

## Work Life Balance policy and Flexible Working

### I. CONTEXT

1.1 Education Services recognises the benefits to be gained by developing existing working arrangements and introducing new provisions within a Work Life Balance and Flexible Working Policy. Good working practices, and the benefits that the Council and its teachers derive from them, are key to delivering effective services, increasing morale, commitment, and improving recruitment and retention of skilled and experienced teachers. Flexible working also increases access to employment for disabled job applicants and existing teachers who may need to work differently due to child and/or other care responsibilities during the course of their working lives.

1.2 This agreement is intended to provide a framework for flexible working arrangements to the mutual benefit of teachers, the Council and service users. The Council will facilitate arrangements to be considered and, where practicable, applied. This agreement is without prejudice to all relevant employment legislation including the Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2009.

### 2. RELATED PROVISIONS

2.1 The existing family friendly provisions within the SNCT conditions of service at Part 2 Section 7 Family Leave, and Part 4 Devolved Matters, together with other LNCT agreements, are an integral part of this Work Life Balance Policy.

These are:

- Maternity Leave
- Adoption Leave
- Fostering Leave
- Parental Leave
- Maternity and Adoption Support Leave
- Paternity Leave
- Leave connected with Family Sickness/Bereavement
- Career breaks.

### 3. ELIGIBILITY

3.1 All teachers with 26 weeks or more continuous service can apply for flexible working.

3.2 It is recognised that the concept of work-life balance is not only relevant to those with family/caring responsibilities but can be relevant to all in any given circumstances at different stage of their working lives. Eligibility for flexible working is therefore not restricted only to teachers with statutory rights to request flexible working i.e. teachers with children 17 years and under, 18 years if disabled and carers for certain adults. Flexible working is relevant to teachers who have other care responsibilities, including disabled members of the family, or those who may prefer different patterns of work for various reasons such as further education, religious observance or interests, responsibilities outside the workplace. It may, however, be necessary to give priority to teachers who have statutory rights to apply for flexible working.

3.3 In some cases, flexible working arrangements may only be practically and effectively introduced if applied to a distinct group of teachers. The policy therefore, allows for either the Council or recognised Trade Unions on behalf of a collective group to initiate proposals.

3.4 Teaching is a front line service and this can present difficulties with regard to working flexibly. There is no *absolute* right to work part-time or job-share but a specific statutory right to full and proper consideration for eligible employees with children. The Council reserves the right to reject requests and/or review arrangements, where it is apparent that there is a clear conflict of interests and/or the performance or the contract may be affected or limited.

#### **4. PROCEDURE FOR INDIVIDUAL/ COLLECTIVE AND EMPLOYER LEAD REQUESTS**

4.1 The Flexible Working Procedure provides detail regarding how requests should be managed and administered.

#### **5. CORE FLEXIBLE WORKING ARRANGEMENTS**

5.1 The following are considered to be the core flexible working arrangements which can be considered as options for teachers:

- Job Sharing
- Reduced Hours/ Part-Time Working
- Winding Down (must be agreed by SPPA)
- Career Breaks.

5.2 This is by no means an exhaustive list of options and there are many other ways to work flexibly. In every case the request will be seriously considered and the procedure applied. It should be noted, however, that the nature of teaching may limit options. The Council must ensure that the advantages of invoking this policy are balanced against the needs of the service and best value. It will be for Head Teachers, with advice from HR, to determine and assess those arrangements, which may or may not be suitable.

5.3 The Flexible Working Procedure, Appendix 1, provides an outline explanation on how each of the arrangements will operate and the key principles the Council would expect to apply in terms of pay, leave, conditions etc. in order to provide a level of consistency and equity.

### **FLEXIBLE WORKING PROCEDURE**

#### **I. ELIGIBILITY**

1.1 Teachers who make a request for flexible working should have at least 26 weeks continuous service with the Council and should not, normally, have made an application to work flexibly in the past 12 months. For collective applications, however there is no continuous service qualification although the limitation to the number of applications made in a 12-month period does apply to the collective group.

