

Subject: National Records of Scotland Flexi-Time, Maternity Leave and Leave Policies

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Date responded: 12 October 2017

Information requested:

Flexi-Time/working - policy, procedure and rules, Maternity Leave - policy, procedure and rules and Leave (including annual/public/privilege) - policy, procedure and rules for National Records of Scotland employees.

NRS Response:

Staff in National Records of Scotland have Scottish Government terms and conditions of employment. Please find copies of all the policies requested below.

Flexible Working Policy

Flexible working covers a range of options designed to let you work in a way that suits you and the organisation's needs. Anyone employed by the Scottish Government or associated bodies can apply to work a flexible work pattern or flexibly in and across teams and locations.

If you wish to apply for formal or informal flexible working, you should talk to your manager. Options may not be suitable for all posts. They will consider your application while considering the needs of the department.

Any formal arrangements will result in a new contract of employment and you will need to apply officially to change your hours. Where hours have been altered a revised job description should be drawn up and objectives agreed at the outset. These should be achievable within your new agreed hours.

Formal changes can take up to 14 weeks to be considered, and this may be longer if any problems are found.

Any agreed change in hours will usually be permanent. You can formally apply for a change of hours only once in any 12-month period.

Changing your hours will affect your annual public and privilege holiday entitlement.

Application process

Once you have discussed your options, you should formally apply to your manager, stating the following:

- your current working pattern
- the flexible working pattern you're applying for - noting the hours and days you wish to work (excluding any lunch breaks)

- the date you wish the change to take effect
- if a previous application has been made and when
- whether your application is for caring purposes
- for home working, highlight which hours you will be working from home

Your application must be in writing (email or letter) and dated. You should explain what effect, if any, your request would have on business, and how this could be dealt with.

Senior civil servants should also advise the senior staff team of their plans.

If your application is approved by your manager, you will need to update eHR to formalise the request.

As a manager you should:

- advise the individual of the outcome
- agree the effective date of the change
- if relevant, make staff aware of the effects of working long hours

Your colleague will then need to update their own eHR record with their change of hours. The effective date is the first working day of the new pattern. They will also receive a new contract letter.

Refusing a flexible working request

A manager can only refuse an application on one or more of these business grounds:

- potential for additional costs
- adverse effect on ability to meet customer demand
- inability to reorganise work among existing staff
- inability to recruit additional staff
- adverse effect on quality
- adverse effect on performance
- lack of work during the periods the applicant proposes to work
- planned structural changes

You should discuss the reasons for refusing a request with your colleague and provide a letter of explanation, providing:

- the date on which the decision was made
- the business ground(s) for rejecting the request and why they apply
- details of the appeals procedure

The letter should clearly relate to the situation in the business area in which the applicant works.

Letters to rejected applicants in Bands A to C should be copied to the diversity team.

Letters to rejected senior civil servant applicants should also be copied to the senior staff team.

Appealing a refused application for flexible working

You can make an appeal within 14 days of receiving a refusal.

The appeal should be heard within 14 days of receipt of your letter of appeal. You can ask a colleague or union representative to attend the appeal meeting with you.

For reasons of fairness and independence, the colleague appointed to consider your case will not have been involved in the original decision (this will normally be your countersigning officer).

An appeal by a senior civil servant will normally be considered by a senior manager one grade above them who will not have been involved in the original decision.

The appeal decision

This will be issued to you within 14 days of the hearing.

Where an appeal is upheld, steps will be taken to enable you to put in place your flexible working pattern with your manager.

If an appeal is dismissed, you will receive a copy of the report prepared by the colleague who considered the appeal. This will explain the reasons for the decision.

There is no appeal procedure beyond the decision made by the appointed deciding officer.

If your appeal is dismissed, but you're still interested in job reshaping leading to partial retirement, you should email HR to discuss your options. Senior civil servants can approach the senior staff team.

