

Hours of Secondment, Overtime, Allowances & Flexible Secondment Arrangements

We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non written format.

Hours of Secondment, Overtime, Allowances & Flexible Secondment Arrangements Policy

POLICY PURPOSE AND APPLICABILITY

This policy provides advice and guidance to managers and secondees of Wheatley Solutions on their, [Hours of Secondment, Overtime, Related Allowances and Flexible Secondment Arrangements](#).

This policy applies in respect of all Wheatley Solutions secondees with a secondment agreement. It does not apply to agency workers or the self-employed.

Wheatley Solutions is committed to the principle of the right balance between secondment duties and a secondee's life commitments. Wheatley Solutions recognises that there are mutual benefits to flexible secondment arrangements implemented.

It is accepted that individuals perform best when they can balance their secondment responsibilities with the rest of their lives. The purpose of this policy is to provide managers and secondees with guidance on the application and management of their hours during secondment, to ensure compliance with legislation and in accordance with the secondment arrangements.

Wheatley Solutions is focussed on improving healthy lives and as such does not expect secondees to carry out an excessive number of hours and will comply with the Working Time Regulations (WTR). All secondees must be able to balance the demands of their home and their secondment duties.

Wheatley Solutions recognises that having an Hours of Secondment, Overtime, Allowances and Flexible Secondment Arrangements Policy will help ensure compliance with the provisions of current legislation and covers:

- Section A Definitions Pages 2-3
- Section B Hours of Secondment Pages 3-4
- Section C Overtime Pages 4-6
- Section D Attending secondment duties on a public holiday Pages 6-7
- Section E Allowances Page 7
- Section F Flexi-time Pages 7-8
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For additional policies relating to families and time off please see the [Wheatley Solutions Time Off and Special Leave Policy](#) and [Wheatley Solutions – Family Friendly Policy](#).

SECTION A – DEFINITIONS

Term	Definition
Hours of secondment	Your agreed hours of secondment, either weekly or monthly.
Legislation	WTR which details the minimum daily and weekly rest periods, annual holidays and a limit on the secondment week to an average of 48 hours over a 17-week reference period and restrictions on night duties.
On-call	Secondees who are available on-call to provide flexible cover as needed during a given time period during above their normal secondment duties.

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Systems	The recording of all hours, breaks, holidays, sickness, overtime etc.
Flexi-time	An agreement whereby a secondee conduct their duties above their weekly / monthly hours on a varying basis.
Overtime	Any hours conducting secondment duties over and above the secondee's normal hours per week.
Additional Hours	Any hours carrying out seconded duties over and above the secondee's normal hours per week.
Rest day	During a secondee's secondment week one day is allocated as a rest day, this is normally the first day that the secondee is not required to attend their place of secondment.
Free day	Non-secondment days, other than the first allocated "rest" day are designated as free days.

SECTION B – HOURS OF SECONDMENT

The standard full time hours of secondment have been harmonised for all Wheatley Solutions secondees at 35 hours per week and can be carried out "5 over 7" days a week Monday to Sunday.

The normal secondment week will be conducted over a maximum of 5 days including Saturdays and Sundays, if required. The standard hours may be conducted over any reference period to cover flexible secondment arrangements in accordance with current legislation.

The annual hours for standard full time hours equates to 1885 hours, anything less than this will be classified as part-time.

Senior managers, directors and executives are required to conduct their duties in the hours necessary to meet service demands. Their notional standard hours for reckoning pay for standard full time hours are 35 hours per week.

Secondees will not be expected to carry out their secondment duties in excess of 48 hours as stipulated in the Working Time Regulations. In circumstances where planned overtime is required, individuals who are willing to carry out seconded duties in excess of the average 48 hours per week and where legislation applies, will be requested to sign a [WTR opt-out form](#) (available from Employee Relations) to show their agreement to carry out such hours.

