

## **WORK-LIFE BALANCE POLICY**

### **1. Introduction and statement of intent**

Salisbury District Council supports different ways of working in order that staff can achieve a balance between home and work, as part of our overall commitment to promote equal opportunities in employment. This policy aims to enable good practice in work-life balance, benefiting both the council and all our employees.

We acknowledge that we need to develop and support a culture in which staff and managers:

- recognise that modern district council services require modern business practices;
- understand that everyone works best and provides the best service when they feel supported and developed and can strike a healthy balance between work and other aspects of their lives;
- are jointly responsible for developing working arrangements that balance the needs of customers and services;
- are valued and supported according to the contribution they make to meet the needs of customers and services;
- have access to personal and professional development and training opportunities, whatever their individual working patterns;
- support, promote and assist in the development of policies and procedures that enable a supportive, nurturing and flexible working environment.

### **2. The case for flexible working practices**

**2.1** Work-life Balance' is an important issue for all businesses today and the Council is no exception to this rule. The factors affecting businesses include:

- increasingly demanding consumers
- impact of information technology
- changes in the recruitment and retention of employees

These combine with dramatic changes in the nature of the workforce, where dual earners are now the norm, the population is aging and there is a shift in the expectations of quality of life among all groups, but particularly among young people.

Employers will be unable to tap into the resources of the labour market if they cannot offer a balance of work and life. It is necessary to attract and retain good people into any business if it expects to survive, let alone prosper. In the current environment most organisations are researching into expectations of their employees to understand their issues and values.

## **2.2 Competitive Marketplace**

The UK marketplace is becoming an increasingly competitive environment. Changes in customer demand and expectations of access to goods and services outside the traditional 9 to 5 structure means organisations have to become increasingly flexible to survive.

The introduction of flexible working practices can be a significant factor in improving the quality of service provision without significant cost penalties.

## **2.3 Organisational Culture**

The success of any business, particularly a labour intensive business like the Council, depends on a committed and capable workforce. There is a need to attract and retain good people and to have them working productively. These resources cannot be tapped if the employer is unable to offer the means for employees to balance their work and life.

## **2.4 Workplace Stress**

Workplace stress, caused by changes in the workplace such as leaner organisations, job insecurity and longer working hours and the out of work commitments of employees such as responsibility for dependants, are issues which Salisbury District Council must consider, in conjunction with its stress policy.

The cost of stress to employers includes high staff turnover, an increase in sickness absence and reduced work performance. Organisations also have a duty of care to ensure that their employees do not suffer physical or psychological damage in the course of their work.

## **2.5 Carers**

The nature of the workforce has changed dramatically with the rise of dual career couples, the increasing number of one parent families, and the desire of men to become more involved in the rearing of children. We are also experiencing an aging population that means more employees are experiencing both elder care and child care responsibilities. Because elder care responsibilities develop with time, carers are likely to be the most experienced members of staff.

## **2.6 Recruitment and Retention of Disabled People**

Flexible working increases access to employment for Disabled job applicants and existing employees who may need to work differently. Access to flexible working provides Disabled people with more choice as well as enabling the department to retain the employee. Through making mutually agreed reasonable adjustments by introducing flexibility to the way the Disabled employee works, the council could ensure that they remain in employment.

## **2.7 Flexible Working Practices**

A more flexible approach to working hours means that employers are more likely to retain valued and skilled staff, allows employers to provide customers with extended service and allows work-life balance for employees.

### 3. Principles

This policy will be used to support the Council in securing continuous improvement in service delivery

Vacant posts (of all types) proposed for filling will be considered suitable for flexible working unless the line manager can demonstrate that there are service delivery reasons why this is not so. If a manager decides that a vacant post is suitable for certain working patterns only, this will be clearly indicated when the post is advertised.

The Employment Act 2002 provides the statutory right for qualifying employees to request flexible working to care for a child. Employers retain the right to refuse on business grounds (see paragraph 6.4). Qualifying employees are those with parental responsibility for children under six years of age or Disabled children under 18. This can be:

- a mother, father, adopter, guardian or foster parent, or
- married to such a person or living with the child or
- partner of such a person and has or expects to have responsibility for the child's upbringing.

Unless otherwise agreed as part of a permanent change in service provision, or as a permanent change requested by an employee under the Employment Act 2002, any flexible working arrangements agreed between a manager and individual(s) will constitute a temporary variation to the employee's substantive terms and conditions of employment, subject to review. On cessation of the flexible working arrangement the original substantive terms and conditions will apply.

Employees should be aware that arrangements reducing their normal contractual working week will affect their Local Government Pension entitlement.

Where employees with a statutory right to request flexible working have secured a variation in their working arrangements, under the legislation these changes to terms and conditions constitute a permanent change with no right to revert back to former work patterns if childcare/personal circumstances change. However, an employee with statutory rights may request that the change be a temporary one.

