

## CSO New Flex Award Survey Results overview

The Survey had a good response rate. It seems that both Legal Officers and Admin/Corporate/Support staff also participated.

Interestingly, there were non-members who participated in the survey. These responses are included to increase the scope of feedback received.

Generally, respondents clearly expect the union to gain a flex award that as closely as possible matches the ODPP Flex Award being mindful that the CSO Flex Award covers all staff, not just the Legal Officers.

This survey does cement the general feedback from members we've spoken to over the past few months.

Anecdotally, members have advised that gaining overtime approval is problematic on their team. This is somewhat evident by the comments provided by respondents on the Overtime questions.

Unfortunately, we are unable to determine which teams are facing hurdles with overtime approvals as members advice varies on overtime depending on their team. Some teams have no issue, other teams feel deterred from applying for overtime.

A summary of the survey results is contained in the following table.

PSA Member survey: Crown Solicitors Office – New Flex Award			
Question		Statistic	Analysis
4.	The current settlement period is four weeks. What length of settlement period would best suit you as a worker?	76.37% of respondents support Increasing the settlement period	Respondents seek to match the ODPPs 6-week settlement period or improve further for a 13-week settlement period
5.	Flex days are currently capped at 18 per flex year. Are you currently able to take your full entitlement of 18 flex days each year?	55.34% have difficulty in accessing the full flex entitlement depending on workload and time of year	44.07% - can take their full entitlement 45.76 % - can't take their full entitlement 10.17% answered other
6.	Do you agree that flex days should be capped at 18 per flex year?	87.64% do not agree flex days should be capped at 18 per flex year	Given the amount of forfeited flex time, workloads, and the restriction on block flex leave, respondents seek some form of pay for forfeited flex hours.

7	How easy is it for you to take a single flex day?	Options provided to respondents was a scale of 1 – 5.  1 being <b>“Very Easy”</b> through to 5 being <b>“I can rarely take a flex day”</b>	1. 21.05% 2. 22.81% 3. 31.58% 4. 14.04% 5. 10.53%
8.	The current agreement provides for one block of flex leave of up to 5days in a flex year (12 months) How easy is it for you to take this block flex leave?	Options provided to respondents was a scale of 1 – 5.  1 being <b>“Very Easy”</b> through to 5 being <b>“I can rarely take flex days in a block”</b>	1. 21.05% 2. 31.58% 3. 24.56% 4. 7.02% 5. 15.79%
9	The current number of flex days you can take during a settlement period is 2 days per four weeks. If the new flex instrument establishes an expanded settlement period (13 weeks), being able to take six (6) flex days in a block is being considered. Would you support being able to take up to six (6) flex days in a block?	Respondents strongly support increasing block flex if the settlement period increases to 13 weeks	89.29% - yes  10.71% - no
10	Do you think you will legitimately be able to take 6 flex days in a block?	Approximately 1/3rd of respondents do not believe they will be able to take a six day block of flex	68.42% – yes  31.58% – no
11	Do you have any comment on the ability to take flex days?	Comments provided below	

I often have too much time banked up in Annual Leave, so it is difficult for me to decide to take Flex when I am being also encouraged to use my excess leave (if you know what I mean). This conflict often has often left me hesitant to apply for the Flex leave. I have often ended up sacrificing accrued flex hours because they too are in excess.

The ability to take Flex at Christmas would be good but normally the Flex period has expired by the time we need to take Christmas leave.

Dependent on current workload, and if other staff taking leave etc. Working with a team where ratio of part time is greater than the permanent staff. Been denied leave due to part time "students" taking time off for exams

I usually take block flex days in conjunction with annual leave, particularly over the Christmas period, or if taking other leave for a period of more than two weeks. I work part time so seldom take single flex days, as it is difficult to juggle my workload on reduced days. Taking additional flex days usually requires planning around longer periods of leave.

Members should be encouraged to consider taking block flexes during the Christmas New Year Period. After years of work, I discovered this and then only was it possible to take my block flexes. If a 6 day block flex is allowed, the public holidays should not break the block flex period if they occur during the six day block an employee is taking. E.g. If the employee wants to take: 6 days flex from 30 December 2025 to 7 January 2026, the 1 January 2026 should not be calculated as breaking this block flex.