#### **2. DEFINITION OF A CARER**

7.1 The definition of a 'carer' covers any teacher who is or expects to be caring for an adult who:

- Is married to, or the partner/civil partner of the teacher;
- Is a near relative of the teacher (including parents, parent-in-law, adult child, adopted adult child, siblings (including those who are in-laws), uncles, aunts, grandparents and step relatives;
- Falls into neither but lives at the same address as the teacher.

2.2 In making an application, the applicant(s) will state the grounds, including the reason(s) why the preferred working pattern is required. Although applications are not limited to those who have childcare or adult care responsibilities, precedent may be given to these applicants.

2.3 Applicants with child care responsibilities will, therefore, state whether they are, married to, civil partner, the mother, father, adopter, guardian or foster parent of a child aged 18 and under. They will also state whether they have responsibility for the upbringing of the child and are making the application to enable them to care for the child.

2.4 Applicants with adult care responsibilities will state whether they have responsibility for the care of a person aged 18 or over who is married to (or are the civil partner of) the teacher, is a near relative of the teacher, or lives at the same address as the teacher.

2.5 In some cases flexible working arrangements will only be practically and effectively introduced if done for a distinct group of teachers. The procedure, therefore, allows for either the Council or recognised Trade Unions on behalf of a collective group to initiate proposals.

2.6 Applicants may be advised to seek advice from their trade union prior to making an application.

### **3. PROCEDURE FOR INDIVIDUAL TEACHER REQUESTS**

#### **3.1 Application Process**

A teacher should submit an application form to the Head Teacher using the appropriate form and setting out the reason why the preferred working pattern is compatible with the needs of the Service. There should be a clear statement or indication that the application is being made, if applicable, under the statutory right to request a flexible working pattern. As far as possible, they should provide an explanation of what effect the proposed change will have on the Service and how this effect may be managed. While the pattern requested will normally be one of the core flexible working arrangements, the application must also detail the pattern requested in terms of start and finish times, days to be worked etc.

3.2 Where it can be reasonably foreseen that the implementation of the preferred working arrangement will have an effect on the working pattern or type of work performed by any other employee or group of employees, the application will identify these employees. It will also state how the effect may be managed, whether the applicant has discussed the effect with the other employee(s) affected, and their initial reaction.

3.3 Applications must contain a date where it is proposed that the revised working pattern may become effective. This date must be at least 12 weeks in advance of the date the application is submitted to allow sufficient time for the application to be considered and, if agreed, for arrangements to be put in place in terms of implementation.

3.4 The Head Teacher, on receipt of an application to work flexibly, will initially ensure that the applicant is eligible. Thereafter, a meeting will be arranged with the eligible teacher concerned, and his/her representative, if they so wish, within 28 days of receiving the application.

### **4. CONSIDERATIONS**

4.1 The meeting will discuss the application, the effect of the proposed change in terms of the needs of the Service, any strategies to address this and any appropriate compromises to the requested working pattern. The meeting will also discuss the specific terms and conditions associated with flexible working.

4.2 In arriving at a decision on the proposal the Head Teacher will take the following into account:

- The impact on the School, Service, other teachers or the Council.
- Whether the proposal is consistent with any precedent or agreed practice within the Establishment, Service, Occupational Group or Council.
- Whether the request is consistent with one of the menu of Core Flexible Arrangements. Appendix 1, point 2.
- The current operating hours of the Service and the impact of the proposed change on the ability of the Service to meet demands.
- The amount and sufficiency of work available during the proposed hours/pattern of work.
- Whether there is an impact on the work of other teachers and if so the ability of the school/Service to organise the work amongst other teachers.
- Whether there is an impact on existing work patterns or arrangements within the school/Service and if so the ability of the school/Service to organise the work in some other way.
- Whether there is any impact on the school/Service's ability to manage and supervise employees.
- The number of teachers already accommodated.
- Whether other, more suitable alternative arrangements or work patterns are possible.
- The costs of the proposal, including any costs associated with recruitment, training, increased supervision or administration and any required alterations to equipment or buildings etc.
- The ability to recruit and retain teachers.
- The impact on teacher(s) career development.
- Whether any trial period would be appropriate in the circumstances.
- What arrangements need to be put in place to review the operation of the proposal.
- The impact on terms and conditions of employment including pay and allowances.
- Any planned organisational changes.

