2012
October 2012
May 2013
June 2013
June 2015 (amendment to Annex B para 8.4 only)
May 2018
May 2019
July 2023
January 2025

Glossary of terms

Flexible bandwidths

The daily periods during which start and finish times are flexible i.e. 0600 until 2000 weekdays.

Smart Working

Having the ability to work contracted working hours at a location and time, to suit personal and business needs. The flexi bandwidth (of 0600 until 2000 weekdays) may not apply but this will depend on the business area and role

Team and Individual Charters

Any potential changes in working practices need to be discussed and agreed within teams to ensure the change meets both the business requirements and as far as possible, an individual's preferences. Formalising and recording these discussions is done through an **Individual Charter**.

Accounting period

The 4 weekly period over which the standard number of hours, subject to the variation allowed by the carry forward concession, must be worked.

Standard hours

The conditioned working hours which exist under the fixed hour system (excluding lunch hour) i.e. 7.4 hours (7 hours 24 minutes) daily; 37 hours weekly; 148 hours in an accounting period.

Carry forward procedure

The procedure whereby officers are allowed to work up to 37 more than, and 11.1 (11 hours 6 minutes) less than, standard hours in an accounting period and to carry the excess or debit hours forward to the next accounting period.

Recorded hours

The total hours recorded by an employee in an accounting period i.e. actual hours worked plus any hours credited for absence or carry over from the previous period.

Credited hours

Hours added to an employee's record of hours spent at work to compensate for authorised absences.

**FLEXIBLE WORKING HOURS - ARRANGEMENTS FOR FULL-TIME EMPLOYEES
(PERMANENT AND TEMPORARY EMPLOYEES)**

1. Introduction

1.1 This agreement was reached following a review of the system of Flexible Working Hours (FWH).

2. The principle

2.1 FWH is designed to give employees a degree of freedom in arranging their working day consistent with the WG operating at maximum efficiency. Because of the nature of demands of work within the WG there may be circumstances which would prevent the full flexibility envisaged by the Agreement.

2.2 All employees are free to arrive and depart at the times of their choice in the periods known as flexible bandwidths provided that:

- a. the overall efficiency of the office is maintained;
- b. adequate cover is provided during the working day; and
- c. the net hours of attendance in the long term remain the same as the present net conditioned hours.

2.3 Instead of conditioned hours, which are not flexible, the term standard hours is used. Although standard hours are flexible, they should always be worked between 0600 and 2000

2.4 Standard full time hours are 37 hours per week (excluding lunch breaks) and the standard full time day is therefore $37 \div 5 = 7.4$ hours (7 hours 24 minutes). A standard half day is 3.7 hours (3 hours 42 minutes).

2.5 Subject to line management agreement, 5 days flexi-leave may be used in an accounting period. It should be noted, however, that flexi-leave cannot be taken immediately following a period of sickness absence unless a medical certificate of fitness to return to work is provided when flexi-leave is taken and no time is added to the recorded hours.

3 Flexible bandwidths

3.1 Subject to the requirement to maintain adequate cover, employees may vary their times of arrival and departure.

3.2 The start time of a working day may be any time from 0600 and the finish time can be up to 2000 (subject to the requirement not to work less than 4 hours during the working day, unless you are taking morning or afternoon flexi or annual leave).

- 3.3 At least 2 hours must also be worked on any day on which an employee takes either morning or afternoon flexi or annual leave.

4 Accounting period

4.1 There is a common 4 week accounting period, the standard hours during the period being 148 (37 x 4). At the beginning of each accounting period the carry forward procedure allows any excess or deficit from the previous period to be carried over as an adjustment to the recorded hours for the new period.

4.2 If the recorded hours are less than the standard hours for an accounting period then the deficit up to 11.1 hours (11 hours 6 minutes) may be reduced by loss of annual leave at the rate of 3.7 (3 hours 42 minutes) hours to a half day's leave or carried forward to the next accounting period and subtracted from the recorded hours for the next accounting period. Normally any further deficit will be recorded as unpaid leave but exceptionally, and subject to prior authorisation by line management and the Deputy Director, Expert Services and People, it may be discounted by loss of annual leave or carried over.

4.3 An excess of recorded hours over standard hours up to 37 hours may be carried over and added to the recorded hours for the next accounting period. Any remaining excess will normally be lost. If, however, exceptionally, an employee is unable to take leave as planned because they are required by management to work and thus has an excess of more than 37 hours, they may, with a written explanation of the reason approved by line management and the Deputy Director, Expert Services and People, carry over more than 37 hours.

5 Credits for absence

- 5.1 The actual hours of working attendance as recorded by the employee will be supplemented as appropriate by authorised credits given by management.

