Flexible Working

About this policy

Purpose

This document describes the Flexible Working policy and procedure. Refer to the table of contents, below, for a full list of topics covered.

Contents

This document covers the following topics:

Version control

The table below shows the history of the document and the changes that were made at each version:

Version	Date	Summary of changes
1.0	November 2010	First published version.
2.0	August 2014	Amended in line with statutory changes.
3.0	May 2016	Amendments to Flexi-time scheme and more information on other flexible working options.

Distribution

This policy is available on Aspire.

1. Policy statement

Flexible working can benefit everyone: employers, employees and their families. As an organisation we aim to:

- Proactively look for opportunities to benefit from staff working more flexibly.
- Deal with flexible working applications openly and fairly and consider each application on its merits.
- Ensure any change has a positive effect on service delivery and on the employee's work-life balance.

2. Scope of the policy

This policy applies to all Hackney Learning Trust staff as flexible working is open to all employees. However, flexible working may not be suitable for those who work in predominantly front-line-facing positions.

3. Understanding the flexible working options

This section provides details of the current flexible working options available at Hackney Learning Trust. It covers:

- What is flexible working?
- Benefits of flexible working.
- The statutory right to request flexible working.
- General rules for flexible working arrangements.
- What flexible working options are available?

3.1. What is flexible working?

Flexible working relates to Hackney Learning Trust's arrangements for an employee to change their working time, working location and/or the pattern of working.

3.2. Benefits of flexible working

Flexible working arrangements can enhance service delivery; help existing employees to meet their family commitments and may also provide job opportunities for people who may otherwise not be able to enter the labour market, perhaps because of caring or other domestic commitments.

Flexible working opportunities benefit everyone: employers, employees and their families. Many organisations feel that flexible working allows them to:

- Retain and recruit skilled staff and reduce recruitment costs.

- Increase productivity.

- Raise staff morale and decrease absenteeism; and react to changing market conditions more effectively.

- Enable employees to be able to balance their working lives with personal commitments and aspirations.

- Enable employees to spend less time travelling.

- Aid the environment through less travel – reduction in traffic.

- Avoid the distractions of a busy work environment to enable employees to be more focused and productive.

- Improve the provision of equal opportunities for staff unable to work standard hours.

3.3. The statutory right to request flexible working

To be eligible to make a request under the formal procedure you must:

- be an employee;

- not have made a formal request to work flexibly under the right during the past 12 months.

All employees can request Flexible Working, however priority will be given to employees who have at least 26 weeks service.

Hackney Learning Trust has a legal obligation to seriously consider any application made, and can only reject it if there is a good reason not to. Managers must consider each case on its merits and the individual circumstances which may be involved.

3.4. General rules for flexible working arrangements

These general rules apply to all flexible working options:

- All arrangements are at the line manager's discretion and must be agreed in advance.

- The manager and employee may from time to time wish to review the flexible working arrangement put in place (e.g. to ensure the needs of the service are met). Any changes to the arrangement can only be made if both the manager and the employee agree to the change.

- Arrangements must be put in place to support and monitor the working arrangement. Any abuse of the system could result in termination of the agreement.

4. What flexible working options are available?

This section gives a summary of the flexible working options currently available:

- Flexi-time.
- Part-time Working.
- Job Share.
- Compressed hours.
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- Annualised hours.
- Term-time only working.
- Unpaid Leave.
- Remote Working including Homeworking.

If an employee wishes to work flexibly in an alternative way they should complete the Flexible Working Application Form and pass it to their line manager. The line manager should discuss this with Human Resources.

4.1. Flexi-time

Flexi-time allows an employee (within limits) to choose when they work.

'Flexi-time' is hours built up in addition to the employee's normal hours. The employee must still account for his or her normal contractual hours every four weeks (36 x 4 = 144 hours for a full-time employee) but may work additional hours (that can be taken at a later date) or fewer hours (that can be made up at a later date). Additional hours is time in 'credit' and fewer hours is time in 'debit'.

The flexitime scheme is available and is used in a number of service areas. It is not a universal entitlement as there are a number of service areas with shift systems or fixed opening hours. Where such systems operate, there are fixed working patterns and flexi arrangements are not appropriate.

The flexitime scheme is available to all employees except those on Chief Officer or Teachers' terms and conditions and Soulbury pay scales. It also doesn't apply to anyone working term-time only or on an annualised or compressed hours contract.

4.1.1. Bandwith

The bandwith is from 07.00 to 18.30. There are no core times between which an employee must be at work. However, they must work for a minimum of four hours per day between 07:00 and 18:30 (full-time employees). How these hours are arranged (including lunch breaks) is a matter for the employee and their manager. Employees are expected to take a lunch break and record the time they have taken. The minimum time which must be taken for lunch is half an hour.