Meal breaks are unpaid and details of when they may be taken should be agreed with the manager in each area. All persons who conduct secondment duties over 6 hours on any day must be allowed to take an unpaid break of at least 20 minutes (this is usually included in the secondee's meal break). Young persons (who are aged between 18 -21) are entitled to a 30-minute unpaid break after 4 ½ hours seconded duties. These conditions are in accordance with the WTR legislation.

All secondees are entitled to a minimum daily rest period of 11 hours and a rest period of 24 hours in a 7-day period, or 48 hours in a 14-day period unless there are objective, technical or service delivery reasons which prohibit the taking of such a break.

Recording hours of secondment

It is the policy of Wheatley Solutions that all secondees must clock in and out to record their actual hours of secondment duties.

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If a secondee carries out secondment duties during unsociable hours, as overtime and additional hours they will be required to complete and submit the relevant forms recording the hours which are supplementary to their standard hours of secondment.

It is the responsibility of each secondee that they clock in and out in accordance with Flexi-time arrangements (covered later in this policy) or core secondment time. Secondees must also complete and submit accurate records of any additional hours that exceed their normal weekly secondment hours and this must be authorised by the relevant manager. It is the manager's responsibility to ensure that submitted forms are checked for accuracy prior to authorisation and forwarded to WS – Payroll for payment in relation to overtime and additional hours' / allowances payment claim.

It is Wheatley Solutions policy that secondees must not clock in and out for other colleagues and must not complete and submit claims for overtime or additional hours / allowances on a secondee's behalf. In accordance with [WS – Disciplinary Policy](#), falsification of records is considered an act of gross misconduct and may reasonably justify a summary dismissal by the employing organisation.

SECTION C- OVERTIME

Overtime defined

Overtime is defined as secondment time in excess of normal secondment hours in the same role and at times outside of the secondee's normal secondment arrangement, as required by the Wheatley Solutions.

The use of overtime should be minimised wherever possible. Where such hours are deemed essential in order to maintain service delivery and customer excellence, managers must ensure that the necessary cover is provided, in the most cost effective manner; having due regard to issues of safety, continuity and quality of customer excellence and/or operational efficiency.

The allocation of overtime will be based on Wheatley Solutions need to cover unexpected absences, increases in demand or where it is necessary that a specific task or project is undertaken outside of the normal secondment arrangements.

Wheatley Solutions is committed to ensuring that secondees have a healthy balance in their lives and to improving the secondment environment of all secondees. All overtime will be considered in accordance with current legislation obligations and consideration given for secondee's welfare and well-being.

Overtime must be authorised in advance by the relevant manager / director.

Managers should follow the principles outlined below in deciding whether overtime should be used. Where overtime is deemed necessary, the principles of this Policy will apply.

Allocation and authorisation of overtime

Overtime is voluntary and for the purposes of this policy is secondment hours in addition to the secondee's normal secondment arrangements.

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Additional time of less than ½ hour in any one day will not be eligible as overtime. All overtime over ½ an hour in any one day will be accumulated each week for purposes of completing and submitting an overtime claim form for payment.

Overtime must be authorised by the appropriate manager / director and in advance of the additional secondment duties carried out (except in the event of unforeseen circumstances and / or unexpected demands).

Following the overtime completed, appropriate managers must sign the individual's [WS - Overtime Claim Form](#) to authorise payment of overtime.

Overtime is not normally authorised if a secondee is currently on restricted duties or during a phased return / rehabilitation period due to sickness absence, unless, our Occupational Health doctors advise differently.

Secondees may not be granted overtime whilst absent from duty due to annual leave and/or time off in lieu.

Where a secondee has agreed to authorised overtime, they must give reasonable notice if they are subsequently unable to carry out the agreed hours. Wherever possible, a minimum 24 hours' notice should be given so that managers can make alternative arrangements for cover.

Where a secondee, without good reason and/or authorisation from the relevant manager, cancels or changes an overtime shift with less than 24 hours' notice, they may not have overtime authorised for the next 4 weeks. This includes those who attend for duty and then subsequently, declare themselves unfit to continue with their secondment duties.