- 5.2 Credits will be recorded, if authorised, for absences such as:

- Annual leave, sickness absence, special leave, privilege leave or official (public, Bank or privilege) holiday.
- Official duty away from the office.
- Time spent on training courses, day release, etc.
- Absence for industrial relations activities authorised under the terms of the Facilities Agreement
- Adverse weather conditions and interruption of Public Transport. Line managers should discuss the situation with their employees and must only give time credits if there are road closures en route to the office or a prolonged interruption to public transport and all options for the employee to carry out alternative useful work have been considered and ruled out. Where possible, employees should plan ahead to

mitigate for adverse weather. Smart working and the use of laptops by all staff (once fully rolled out) will assist with such planning.

- 5.3. For full-time employees, a whole day credit of 7.4 hours (7 hours 24 minutes) should be recorded for each day of industrial action (adjusted according to normal working pattern for employees who work part-time or compressed hours). A deduction from pay will also be taken for the time employees are contracted (or agreed hours on a rota where this is applicable) to work on the day of industrial action.
- 5.4 Credits for a whole day will be recorded as a standard working day of 7.4 hours (7 hours 24 minutes) and for a half a day as 3.7 hours (3 hours 42 minutes).
- 5.5 Unless start or finish times are apparent (e.g. from the time of a meeting away from the office), credits for part of a day will be related to a notional standard day from 08.36 to 17.00 with a lunch break of 1 hour. Credit for an authorised absence at the beginning of the day will start from 08.36: at the end of the day it will finish at 17.00; and if the lunch break is included it will be counted as 1 hour.

6 Flexi credits for time off to attend medical (including IVF/fertility), dental or hospital appointments

- 6.1 When an employee has to attend a medical (including IVF/fertility), dental or similar appointment which cannot be arranged outside working hours, they should arrange it to take place at the beginning or end of their normal working hours whenever possible. Line managers need to agree the appropriate credit time for such an appointment. These flexi credit arrangements will also apply to IVF fertility appointments.
- 6.2 Disabled employees are able to take reasonable paid absence during working hours for rehabilitation, assessment and treatment necessary because of their impairment under the provisions of the Equality Act 2010. (See the [Disabled Employee Special Leave Policy](#) and Procedures).

7. Recording the absences

- 7.1 Flexi credit will not be needed for any appointment which takes place at a time either in the morning or afternoon that would allow an employee to reach the workplace at their normal time. If they arrive or leave the workplace shortly after or before their normal working hours, then they are only able to claim the period of time up to the time that they would normally arrive or leave.
- 7.2 When an appointment cannot be arranged at the beginning or end of the normal working day, and an employee has to leave work to attend an appointment and returns afterwards, then credit may be given for the whole absence. If an employee travels to an appointment from home because it is not feasible to come to work first and then attends their normal place of work a credit should be given. The credit can be worked out from the time of appointment or from the time they would normally arrive at the workplace (whichever is the latest) If an employee travels from the workplace to the

appointment and returns home directly afterwards, time should be credited from the time of actually leaving the office to the end of the appointment, or to the time that they would normally leave the office (whichever is the earliest)

- 7.3 The employee will be expected to report/return to work if at all possible. If they do not attend or advise that they are working during that day without good cause then any absence would be treated as an 'unauthorised absence'.
- 7.4 Medical/dental and urgent optician appointments should be recorded on an individual's record sheet or flexi sheet as a credit, but they should not be regarded as sickness absence. Line Managers are entitled to request and have sight of appointment cards. In accordance with para 40 of the [Attendance Management Policy](#), if a medical appointment takes up part of the day but as a result of the appointment the employee is unable to attend work for the rest of the day, the appointment should be covered by a flexi credit as above and the part-day absence treated as outlined in para 31 of the [Attendance Management Policy](#),

8. Overtime arrangements

- 8.1 Overtime, as authorised by line management, is quite separate from flexible hours and will continue to be recorded separately.
- 8.2 When employees are working overtime, whether indoor or outdoor, they will sign off flexible hours working (on their flexi sheets) at a time that must have been agreed in advance with their line manager. Any further time worked will be recorded under current overtime arrangements. When employees are working paid overtime, they may still accumulate a deficit on their hours up to the permitted limit. Employees who are in flexi deficit up to the permitted limit (see 4.2) above may work overtime. Where it has been agreed that paid overtime hours can be worked, those hours cannot also be used to reduce a deficit.
- 8.3 Where paid overtime is not available, employees may be able to take time off in lieu (including any premium) as an alternative. Excess hours that are to be recorded on flexi sheets and taken later as time off in lieu, must be authorised in advance as is the case with paid overtime.
- 8.4 If on any day employees work longer than their conditioned hours and also travel, the extra working hours are added to the total of their weekly working hours for overtime purposes and the travel time qualifies for time off in lieu. ***No period of time qualifies for payment of both overtime or weekend premium and time off in lieu. (Equally, no period of overtime counts as flexi time).***

9. Travel time

- 9.1 Travel time is time spent travelling on official business outside conditioned hours and an appropriate amount of time off in lieu will be granted. Time off in lieu should be claimed as a flexi credit. Travel time covers time spent travelling before 0830 Monday

to Friday, after 1700 Monday to Thursday or after 1630 on a Friday, and any time spent travelling on a weekend.