- 4.3 A further meeting may be required with the applicant to discuss the position adopted by any other affected teacher(s) and what effect this might have on the proposal. This further meeting will take place within 14 days of the original meeting.
- 4.4 The Head Teacher will also consider whether an applicant has a statutory right to be considered in terms of the Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2009 and will give precedence to such applications in comparison with other applicants who do not possess a statutory entitlement. It may be appropriate to approve applications from applicants who do not have a statutory entitlement on a trial basis, if it can reasonably be foreseen that competing applications are to be expected from statutorily entitled teachers.

## **TIMESCALES AND REPRESENTATION**

Any of the timescales may be extended by agreement especially in the case of holiday or sickness. The time and place of the meetings must be convenient to both sides. The employee has the right to be accompanied.

## **5. FORM OF DECISION**

The Head Teacher will confirm the decision on the application to the applicant, in writing, within 14 days of the meeting. The form of the decision will be one of the following:

### **5.1 Application Approved**

In this event, the letter from the Head Teacher will determine the start of the arrangement, in accordance with the exigencies of the Service, taking into account the start date requested by the applicant. The letter will also detail any other relevant implementation issues including the contract variation and specific terms and conditions which will apply to the arrangement. A revised Statement of Particulars will be issued to the applicant.

### **5.2 Variant of Application Approved**

A variant or compromise may be approved. In this event, the Head Teacher will define the compromise arrangement in the letter and, as above, determine the start date of the arrangement, the specific terms and conditions which are to apply, and any other relevant implementation issues. A revised Statement of Particulars will be issued to the applicant.

### **5.3 Trial Period Agreed**

The Head Teacher may determine that the arrangement be introduced on a trial basis for a limited, defined period of time. If the arrangement is implemented for a trial period, then the Head Teacher will arrange a meeting with the applicant/Trade Union/nominated representative, prior to the end of the trial period, to discuss whether the trial has been successful. The applicant may also request a trial period in order to assess the suitability of the arrangement.

### **5.4 Trial Period Unsuccessful**

If, in the view of the Head Teacher, the trial has not been successful the application will be rejected and the applicant/Trade Union/nominated representative advised in writing of the business ground(s) and circumstances that apply. A right of appeal, as detailed in this procedure, will apply. If, on the other hand, the applicant deems the trial period unsuccessful, the default contractual position will be the status quo prior to the application, unless a mutually agreed alternative arrangement may apply.

### **5.6 Application or Variant not Approved**

In this event, the Head Teacher will confirm the decision, in writing, within 14 days of the meeting. Such notification will contain a reference to the needs of the Service and ground(s) on which the decision is based, and also contain an explanation of why these apply in the circumstances. The circumstances need to be clearly relevant to the needs of the Service ground(s) quoted.

Examples of appropriate needs of the Service grounds are, as follows:

- The burden of additional costs.
- Detrimental effect on the ability to meet client demand.
- Inability to recruit additional staff.
- Detrimental impact on quality of service or performance.
- Insufficiency of work during the periods the teacher proposes to work.
- Planned structural changes.

The letter advising a teacher that an application to vary a working pattern has been rejected will include an explanation as to why the relevant grounds apply, and will notify the teacher of his/her right of appeal.

## **RIGHT OF APPEAL**

The employee may make a written appeal within 14 days, which should be submitted to the relevant Head of Service or Area Education Manager, who will chair the appeal. The appeal must be dated and set out the grounds for the appeal. An appeal meeting will be held within a further 4 days unless the Council indicates that the appeal has been upheld in advance. Where an appeal meeting is held, the employer will provide a written decision within 14 days, either upholding the appeal or specifying the grounds for refusal.