Managers and secondees must ensure that the principles of WTR legislation, in particular, average secondment time must not exceed 48 hours per week; including overtime (unless an opt-out waiver agreement has been signed) and there must be a break of 11 hours between shifts. This is calculated over a reference period of 17 weeks. In order to ensure compliance, secondees must notify line managers of any additional hours conducted with an opt-out form.

Overtime payments

The payment rates will be paid to secondees under SCP 39, where appropriate: -

<i>Allocated overtime</i>	<i>Overtime payment</i>	<i>Qualifying conditions</i>
Overtime on rest days	Double time	Minimum of 2 hours calculated at double time
Overtime on public holidays	Double time + Plain time or Double time + TOIL	All secondees including those who are night-shift finished the following day
Overtime prior to normal secondment hours	Double time	*Within 8 hours and outwith 2 hours prior to normal start time
Overtime on Sunday into Monday	Double time	Overtime commences 12noon on Sunday and finishes 12 noon on Monday (night-shift)
Overtime on free days	Time and a half	Minimum of 2 hours calculated
Overtime with less than 24 hours' notice	Time and a half	All secondees including those who are night-shift finished the following day

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Any other overtime	Time and a half	Minimum of ½ half calculated
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The rate of pay for the overtime should be confirmed with the secondee's line manager before overtime hours are authorised.

For overtime on a Sunday, a designated rest day or on a public holiday, payment shall be at double time rate. On Sunday or a designated rest day, a minimum payment equal to 4 hours at single time rate shall be made except in cases where the day is of a casual supervisory nature, when actual hours of overtime shall be paid at the rate of double time.

*Where a non-shift secondee is allocated overtime at a time which is more than 2 hours before normal starting time, the rates payable for all hours of overtime after midnight shall be double time plus any additional premium up to 0600 hrs. From 0600 hours until normal starting time will be paid at Double Time.

Overtime payments for secondees at SCP 39 and above, but under SCP 57, where appropriate: -

Note: The maximum payment rates for overtime calculations that a secondee can claim is capped at SCP 39: -

<i>Allocated overtime</i>	<i>Overtime payment</i>	<i>Qualifying conditions</i>
Overtime on any day, other than a Sunday, rest day or public holiday	Time and a half	Minimum of 2 hours calculated at double time
Overtime on a Sunday, designated rest day or public holiday	Double time	All secondees including those who are night-shift finished the following day

It is considered that a secondee receiving a salary of SCP 57 or above will not be entitled to overtime payments. It is Wheatley Solutions expectation that secondees at this level will fulfil their duties in the hours deemed necessary to meet service demands.

Note: Payment for overtime may not be made for any duty in respect where a subsistence allowance is paid.

TOIL

Time off in lieu can be taken as an alternative to overtime payments. Time off in lieu will be accrued at plain time.

SECTION D – ATTENDING SECONDMENT DUTIES ON A PUBLIC HOLIDAY

A secondee who is required to conduct their secondment duties on a public holiday (between 2000hrs and 0800hrs the following day, in the case of a night-shift) as part of the secondment week shall, in addition to the normal pay for the day, be paid: -

<i>Public holiday</i>	<i>Additional pay</i>	<i>TOIL</i>	<i>Conditions</i>
<i>Option 1</i>	<i>Plain time</i>	<i>1 day or ½ day</i>	<i>TOIL is dependent on hours accumulated</i>
<i>Option 2</i>	<i>Double time</i>	<i>none</i>	<i>For hours accumulated</i>

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Where a secondee has been employed by a Group subsidiary prior to 1 April 2016 and a public holiday falls on their shift pattern arrangement and it is a rostered day off they will be entitled to be paid: -

Public holiday	Additional pay	TOIL	Conditions
<i>Option 1</i>	<i>Plain time</i>	<i>none</i>	<i>For hours accumulated</i>
<i>Option 2</i>	<i>none</i>	<i>1 day</i>	<i>TOIL is dependent on hours accumulated</i>

