Chapter 11: Working Hours and Patterns, Time Recording and Flexitime

1. About this Chapter

1.1 This chapter sets out the general principles for managing attendance in the House of Commons Service.

1.2 This chapter contains information on:
- working hours
- time recording and flexitime
- flexible working (which includes statutory and non-statutory flexible working and other working patterns, such as part-time working)
- contractual and occasional home working
- what to do when there is a severe disruption to travel.

2. Introduction

2.1 The normal weekly full time net hours (excluding breaks) are as follows:
- SCS: 36
- Bands A - E: 36
- Catering staff: 36.5

2.2 The contractual hours you are required to work are set out in your letter of appointment and subsequent variations. In addition to their normal net hours, SCS staff are expected to work such additional hours as may from time-to-time be required.

2.3 Overtime hours are any pre-authorised hours which exceed normal net weekly full time hours, which have been authorised for payment or TOIL. Details on overtime payments are set out in chapter 9.

2.4 You should also be aware that there are legal requirements which impact on working hours. These are explained in chapter 5.

3. Time Recording

3.1 All staff in the House and Commons are required to record their working hours.

3.2 Time recording enables staff and their managers to monitor and manage:
- Contractual working hours, additional hours and working patterns.
- Peaks and troughs of work
- Annual leave and flexi-leave
- Working time requirements, including average weekly hours and rest breaks during and between working days.
3.3 Information about the House time recording system may be found at the following Intranet link: House of Commons Time Recording

4. Flexitime

4.1 Not all types of work in the House are evenly distributed through the month or year. There may be periods of higher operational demand and activity, when longer working hours are required, interspersed with lower operational demand.

4.2 The Flexitime policy gives managers and staff greater freedom to manage hours of work so that they are better aligned to the business needs of the House. It also recognises that it is easier for staff to have a good work/life balance if there is some flexibility to organise their working lives to suit their personal needs and caring responsibilities.

4.3 Information about the operation of flexitime may be found at the following Intranet link: Flexitime.

5. Flexible Working

5.1 Employees have a statutory right to request flexible working and this right was extended to all eligible employees with effect from 30 June 2014. Flexible working allows an employee to adapt their working schedule rather than complying with the standard work schedule of their peers. Flexible working can bring benefits to both the individual and the House.

Eligibility

5.2 All staff of the House can make a statutory request for flexible working once they have completed 26 weeks’ service. Staff may make one statutory request per year. Section 4 details the procedures to follow. Information on the flexible working policy may be found at the following Intranet link: Flexible working.

5.3 Employers must consider statutory requests in a reasonable manner. If you make such a request your Line Manager will consider it sympathetically, taking into account the demands of your work and the impact on the business or your colleagues. You should follow the flexible working procedures outlined below. Staff should be aware that management may refuse requests where there are long-term issues around performance, discipline or attendance, but only on business grounds (see paragraph 6.14).

5.4 All job vacancies advertised within the House of Commons Service are open to staff who work part-time or job share unless there is a sound business reason to the contrary.

Flexible working arrangements

5.5 If a statutory request is agreed, this will result in a permanent change to your contract, unless agreed otherwise. Your manager may however ask that you complete a trial period before the flexible working arrangement becomes permanent. Once permanent it cannot be changed without
further agreement. However, there may be occasions where your consent may be sought by the House. Any potential consequences of a failure to agree any changes will be clearly explained to you.

5.6 If you wish to work flexibly for a short period, usually no more than 6 months, your manager may be able to agree this with you informally, rather than you making a formal request.