For the 6 day block flex to be work, there should also not be a cap on flex hours to be carried over to the next periods, otherwise employees will find that during busy periods, they accumulate flex hours but are unable to use it and have to forfeit what is above the max hours you can carry. Then when they want to use the block flex period, when things are not busy, they do not have enough hours to have a block flex without going into debit.

Removing the cap on the maximum number of flex hours you can carry over will allow flex hours accumulated during busy periods to be used when work is less busy and one is able to take flex leave.

It's not taking flex that is the main issue, it is all the excess hours that are forfeited beyond the 18 days. That time needs to be paid or accrued leave.

Our model should be identical to the DPP model. The PSA worked hard to obtain the DPP model and it should not rest until the CSO secures the same benefits.

More generally, we are getting busier and busier, which means there is less and less opportunity to take flex. That is one reason why we should be entitled to be paid out for hours we work in addition to our contract hours. It is another reason why we should be able to take more flex leave (because we constantly work more and more). However, to be given the opportunity to take flex leave, we should have longer settlement periods, but only if we can take more flex and we can roll over more flex.

There would be no point to larger settlement periods if we are not permitted to accrue more flex per year and take more flex per settlement period. So the question about the length of the settlement period depends on how much flex we can accrue and take per settlement period.

If the settlement period is increased to 13 weeks, the entitlement to flex days taken in that period should be increased to 8 days. There should also be the opportunity to take flex leave in a block of up to 5 days at least once in the calendar year. Flex should always be able to be taken at least 2 days in a row.

The ability to accrue flex should not be capped. Unless it is clearly written into the agreement that once an employee reaches that cap, they will be paid out (at an overtime or other increased rate) those additional hours worked. Employees should never have to forfeit flex because of capped entitlements.

I rarely accumulate excessive flex time. Once the maximum of 35 hours (for 5 days flex) is reached then all additional time is forfeited.

The only way I can take flex days easily is in a block, as then arrangements are made for my practice in my absence. I never take flex in any other way (but would like to)

It entirely depends upon the workload. If we are bound to taking flex days in settlement periods, it means that if we have a particularly busy period, we are unable to take the days in that settlement period, meaning it is harder to use up your flex. Ultimately, as we run a high volume practice, we often forfeit hours.

I hardly ever take flex days. I utilise flex to add on recreational leave (for example, when taking a two weeks off, I would take one day as a flex and 9 days as recreational leave). Otherwise, it is very difficult to find time to take flex leave.

Assuming the same annual cap, a longer settlement period (with a correspondingly higher settlement period cap) will always be better, as the inability to take the total annual cap comes about as a result of repeatedly missing the opportunity to take flex days in a whole settlement period; the shorter the settlement period, the greater the likelihood that a busy period of work will cover the whole of the settlement period and make it impossible to take flex days.

We should be allowed more than 6 days in 13 weeks - this amount would still mean A LOT of lost flex hours.

If flex days are accumulated based on excess hours, an employee should be able to take those hours as leave during that flex period in a block if that suits the employee in the amount of days they choose if they have the hours.

The constraints on being able to take flex when you are available, with a busy practice, means that it is practically very difficult to make use of the provisions. You are often left with having to take your flex at a time that doesn't suit you, just to be able to take it before you effectively donate your hours to the government

The current 4 week period makes it very difficult to take flex days when an entire month is busy - this leads to the loss of accumulated flex

My current role has significantly more flexibility than previously. As a solicitor in a litigation team, taking flex days was very difficult and I would almost always need to do some work.

Ideally, there should not be a cap on how many flex days one can take per flex year. If someone has accrued the time, and they are not getting paid for the time, then they must be able to take it as leave. Workers cannot be left without pay or leave in lieu for overtime.

Too many absences from work creates burden on colleagues and makes us less productive and hence less competitive with private firms

It's really hard to take flex days. I am currently discouraged from taking more than 2 days of flex leave at a time because of the limit on one 2+ day limit per year. I estimate losing roughly 20 hours per flex period. That is, almost 3 days of flex leave that I am not compensated for.