Important Note: The nature of the work may mean that the service must be covered between certain hours (normally between 09:00 and 17:00 as a minimum). Employees must check with their manager the level of flexibility available. Approval may be needed to vary 'normal' hours, where 'normal working patterns' are relied on for cover.

4.1.2. Flexitime – 'Credits' and 'Debits'

- ONE day (or two half-days) is the maximum flexi time you can take off in any 4-week accounting period*.

- 16 hours is the maximum number of hours you can carry forward from one 4-week accounting period* to the next.

- 5 hours is the maximum number of hours you can be in debit at the end of the 4-week accounting period*.

*The '4-week accounting period' refers to the 4 weeks on a 'monthly' timesheet.

Important note: Be careful not to accrue additional hours beyond these limits as these will be lost.

4.1.3. Approval

Flexi-leave must be approved in advance. Managers will be as flexible as possible but the needs of the service must normally come first.

4.1.4. Recording Flexi-time on timesheets

Flexitime taken is recorded on the timesheet as 'nil' hours. Timesheets must be completed and made available to managers when requested.

4.1.5. Working time outside Core hours

Employees may be required to attend meetings etc in the normal course of their work, outside the normal bandwidth times. These hours can count towards normal working hours where this has been agreed with the line manager in advance.

4.1.6. Managing employees who work flexi time

Guidance points for Managers:

• Make sure employees understand the level of flexibility permitted e.g. the level of approval required before varying their hours to make sure services are covered.

• Review periodically whether flexitime is operating successfully and whether flexi-time can be introduced to areas where it is not currently operating.

• Managers are required to keep a record of accrued flexitime (e.g. by using a signing in and out book which employees complete each day outlining their working hours). It is against this evidence that flexitime hours may be accrued and subsequently taken as leave where appropriate.

4.2. Part-time Working

A part-time worker is someone who works fewer hours than full-time hours (i.e. less than 36 hours per week).

Part-time employees have the same statutory employment rights as other employees; and it is unlawful to treat part-time employees less favourably than comparable full-time employees, without a justifiable reason.

4.2.1. Pay and benefits

Part-time employees will receive pay and benefits proportionate to the hours worked i.e. in accordance with the full-time equivalent.

- **The Full Time Equivalent (FTE)**

The FTE is calculated by dividing the number of hours worked by the full-time hours (36 hours per week): Part-time hours / 36 = FTE

For example:

An employee working 18 hours per week: 18/36 = 0.5 FTE

The FTE is 0.5; and pay and benefits are multiplied by 0.5 to find the part-time entitlement.

- **Annual Leave**

Part-time employees are entitled to Annual Leave pro-rata to the number of hours worked (the FTE). For example, if an employee works 18 hours per week (0.5 FTE), the part-time employee is entitled to the full-time annual leave entitlement x 0.5:

	Full Time Entitlement	X FTE	Part Time Entitlement
Without long service	27 days	0.5	13.5 (full-time) days x 7.2 = 97.2 hours
With long service	27 + 5 = 32 days	0.5	16 (full-time) days x 7.2 = 115.2 hours

4.2.2. Bank Holidays

Bank holidays should be pro-rated and added to an employee's annual leave entitlement and then taken as annual leave should a bank holiday fall on a working day. Please see example below:

Basic entitlement + Bank holidays	X	$\dfrac{\text{Employee's weekly hours}}{\text{Standard weekly hours}}$	X	$\dfrac{\text{Employee's annual weeks}}{\text{Standard annual weeks}}$	=	**Pro-rata entitlement**

Using an example of someoneworking 24 hours per week:

27 days + 8 bank holidays	X	$\dfrac{24 \text{ hours}}{36 \text{ hours}}$	X	$\dfrac{52.143 \text{ weeks}}{52.143 \text{ weeks}}$	=	**23.33 days (rounded up to 23.5 days)**

4.2.3. Flexitime

Generally the normal operating rules apply with some adjustment where necessary. This would normally mean that the limits would be pro-rata (if appropriate).

For example, if you work 18 hours per week (50% of a fulltime week), then the rules would normally be adjusted as follows:

Full time rules	Part-time rules (prorata to x 50%)
1 day flexi per 4 week accounting period	1 (part-time) day per 4 week period* Or 1/2 (full-time) day per 4 week period** 1 (full-time) day per two 4 week periods (8 wks) **
16 hours maximum credit	8 hours maximum credit
5 hours maximum debit	2.5 hours maximum debit

*Example 1.1 (18 hours per week)	**Example 1.2 (18 hour per week)
Working pattern:	Working pattern:
Monday – Friday ~ 3 hours 36 minutes per day.	Monday ~ 7 hrs 12 minutes
	Tuesday ~ 7 hrs 12 minutes
	Wednesday ~ 3 hrs 36 minutes
	Thursday & Friday ~ 0 hrs
Employee may take one (3 hr 36 minute day) per month.	Employee may take ½ day (3 hours 36 minutes) per month or 1 day (7 hrs 12 minutes) every 2 months.