5.7 Flexible working patterns or arrangements may involve:
- a change in the number of hours you work per week
- a change to how your contractual hours fit into a weekly pattern
- a change in your place of work for part or all of the week

5.8 There are many different ways of working flexibly. The following are some examples:

- **Part-time**: employees work less than the basic full-time contractual hours for that type of work. (can be part day, part week, part year)
- **Flexitime/variable hours**: employees are given some flexibility around their working hours subject to business requirements.
- **Compressed hours**: employees work their total number of contractual hours over fewer working days. Typically a full-time employee will compress a five-day week into four days or a 10-day fortnight into nine days
- **job share**: employees work fewer than the standard full-time hours and share the responsibilities of one full-time employee with another employee
- **home working**: employees carry out all or more than half their duties in their own homes
- **working from home**: employees carry out a proportion of their duties (less than half their full contractual working week) in their own homes either on a formal, regular basis or on an ad-hoc basis agreed with the Line Manager
- **annualised hours**: the employee’s contractual working hours are expressed as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout this period (usually to fit in with the peaks and troughs of work or personal commitments outside work, e.g. where an individual wishes to commit to a period of higher education)
- **term-time working**: taking unpaid periods of leave during school holidays or contracts which require attendance only during sitting periods
- **Partial/phased retirement**: there is no set retirement age but employees may opt to reduce their hours rather than fully retiring. Please see chapter 26 of the Staff Handbook and the Government website.

**Absence Cover**

5.9 Normal arrangements for covering absence apply. However, if you are working a flexible pattern of hours, you may be asked (with reasonable notice) to change these in order to provide cover in the event of prolonged absence of a colleague.

**Working compressed hours**

**Pattern of attendance**
5.10 Your working pattern should be agreed with your Line Manager. However, you may, with the agreement of your Line Manager, make ad-hoc adjustments to this pattern.

5.11 Similarly, your Line Manager may require you to make ad-hoc adjustments to your working pattern to meet business requirements, e.g. changes to sitting patterns or attendance on a training programme. Where this is necessary, your Line Manager will give you reasonable notice.

**Pay and pension**

5.12 Your pay and pension are unaffected by working compressed hours, providing the total number of hours you work has not changed.

**Overtime**

5.13 If overtime is necessary, the normal rules apply. Please see [chapter 9](#) for further information about overtime.

**Part-time work arrangements**

5.14 Staff who work part-time will not be treated less favourably than a full-time worker unless this treatment can be objectively justified (i.e., it can be shown that it is necessary and appropriate to achieve a legitimate business objective). If you think that you have been treated less favourably you may ask your Line Manager for a written statement giving you the reasons for this treatment. If you do not receive a response or wish to take the matter further please contact your HR Adviser for advice.

**Rate of pay**

5.15 The amount you will be paid will be based on your net hours of work in relation to the net hours worked by a full-time member of staff. Please see [chapter 12](#) for leave allowances for part-time staff and [chapter 9](#) for payments for working extra hours when you work part-time.

**Pension implications**

5.16 For pension purposes, your benefits will be calculated using your full-time equivalent rate for pensionable pay and by counting your reckonable service on the basis of the time you actually work. This method allows periods of full-time and part-time service to be added together, and you are not disadvantaged if you move to part-time working in the run up to your retirement. For example this means that a premium scheme member who works full-time for 10 years followed by half-time for 10 years, will earn 15 years reckonable service towards their pension (10 years for full-time work plus five years for half time work, all based on full-time equivalent salary). Please see [chapter 27](#) for more information relating to the pension schemes.
6. Formally requesting a flexible working pattern

Statutory rights
6.1 The Children and Families Act 2014 gives the right for employees with 26 weeks’ continuous service to request flexible working.

6.2 You must therefore have been continuously employed by the House of Commons Service for 26 weeks or more in order to request flexible working.

Applications for flexible working

6.3 Employees may make one application every 12 months. Each year runs from the date the application was made.

6.4 There is no statutory procedure for handling flexible working requests. However the process, from making the request to your Line Manager notifying you of their decision, should be completed within three months, including any appeals. This may be extended by mutual agreement. In order to ensure fair and thorough treatment, the House has adopted the process below, which includes illustrative timescales to ensure the statutory time limit is met.

6.5 Applications for a statutory right to flexible working must be made on the Statutory Right to Request Flexible Working application form. The form and guidance can be obtained from your HR Adviser and may be found at the following Intranet link: Flexible Working.

6.6 If the request involves working from home, you should still complete this form but please ensure that you read this policy in conjunction with the home working policy and guidelines in section 7 below.