## **6. EMPLOYMENT CONTRACT**

It should be noted that the agreed change in working pattern will represent a permanent contractual change unless agreed otherwise. Classes may be timetabled at any time between the agreed hours of work e.g. a teacher who works Monday, Tuesday and Wednesday morning will be available to take classes at any time during the school day, until the school breaks for lunch on the Wednesday. Non class contact time will be pro rata for teachers working reduced hours e.g. a teacher working 0.5 job share must actually be present in the school for a minimum of 11.25 hours per week. This is without prejudice to teachers' conditions of service in respect of tasks which may not require the teacher to be on the school premises and can be carried out at a time and place of the teacher's choosing.

## **7. COLLECTIVE APPLICATIONS**

Collective applications should be submitted, by the relevant Trade Union or nominated representative to the appropriate Senior Service Manager and include details of the applicants including names, job titles and locations in respect of the Core Flexible Working Conditions, any variant thereof or any alternative working pattern. The procedure and considerations will be as for individual applications.

**CORE FLEXIBLE WORKING ARRANGEMENTS****1. Application Approved**

As previously stated flexible working is defined by a change in the time (days, hours) or the location a teacher is required to work. This, potentially, is limitless and the requirement is for the employer to consider all requests placed before them. The attached information provides an outline explanation on how each of the undernoted core arrangements may operate and the key principles the Council would expect to apply in terms of pay, leave, conditions etc. to provide a level of consistency and equity.

**2. Core options:**

- Job Sharing
- Reduced Hours/Part time working
- Winding Down
- Career Breaks

**3 JOB SHARING****3.1 Definition**

Job Sharing is defined as the voluntary sharing by two persons of all the duties of an established full-time post with the salary and appropriate conditions of service shared on a pro-rata basis. The arrangement normally involves an equal split of the post and is only appropriate where there is a Service need for duties to be shared. If the work of the post is carried out by two or more individuals working autonomously then part time working may be appropriate.

**3.2 Principles**

Job Sharing is available to prospective teachers and existing teachers who wish to reduce their hours subject to assessment of the circumstances and provided that operational requirements are fully met.

**3.2 Sharing Arrangements**

A post may be shared by two persons on a split-day or split- week basis giving each teacher a pro-rata share of the hours of the post on a morning or afternoon basis, 2/3 days on alternate weeks, or any other pattern deemed acceptable by the Head Teacher.

Due to potential operational difficulties, no teacher may hold two job sharing posts without the agreement of the relevant Area Education

Manager. (This does not apply to part-time working arrangements though any arrangement must be consistent with the needs of the service. It is not advised nor routinely envisaged, however, that part-time arrangements which involve split sites or different locations on any one school day would apply except in exceptional circumstances and with the full agreement of all parties.)

Any necessary overlap periods between sharers will be decided by the Head Teacher having regard to the needs of the job and the sharing arrangements e.g preparation, correction, liaison, parental consultation etc.

**3.4 Leave**

The leave entitlement for job sharers will be a pro rata share of the entitlement for full time teachers and job sharing teachers will be expected to make the appropriate arrangements.

**3.5 In Service Days**

A Head Teacher may require both job share partners to attend in service days in the interests of the service. Where this is required, then any teacher who was not due to work on this day will receive time off in lieu if this means they exceed their contractual working hours. This must be agreed with the Head Teacher at the exigencies of the service.

Where a Head Teacher does not require both job share partners to attend an in service day but the Teacher wishes to attend in the interests of their own personal development, then that teacher may attend the in service day and will be granted time off in lieu, if this is appropriate, at the exigencies of the service.

**3.6 Parents Evenings**

Job sharing teachers will be expected to attend a pro rata proportion of parents evenings, even when these parents' evenings do not occur during or after their normal working day.

**3.7 Surplus**

In the event of a surplus situation and compulsory transfer, the job-share post will normally be considered as the one post. The teacher with the longer continuous service within the partnership will be used in reference to the procedures for compulsory transfer. (note: there is a different method of calculation with regard to continuous service of promoted and un promoted staff for transfer purposes).