Flexi Policy

Flexi Online and Flexible Working Hours (FWH)

Flexi Online automatically records all the time you work within our flexible working hours (FWH), which are Monday to Friday, 7am to 7pm. There are no 'core' hours that you must work. Each flexi period lasts four weeks.

See HR key dates for the flexi end date each month.

Lunch breaks and flexi

If you work more than six hours, you must take a continuous 30 minute break.

Working outside FWH

If you work outside set FWH (for example weekends and overtime), you should still use the system to record your time. You must agree these hours and how the time will be reimbursed with your manager before working them.

If your manager has agreed that overtime can be paid for these hours, see weekend working rules and rates for guidance on how to claim payment. No changes need to be made to your flexi record.

If your manager has agreed that you can take time off in lieu, see the section below on how to record an update on the flexi system (which will credit you with the hours). The weekend rules and rates guidance explains how to claim any premium payments for working Saturday, Sunday or a public holiday.

Tracking your time on the flexi system

You can build up a credit in your flexi account by working more than your standard hours. You can then take this credit as leave.

You can also carry a debit if you work less than your agreed hours.

Your maximum flexi credit and debit amounts

Full-time colleagues

For a standard 37-hour week, your maximum flexi credit is 29 hours 36 minutes (29.6 hours) per four-week period. This is equivalent to four days' leave.

The maximum debit you can carry is 11 hours 6 minutes (11.1 hours) per four-week period.

Part-time colleagues

To calculate the maximum flexi credit amount, use this formula:

- $29.6 \div 37 \times \text{normal weekly hours}$

Examples:

- working 18.5 hours per week: $29.6 \div 37 \times 18.5 = 14.8 = 14 \text{ hours } 48 \text{ minutes}$
- working 22.5 hours per week: $29.6 \div 37 \times 22.5 = 18 \text{ hours}$

To calculate the maximum flexi debit amount, use this formula:

- $11.1 \div 37 \times \text{normal weekly hours}$

Examples:

- working 18.5 hours per week: $11.1 \div 37 \times 18.5 = 5.5 = 5 \text{ hours } 33 \text{ minutes}$
- working 22.5 hours per week: $11.1 \div 37 \times 22.5 = 6.75 = 6 \text{ hours } 45 \text{ minutes hours}$

If you have an excess flexi credit balance

You cannot be paid for additional flexi hours worked. Your manager should work with you to prevent your flexi balance rising to an unacceptable level.

Modern Apprentices

There are legal limitations on the number of hours that can be worked by someone under 18 years old. If you are under 18, you should not work more than 8 hours a day or more than 40 hours per week. You should ensure you remain within these legal limits when using the flexi system.

How annual leave affects your flexi balance

If you work full time, then each full-day's leave gets a credit of seven hours 24 minutes, and a half-day's leave gets a credit of three hours 42 minutes.

If you work an alternative pattern, such as compressed or part-time hours, you will need an update equivalent to the hours you are contracted to work that day.

Who updates your flexi for public and privilege holidays

Credits are made centrally for these.

How do I remove a public holiday from my flexi record if I don't use it?

If you don't take a public holiday assigned in the flexi system because of local arrangements, you can delete the public holiday entry in the past from flexi:

1. Mitrefinch > Clock Card > Settings > choose the relevant week from the dropdown list (or use the Previous/Next week buttons).
2. Select 'Detail' for the relevant day > Hours tab > Delete (next to the PUB hours).
3. Please ensure either clockings or other hours are entered to replace this.

How do I add in a new/different public holiday?

Go to:

1. Mitrefinch (your employee details record)> Planned Absence > Add
2. Change the 'Absence code' to PUB.
3. Change the Start date / End date to the relevant dates.
4. Change 'When' to show either Full day or Either (for the half day)
5. Add a comment (optional).

Correcting a long-term deficit on the flexi system

If you spend time away from the office (such as long-term sick leave or maternity leave), you may get a Flexi Online deficit. So that you can be put back on the system properly, when you leave, your manager should:

1. Confirm with HR what your flexi balance was before you left.
2. Email the details to HR Help

Sickness and your flexi balance

If you miss a full day of work due to illness, you will get a seven hour 24 minute credit (or your contracted hours for that day). Your absence must be recorded on the eHR system.