6.7 When completing the application form, you should explain what effect, if any, you think the proposed change would have on the work of your Team and you must set out the reasons why your proposal would be compatible with the business needs of the House. This does not mean you are expected to know every factor that might have an influence, but you should be able to show that you have considered matters likely to have an effect on the performance or delivery of the business of the House. You must include suggestions on how you think any such effect might be addressed. You are not obliged to give the reasons for your request, but setting these out will normally be helpful.

6.8 Your Line Manager will invite you to a meeting to discuss your application, normally within 14 days. You will receive seven calendar days’ notice of the meeting.

6.9 At the meeting you may, if you wish, be accompanied by a fellow employee or trade union representative. This companion may:

- put your case
- sum up your case
- respond on your behalf to any view expressed at the meeting
- confer with you during the meeting
They may not:

- answer questions on your behalf
- address the hearing if you do not wish it
- prevent your employer from explaining their case

6.10 When discussing the matter with your Line Manager at the meeting, you should be prepared to be flexible. Your Line Manager may ask if there are any other working patterns that you feel you could adopt as an alternative to the one proposed in your application, or they may suggest another start date or the operation of a trial period for the new working pattern. A trial period allows both you and your Line Manager an opportunity to review how the arrangements work in practice, and whether or not they are likely to create any practical difficulties for the local work area or for the business as a whole. Before embarking on a trial period, you and your Line Manager should agree to extend the statutory time limit under the flexible working procedure (unless the trial period will be completed within the three-month decision period).

6.11 A decision will be given promptly after the meeting, bearing in mind the overall three month timescale. Your request will either be agreed, partially agreed, or refused.

6.12 If your request is agreed, you will be notified in writing and given a variation of contract to sign. The new working arrangements will not normally start until this formal sign off is complete.

6.13 If your application is only partially agreed or refused, you will receive an explanation for this and you will be informed of your right of appeal; see 6.14 below.

**Grounds for refusing a statutory flexible working request**

6.14 An application can only be refused on business grounds. If your request has been refused your Line Manager will write to you providing one or more of the business reasons for refusal outlined below, along with an explanation as to why it applies to the circumstances of your case. The grounds on which an application can be refused are:

- extra costs which will damage the business
- the Team will not be able to meet customer demand
- an inability to reorganise work among existing staff
- an inability to recruit additional staff
- the detrimental impact on quality
- the detrimental impact on performance
- a lack of work during the periods that you propose to work
- planned changes to the workforce

**Appeals**

6.15 Applicants may appeal to their Line Manager’s Manager against a decision not to agree to a statutory flexible working request.
6.16 Any appeal against a decision not to agree to flexible working must be made on the Flexible Working appeal form and should be submitted to your Line Manager’s Manager within 14 working days of receipt of the written notification of the decision. The form and guidance can be obtained from your HR Adviser and may be found at the following Intranet link: Flexible Working.

6.17 The appeal:

- Will normally be heard within 14 calendar days of receipt of the notice of appeal, unless both parties agree otherwise. You will be given seven calendar days’ notice of the meeting.
- Will be heard by your Line Manager’s Manager. Alternatively, the countersigning Manager may delegate the hearing of the appeal to another senior member of staff who was not involved in the consideration of the initial application.

6.18 At the appeal meeting you may be accompanied by a fellow employee or Trade Union Representative. Please see paragraph 6.9 above for a full explanation of their role at the meeting.

6.19 You will normally be informed of the outcome of the appeal in writing within 14 calendar days after the date of the hearing. If the appeal is upheld the written decision, which must be dated, will:

- include a description of the new working pattern
- state the date from which the new working pattern will take effect

6.20 If the appeal is dismissed the written decision, which must be dated, will:

- state the grounds for the decision
- provide an explanation as to why the grounds for refusal apply in the particular circumstances

6.21 The appeal decision is final and there is no further internal right of appeal.

Withdrawal of an application for flexible working

6.22 Applications for flexible working will be deemed to have been withdrawn if you:

- notify your Line Manager in writing
- without reasonable cause, and on more than one occasion, fail to attend a meeting to discuss the application or a meeting to discuss an appeal where the application has been refused

6.23 Except where you have provided written notice of the withdrawal of an application, your Line Manager will confirm the withdrawal in writing.