Any flexible working arrangement must be fair and equitable to all employees within the relevant workgroup. In many instances it will not be possible operationally for all employees in a workgroup to work "flexibly" if the number of employees seeking flexible working exceed that which is acceptable on service delivery grounds. If this situation arises, the manager concerned must consider a fair method of selection to decide which employees will be allowed to work flexibly.

The Council acknowledges the possible benefits flexible working can offer the organisation and employees and wishes to support work life balance in a fair and equitable manner.

Employees must not be coerced into participating in flexible working against their will. Whilst no employee has an automatic entitlement to flexible working arrangements, no application for flexible working should be unreasonably refused (refer to section 6). This policy sets an open and transparent framework for introducing flexible working on a mutually agreed basis.

#### **4. Exclusions**

There may be occasions when there is a genuine operational reason for excluding the individual or post. Exclusion will only take place following consultation with the relevant employees in the workplace and will be based upon operational efficiency, ie cost, impact on service, effect on the rest of the workgroup etc. Reasons for exclusion will be given in writing to the employee(s) concerned.

Flexible working may not be appropriate where, based on service needs, posts already cover nonstandard hours as a norm.

#### **5. Examples of flexible working arrangements**

##### **5.1 Full-time working**

Working 37 or more hours per week on standard hours, albeit within the scope of the council's corporate Flexible and Additional Working Hours Scheme, where an employee has some discretion about his or her start/finish time. The Flexible and Additional Working Hours Scheme is available on the Intranet.

##### **5.2 Part time working**

Working less than 37 hours per week, with reduced daily hours, or 'full time' daily hours covering less than 5 days per week, where the employee has some discretion about his or her start/finish time and the council's corporate Flexible and Additional Working Hours Scheme may apply. The Flexible and Additional Working Hours Scheme is available on the Intranet.

##### **5.3 Job Share working**

Where two employees share a full time post, typically working half the week each but other combinations may be possible. In most cases the provisions of the council's Flexible and Additional Working Hours Scheme will apply (pro rata) to both job share partners individually. The Job Share Scheme and Flexible and Additional Working Hours Scheme are available from the intranet.

##### **5.4 Voluntarily Reduced Hours working**

Where it is agreed that the employee works reduced or variable hours on a temporary basis, employees with a statutory right to request flexible working may request reduced hours on a permanent basis.

##### **5.5 Home working**

Where an employee works from home some or all of their contracted working hours. Full details available from the Remote Working Guidelines available on the intranet.

**5.6 Mobile working**

Where an employee's role is carried out away from the office base. Full details available from the Remote Working Guidelines available on the intranet.

**5.7 Term time working**

Where an employee is employed on either a full time, part time or job share basis, but works during (school) term times only, and who is entitled to unpaid leave during school holidays. Typically, the employee may be required to take their (paid) holiday entitlement during school holidays, and not during term time (unless exceptional circumstances apply). See Appendix B for details of this scheme.

**5.8 Working Annualised Hours**

Where an employee's hours are defined on an annual or seasonal basis, where there may be significant variations in weekly/monthly/quarterly hours, and where flexibility is required. See Appendix C for details of this scheme.

**5.9 Flexibility in working nonstandard hours (outside normal hours)**

Where the needs of the service require working outside normal hours or there is agreement for an employee to work outside normal hours for personal reasons and there is operational work that can be performed at these times. See Appendix D for details of this scheme.

Generally employees working nonstandard hours fall outside the provisions of the Flexible and Additional Working Hours Scheme.

**5.10 Working compressed weeks/fortnights**

Where an employee works their normal (gross) hours over 4 days rather than 5 days per week, or over 9 days rather than 10 days per fortnight. See Appendix E for details of this scheme.

**5.11 Career breaks/unpaid leave**

In some circumstances it may be possible/advantageous for employees to take unpaid leave for an agreed period of up to 12 months without pay for personal reasons). See Appendix F for details of this scheme.

**5.12 Short-term/unpaid leave**

Arrangements to support shorter breaks from work are covered by the Special Leave Policy available on the intranet.

**5.13 Banked time**

Where an employee works additional hours when the service requires it and that time is saved or 'banked' to use as time off with agreement. See Appendix G for details of this scheme.

## **6. Processes for handling requests for flexible working**

- 6.1** Variations will normally be subject to an agreed trial period before approval is given to their use on a longer-term basis, and the length of the initial period must be clearly established from the outset, along with formal review/renewal arrangements.

For periods of unpaid leave there will be no trial period, but managers must clearly state amount of notice required before leaving, before returning (if early), or in the event of the employee giving notice not to return.

Employees may request either a temporary change under the Work-life Balance Policy or, if they have the statutory right, a permanent change under the legislation. This should be clearly stated in the initial application.