If you work more than half a day then go off sick, no eHR update is needed. The hours you didn't work should be put through as a flexi credit.

Example: You normally work a standard 7:24 day. You work for four hours before going off sick. You would receive a flexi credit for 3:24.

If you work less than half a day then go off sick, you need to record a half-day sick absence on the eHR system. You should also record the time you worked on flexi. The difference between the time you worked and the half-day's hours should be a flexi credit.

Example: You normally work a standard 7:24 day. You work for two hours then go off sick. Update eHR with a half-day sick leave of 3:42 and you will get a flexi credit for 1:42.

Claiming time for a medical or dental appointment on the flexi system

You can claim flexi credit equal to the length of your medical appointment, plus travel time to and from the office up to the length of your normal working day.

Your credit will be less your normal home-to-office travel time if you don't come to the office before or after your appointment. You can only claim for authorised absences during normal working hours.

You should arrange medical appointments as early or as late as possible in the working day.

Absences and your flexi balance

You will receive flexi updates, depending on the type of absence you have taken:

Flexi update for an official absence

You'll get a credit for the total time worked. This will include time spent travelling, minus normal home-to-office travel time. It can also include time spent at working lunches.

Payment for travel time cannot be claimed as well as flexi credit.

Flexi update for union duties

Union members will get a credit equal to the duration of their absence.

Flexi updates for training events

You will normally get credits on the basis of:

- seven hours 24 minutes for a standard working day
- three hours 42 minutes for a half day
- or your contracted working hours for that day

If a training course takes longer than a standard working day, you may be given a total credit that includes travel time, minus your normal home-to-office travel time.

Flexi update for attending further education

Flexi time does not apply when you attend courses at college or university. You will receive an update for your contracted working day.

Flexi updates for detached duty

If you are on detached duty you are required to adopt the hours of the office to which you are posted.

Flexi updates for authorised health and safety activities

Safety representatives will get a credit equal to the duration of an absence for authorised purposes.

Flexi updates during transport disruptions or severe weather

You should make every effort to attend a place of work. This includes hot desking at your nearest Scottish Government building as appropriate or working from home.

If you can't attend work, a flexi update may be provided at your manager's discretion.

What happens to your flexi account if you leave your position

You may be able to remain on the flexi system or suspend your account, depending on what's happening to your post:

Transferring to another area

You will remain on the flexi system when moving between divisions. There is no need to transfer your balance.

If your new workplace is not yet part of the flexi system, your current manager should confirm your final balance with your new manager.

On secondment or going part time on medical grounds

You can suspend your Flexi Online account. It's best to ask your manager to email HR Help with your request for suspension.

Leaving the Scottish Government

If you have resigned or are retiring, your manager should notify HR Help of any flexi credit or debit likely on your final day.

You should try to reduce any credit or debit before leaving. However you won't be paid for any flexi credit in excess of 29 hours 36 minutes. Any flexi debit will be offset against any annual leave due or your final pay.

Maternity Policy

Compulsory, ordinary and additional maternity leave

You're entitled to take up to 12 months of maternity leave if you're pregnant. It doesn't matter how long you've worked for us beforehand.

This is made up of:

- 26 weeks of Ordinary Maternity Leave (OML)
- 26 weeks of Additional Maternity Leave (AML)

You can decide how much maternity leave you wish to take. But you must take at least two weeks of leave immediately after your baby is born. This is known as Compulsory Maternity Leave (CML) and is included in the OML period.

You aren't allowed to do any work for the Scottish Government during the CML period.

Maternity leave start date

Your maternity leave can begin any time from the start of the 11th week before the expected week of childbirth.

Your maternity leave period will normally begin on the date you've requested. The following are exceptions to this rule:

Absence due to childbirth before intended start date

If your baby is born before the date notified (or before you've notified a date), your maternity leave starts automatically the day after the baby's birth. This happens even if the birth takes place before the start of the 11th week before the expected week of childbirth.