In my experience, flex days are just treated like part of our leave balances and are no easier to take than other kinds of leave. I have also found it very difficult to use all my flex days before the end of the flex year (especially as, in litigation teams, a lot of hours tend to be accrued in busy periods toward the end of the year, leaving fewer opportunities to use our excess flex balance before it expires)

It is difficult to take flex days during a busy four week period due to work requirements and as such flex expires. It would be helpful to have a longer block so that it is less easy for flex hours to expire when they can't be taken, and additionally it would be helpful being able to take more flex days in a block without a cap. For example if a block could be taken at multiple intervals in the year. Or for example not having a limit on a block in a year.

Inability to take flex days is a direct result of understaffing. I.e , if we had more staff in our team we could all take on slightly lower caseloads, so that we are not always working at 110% capacity, and would have a bit more flexibility to take an occasional days leave.

Our team is consistently the highest billing team, which is a reflection of the high rate of hours we work, which produces overwork and burnout.

Our work is high risk work, and our team members need to have the ability to take an occasional flex day for their mental health.

Taking them should be easy and flexible, with approval left to the discretion of supervisors taking into team / individual requirements

At the end of every flex period I have way over 35 hours and throw them all away. So much unpaid work

It depends on workload. Over such a long flex period, I'd imagine taking a day or so would be manageable but up to 6 in that period may not be feasible

I have found as a supervisor it is often quite difficult to take flex leave and leave in general because it generally falls on the supervisor to arrange for someone to look after their supervisees. When the team is busy (at times when people often need a bit of time off) it can be difficult to locate someone who has capacity to look after your supervisee/s.

This is an additional burden on top of trying to figure out when to take leave when you have a litigation practice which can be unpredictable at times. PMES results for PS&J have indicated high rates of burn out over the past year and I believe this is a substantial contributing factor.

I find it quite easy to take on average 1 flex day per settlement period, but it is very difficult to take a total of 18 over a year with only one block flex permitted during that time.

I tend to take them as I can see gaps but I certainly find it hard to plan ahead with them

<b>12</b>	Do you apply for overtime?	Possible responses were:	33.33% – Yes
		Yes	26.32% – No
		No	24.59% – Sometimes
		Sometimes	15.79% – Other
		Other (with comments)	

Would not be eligible - would have to work in own time. CSO only cares for legal staff not support

I work flexibly, so quite often work outside the usual flex bandwidth. I often work either additional hours or overtime, but seldom claim it, unless circumstances require me to work outside my usual working days. However I have not experienced any difficulty having additional hours (as I work part time) approved, on the times I do claim it.

I have not applied for overtime because I am concerned about the negative repercussions if I do. Seeking "approval" for overtime is difficult as it is hard to pre-empt when you might need overtime and cannot get approval before hand.

I mistakenly did not take overtime for a substantial amount of out of hours work, as I was unaware it was available.

very rarely, in exceptional circumstances

I apply for overtime on most occasions when I do work outside of the bandwidth; however, I have never applied for overtime for work done within the bandwidth, even when in excess of 7 hours for that day and even when already in flex surplus (i.e. when it is clear that I will be losing accrued flex in the rollover between settlement periods)

There is a sense that it is hard to get approval, so many of us often work without applying for overtime, unless we are in a hearing or have an obvious reason to request it. Meal allowances are hard to apply for and vary from team to team.

I don't work overtime

<b>13</b>	Do you apply for overtime in advance of working it?	Possible responses were: Yes No Sometimes Other (with comments)	23.08% – Yes 41.03% – No 30.77% – Sometimes 5.13% – Other
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I rarely apply for overtime. This year, I worked first because the matter was urgent and I needed to work during the public holiday and weekend. I forgot to apply for overtime as I was so focused on the urgency of the substantive matter. My director was very understanding as the matter came in on Thursday before Anzac Day (Friday) and submissions were due on Monday.

In advance like on the day?

<b>14</b>	How do you apply for overtime?	Possible responses were: Verbal conversation with my line manager Email or SMS my line manager Complete the CSO Overtime Approval application form Other (please specify)	28.95% – Verbal 47.37% – Email/SMS 10.53% – CSO Overtime Form 13.16% – Other
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Must email director

I have yet to have an overtime conversation or correspondence.

