



# PACTO

Pembrokeshire Association of Community Transport Organisations  
Cymdeithas Mudiadau Cludiant Cymunedol Sir Benfro

## Flexible Working and Special Absence Policy

### 1. Scope

This policy applies to staff and volunteers working *directly* for the charity known jointly as Pembrokeshire Association of Community Transport Organisations and Pembrokeshire Voluntary Transport. Staff and volunteers working for other community transport services and schemes which operate within Pembrokeshire are governed by their own policies and procedures.

### 2. Introduction

PACTO is committed to equality of opportunity in employment and fostering an environment in which employees can balance work and family life.

This policy covers the following issues:

- Time Off In Lieu
- Special Leave (Bereavement, Jury Service, Study Leave, Weather etc.)
- Maternity, Paternity, Adoption, Parental Leave
- Time-Off for Dependents and Flexible Working

### 3. Time Off In Lieu (TOIL)

#### 3.1 Purpose

The purpose of TOIL is for staff and PACTO to cope with the periodical pressures of work. It is not however a means for staff to getting extra days off.

Staff are entitled to the amount of time they work over their contractual hours back. Hence if someone stays two hours beyond their normal leaving time in order to finish a piece of work which they have been told must be completed that day, they can take two hours off at some later time. However, the extra time must arise from the specific requirements of the job, staff may not on their own initiative increase their working hours so that they can claim TOIL.

Any staff member who finds that they are consistently required to work over and above their contracted working hours should raise this issue with their Line Manager.

#### 3.2 Accumulating TOIL

There are five basic rules to the scheme.

- a) All TOIL arrangements must be agreed in advance.
- b) All instances leading to TOIL must be as a result of work which is necessary.

- c) The absolute maximum of TOIL that can be accumulated is one full week's contracted hours.
- d) TOIL should be taken as soon as possible after it is earned, and no more than one week's days TOIL may be carried between calendar months, unless in exceptional circumstances with the Line Manager's agreement.
- e) TOIL cannot be converted into pay. If staff are owed TOIL when they leave it cannot, like accrued holiday, be turned into a cash payment so it must be used up before the person leaves, otherwise they lose it. It is possible to ease this situation by extending their notice period e.g. they are due to leave on 31 March, they are owed five days TOIL, so they actually leave on the 31st but their contract terminates on the 5 April.

### **3.3. TOIL and Travel time**

Routine travel to and from work is not working time. Sometimes, however, staff may have to travel to a place other than their normal place of work. On those occasions whether or not they can claim TOIL depends on the length of time they spend travelling. Staff can claim TOIL if their travelling time is greater than their routine travelling time and working hours put together. So for instance, someone normally travels an hour to work, works for seven hours and has an hour's return journey back there is nothing to claim if their total travelling time to their destination takes 9 hours.

### **3.4. Training**

Training outside work such as evening classes or day release at a college does not count as working time and therefore does not accumulate TOIL. However, if staff training is required by PACTO and involves longer hours than their normal working hours then they can claim TOIL for the extra hours, provided this is approved in advance by the Line Manager.

### **3.5. Working at home over the weekend or in the evening**

If staff wish to work at home over the weekend or in the evening on their own initiative, they may not be able to claim TOIL for any hours worked over and above their contracted weekly hours. TOIL is applicable only where it is agreed in advance with the Line Manager that they will work at home in addition to their normal working hours (perhaps, during specified hours or in order to complete a defined task).

### **3.6 Leisure time**

Where staff travel for a conference or a meeting, leisure time does not count as working time and therefore does not accumulate TOIL. Leisure time is defined as any time when staff are not travelling or doing agreed work.

### **3.7 Recording TOIL**

Staff should keep their own running record of TOIL accumulated, e.g. using their diary or timesheets. Any TOIL taken should be recorded on the annual leave form.

### **3.8 Taking TOIL**

If staff need to claim TOIL as a result of working or travelling late, they should be encouraged to take TOIL first thing the following morning as this will enable them to get sufficient rest before coming to work. Where this is not possible because of other work commitments, they should organise the nearest time available to take TOIL, in agreement with their Line Manager.

Taking TOIL is subject to PACTO's discretion and therefore it may be taken only a time agreed with the Line Manager so that it does not interfere with other work commitments and service to customers.

### **3.9. Flexitime**

Where appropriate to their role, staff may work their hours flexibly, with agreement from their Line Manager. Staff working flexibly will be expected to manage their workload in accordance with their contracted weekly hours. This may be monitored during staff supervision sessions with the Line Manager.

## **4. Special Leave**

### **4.1 Bereavement**

5 days paid leave including funeral attendance will be granted in the event of a death of an immediate family member (spouse, co-habitee, children, sibling, parents, grandparents, father/mother-in-law, and by adoption). Should the need for additional paid leave arise, this should be discussed with your Line Manager and may be granted at the Trustees' discretion.

1 to 3 days paid leave, depending on whether travel is involved, will be granted to attend the funeral of a near relative, not included in those listed above.

In other cases, staff will be expected to use annual leave or accrued flexi-time to attend funerals.

If a staff member needs additional unpaid time off, this can be discussed with their line manager.

### **4.2 Court Witness / Jury Service**

If this arises from employment, the employee will be entitled to time off with pay. In other cases it will be without pay and loss of earnings should be claimed from the Court. Jury service will be granted as leave with pay, but you will be required to claim the Loss of Earnings allowance. PACTO will deduct an amount equivalent to the Loss of Earnings Allowance from the employee's pay; this should be claimed directly from the Court.