- 9.2 Time spent on official travel within conditioned hours, or normal flexible working pattern is counted as ordinary work and additional time off in lieu will not be granted.

10. Application of FWH

- 10.1 Employees in WG will by default work FWH but individual employees may request to work regular (fixed) hours, or may be required to as a result of business need or the outcome of a disciplinary case. Where there is a known business need to work regular hours, this should be made clear in the job advert.
- 10.2 For these employees the hours of attendance will be: Monday to Thursday 0830 to 1700, Friday 0830 to 1630 and will be subject to normal management control. These employees will not need to keep individual records of attendance.
- 10.3 Any part-time employee wishing to participate in FWH should discuss it with their line manager and HR Business Partner and negotiate individual arrangements with the Corporate Shared Service Centre.
- 10.4 The Flexible Working Hours scheme is available to any WG employees working in London and the following hours will apply: Standard hours are 36 hours a week, 7 hours 12 minutes a day, 3 hours 36 minutes a half day and 144 hours an accounting period.
- 10.5 Employees who have continued to work regular hours may transfer into the FWH scheme at any time. Requests to transfer out of the scheme will only be considered in the event of a change in circumstances which cannot reasonably be met within the existing scheme.
- 10.6 Abuse of FWH is considered to be a breach and line managers should take every opportunity to prevent possible abuse. Persistent or serious abuse should be reported to the appropriate HR Case Advisor and may result in disciplinary action being taken against the employee concerned.
- 10.7 Employees should not be on duty merely to build up time or when there is no work to be done. In such situations the maximum hours of attendance should be a standard day of 7 hours 24 minutes.

11. Recording of attendance and credits

- 11.1 Hours of attendance, hours carried over and credits will usually be recorded electronically, but may still be recorded manually on the forms provided if the employee wishes.
- 11.2 Only hours worked between 0600 and 2000 will be recorded for the purpose of FWH.²

² Travel time is to be recorded in the credit time section of the Flexi time sheet.

12. Review

- 12.1 This Agreement is subject to the Welsh Government Partnership Agreement and should not be amended without the consent of both sides of the Partnership Forum. It may be terminated at the request of either side subject to the expiration of a period of 6 months' notice.

Dated April 2019

THE WORKING TIME REGULATIONS

The main provisions of the Working Time Regulations (1998) can be summarised as follows:

- Workers cannot be required to work for more than 48 hours a week on average (a week being 7 days). The average weekly working time is normally calculated over 17 weeks
- Workers can agree to waive their right not to work longer than an average of 48 hours by signing an "opt-out" agreement
- The 48 hour limit does not apply if a worker can decide how long they work
- Working time includes business travel, job related training and time spent abroad working but does not include travelling between home and work or lunch breaks (unless it's a working lunch)
- **If a worker is required to work for more than 6 hours at a stretch, they are entitled to a rest break of 20 minutes. The WG's policy is that all employees should take a minimum of 30 minutes for lunch.**

The WG's specific duties under the Regulations are:

- to take reasonable steps to ensure that employees comply with the 48 hour limit on average working time;
- to keep records to show that the 48 hour limit is being complied with and
- maintain up to date records of all workers who have signed an opt-out agreement.

WORKING TIME REGULATION OPT OUT AGREEMENT

TO OPT OUT OF THE 48 HOURS LIMIT ON AVERAGE WEEKLY WORKING TIME

I hereby agree that the 48 hour limit on average weekly working time shall not apply in my case. This agreement is dependent on the following provisions being met (e.g. I will not be able to work during the weekend period):

I understand that this agreement commences on:

and is for an indefinite period*/will end on:

**delete as appropriate*

but I can terminate it after giving seven days *[or insert a period of notice up to three months]* written notice of my intention to do so. *[You may also wish to specify a date for review of the agreement, e.g. the date of a performance check-in].*

To be signed by the employee Signed: Name (printed): Division/ Directorate:	To be signed by the employee's line manager Signed: Name (printed): Division/ Directorate:
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One copy of this form should be retained by the individual concerned and one copy forwarded to the relevant HR Business Partner. The original should be retained by his/her line manager.