The bandwidths may need to be adjusted and the employee should discuss this with his or her line manager.

4.2.4. Overtime

Part-time employees will qualify for enhanced overtime rates once they have completed 36 hours in a week i.e. the same number of 'qualifying' hours as full-time employees. Hours worked in addition to the part time hours (up to 36) will be paid at the normal rate.

Full-time Worker	Part-time Worker
Up to 36 hours paid at normal flat rate	Normal Part-time hours paid at normal flat rate.
	Additional hours (up to 36) paid at flat rate.
More than 36 hours worked Additional hours paid at enhanced overtime rates.	

4.2.5. Exceptions (provisions that are not pro-rated)

In the following cases, provisions will not be reduced for part-time employees:

- **Training**

Part-time employees will have the same access to training opportunities as full-time employees. When attending a training course outside their contracted daily hours, the employee will be paid on the same basis as full-time employees (i.e. they will be paid for the additional hours or given time off in lieu at a later date).

- **Car Allowances**

Car allowances will apply to part-time employees on the same basis as full-time employees (i.e. An Essential Car User Allowance is paid in full).

- **Special leave**

Whether or not special leave is pro rata will depend on what is reasonable in the circumstances. In some cases, the full entitlement may be required to meet the purpose of the leave.

For example: Three days Bereavement Leave would normally be granted in full, particularly if it is the first three days following the death. An employee taking one day's Bereavement Leave should be allowed a full working day. In both cases, the purpose of the leave would not be met if the leave is pro-rata.

4.2.6. Managing employees who work part-time

Guidance points for Managers:

- Make sure part-time workers are not treated any less favourably than full-time workers, in terms of current workforce practices and also opportunities for training, development and progression;

- Make sure that work is allocated fairly and that the workload is reasonable for the number of hours worked;

- Find out if the employee is happy to be contacted outside their normal working hours;

- Find out if the employee can be flexible about working additional hours or attending meetings outside their normal working hours if necessary;

- Consider setting core hours during the week when all staff are present. This would then be the time when meetings are held. If this is not possible, then vary the times of key meetings so that everyone can attend at least some of the time. Ensure the outcomes of meetings are shared with employees who aren't there;

- Do not treat part-time workers less favourably during the redundancy process.

4.3. Job Share

A job share arrangement is where two (or more) employees share the duties, responsibilities, pay and benefits of a full-time post. Each job sharer receives pay and benefits in proportion to the hours they work.

The pattern worked will be determined on a case by case basis. It may be determined by service needs (e.g. the need for continuity); the preferences of the job sharers; or a combination of both. Examples include split days, split weeks or alternative weeks.

Examples of different working patterns are given below:

4.3.1. Split days

	Monday	Tuesday	Wednesday	Thursday	Friday
a.m.	Employee A	Employee A	Employee A	Employee A	Employee A
p.m.	Employee B	Employee B	Employee B	Employee B	Employee B

4.3.2. Split weeks

	Monday	Tuesday	Wednesday	Thursday	Friday
a.m.	Employee A	Employee A	Employee A	Employee B	Employee B
p.m.	Employee A	Employee A	Employee B	Employee B	Employee B

4.3.3. Alternate weeks

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1:					
a.m.	Employee A	Employee A	Employee A	Employee A	Employee A
p.m.	Employee A	Employee A	Employee A	Employee A	Employee A
Week 2:					
a.m.	Employee B	Employee B	Employee B	Employee B	Employee B
p.m.	Employee B	Employee B	Employee B	Employee B	Employee B

Note: the examples provided (above) assume that two people are covering a full time job i.e. each employee works 18 hours per week (0.5 FTE). However, the time need not be split evenly between the job share partners.

For example:

	Monday	Tuesday	Wednesday	Thursday	Friday
All day	Employee A (0.6 FTE)			Employee B (0.4 FTE)	

In other cases, hours might overlap to enable a handover or because of peaks in service requirements (e.g. a busy part of the week). For example:

	Monday	Tuesday	Wednesday	Thursday	Friday
a.m.	Employee A	Employee A	Employee A	Employee B	Employee B
p.m.	Employee A	Employee A	Employee A & B	Employee B	Employee B

4.3.4. Terms and conditions

Job share is a form of part-time working and employees will receive pay and benefits proportionate to the hours worked – see Part-time Working.