Time off for civil and other public duties should be discussed with line manager and trustees.

### **4.3 Study Leave**

Requests for Study Leave should be discussed with your Line Manager.

### **4.4 Religious Observance**

PACTO will be flexible with regard to employees' religious obligations. Your needs should be discussed with your Line Manager.

#### **4.5 Inclement Weather**

If you are unable to get to work due to inclement weather (for example localised flooding or snow), PACTO will aim to be flexible. Please contact your Line Manager to discuss the best option.

#### **5. Maternity**

As a pregnant employee of PACTO you are entitled to the following:

- paid time off for antenatal care
- maternity leave or shared parental leave
- statutory maternity pay (SMP) or statutory shared parental pay

PACTO follows statutory government guidance on Maternity leave, Maternity pay and provisions for supporting pregnant staff members.

#### **6. Paternity**

As an employee of PACTO, you may be entitled to Statutory Paternity Leave (SPL) and Statutory Paternity Pay (SPP).

PACTO follows statutory government guidance on Adoption Leave and Adoption pay.

#### **7. Adoption**

As an employee of PACTO, you may be entitled to any or all of the following:

- Ordinary Adoption Leave
- Additional Adoption Leave
- Statutory Adoption Pay

PACTO follows statutory government guidance on Adoption Leave and Adoption pay.

#### **8. Shared Parental Leave**

Shared Parental Leave (SPL) is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

PACTO follows statutory government guidance about who qualifies for SPL and Statutory Shared Parental Pay.

#### **9. Parental Leave, Time-Off for Dependents and Flexible Working.**

As part of the Employment Relations Act 1999, employees now enjoy additional statutory rights, Parental Leave, Time Off For Dependents and Flexible Working.

Requests to take advantage of these entitlements must be made in writing.

## **9.1 Parental Leave**

The purpose of parental leave is to look after a child or make arrangements for the child's welfare. Parents can use it to spend more time with their children and strike a better balance between their work and family commitments.

All parents with 1 year's continuing service with PACTO are entitled to 18 weeks unpaid leave per child during the period up to the child's 18<sup>th</sup> birthday. A member of staff who has previously used some of their parental leave allowance while working elsewhere must declare this to the Trustees when first requesting parental leave will be entitled to the remaining balance.

The leave must be taken in blocks of 1 week and part of a week will count as a complete week. The maximum leave entitlement per year is limited to 4 weeks per individual child, unless otherwise agreed by the Trustees. Leave taken in respect of a disabled child can be taken in days and it will be counted as days.

Both parents can qualify for parental leave providing that they are the natural parents and have parental responsibility or are adoptive parents of a child.

You must give at least 21 days notice stating when the leave is to start and finish. Leave may only be postponed if it is considered by management that it would unduly disrupt the service. In such case your Line Manager and Trustees will discuss with you the reasons for postponement and agree alternative dates for leave; this must be confirmed in writing within 7 days of the request of leave.

Annual leave will continue to be accrued during any period of parental leave. You will be guaranteed the right to return to the same job. If this is not possible, you may return to a similar position, which has the same or better status, terms and conditions.

## **9.2 Time-Off for Dependents**

Time Off for Dependents provides a right for employees, irrespective of their length of service, to take reasonable unpaid time off work to deal with unexpected or sudden emergencies, or to make long-term arrangements. These emergencies must involve a dependent. A "dependant" is defined as a spouse, cohabitee, child, parent, or anyone who relies on you for help or to make arrangements for the provision of their care. Dependants do not have to be living with you to fall under the scope of this policy.

You are entitled to up to 5 days paid leave per year to care for a dependant [N.B. there is no legal requirement to offer any paid leave for this]. Should the need for additional paid leave arise, this should be discussed with your Line Manager and may be granted at the Trustees' discretion. Additional leave, if required, will be usually unpaid.

The employee needs to inform and discuss with their Line Manager as soon as possible that time off is needed and the likely duration. However, it is recognized that in some circumstances the application will be made retrospectively.

### 9.3 Flexible Working

Legal provision for flexible working applies to all staff members with more than 26 weeks continuous service for PACTO, regardless of whether they have caring responsibilities. There is no automatic right to work flexibly but the law aims to facilitate discussion.

As an employee, you may request a change to the hours you work, a change to the times you are required to work or to work from home. This could include annualized hours, compressed hours, staggered hours, term time working, etc.

#### 9.3.1 Procedure for Flexible Working Requests

You must make a request for flexible working in writing. Only one application may be made per year under the right. An accepted application means a permanent change to your terms and conditions of employment.

PACTO has a responsibility to think carefully about your desired working pattern and to follow a specific procedure.

On receiving a Flexible Working Request, your Line Manager and a Trustee will meet you within 28 days to explore the desired work pattern in depth and discuss how best it might be accommodated. You are entitled to be accompanied at this meeting either by a colleague, friend or trade union representative.

The decision will be confirmed in writing within 14 days of the meeting either to agree the new working pattern and a start date or provide clear business grounds why the application cannot be accepted and the reasons why the grounds apply in these circumstances.

You have the right to appeal to any decision they do not agree with and this must be done within 14 days of being notified and in writing to the Chair of Trustees of PACTO. The appeal will be heard within 14 days of receiving the written appeal.

### 10. Monitoring and Review

This policy will be reviewed at least every two years, or more frequently if necessary to take account of changes in the organisation or legislation.

Signed: \_\_\_\_\_  


Signed: \_\_\_\_\_  


Date: 10/2/23