Record keeping of flexible working requests

6.24 HR must keep copies of all applications for flexible working and the responses to those applications on your personal file. This includes papers relating to appeal hearings. Papers will also be retained on your personal file for a period of six years and made available to you on request.
7. Home Working

7.1 Home working is a general term which covers various alternative working patterns in which staff use their home as their main or subsidiary place of work either contractually or on an ad-hoc basis.

7.2 Home working, along with other alternative working arrangements, can benefit employees but it is not an automatic right. It requires careful consideration by both the Line Manager and the employee before an agreement is entered into. Home working is a flexible working arrangement but, because of additional considerations, such as health and safety and security requirements, the policy and procedures are laid out in more detail.

7.3 The following guidelines should be read in conjunction with the flexible working procedures outlined above in section 6. This policy should be read in conjunction with the procedures on safeguarding official information in chapter 23. Please note: You must seek authority from your Line Manager before taking sensitive data away from the Parliamentary Estate. If you are in doubt as to whether data is sensitive always check with your Line Manager before removing it from the Estate.

Regular, contractual, working at home

7.4 This applies when a formal arrangement is in place, approved and authorised by your Line Manager in consultation with the Business Management Director, and the HR Adviser where appropriate, as a permanent or time limited variation to the contract of employment where the employee works some time at home and some time on the Parliamentary Estate. Managers should note that where the employee works three or more days at home, the home is considered the primary workplace and so must comply with the Health & Safety at Work guidelines.

7.5 Long-term, contractual arrangements require significant organisation and maintenance. Managers and Business Management Directors must consider the nature of the work, the proposed working arrangements, the qualities and skills of the employee and the impact on the employee’s colleagues.

7.6 Employees must consider the following when considering home working:

- **Mortgage and tenancy agreements**: employees planning to work at home must inform anyone with an interest in their property of their intention to work from home. This includes mortgages, contents/building insurers and landlords. The employee should ensure their home is not subject to terms, conditions or covenants which prevent them from working from home.

- **Insurance and liability aspects**: the introduction of a home working arrangement could increase the cost of home contents insurance. Employees should check with their insurers before arrangements begin.

- **Tax implications**: employees may be able to claim tax relief on ongoing wear and tear and/or additional running costs under Schedule E expense rules. Further advice can be obtained from the tax office (see chapter 9 for contact details for the tax office).
Reasons for contractual working at home

7.7 An employee whose work comprises some face-to-face contact with colleagues, Members and/or customers and some time for tasks best carried out in isolation (such as reading, report writing, research) may be based jointly at home and in the office. The agreed split will be stated in their contract.

7.8 An employee whose work can be carried out at home with no face-to-face contact with colleagues, Members and/or customers may be based totally at home but will still be required to attend essential meetings, performance reviews, discussions and learning and development activities as required.

Suitability of contractual working at home

7.9 It is not possible to provide a definitive list of occupations suitable for home working. However, research indicates certain job characteristics lend themselves to home-based working. These characteristics include:

- a high degree of written work rather than manual work
- work performed on an individual basis or with clearly defined areas of individual work that has clearly defined objectives and is not subject to sudden changes of priorities
- work that has clear performance measure indicators
- work that does not require frequent input from colleagues or Managers
- work that does not require central paper-based filing systems

Procedures for contractual working at home

7.10 Regular contractual working from home must be approved by your Line Manager, normally following consultation with an HR Adviser.

7.11 Requests must be made on a Flexible Working’ application form. The form and guidance can be obtained from your HR Adviser and may be found at the following Intranet link: Flexible working and home working

7.12 Answers to the questions on the request form should demonstrate that you have carefully considered:

- the differences arising from working from home
- the impact on working from home on your work, colleagues and the Team
- the date on which you would like to begin home working
- the period of time you wish this arrangement to continue

7.13 Your Line Manager or, if necessary, their Manager, will make the decision on whether a request to work from home can be accommodated. All contractual home working arrangements are to be subject to at least a one month trial period and thereafter kept under regular review. In the case of statutory flexible working requests, your Line Manager may choose to agree to an
extended trial period of up to six months, in accordance with House of Commons Service standard practice.