Where a permanent change has been agreed, and subsequently the employee wishes to make a further change under the Work-life Balance Policy, the request should be made using the usual procedure. If the arrangement has been made under the Family Friendly Legislation, it should be noted that this arrangement may be considered permanent.

Where a permanent change has been agreed and the manager has sound business reasons for withdrawing or changing the arrangement, the Council reserves the right to negotiate a change to the agreement.

If an employee wishes to cease an arrangement they must discuss this with their manager in the first instance.

## **6.2 Requesting flexible working**

Voluntary flexible working has been introduced on the basis that the employee or group of employees must agree with the manager any variation in working hours or practices before commencement. Groups of employees wishing to work flexibly should discuss their preferred options with each other prior to taking these to their manager. Employees must also be prepared to be 'flexible' in their choice of options and to have considered the variety of options available.

Flexible working, as part of a proposal to revise working arrangements and improve service provision, may be initiated:

- by employees (or on their behalf, by a trade union).
- by management.

Applications made by employees exercising their statutory right to request flexible working should be made no later than 2 weeks before the child's 6<sup>th</sup> birthday, or 18th birthday in the case of a Disabled child. Another application to work flexibly under the right should not have been made during the previous 12 months.

To make an application under the Work-life balance policy, employees should

complete the application form (example shown at Appendix A), which is available from the intranet and the PPT Unit, and send it to their manager. They should state the arrangement requested and how this would impact on service delivery.

Managers need to look carefully at any request from a mother with childcare responsibilities who wishes to change her working arrangements. If the refusal cannot be justified, sex discrimination may be alleged. Similarly, where women in the workplace are allowed to work flexibly, sex discrimination may be alleged if a man is not allowed the same rights.

When making an application for Home and/or Mobile Working there are additional procedures to follow. These procedures can be found in the Remote Working Guidelines.

The proposed contract variation must be discussed with the PPT Unit prior to agreement. The PPT Unit will be able to advise the manager of any existing contractual arrangements that may conflict or impact on the proposed new arrangement.

### **6.3 When the manager agrees**

When agreeing to a trial the manager must satisfy him/herself that there will be no significant detrimental effect on service provision, colleagues or employment costs caused by adopting the flexible working practice(s).

Discussions with the employee(s) will be undertaken to identify the perceived benefits and disadvantages together with the length of the trial period and the termination notice required, prior to a decision being made. Involving the department's personnel team at this stage may be advantageous, if this has not already been done.

Once informal consultation has taken place and agreement reached in principle, consultation with colleagues affected by the proposed change should be undertaken. Consultation may also need to be undertaken with other departments if a direct impact on that department/service is identified.

Implementation and review dates should be determined, and notified to the employees in writing. It must be made clear that this change represents a temporary variation in their terms and conditions of employment, which may be ended as set out in this policy, except where employees with a statutory right to request flexible working have secured a permanent variation to their terms and conditions, in which case the arrangement should be confirmed in writing.

Where changed working times arise solely from the personal preferences of the individual without there being a specific service need, premium rates will **not** be payable. Details of Premium Rates and their application can be found in the Premium and Overtime Payments Guidelines.

When the manager has agreed to the application, they should notify the employee accordingly in writing within 28 calendar days. The letter should contain:

- the contract variation agreed to

- the date from which the variation is to take effect
- the length of the trial period
- whether the change is temporary or permanent
- if temporary, the review date should be included

Finally the manager must inform the PPT Unit by copy of letter.

#### **6.4 When the manager refuses**

If the manager does not agree to the application, a meeting to discuss this should be held within 28 calendar days after the date on which the application is made.

If following this meeting the manager then agrees, the manager must refer to 6.3 above.

If following the meeting the manager still does not agree, they should inform the employee of their decision in writing within 14 calendar days after the date of the meeting. The manager should demonstrate why the grounds for refusal apply. An application may be refused on the following grounds:

- burden of additional costs
- detrimental effect on the ability to meet customer demand
- inability to reorganise work amongst existing staff
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during periods employee proposes to work
- planned structural changes

The letter must be dated and must also set out the how the employee could appeal against the decision (see section 8).

The manager must be prepared to elaborate and give detailed reasons as to why the request has been refused on any of the above grounds.

Finally the manager must inform the PPT Unit by copy of letter.

#### **6.5 Reviewing the arrangements**

An individual's flexible working arrangements will be subject to regular review to ensure that it remains in the best interests of both employee and the council and is not causing detriment to other members of staff.

The initial review period would normally be three months, but further review periods are at the discretion of management and employees concerned (except where employees have requested and secured a permanent change under the legislation).