You should tell HR Help of the actual date of birth and the originally expected date of birth as soon as possible. The MATB1 certificate given to you by your doctor or midwife provides evidence of both dates.

Absence for pregnancy-related reasons before intended start date

Your maternity leave will start automatically if you're absent from work due to a pregnancy-related illness after the beginning of the fourth week before the expected week of childbirth.

Your maternity leave will begin the day after the first complete day of pregnancy-related absence – even where this is before the date you'd originally requested as your maternity leave start date.

Changing your start date

You must notify your manager and HR Help of the new date at least 28 days before the new date, or 28 days before the old date, whichever is the earlier.

If it's not possible for you to give this much notice (for example your baby is born early), you should give as much notice as possible.

Resignation or dismissal before intended start date

You lose the right to maternity leave if you resign or are dismissed before the date notified (or before you've notified a date).

Maternity leave and annual leave

You can take annual leave directly before or after your maternity leave period, subject to your manager's approval.

Periods of maternity leave (Ordinary Maternity Leave and Additional Maternity Leave) don't affect your annual leave entitlement. You'll continue to accrue annual leave and maternity and the time off will count towards the qualifying period for the higher annual leave entitlement.

Public and privilege holidays

Public and privilege holidays continue to accrue during maternity leave.

You can take any public and privilege holidays that fall during your maternity leave at a later date. You should agree with your manager the dates that you'll take the holidays.

Maternity leave and sick absence

If you're absent before your maternity leave begins due to illness that isn't pregnancy related, you can take sick absence in the usual way.

Your sick absence can extend to the date of your baby's birth, or to your intended maternity leave start date, whichever is the earlier. You can also return to work from sick absence before your intended maternity leave start date.

Your maternity leave will start automatically if you're absent from work due to a pregnancy-related illness after the beginning of the fourth week before the expected week of childbirth.

See the maternity leave start date page for more about pregnancy related absences.

You won't be entitled to sick pay if you're ill during your Additional Maternity Leave (AML) period. But you can ask to stop your AML early if you're sick and wish the

usual absence management procedures to apply. You must return to work when the period of sick absence ends.

You should make a request to stop AML early in writing to HR Shared Services. The normal eight weeks' notice requirement will be waived.

Send this to:

HR Shared Services
F1 Spur
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

Usual sick absence rules apply if you can't return to work following maternity leave because of illness.

Maternity leave and your pension

Periods of Ordinary Maternity Leave reckon for pension purposes.

Periods of unpaid Additional Maternity Leave qualify, but don't reckon for pension purposes.

Added years or added pension

If you pay 'added years' or 'added pension' contributions you should contact the MyCSP pension service centre to find out about the impact of maternity leave on your benefits.

MyCSP is the scheme administrator for all Scottish Government pension schemes (including our associated bodies and agencies).

MyCSP
PO Box 2017
Liverpool
L69 2BU

Telephone: 0300 123 6666

Email: contactcentre@mycsp.co.uk

Email via government secure network: contactcentre@mycsp.gse.gov.uk

Maternity leave and performance appraisal

You'll have an annual performance appraisal if you work for more than three months of the reporting year.

If you've worked for less than three months because of maternity leave, you'll get the same performance appraisal marking as the previous year.

Performance appraisal markings are used to calculate your pay award.

Maternity leave and your SCOTS account

It is eRDM policy to remove the content from a user's home folder if they have not logged on for more than six months, and we run regular reports to identify these users.

However, when a member of staff is going off on maternity leave for longer than this, line managers should notify iTECS through iFix in order that appropriate action can be taken with the regards to SCOTS/eRDM accounts.

Request maternity leave

To request maternity leave, you must notify your manager and HR Help in writing via letter or email:

- that you're pregnant
- your expected week of childbirth
- the date you plan to begin your maternity leave

You must tell us of your intention to take maternity leave by the end of the 15th week before the expected week of childbirth. You may lose your right to begin your maternity leave on your chosen date if you don't give the required notice.