### 3.8 Vacancies

In the event that one of the partners leaves for any reason, interim arrangements may be put in place to ensure continuity of service delivery, particularly with regard to learning and teaching. If necessary, a review of the post and the working arrangements for the remaining partner will be subject to further discussion. The job-sharing post will be kept under review. Where there is no need to continue the job sharing arrangement, the remaining teacher's contract may be changed to a part time contract or they may request a transfer to another job sharing post should a suitable post be available.

Where there is a need to fill the post then it will be treated as a vacancy and will be offered to surplus teachers in accordance with agreed procedures and LNCT 18 section 3.3.

Where the post is not filled by a surplus teacher as per 6.4.2 above then the job sharing partner may be offered the opportunity to apply for the post on a full time basis prior to any external advertisement being placed. The usual recruitment procedure will be followed to decide if the job share applicant is suitable for the post.

An existing job sharer can apply for all posts advertised by the Council either on a job share or full time basis.

### 3.9 Continuous Professional Development

Job sharers will be given pro rata access to CPD in line with the SNCT conditions of service.

### 3.10 Remaining conditions of service

All other conditions of service will apply to job sharers, adjusted where appropriate to reflect their reduced working week.

A teacher's continuous service will be unaffected by job sharing.

## 4. REDUCED HOURS/PART TIME WORKING

### 4.1 Definition

Part time working is defined as any situation where an employee works less hours than a standard working week.

### 4.2 Principles

Some posts are naturally part time due to business requirements and the number of hours required for the effective execution of the post.

Where the post is deemed to be full time and there is a wish by the teacher to reduce their hours, an application may be made in accordance with the flexible working procedure.

## 5. PRACTICAL ARRANGEMENTS

### 5.1 Leave

The leave entitlement for part time teachers will be a pro rata share of the entitlement for full time teachers.

### 5.2 In Service Days

A Head Teacher may wish a part time teacher to attend in service days. Where this is required, then any teacher who was not due to work on this day will receive time off in lieu, or additional payment at their standard rate, if this means they exceed their contractual working hours. Any arrangement must be agreed with the Head Teacher according to the exigencies of the service and the availability of the teacher with regard to individual circumstances and notice.

Where a Head Teacher does not require a part time teacher to attend an in service day but the Teacher wishes to attend in the interests of their own personal development, then that teacher may attend the in-service day and will be granted time off in lieu, if this is appropriate and according to the exigencies of the service. Any arrangement must be agreed with the Head Teacher with reference to, as appropriate, the CPD coordinator and respective line managers.

### 5.3 Parents Evenings

Teachers working part time may be expected to attend parents evenings at the request of their Head Teacher, even when these parents' evenings do not occur during, or after, their normal working day.

### 5.4 Continuous Professional Development

Job sharers will be given pro rata access to CPD in line with the SNCT conditions of service.

### 5.5 Remaining conditions of service

All other conditions of service will apply to part time teachers, adjusted where appropriate, to reflect their reduced working week.

A teacher's continuous service will be unaffected by working part time.

## 6. WINDING DOWN

### 6.1 Definition

Winding Down is a phased retirement option which offers those members approaching their retirement age, the opportunity to continue in employment on a part-time basis whilst protecting their overall final retirement pension entitlement. Teachers must be a member of SPPA to apply to "*Wind Down*".

### 6.2 Principles

Education Services are not able to agree to an application to Wind Down. This may only be granted by SPPA. Teachers wishing to Wind Down must, however, first advice is provided by Education Services who may or may not agree to the Teacher reducing their working hours with reference to this flexible working policy. Teachers must also complete the appropriate form for SPPA to ensure that their pension is unaffected by their application.

### 6.3 Conditions

Winding Down is granted by SPPA and all relevant information can be obtained by contacting them directly or by telephoning HR for Advice and Guidance.

## 7. CAREER BREAKS

Career Breaks may be granted in accordance with SNCT Conditions of Service Part 2, Appendix 2.15.