When reviewing a flexible working arrangement, the following should be taken into account where they are applicable:

- effect on service delivery
- effect on the workgroup as a whole
- benefit to the individual



- need to provide cover
- need to monitor workload/output of individual working flexibly
- views of direct users of the service
- need for out of hours support to the employee working flexibly,
- including supervision, access to buildings and IT support

Additionally, an employee other than those who have secured a permanent variation under the Employment Act 2002 may request a review of his or her flexible working patterns at any time (note: in the case of a job share, a review may have implications for the employee's job share partner).

The initial review of a trial period must be done in consultation as above. Comments and views should be considered and mutual agreement reached wherever possible. In case of disagreement, the manager must decide whether to proceed. It is important that individuals from all groups affected should have the opportunity to raise concerns with their manager.

Only if no significant service detriment is identified will consideration be given to continuing the flexible working arrangements (except in cases of employees exercising their statutory right to request permanent change where the change has been agreed).

If detriment to the service or colleagues is identified which cannot be resolved, the trial period may be terminated at any time, with reasonable notice.

A trial period may also be terminated at any time by mutual consent or where maintaining the appropriate service standards is not possible (eg vacancies occurring).

If for any reason an arrangement is ended, the employee will return to their substantive contractual working arrangements.

## **6.6 Informal arrangements**

Employee's needs can sometimes be met by an informal agreement with the line manager that meets the employee's need by allowing him or her occasionally to start work late or leave early. It is recognised that employees will be better able to focus on their work if they can respond to unexpected problems and make the time up later.

This may be possible under the existing flexi time scheme, but the Work-life Balance Policy provides alternative ways of meeting the employee's needs. This may mean that normal flexible arrangements are temporarily set aside for the employee concerned.

## **7. Permanent change**

Changes of a permanent nature are outside the scope of this policy, except in the case of employees exercising their right to request permanent change under the Employment Act 2002. However it is recognised that trial arrangements,

which are successful may sometimes lead to more permanent arrangements. Where this occurs employees will be advised of the formal change in their contractual terms.

## **8. Appeals**

If an individual employee is not satisfied with a decision of a manager, they are entitled to appeal by using Stage 2 of the Grievance Procedure, which is available on the intranet.

An appeal can progress to Stage 3 of the Grievance Procedure if necessary. However, the decision made at the conclusion of Stage 3 is final.

## **9. Relevant Legislation**

### **9.1 Employment Relations Act 1999**

Gives the right to be accompanied by fellow employee or trade union official in disciplinary and grievance proceedings Protection of part time workers against discrimination (introduced under the EU Directive on part-time work)

### **9.2 Working Time Directive Regulations**

- Ceiling of 48 hours on the maximum working week (averaged over up to 17 weeks)
- Ceiling on night work of an average of eight hours in every 24
- Right to rest period of 11 hours every working day
- Right to a break where the working day is longer than 6 hours

### **9.3 Employment Act 2002**

Gives employees with parental responsibility for children under six years of age or Disabled children under 18 a statutory right to request flexible working to care for the child. This can be:

- a mother, father, adopter, guardian or foster parent, or
- married to such a person or living with the child or
- partner of such a person and has or expects to have responsibility for the child's upbringing.

## **10. Other issues**

**10.1** This policy links to other policies that provide for flexibility through leave arrangements. These include

- **Special Leave Policy**

Which details a framework of support available to cover needs such as:

- Compassionate leave,
- Attendance at funerals,
- Time off for dependants,
- Volunteer Reserves,
- Jury/witness service,

- Employment tribunals,
- Time off for other public duties,
- Religious leave,
- Study leave,
- Presentation ceremonies,
- Medical or dental appointments,
- Blood donation.

- **Paternity Leave Policy**

Which explains the two weeks leave entitlement available to new fathers. The first week is covered by the Maternity Support Leave policy, the second by statutory Paternity rights, details of which can be found in the Paternity Leave policy.

- **Maternity Leave Policy**

Which explains the details the Statutory Minimum Provision for pregnant employees and the enhanced Contractual Provisions provided by the National Conditions of Service.

- **Maternity Support Leave Policy**

Which offers 1 week with pay to a nominated carer of an expectant mother or new mother.

- **Parental Leave Policy**

Which details the option to take an extended, unpaid break from work of up to 13 weeks to care for young children, or, 18 weeks to care for a disabled child.

- **Adoption leave Policy**

Which describes entitlement to extended leave to care for an adopted child.

**10.2** This policy also links to other policies that are designed to protect employees and the working environment. These are:

- Sickness Absence Policy,
- Alcohol & Drugs Policy,
- Attendance at Work in Exceptional Circumstances Policy,
- Dealing with Violence and Aggressive Behaviour Policy
- Domestic Abuse Awareness Policy,
- Dignity at Work Policy,
- Harassment Policy,
- Health & Safety Manual,
- Injury Allowance Policy,
- Occupational Health Referrals Policy,
- Personal Behaviour at Work Policy,
- Smoking at Work Policy,
- Stress Management Policy,
- Whistleblowing Policy.