Input the hours worked as overtime in the MyWorkZone system (typically my line manager follows up afterwards to ask what work was involved).

N/a

Email my director

<b>15</b>	Is your overtime normally approved	Possible responses were: Yes	86.94% - Yes 0% - No
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		No Sometimes	13.51% - Sometimes  No comments were provided with this response. This is a flaw with the survey as Sometimes did not contain a comment box.
<b>16</b>	If you don't seek approval to work overtime, why not?	The responses are in a comment box. Feedback provided below.	
Largely because I know that Flex exists, and so I don't bother to raise the issue of overtime and largely the work I am attending to in any event is general operational work and not work of 'critical timing'.			
It is hard for legal support to get overtime			
Long process to go through			
Overtime scrutinized			
Yes, approval is require before working overtime. I would require approval from my direct manager the Legal Support Manager or the Team Director			
limited in the role			
The chore of preparing a justification for the urgent work. The potential for criticism as it will impact on budget			
Don't work overtime			
<b>17</b>	I would prefer for overtime i work to be paid as:	Possible responses were: Wages TOIL Combination wages/TOIL Accrue flex instead	50.98% - Wages 1.96% - TOIL 41.18% - Combination Wages/TOIL 5.88% - Flex
<b>18</b>	Do you have any other feedback on the new flex	The responses are in a comment box. Feedback provided below.	

	<p>industrial instrument in CSO?</p>	
<p>Your survey statement prior to question number 6, speaks of a "CSO Operating Model". I could not find a PSA News or Alert publication refers to such a thing. I wondered whether you were making reference to the "Flexible Working Framework" in our CSO Staff Manual? In any event, I have asked the question of my supervisor who alerted us to this survey and in the interim of her response I am submitting this survey now - as I am not sure whether I will be timed out if I do not.</p>		
<p>I don't currently have access to the new flex industrial instrument, so am unable to comment on it.</p>		
<p>Overtime is often worked under the guise of "flex hours". Because seeking overtime approval is awkward, you work longer hours in the 11 hour "bandwidth" in the hope you will at least get to take flex. Mostly that time is forfeited at the end of the month.</p>		
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<p>I don't currently have access to the new flex industrial instrument, so am unable to comment on it.</p>		
<p>I think it would be good if flex time was not forfeited after accumulating a certain amount of hours and overtime was was paid once the max amount of flex time was accumulated.</p>		
<p>Overtime is very rarely claimed or paid and the process of applying for it is very difficult.</p>		
<p>The new flex instrument does not account for the actual hours worked. Most days we are required to work more than our standard 7 hours, however overtime would not generally be approved for this as it is not after 6:30pm. This amount accrues quickly over time, and in particularly busy periods, flex will accrue over the 30 hour limit. This amount is therefore forfeited, which is always disappointing to see at the end of each settlement period. I strongly believe that flex hours should not be forfeited, and if they cannot carry over to the next settlement period, should be paid out. There should not be a cap on the number of days available to use flex leave. We work a high volume practice and should feel empowered to take our (earned) flex leave when we have accrued it. By removing a cap on the number of days that can be taken as flex, it would also resolve the issue of forfeiting leave. There are also significant discrepancies between how staff are paid overtime/when they are allowed to apply for it, and when they are entitled to meal allowances/other benefits.</p>		
<p>I appreciate the work that is being done to reform the flexible working agreement, and don't see any reason why CSO employees should accept less than what has been agreed to for the ODP.</p>		

If hours are worked they should not be lost just because the flex settlement period has ended. There should be consistency across the CSO about entitlements to overtime and meal allowances and not dependent on supervisors/directors.

It is just another way the CSO makes everything more difficult than it needs to be

I would appreciate some provision to arrive physically in the office later than 9:30am in the event that minimum "in office" days are ultimately mandated (with the understanding that I need to be online and available earlier). This would assist with the commute.

No.

I want to push for what has been awarded to the ODP, and it is my preference to raise a dispute if the CSO does not agree to such an arrangement in the near future.