Where a secondee was employed by a Group subsidiary after 1 April 2016 and a public holiday falls on their shift pattern arrangement and it is a rostered day off they will be entitled to the following: -

Additional pay	TOIL	Conditions
<i>none</i>	<i>1 day</i>	<i>TOIL is dependent on hours accumulated</i>

Note: the allocation of overtime payment and / or TOIL will be authorised at the discretion of the appropriate manager and will be dependent on operational demands. This will be discussed with the secondee in advance of any additional secondment hours agreed.

SECTION E – ALLOWANCES

Wheatley Group provides a 24-hour service to our customers and Wheatley Solutions is no different where some secondees may be required to carry out their secondment duties in the evening, at night, over the weekend and on general public holidays. In recognition and appreciation of this these secondees will receive an enhancement in addition to their basic pay, such as on-call, night and shift allowance.

These allowances are agreed locally and if applicable, details will be provided in the secondee's secondment agreement.

SECTION F – FLEXI -TIME

Some areas of the business operate a flexi time system. Secondees will have flexibility over their start and finish times, within defined core hours.

Core hours

Secondees are required to be present at their place of secondment during the agreed "core hours" which operates over 5 days per week, Monday to Friday.

General guidance for core hours is:

Morning: 10:00am – 12:00pm

Afternoon: 2:00pm – 4:00pm

With a minimum meal break of 30 minutes which is unpaid.

The total flexi-time available will be from 08:00 hours to 18:00 hours (a total of 10 hours).

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It is the responsibility of each individual secondee to ensure that any relevant departmental notification procedures are followed, when operating flexi-time around the set core hours.

Carry forward of flexi-time accumulated

Flexi-time hours accumulated during a specified 4 weekly periods may be carried forward into the next 4 weekly periods, however the maximum hours carried forward is 14 hours, equivalent to 2 normal secondment days (pro-rata for secondees with a normal secondment week which is less than 35 hours or where a secondee carries out their secondment duties in compressed hours).

Also secondees and managers should ensure that no more than 10 hours owing or accrued should be accumulated in any one month (pro-rata for secondees with a normal secondment week which is less than 35 hours or where a secondee carries their secondment duties in compressed hours). Any additional hours accrued will normally be forfeited if they are in excess of these parameters.

Flexi-leave

Where service delivery demands permit, a secondee may request a maximum of 2 flexi-leave days during any 4 weekly periods (pro-rata for secondees with a normal secondment week which is less than 35 hours or where a secondee carries out their secondment duties in compressed hours).

Flexi-leave will be granted at the discretion of the appropriate manager and will dependant on departmental commitments and demands.

Restrictions

It is considered that a secondee receiving a salary of SCP 57 or above will not usually be entitled to flexi-time or flexi-leave and will be required to conduct their duties in the hours necessary to achieve service demands.

Customer Service Centre

The Customer Service Centre operates a 24/7 operation and individuals who are seconded to carry out duties under a secondment arrangement, their core hours are agreed locally within the Wheatley Hub.

As with any leave, business demands dictate whether flexi-leave can be taken. Secondees who conduct their secondment duties by flexible secondment arrangements will be expected to ensure that the appropriate levels of staffing are in place prior to starting and leaving their place of secondment.

Ceasing or changing flexible working arrangements

Ceasing or changing a flexible working arrangement will only be made in consultation with our recognised trade unions, with adequate notice (a minimum of 4 weeks) provided to employees who are affected. Should this be the case, employees will revert back to the organisations normal working hours or the agreed new flexible working arrangement.

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Note: It is the senior manager's responsibility to determine and set the specific hours of secondment duties for the department (following consultation and agreement with the appropriate representatives).

SECTION G - FLEXIBLE SECONDMENT ARRANGEMENTS

The aim of this section of policy is to set out our position in relation to flexible secondment arrangements and to explain how we deal with flexible secondment requests.