**10.3** This policy needs to be applied in accordance with the Corporate Diversity and Equalities in Employment Policy and other current core policies and guidelines. These are:

- Remote Working Guidelines
- Flexible and Additional Working Hours Scheme
- Home Working Policy
- Job Share Policy
- Leave (Annual, Special, Compassionate, Job Share and Part-time) Policy
- Recruitment Guide
- Recruitment & Selection Code of Practice

**10.4** All policies and guidelines detailed above are available on the intranet.

## **Appendices**

Appendix A Work-life Balance Policy Application Form

Includes:

- Procedure
- Flexible Working Proposal
- Managers checklist
- Guidance notes for requesting flexible working arrangements

Appendix B Term-time working

Appendix C Annualised hours

Appendix D Working outside normal hours (non standard hours)

Appendix E Compressed weeks/fortnights

Appendix F Career breaks/unpaid leave

Appendix G Banked time arrangements (time off in lieu)

## Work-life Balance Application Form

Have you read the Work-life Balance Policy? Do you need any help or advice on it? If so, you may want to contact the PPT Unit before you complete the form.

Before making your request you should talk to your colleagues about different ways of delivering the service and how you would like to work. If several colleagues want to request flexible working you may want to consider a group request.

### Procedure

1. The employee completes the form, ensuring it is signed and dated (and signed by all employees concerned if it is a group request).
2. Employee sends the form to their manager, who completes the manager's section.
3. If the request is agreed, the employee should be informed of the decision within 28 calendar days.
4. If the request is not agreed, the manager should hold a meeting with the employee within 28 calendar days of the date of the application.
5. If the request is still not agreed, the manager should inform the employee of their decision within 14 calendar days of the meeting, setting out the grounds for refusal and the appeal arrangements.
6. The PPT Unit must be consulted on all requests for flexible working and informed of their outcomes.

## Flexible Working Proposal

**To be completed by the employee** NB: information on job title and grade is collected for monitoring purposes and will not affect the outcome of an application.

In the event of a group proposal, complete one form per employee and batch together as one proposal.

|                  |                    |                |
|------------------|--------------------|----------------|
| Name(s)<br>..... | Job Title<br>..... | Grade<br>..... |
|------------------|--------------------|----------------|

|                     |                |
|---------------------|----------------|
| Department .....    | Division ..... |
| Section .....       | Location ..... |
| Manager's name..... | Job title..... |

|   |                  |
|---|------------------|
| Are you applying for ( <i>delete where not applicable</i> )                   |                  |
| Temporary change  | Permanent change |
| Note: Refer to section 3 for definition                                       |                  |
| Are you exercising your Statutory Right to request flexible working    Yes/No |                  |

|  |
|--|
| Current working arrangements (hours/days/flexi time) |
|  |

|  |
|--|
| Proposed working arrangements (hours/days, or other arrangement) |
|  |

Supporting information (eg impact on service delivery, colleagues etc)

Revised working arrangements agreed with employee:  
Days ..... Hours .....  
Flexitime arrangements, if any:  
Core hours: ..... Band width.....  
Overtime arrangements (e.g. time off in lieu; premium, if applicable)  
.....

Implementation date .....  
Length of trial period (if applicable) .....  
Review date .....

Agreed by:  
Employee (s) .....  
.....  
Manager .....

## Work-life Balance Policy Request Manager's Checklist

Note: Remember to contact the PPT Unit for advice prior to a formal agreement.

|  |  |
|--|--|
| Employee's name .....  | Date of request .....  |
| <b>Section A: <u>Request agreed</u></b>  |  |
| Date agreed .....  | Arrangement is Permanent or Temporary<br>(Delete where not applicable) |
| Date of consultation with Colleagues affected by request (where appropriate):..... |  |
| Date letter sent to employee .....,.....   |  |
| Letter to include:   |  |
| ◆ contract variation agreed to   | ◆ date variation effective   |
| ◆ length of trial period (if temp)   | ◆ temporary or permanent change  |
| ◆ amounts of notice required if on unpaid leave                                    | ◆ review date (if temp)  |
| Date personnel section informed of outcome . .... (by copy of letter)              |  |
| Review/return date .....   | Date of any consultation .....   |
| Variation to continue? Yes:-   | Next review date .....   |
| No:-   | Reasons .....  |
| <b>Section B: <u>Request not agreed</u></b>  |  |
| Date of meeting with employee to discuss request .....                             |  |
| If still not agreed, date of letter to employee .....,.....                        |  |
| Letter to include:   |  |
| ◆ reasons  | ◆ setting out appeals procedure  |
|  | ◆ dated  |
| Date personnel section informed of outcome .....,..... (by copy of letter)         |  |



## **Guidance notes for requesting flexible working arrangements under the Work-life Balance policy**

Ideally there should be benefits for all concerned in you changing your working pattern, and to support your proposal you will need to set out the benefits for the department and show that you have considered the implications for service delivery. In some cases this may seem difficult, but if there are no disadvantages to colleagues, and if service delivery isn't adversely affected by you working in a different way, there may be support for a revised working pattern even if there are no discernible benefits. So, how can you best build a business case to support your proposed flexible working arrangements?