You must also send the original MATB1 certificate that your doctor or midwife gives you to:

HR Shared Services
F1 Spur
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

HR Shared Services will keep the certificate and will write to you within 28 days of receiving your notification and MATB1.

This will confirm your:

- entitlements
- maternity leave start date

- maternity leave end date

Leave Policy

How much annual leave do I get?

Our annual leave policy supports our commitment to helping you achieve a good work-life balance.

The annual leave year runs from 1 February to 31 January.

You are entitled to:

- five weeks' annual leave on joining
- six weeks' annual leave after five years' reckonable service

You are also entitled to a further 11.5 days of public and privilege holidays.

We provide the option to:

- carry over up to 10 days' untaken annual leave
- bring forward leave (in exceptional circumstances)
- apply for a salary advance before going on holiday

You are legally required to take at least four weeks of annual leave per leave year.

This is 20 days if you work a full-time standard working pattern. Public and privilege holidays count towards this total.

Flexible or non-standard working

If you work part-time, part-year, compressed hours or shifts find out more about your annual leave allowance in annual leave for flexible or non-standard working.

How annual leave is accrued

You begin to accrue annual leave from your first day of employment. Find out what counts as reckonable service towards the higher annual leave entitlement.

Your annual leave allowance will be adjusted to reflect the number of days served if you join or leave part way through the leave year.

Calculate annual leave for new colleagues

If you join part way through the annual leave year, your annual leave allowance for that year is calculated on a pro rata basis.

We calculate your annual leave allowance for the rest of the year using this formula, whether you work full or part time:

(Full-year allowance x calendar days left in annual leave year) ÷ calendar days in year

Example 1

You join on 21 November and work full-time. As a new entrant, your annual leave entitlement is five weeks (25 days) per year. There are 72 days remaining in the leave year (to 31 January).

$$(25 \times 72) \div 365^* = 4.93 \text{ days}$$

Your annual leave allowance is 5 days (rounded up to the nearest half-day).

Example 2:

You join on 21 November and work part-time (20 hours per week). As a new entrant, your annual leave entitlement is five weeks (5 x 20 = 100 hours) per year. There are 72 days remaining in the leave year (to 31 January).

$$(100 \times 72) \div 365^* = 19.72 \text{ hours}$$

Your annual leave allowance is 20 hours (rounded up to the nearest half-hour).

*Note: use 366 calendar days for a leap year.

Bring forward annual leave

We expect you not to go over your annual leave allowance.

In exceptional circumstances, you can ask to take up to two weeks of the following year's annual leave allowance in the current leave year. This is known as 'anticipated' annual leave.

Your manager must approve your request.

You must have enough leave left for the following year to be able to take the four weeks leave you're legally required to have each year. Public and privilege holidays count towards this total.

Recording anticipated annual leave

You should use the eHR system to deduct any anticipated annual leave from the following year's annual leave allowance.

If you don't have access to eHR, note the details on your annual leave sheet.

Carry over annual leave

You're legally required to take at least four weeks leave per leave year. If after that you have any untaken leave remaining, you can 'carry over' some or all of it to the next leave year.

You can carry over:

- up to two weeks leave automatically
- more than two weeks leave with your manager's approval (subject to business needs)

If you carry over more than two weeks annual leave, you must make sure you meet the agreed limits for the following leave year.

Recording details of a carry-over

You should use the eHR system to record details of any carry-over.

If you don't have access to eHR, note the details on your annual leave sheet.

Public and privilege holidays

We generally observe the public and privilege holidays below – 11.5 days in total.

Public holidays

- Good Friday
- Easter Monday
- May Day Holiday
- Spring Holiday Monday
- Autumn Holiday Monday
- Christmas Day
- New Year's Day
- the day after New Year's Day

Privilege holidays

- The Queen's Official Birthday
- Friday (pm only) preceding the Autumn Holiday Monday
- St Andrew's Day
- Boxing Day