Purpose and applicability

Wheatley Solutions offers a number of flexible working arrangements, together with other provisions, committed to the principle of the right balance between work and life commitments.

It is accepted that individuals perform best when they can balance their work responsibilities with the rest of their lives. The purpose of flexible secondment arrangements is focussed on improving healthy lives and making more flexible opportunities available to employees, to suit their domestic commitments.

Application to request flexible secondment arrangements

Flexible secondment arrangements are available to all secondees.

In order to make a request, a secondee must:

- ↑ have at least 26 weeks' continuous service at the date when the application is made;
- ↑ not be an agency worker;
- ↑ not be a member of the armed forces;
- ↑ not have made an application for flexible secondment arrangements in the past 12 months

Applications must be in writing and are limited to only one application per year. Changes may be on a permanent or fixed term basis, as agreed by the manager and secondee. This change will then remain in effect for that agreed duration. A secondee therefore needs to carefully consider all the implications, including financial, of changing their working arrangements and which working pattern will best suit their present and future needs.

Within 28 days of receiving a request the manager should arrange to meet with the secondee to discuss the request, and, if unable to accommodate the request, explore alternative solutions.

Within 14 days of the meeting, the manager must then write to the employee, either confirming the new work pattern and start date, or giving clear reasons why the request cannot be accommodated. An appeals procedure should also be included. An employee can appeal against this decision within 14 days of being notified of it.

All time periods can be extended providing both the manager and secondee agree. This should be in writing.

Please note you are only able to make one application every 12 months.

Effects on pension benefits on reduction of secondment hours

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Note: Anyone requiring advice before changing their secondment hours is advised to contact their Pension Provider directly.

What sort of flexible secondment arrangements you can apply for:

You can apply for a change to your secondment hours, your place of secondment (i.e. request to work from home for part of seconded hours) and/or the times when you conduct your secondment duties.

Any changes will be permanent, although in a minority of cases we might agree to a temporary change.

We will consider applications for any pattern of secondment, such as:

↑ Part-time secondments	Secondment hours less than 35 hours per week, this could involve a later start time and earlier finish time, fewer secondment days or any other secondment arrangement
↑ Compressed hours	Normal secondment hours of 35 hours per week over fewer secondment days, such as 4 days
↑ Role-sharing	This involved two secondees carrying out secondment duties which would normally be done by one secondee
↑ Shift-arrangements	This is typically secondment hours operated over morning, afternoon, night-shift, rotating and may provide continuous service over 24 / 7
↑ Term-time	Normal secondment hours carried out during school term time – please refer to W.E benefit on the Group's intranet for further information on how to make an application.

Note: The table of flexible secondment arrangements provided above are examples and are non-exhaustive

Our approach to flexible secondment requests

We recognise that flexible secondment arrangements can help us recruit and retain the best secondees. We will try to accommodate flexible secondment requests where this fits in with the needs of our service delivery. We will take all requests seriously and give them fair and proper consideration. All requests will be judged on the basis of their impact on our service demands.

How to apply for flexible secondment arrangements

If you meet the minimum qualifying criteria, and wish to make an application, you must submit your request in writing to your manager for consideration.

Note: please refer to the Group's Intranet for term-time only contracts procedure and application offered under the W.E Benefit Scheme.

How we will deal with flexible secondment requests

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On receipt of your request we will do an assessment of the impact of your request. This may involve discussions with you and your team to discuss the practicalities of your request, as well as with the HR department and relevant managers. You have a responsibility to help us assess the impact on service delivery / efficiency and to help us look at ways of managing that impact where necessary.

Once we have considered your request we will arrange a meeting to discuss your application. This meeting will generally be held within 28 days of the date on which you made the application. You can be accompanied at this meeting by a certified trade union official or a colleague within any of the organisations within the Wheatley Group.