- Read through the options for flexible working set out in section 5 of the policy and decide which of these arrangements suit your needs.
- Clearly state the hours per week and which days you wish to work, or which other arrangement you are seeking eg Term Time Only.
- If considering home or mobile working use the information supplied in the Remote Working Guidelines to help present your case.
- Be prepared to be 'flexible' in your choice of flexible working option. Consider alternative options and ideas.

Thinking through the following questions and issues might help when making your request:

- Will this proposal have any impact on my colleagues? For example, will someone have to start work earlier, work later, cover some of my duties sometimes? This is particularly important if you are currently job sharing, and it is advisable to discuss any proposals in some depth with your job share partner prior to making a request.
- If I think there will be an impact, have I discussed it with the people concerned? Is the impact seen as a good one (it might actually benefit a colleague to start/finish earlier), or will it create problems? If so, can these be overcome, and if so, how?
- Can we consider different ways of working or organising ourselves that will provide benefits to our customers. For example, I want to start/finish later, my colleague has said he would be happy to start/finish earlier, and this could facilitate longer hours for customer contact and give the organisation a competitive edge.
- Would the proposed pattern incur additional costs, for example, through keeping the building open longer. Could this cost be weighed against other things, such as increased customer satisfaction, or offset against other factors (eg more people can get to the office, so we don't need to send out so many reminders?)

Remember, it is advisable to check whether any changes in your working pattern (eg reducing your hours) will affect your pension.

## Term-time working – Managers' Guidelines

The employee remains on a permanent full or part time contract that gives him or her the right to (unpaid) leave of absence during school holidays.

School holidays total about 13 weeks in a year and are much longer than annual leave allowances of about 5 weeks. Having taken the full annual leave entitlement during school holidays, there remains a potential for 8 or 9 weeks unpaid leave to cover all the remaining school holidays.

***Note: Paid leave is accrued according to the number of weeks worked and therefore will be reduced in proportion to the reduction in weeks worked.***

Term time working is not a new concept and is common practice in education and some other areas, often as a permanent contractual arrangement. In the main this is due to reduced or nil demand for the services provided during school holidays.

The purpose of its inclusion in the Work Life Balance policy is to enable a more widespread and informal (ie not contractual) application within the council where there may not necessarily be a reduced demand for services during the school holiday period, but recognising that individual employees may themselves have increased care responsibilities at these times.

Local agreement needs to be reached in each case on how much unpaid leave is required. This will vary according to how much paid annual holiday is available, how long the school holidays are and whether alternative care arrangements can be made for some of the holiday time.

These calculations need to be done at the start of each year (date to be agreed) to enable both employee and manager to plan ahead. Contractual arrangements will normally cover the full academic year, whereupon unless renewed, the employee will revert to their substantive terms and conditions.

There is a need to take into account the effect of term-time working on both the needs of the service and the workgroup as a whole.

The line manager must be satisfied that adequate cover, by appropriately skilled staff, is available to ensure service delivery is not impaired during school holiday periods.

Salary arrangements involve the employees' recalculated annual salary being averaged over the whole year and paid in 12 equal installments.

The other members of the workgroup should not be subjected to an undue burden of work during the absences of the employee who is working term time only. To this end, the workgroup should be consulted before agreement is given to term time working.

Note: It is important to spend time working out how this option will work in practice. Here are some issues you could discuss with the employee to gain a better perspective of how it might work:

- Does the employee intend to take teacher training days off as well as school holidays?
- Are the employees' children in different schools, if so do the school holidays match?
- Will all the employees Annual Leave allowance be used in school holiday time?
- What will happen when the employee needs ad hoc days off outside of the arrangement? (Reports have shown that it is difficult to build up flexi-time or make up time within a Term Time arrangement).

## Annualised hours – Managers Guidelines

A system where the period of time which an employee must work is defined over a whole year.

Traditionally, the annualised hour's system is applied to a whole workgroup rather than individual employees and is service driven. An example is daylight hours working for outdoor workers where working longer summer hours is necessary, the need for which is balanced by shorter winter hours.

Annualised hours may also be applicable on an individual basis by employees who wish to work longer hours at certain times to allow shorter hours at others.

Care must be taken when agreeing to annualised hours working that safeguards are included to:

- Ensure that work periods that lead to excessive tiredness or infringe the Working Time Directive do not occur
- Define when shorter/longer hours are appropriate to the needs of the service
- Define how holiday entitlement is to be calculated and taken. (Calculating entitlement on an hourly basis to accommodate days with different working lengths may be necessary).
- Limit the amount of time deficit/surplus that may build up. When employees leave or change jobs, surplus time is usually paid up.

