



# **Flexible working policy**

## **Term time working**

**Policy**

**September 2008**

**Contents:**

<b>The policy:</b>	<b>Page</b>
<b>Aims and objectives of the policy</b>	<b>3</b>
<b>Definition</b>	<b>3</b>
<b>Legal context</b>	<b>3</b>
<b>Who is and isn't covered by this policy</b>	<b>4</b>
<b>Manager's responsibilities</b>	<b>4</b>
<b>Employee's responsibilities</b>	<b>4-5</b>
<b>Points to consider</b> <ul style="list-style-type: none"><li>- Pay and hours</li><li>- Annual leave</li><li>- Impact on pension</li></ul>	<b>5-6</b>
<b>Links to other policies and procedures</b>	<b>6</b>

# The Policy

---

## Aims and Objectives:

The policy shows how term time working can be applied in a structured way. Whilst the Council supports flexible working all such decisions will be made in light of the operational requirements of the Service Area, customer service and the needs of other employees. It is not intended that this policy be incorporated into the contracts of employment of the Council's employees.

The policy will assist the Council to:

- retain skilled and experienced employees who are not able to work full time and who would otherwise may consider leaving
- Increase productivity and service delivery through greater range of skills within the team
- Improve the morale and motivation of all employees
- Reduce absenteeism
- Help managers to organise their teams flexibly
- Reduce the physical and mental pressure of a full time job

The policy will help employees to:

- Work and earn when they might otherwise be unable to
- Facilitate work life balance
- Retain status and career prospects
- Keep skills and competencies up to date
- Achieve greater job satisfaction
- Reduce dependant care costs

## Definition

Term time working is an agreement to allow an employee extended unpaid leave to coincide with school holidays. An employee normally works 38 weeks in term time only. (School based employees work an additional week to account for Inset days.)

## Legal Context

Employees and managers must ensure that the hours they work do not contravene the Working Time Regulations.

Employees must

- Not work or be expected to work more than 48 hours in a seven day period (calculated over an average period of 17 weeks)
- Take a rest break, such as a lunch break of no less than 20 minutes for every six hours of continuous work, 30 minutes for every 4½ hours for young workers under 18. Rest breaks should be taken during the period of work, not at the beginning or end of the working day.
- Ensure that they have a rest break, of no less than 11 hours in each 24 hour period. For young workers the rest break is not less than 12 hours in each 24 hour period.

- Ensure that they have a minimum uninterrupted weekly rest period of 24 hours in each 7 day period of work. For young workers the rest period is not less than 48 hours in each 7 day period.

## **Who is and isn't covered by the policy**

The policy applies to the following groups of staff:

- Employees of Brent not based in schools
- Employees of Brent based in schools where either the school's delegated budget has been suspended or where the governing body elects to adopt this procedure

The policy does not apply to employees of Brent based in schools where the school's delegated budget has not been suspended and where the governing body has not elected to adopt this procedure.

## **Manager's responsibilities**

Managers are required to consider the following in any term time working arrangement:

- Will the nature of the work allow for term time hours and what impact it would have on service delivery
- Have a duty of care to ensure all their employees are consulted on any change in working practices
- Ensure that any term time hours arrangement does not have an adverse effect on the workload and working arrangements of other staff during school holidays.
- Decide whether the hours need to be replaced on a permanent or a temporary basis depending on the duration of the term time arrangement
- Assess possible additional costs such as administration and in particular the availability and cost of additional employees if required to cover school holiday periods
- Where there is a need to reallocate work/hours the effect on other employees must be the subject of consultation with those affected.
- Ensure that employees working term time only are fully informed of Council/Service area developments and training/development opportunities and maintain contact as the manager considers appropriate at times they are not working

## **Employees' responsibilities**

Employees will be expected to:

- Work out the details of how their job could be done on a term time basis

- Look at the general responsibilities of the job, for example management responsibilities, relations beyond the service area/team and the requirements of customers
- Make a clear list of the benefits to the employer of this kind of working arrangement, together with the ways in which potential problems could be overcome
- Consult the Pensions Section to find out how the arrangement affects their pension

It may be appropriate to:

- Maintain contact with their manager during lengthy periods of absence
- Attend mandatory training or service area events during absence periods.

### **Points to consider**

The contract should give the Council the right to require the employee to attend training, service area events, disciplinary and grievance investigation and hearing meetings during absence periods if considered by the Council to be appropriate. Reasonable notice would need to be given and attendance would be paid at the employee's normal rate.

Term time working is likely to be successful when:

- School holiday breaks coincide with dips in activity
- Some of the work can be rescheduled to term times
- Some school holiday periods coincide with availability of employees from other sources

Term time working may not be suitable for all posts/levels where continuity throughout the year is required. If term time working is not suitable, other flexible approaches to work could be considered.

Protracted holiday absences may cause some problems for other employees in terms of skills being removed from the team as well as reduced staffing for short periods of time. This needs to be considered against the importance of retaining employees who would otherwise have no option but to leave the service and their skills would be lost.

The manager and the employee should plan a year in advance as to when the school holidays occur (different local education authorities and private sector schools have different term times).

### **Pay and hours**

Pay is given in 12 equal monthly instalments and represents contractual hours, payment for annual leave and bank holidays, regardless of the hours actually worked in each month. During term time employees are required to work their normal contractual hours and are not permitted to take annual leave other than in exceptional circumstances.

## **Annual leave**

Term time employees work their contractual hours during term time and during the school holidays do no work at all (by using annual leave and unpaid leave).

## **Impact on pension**

Term time working arrangements normally involve a reduction in hours/change in pay, pension contributions are payable on the actual pay received (i.e. the reduced pay) and therefore future pension benefits are reduced accordingly.

Any employee considering term time working should find out how their individual position may be affected by a reduction in pay by consulting the People Centre.

## **Links to other policies**

Flexible working policy – This policy sets out the Council’s approach to assist employees to manage their domestic responsibilities in conjunction with work. The policy gives guidance on presenting a case to reflect how service requirements will be taken into consideration in any proposals for flexible working.