**Occasional working from home**

7.14 Where a member of staff may wish to work from home because they need a quiet, uninterrupted environment or there is an informal agreement that work may be carried out at home from time-to-time, such arrangements do not require formal home working agreement. However, the arrangements must be agreed with the Line Manager. When considering these requests, Line Managers and staff involved must still take into account health and safety and security arrangements.

**Reasons for occasional working from home**

7.15 You must get the agreement of your Line Manager if you wish to work from home. This should be for one of the following reasons:

- You are completing a particular report/project with a deadline and require an uninterrupted work environment.
- You are experiencing occasional difficulties with travel arrangements due to public strikes or adverse weather conditions. Please see section 8 below on what to do when there is severe travel disruption.
- Other ad-hoc circumstances at the discretion of your Line Manager.

**Suitability of occasional home working**

7.16 Managers, in consultation with the HR Advisers, where appropriate, should take into account:

- The requirement that a full day’s work is needed to earn a full day’s pay. Work carried out at home should be completed to the same standard and within the same timescales as that which is carried out in the workplace. Managers should be fully aware of the work that is to be carried out.
- The absolute need to maintain confidentiality and abide by data protection requirements
- The responsibility to safeguard information. See chapter 23 for guidance on the protection of sensitive information away from the Parliamentary Estate
- The need for safe working practices to be in place and checked
- The suitability of the person, their job and their home (circumstances)
- Any costs to the House and additional burdens to colleagues.

7.17 Different working arrangements can allow you a greater input into how your working life is arranged. However, you must consider the following when considering making a request as you will be expected to:

- Be as flexible as possible in altering working arrangements to meet short-term emergencies or to attend meetings and learning events.
- Be as flexible as possible in altering working arrangements to meet short-term emergencies or to attend meetings and learning events. If these activities need to be
arranged on a ‘home’ day, then this could be exchanged for a workplace day. Journeys made to the Parliamentary Estate cannot be claimed as travelling expenses.

- keep your Line Manager informed of progress against agreed objectives
- allow reasonable access to the home for security and health and safety purposes
- follow normal procedures for reporting accidents/incidents
- follow normal procedures for reporting absence and annual leave as well as notification of health visits during working hours, for example, doctor, dentist, hospital or antenatal appointments, during working hours
- Discuss with your Line Manager and agree equipment, health and safety and security issues, Coach and Focus arrangements and other details of the agreement.

7.18 Only in exceptional circumstances and with permission from your Line Manager will you be permitted to work on sensitive restricted Information away from the Parliamentary Estate. See chapter 23 for guidance on the protection of sensitive information away from the Parliamentary Estate.

8. Severe Travel Disruption Policy

8.1 This section sets out what is expected of you during periods of severe travel disruption, e.g. severe weather or disruption to local transport.

**General position when public transport is disrupted**

8.2 You are expected to make every reasonable effort to get to work during a transport emergency, such as industrial action or during severe weather, but you should not place yourself or others at risk by doing so.

8.3 The House recognises that this will be difficult for some people depending on circumstances, such as where you live or your state of health. The need to spend extra time travelling and/or stay overnight will be shared as evenly as possible although the attendance of some people is more crucial than others.

8.4 There are some tasks in the House which are essential and must be covered even when getting to and from work is difficult. Your Team may establish which tasks are essential and form a rota of people to carry them out. Other Teams may designate certain staff ‘essential’.

8.5 Whatever method is used, the designation of essential staff is likely to vary with the nature and duration of the emergency. If you are uncertain of where you fit in, speak to your Line Manager.

8.6 If your Line Manager is satisfied that you have taken all reasonable steps to reach the office but have been unable to do so, and cannot work from home, they may at their discretion approve your absence on full pay.

8.7 If you are unable to come to work as your child’s school or nursery is closed or your usual carer is unable to get to you and you have no other child carer or caring facility, then you may ask for caring leave.
8.8 The severe travel disruption policy is on the Intranet at: [Severe travel disruption policy](#)

8.9 The policy and procedure on reimbursement of travel costs and expenses during several travel disruption can be found in [chapter 10](#).

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