Deficits are usually deducted from the 'final' salary of the employee and this can be the cause of conflict. In the case of a transfer, if this did not happen, a legacy of owed time would be transferred with the employee.

Considerations of personal safety, access to buildings and availability of IT and other support services.

The line manager must be satisfied that adequate cover, by appropriately skilled staff, is available to ensure service delivery is not impaired during shorter working periods.

The other members of the workgroup should not be subjected to an undue burden of work during the absences of employees who are working annualised hours. To this end, the workgroup should be consulted before agreement is given to annualised hours working.

Work performed at unusual times without supervision should be monitored against pre set targets. Care should be taken to ensure such targets are reasonable and achievable in the circumstances.

## **Working outside normal hours (non standard hours) – Managers' Guidelines**

Some services may need to operate outside normal hours - nights, weekends, public holidays etc.

Even when the service does not require this, some employees may prefer to work some time outside normal hours for domestic reasons.

Such an arrangement is dependant upon there being an operational need for work outside normal hours and there being no adverse effect on service delivery at times an employee is absent during normal working hours.

Managers need to ensure that employees do not choose, for their own convenience, to work their basic hours at times that attract premium rates unless there is an existing, or new, business need for work to take place at such times.

This arrangement intends that one hour worked outside normal hours will be worth one hour and not 1.5 hours or any other multiplied calculation just because work has been performed beyond normal business hours.

Care should be taken to ensure that excessive working at 'quiet periods' does not lead to feelings of isolation in the individual undertaking work outside of normal hours and to a consequential decrease in motivation.

Work performed at unusual times without supervision should be monitored against mutually agreed pre set targets. Care should be taken to ensure such targets are reasonable and achievable in the circumstances.

The line manager must be satisfied that adequate cover, by appropriately skilled staff, is available to ensure service delivery is not impaired during normal working hours when the employee who is working different hours is absent.

Where needed, IT and administrative support should be available for work undertaken outside normal hours.

The other members of the workgroup should not be subjected to an undue burden of work during the absences of the employee who is working outside normal hours. To this end, the workgroup should be consulted before agreement is given to working outside normal hours.

## Compressed weeks/fortnights – Managers Guidelines

Where working time is reorganised so that the same weekly basic hours are worked, for example, four or four and a half days, or nine days out of ten in a fortnight.

The effect of working compressed weeks/fortnights is to increase the length of those days worked in order to free up prime daytime.

The line manager must be satisfied that adequate cover, by appropriately skilled staff, is available to ensure service delivery is not impaired during days when the employee is absent.

The other members of the workgroup should not be subjected to an undue burden of work during the absences of the employee who is working compressed hours. To this end, the workgroup should be consulted before agreement is given to compressed working.

It may be necessary to limit the number of employees who are absent at any particular time; eg Fridays: because of compressed working patterns.

Care must be taken to ensure that long periods are not worked that might lead to excessive fatigue, or be in contravention of the Working Time Directive. In addition, consideration will need to be given to practical considerations, such as access to buildings, security and personal safety.

Where extended hours/days are worked to build up the required number of hours, there must be sufficient operational work available to justify the time spent.

Work performed at unusual times without supervision should be monitored against pre set targets. Care should be taken to ensure such targets are reasonable and achievable in the circumstances.

To avoid confusion or miscalculation, annual leave and bank holiday entitlements should be expressed in hours rather than days/weeks for employees working compressed weeks/fortnights (where the length of the day and number of days worked in a period are variable).

Note: Managers must be considerate of the following when allowing individuals to have the same day off each week or fortnight:

- Impact on the service delivery
- Impact on the team
- Impact on occupancy numbers
- Expectation of or dependence by the individual that they have a regular right to a particular day off.

This flexible working option needs to be flexible for both the manager and the employee and not cause a situation that results in the manager having to 'manage' around the arrangement. It may indeed be possible to support a regular/planned day off but managers should beware of promising regularity.

## **Career breaks/unpaid leave – Managers' Guidelines**

In some circumstances it may be possible/advantageous for employees to take unpaid leave of up to 4 weeks, or request a career break of up to 12 months, for personal reasons. As extended leave constitutes a temporary alteration to the contract of employment, an agreement must be drawn up and signed by the employee and the manager.

Career breaks can be a useful means of allowing employees to recharge their batteries and creativity and return to the workforce refreshed. This can be both a useful retention tool and a way of dealing with downturns in demands of service delivery. However, it must always be voluntary on the part of the employee.

Any employee may only apply for a career break or short term unpaid leave once they have satisfactorily completed their probationary period.

Where a career break is agreed, employees must pay pension contributions for the first 4 weeks and then may decide if they wish to continue with their contributions. Ceasing contributions will have an impact on pensions in respect of length of service.