The meeting is an opportunity to discuss the proposed new arrangements in depth so that we can understand how they would operate in practice and their potential impact. It is also an opportunity to find solutions to any difficulties that might result from the arrangements, which might include considering alternatives. Where appropriate, we will also discuss arrangements for a trial period (see below).

Factors we will consider

When deciding whether or not to accept your application, we will consider a number of issues, including some or all of the following:

- your ability to carry out all of your duties
- the volume of secondment duties available for you to do
- your ability to provide a reasonable and reliable service
- your ability and the ability of your team to meet deadlines and respond to changes in demand
- your ability to be flexible
- the output of the team
- the team's ability to cover your secondment duties
- the secondment patterns of your colleagues
- the secondment duties of other teams and departments
- covering planned and unexpected absences when you and others are away
- how you will be supervised / managed
- our ability to monitor your performance
- the impact on our relationship with external contacts, including customers
- your management responsibilities, if applicable
- cost
- planned service delivery changes
- any planned structural changes or the ability to recruit and retain additional staff.
- health and safety considerations

Our priority will always be the efficient running of our service delivery and customer excellence.

Trial periods

Before agreeing to a permanent alteration of your secondment arrangements, we will normally aim to agree a trial period with you. The trial period is an opportunity for us both to test the arrangements to see if they will succeed in the longer term. It also gives us the opportunity to try different solutions for managing any difficulties posed by the new arrangements and to discuss any sensible adjustments.

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During the trial period, we will monitor how the arrangements are functioning and will hold regular meetings with you to discuss this.

The length of the trial period will depend on how long we think it will reasonably take to come to a sound assessment of whether or not the new arrangements would be successful on a permanent basis. This will depend on a number of factors, including your seconded duties and the type of secondment arrangement being trialled, but it will normally be between two and six months.

We will not make a final decision until near the end of the trial period, unless the new secondment arrangements are clearly not effective, in which case it will be necessary to end the trial period early.

During the trial period, your secondment agreement will change on a temporary basis.

Note: trial periods do not apply to Term-time only applications. Please refer to the Group's Intranet for term-time only contracts procedure and application offered under the W.E Benefit Scheme.

If we reject your request

If after careful consideration, we decide to reject your request (whether before or after a trial period), you will be confirmed of this decision in writing and we confirm our reasons for rejected your request. You will have the right to appeal against this decision and you should put in your written appeal to Lesley Wilkinson, Employee Relations Leader within 14 days of receiving our decision, stating the grounds on which you are appealing. We will arrange a meeting with you to consider your appeal and let you know the outcome.

If we reject your request after a trial period, you will need to revert to your original secondment arrangements. We will try to give you reasonable notice if this is the case.

Applications for flexible secondment arrangements can be refused only for the following reasons: -

- ↑ The burden of additional costs;
- ↑ Detrimental effect on ability to meet customer demand;
- ↑ Inability to reorganise secondment duties among existing colleagues;
- ↑ Inability to recruit additional individuals;
- ↑ Detrimental impact on performance;
- ↑ Detrimental impact on quality;
- ↑ Insufficiency of secondment duties during the periods the secondee is proposing;
- ↑ Planned structural changes.

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Note: In cases where the appropriate authorising manager is of the opinion that flexible secondment arrangements would not be appropriate a case must be made to the appropriate senior manager for a decision, before the secondee is informed of the outcome.

If we accept your request

If we accept your request, there will be a permanent change to your secondment agreement, unless we have agreed to a temporary change in your secondment arrangements. There may also be conditions applied to your new secondment agreements and these will be provided to you in writing when we formally accept your request (such as role-sharing arrangements, salary, annual leave entitlement etc.).

We will keep the new arrangements under regular review to monitor how they are operating in practice. You have a responsibility to help make the new arrangements be successful. This involves letting your manager know about any issues as soon as possible and doing whatever you reasonably can to manage the impact of the new arrangements on colleagues and customers.

Please contact the Employee Relations team if you require further information on Flexible Secondment Arrangements.