ODP flex award seems much better than ours. I'd be very happy if we had the same entitlements

I think that it is important to be adequately compensated not just for hours (flex or overtime) worked over the standard 7 hours, but also if it is required to be early or late hours even if within 7 hours. For example, travel or conferences may need to be required very early in the morning or late at night and that should also be adequately compensated for.

Don't know enough about it to comment.

It gives us even less entitlements than we already have, increasing the flex window just means that we will be forfeiting even more flex leave and then not even be entitled to any overtime for those hours. Almost every flex period I have accrued over 35 hours flex leave which then gets forfeited. We should have the same entitlements as the ODDP now do and be paid for any flex time forfeited as overtime. There should be no limits on how many blocks of flex leave can be taken per flex year and the number of days we are able to take significantly increased.

Flex days shouldn't be capped.

Overtime should be more readily available and not require Director sign off prior to doing overtime it can be hard to know ahead of time especially with court commitments and long inquest

Re question 17, I am happy to speak to someone but do not have much else to add

My situation regarding overtime at the moment is a bit abnormal as I'm a secondment at an inquiry. Overtime is the norm and the only issue with getting it approved has been budgetary concerns at the host agency rather than any concerns regarding the CSO.

TOIL never ever works. Ever. You usually end up losing the time







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<p>I would appreciate some provision to arrive physically in the office later than 9:30am in the event that minimum "in office" days are ultimately mandated (with the understanding that I need to be online and available earlier). This would assist with the commute.</p>
<p>No.</p>
<p>I want to push for what has been awarded to the ODP, and it is my preference to raise a dispute if the CSO does not agree to such an arrangement in the near future.</p>
<p>ODP flex award seems much better than ours. I'd be very happy if we had the same entitlements</p>
<p>I think that it is important to be adequately compensated not just for hours (flex or overtime) worked over the standard 7 hours, but also if it is required to be early or late hours even if within 7 hours. For example, travel or conferences may need to be required very early in the morning or late at night and that should also be adequately compensated for.</p>
<p>Don't know enough about it to comment.</p>
<p>It gives us even less entitlements than we already have, increasing the flex window just means that we will be forfeiting even more flex leave and then not even be entitled to any overtime for those hours. Almost every flex period I have accrued over 35 hours flex leave which then gets forfeited. We should have the same entitlements as the ODDP now do and be paid for any flex time forfeited as overtime. There should be no limits on how many blocks of flex leave can be taken per flex year and the number of days we are able to take significantly increased.</p>
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<p>TOIL never ever works. Ever. You usually end up losing the time</p>
<p>I'm strongly opposed to the forfeiting on flex hours in any way.</p> <p>I would love to see an option for excess flex hours to be paid out as wages.</p>
<p>I would like flex hours to be able to be built up to 50 hours not the current 35 hours. Many people are losing hours and pay for hours they have worked due to it being capped at 35 hours.</p>

I think some of the questions above are confusing. Overtime and flex are two separate entitlements to my understanding, namely we can claim overtime if working outside of certain hours eg after 6:30pm, flex does not accrue in our system after that time. So I want to be able to retain flex for the additional hours worked within bandwidth time, but also want to be paid additionally if that time is late in the evening.

Also, I note that whilst I don't have a problem taking flex, this is largely because of who my supervisor is and the team I am in (employment). I understand from colleagues that they rarely claim or get paid overtime.

Finally, I think the biggest piece of feedback I have is around the number of hours that roll over- I usually hit 50 hours within a flex period and routinely lose 15 each month, I think I should be compensated for the hours I lose, or be allowed to accrue more than 35 hours.

The only real comment I have is that the only real change I think is needed to flex arrangements at the CSO is to implement the changes made to the ODPP award recently.

That is, the biggest problem I think the busiest staff have is that they forfeit flex hours every settlement period, with no compensation. The sting in the tail is that it is often not practical to take sufficient flex days over the course of a year while only being permitted to take one block of flex per year.

The difficulty in making the most of the 18 flex days over the course of a year would be easily overlooked if forfeited flex was paid out as overtime/some other calculation based on usual time for wages.

the flex system needs to be able to accommodate later starting times after 9.30 when these have been agreed with management