Employees will retain continuity of service during the break if less than one year.

Employees will not accrue or be entitled to any paid leave during the agreed period.

Career breaks/periods of unpaid leave will not be extended if the employee falls ill during time out.

In the event of a review or restructuring, employees will be entitled to consultation. Manager must make every attempt to ensure they are informed of proposed changes and developments.

In the event of being made redundant during this period, redundancy pay will be calculated on the whole period of employment, including the period they are on leave.

Employees will return to a position no less favorable, although not necessarily their substantive post.

Consideration must be given to requests of this nature in the same way as any other requests for flexible working. It is not necessary that the purpose of the break be stated.

Requests for career breaks/unpaid leave may be made by employees on any type of contract, but excludes Casuals, Agency staff and fixed term staff.

For extended periods of unpaid leave employees should give adequate notice so that appropriate arrangements may be made to ensure continuing service delivery. The length of required notice will be dependant on the length of unpaid leave requested, but should be no less than 12 weeks for breaks of up to 1 year. In the event that the period

## Appendix F

of unpaid leave is for a very short duration (perhaps to cover a honeymoon or extended period of paternity leave), there may be only minimal notice requirements.

Where employees wish to return before the end of the agreed period, they must give not less than 8 weeks notice, or as outlined by their line manager prior to leaving.

Employees resigning during the agreed period should give their contractual notice, or as agreed with their line manager.

The employee should complete the work-life balance application form stating the requested dates for time off. The responding manager must indicate acceptance of these and/or any other notice requirements. In the event that the request is rejected the manager must demonstrate the operational conflict in accordance with the policy.

Where an extended period of leave has been agreed, appropriate induction arrangements should be made to enable the employee to catch up on any developments and changes when they return.

This flexible working option should not be considered if there are any capability or grievance procedures in process.

Employees need to be present in the work place when they apply. This option is not intended to extend or 'bolt onto' any of the leave arrangements detailed in section 10.1.

Manager should consider how they can remain in contact with the employee during their agreed period of leave.



## **'Banked' time arrangements (time off in lieu) – Managers' Guidelines**

The employee works additional hours when the service demands/allows it with agreement from the manager and the additional hours are recorded and 'banked'. The 'banked' hours are then used to take additional leave at a time agreed with management. The time may be taken in small parcels (ie – days off) or longer periods of weeks leave. This may be taken in the current leave year or transferred, by agreement and subject to the needs of the service, to a future leave year. Careful planning is essential to ensure the needs of the service are met both during the accruing of additional leave and the taking of accrued leave.

This flexibility is not intended to be a means of storing large amounts of time, e.g. for a sabbatical.

Care should be taken to ensure that hours worked for the purpose of 'banking' are necessary and in the interests of the service and not worked for the sole purpose of building surplus hours.

Taking of 'banked' leave must be with the agreement of the line manager, taking into account the needs of the service, and must not take priority over legitimate needs of other members of the workgroup; ie normal holiday entitlement/flexi leave has priority.

It is important that proper planning takes place and that leave accrued for a purpose is as far as reasonably possible used for that purpose and not 'lost' because of unforeseen circumstances arising at the time leave is due to be taken.

While it is recognised that 'banked time' can sometimes be used to cover domestic circumstances that do not themselves qualify for paid time off and notice for this may of necessity be short, normally taking banked leave requires adequate notice to be given and the line manager's agreement obtained before booking leave. Except in the exceptional circumstances indicated above, such notice should be a minimum of two times the leave to be taken, ie 2 weeks notice of 1 weeks leave. Giving the required notice does not guarantee the time off.

***Note: Authorised (unpaid) leave may be available as an alternative to banked leave in exceptional circumstances such as those indicated above (see the Special Leave Policy).***

'Banked leave' attached to normal annual leave periods must take into account the circumstances of the workgroup and the needs of the service. Normally, substantial notice of the intention to add 'banked leave' to annual leave must be given. It is unlikely that this notice will be less than 3 months where the period away exceeds 4 weeks in total.

## **Appendix G**

The line manager must be satisfied that adequate cover, by appropriately skilled staff, is available to ensure service delivery is not impaired when the employee is taking extended leave, even in 'quiet' periods, or taking shorter periods of 'banked' leave in busy periods. The cost of cover may be a factor in agreeing such leave.

Care must be taken to ensure that excessive hours are not worked in order to build up 'banked' leave`.

Additional hours worked must not infringe the provisions of the working time directive.

'Banked leave' will normally accrue as 'flat rate' – one hour for one hour.

'Banked leave' will not accrue during the bandwidth of any flexi time scheme operating within the workgroup. If an employee has accumulated the maximum number of flexible working hours in the period and is asked to work additional hours to meet a specific business requirement, they may agree with their manager for those hours to be "banked".