WORRIED ABOUT LONG HOURS? A CHECKLIST FOR MANAGERS

What's the problem?

Sometimes we have to work long hours to keep on top of our work or deal with a crisis. Indeed, some people thrive on working long hours and derive a great deal of satisfaction from their work. In the short-term this is tolerable, but it is important to be aware of the potential problems of working long hours. Combined with other factors, working excessively long hours may result in some or all of the following:

- Reduced performance and motivation due to "burnout."
- Work related stress or illness
- Increased risk of mistakes and accidents

As managers, we have a duty of care to our employees. This includes ensuring that they are coping with the demands of their jobs and not working long hours persistently. Our senior managers in every Group are working with HR Advisers to identify the reasons for long hours at work, and ExCo receives regular reports on what is happening across the WG. However, we need the support of all managers in working with employees to tackle working long hours day to day.

The Law:

The main provisions of the Working Time Regulations (WTR) are:

- * Employees cannot be required to work for more than 48 hours a week averaged over a 17 week period.
- Employees can only work beyond these hours by signing an opt-out agreement. Opt-out agreements are voluntary and can be retracted at any time.
- Where an employee's working day is more than six hours, they are entitled to a rest break of 20 minutes.
- Employees aged 15-18 should have at least a 30 mins break if their working day is longer than 4 ½ hours.
- Employees aged 15-18 should not usually work more than 8 hours in a working day.
- Working hours records must be kept to show that the limit on the maximum weekly working time is complied with and that these records are kept for two years **.

Managers may be personally liable for actions or omissions which breach the Working Time Regulations if they have not taken reasonable steps to tackle long hours working.

** An employee may work for more than 48 hours in any given working week provided that the average weekly working time calculated over a 17 week reference period does not exceed the prescribed 48 hours a week limit. This means that you may work for more than 48 hours in any particular week or weeks as long as the average working time calculated over the prescribed 17 week reference period is not more than 48 hours per week averaged over the 17 week reference period.*

The calculation of working time does not include time spent undertaking routine travel between home and the workplace or time spent on lunch breaks. To constitute working time, a person must be working and carrying out his or her duties and at the WG's disposal.

*** HMRC regulations require employers to keep sufficient records to be able to demonstrate they are meeting national minimum wage obligations and stipulate a minimum of six years ([NMWM12020 - Records, evidence, powers and offences: records - HMRC internal manual - GOV.UK](#)).*

So, what can be done about long hours working?

- Managers should set an example by not working long hours themselves unless absolutely necessary.
- Think before allocating work. Can the employee take on additional work? What are the deadlines - and are they reasonable? In what way does the work link to business plans and in what order of priority? Consider renegotiating deadlines or reprioritising other work
- Ensure working hours are recorded. **As a minimum** any additional hours worked must remain within the WTR limits. Employees should be reminded about completing an opt-out agreement if they wish if WTR limits are likely to be exceeded.
- Encourage employees to talk openly if they feel under pressure and/or stressed. Place working hours as a standing item on team meetings and discuss during performance check-ins. Talk about what is giving rise to long hours working and why and encourage people to come up with ideas and solutions. Agree action plans to resolve the position.
- Think creatively about adopting more flexible working patterns in teams.
- Ensure annual leave is taken and carry-forward of extra hours minimised.

- Ensure lunch breaks and rest periods are taken, and dissuade people from working at their desks whilst having lunch.
- Encourage employees to make use of their 'wellbeing' time. See [Wellbeing pages](#) for further guidance
- Consider overnight stays when a significant amount of driving is involved following meetings in other locations.
- Think about relevant courses for employees who may need to improve their time management skills or would benefit from attending courses to reduce stress.
- Don't encourage "presenteeism". Encourage a culture that recognises contribution and achievement, not attending work whilst unfit to do so.
- Avoid calling meetings before 1000 and after 1500, or at lunchtime where possible.

Further advice and guidance:

Further advice and guidance is available in the form of comprehensive policies and procedures on flexible working and working hours generally (see below). If these policies don't assist you further help is available from the Shared Service Helpdesk on 0300 025 5454

In addition, the Occupational Health Team can help if you are concerned about the impact long hours working may be having on yourself or a work colleague. Their [intranet](#) pages offer a range of support, guidance and further links. The [TUS](#) are also a good source of advice and support for employees who are union members.

Intranet site:

Special Interest pages

- Flexible Working and related policies
- Health, Safety & Wellbeing /Occupational Health

What's new

- Long hours working
- Working hours (including flexible working)
- Annual leave
- Special leave
- Parental leave
- Disabled Employee Special Leave
- Part time working and job share
- Driving policy
- Health & safety and occupational health sites
- Wellbeing Hour