Job-share partners will be treated as individuals in terms of their contractual rights, responsibilities, obligations and conduct.

This means that Job sharer partners may have different entitlements to pay and benefits (for example where entitlements are based on service) and each job sharer will be assessed separately. This includes eligibility for:

- Increments (and incremental progression)

- Sick pay

- Long service leave

- Maternity/Paternity/Adoption leave

- Long Service Award

4.3.5. Recruiting Job Sharers

All jobs are eligible for job sharing, unless determined otherwise because of the nature of the duties or the service provided. Unsuitability would normally be for one (or more) of the reasons set out in *Rejecting the flexible working request* on page 34.

Each candidate should be treated as an individual and even where job share partners have applied for a job jointly. The job should be offered to the best candidate(s), having assessed their abilities separately. The appointment (based on merit) will be offered to:

- Two job share partners who have applied jointly;

- One job sharer from a joint application and another independent job sharing applicant;

- One job sharer and re-advertise the vacant half of the job.

4.3.6. Ending a job share arrangement

It might be necessary to end a job share arrangement, usually because either the way the job is delivered changes and a job share arrangement will no longer work; or because one job share partner leaves.

The different circumstances and how to deal with them is set out below:

Changes in service delivery mean that the job is no longer suitable for a job share arrangement

If, following appropriate consultation, both employees are suitable and would like to work in the post full-time, then they will normally both be assessed for the job and the best candidate appointed. A search for a suitable alternative post will be made for the displaced employee using the redeployment process.

Where one job share partner leaves

- Recruitment difficulties

If reasonable efforts are unsuccessful (e.g. 2 attempts) then the full-time post would normally be offered to the remaining employee on a full-time basis (assuming they are suitable). If the employee declines, then the post may be designated full-time and a reasonable alternative job will be sought for the part time employee using the redeployment procedure.

- An increase in hours

If the remaining job share partner would like to increase their hours to full-time, then they should be considered for the vacant part of the post before it is advertised. The employee can apply using the Flexible Working Procedure (which includes the right of appeal).

4.3.7. Managing employees who job share

Guidance points for Managers:

Make sure:

- The work is divided fairly;

- Opportunities (such as training and development) are allocated fairly;

- There are clear lines of communications between them and others (such as direct reports);

- The performance of job sharers is measured against full-time members of staff. Where there are performance problems, they should be dealt with evenly - responsibility should not be placed unreasonably on one job share partner;

- You plan ahead where possible. For example, it may take longer to recruit a job sharer.

4.4. Compressed hours

Compressed hours is where an employee works his or her agreed hours over fewer days.

For example: A nine-day-fortnight is an arrangement where the employee works 36 hours in 9 days and is not required to work on one day per fortnight.

Wk 1	Monday	Tuesday	Wednesday	Thursday	Friday
40 hrs:	8	8	8	8	8
Wk 2	Monday	Tuesday	Wednesday	Thursday	Friday
32 hrs:	0	8	8	8	8
In this example, a full-time employee is contracted to work 72 hours across two weeks (36 x 2). The employee works 9 x 8 hour days (72 hours) and takes one day each fortnight off (in this case alternate Mondays).					

4.4.1. Terms and Conditions

Generally, there are no changes to terms and conditions as the employee continues to work full-time.

4.4.2. Annual leave and Bank Holidays

The Annual Leave and Bank Holiday entitlement is converted into hours (using a standard 7.2 hour day)

a) Without long service leave:

Basic Annual leave Entitlement:	27 days
Long Service leave	0 days
Bank holidays	8 days
Total	35 days
In hours (x 7.2 hours)	**252 hours**

b) With long service leave:

Basic Annual leave Entitlement:	27 days
Long Service leave	5 days
Bank holidays	8 days
Total	40 days
In hours (x 7.2 hours)	**288 hours**

If the employee would have worked on the Bank Holiday, the working hours for that day are deducted from the leave entitlement. At the beginning of each leave year, the employee should book all the bank holidays that fall on their normal working days in advance. This will avoid any problems with using up the leave entitlement too soon.

For Example:

Wk 1	Monday	Tuesday	Wednesday	Thursday	Friday
40 hrs:	8	8	8	8	8 hrs leave
Wk 2	**Monday**	**Tuesday**	**Wednesday**	**Thursday**	**Friday**
32 hrs:	0	8	8	8	8
In this example, both the Friday and the Monday are Bank Holidays. Because the employee normally works an 8 hour day on Friday, he or she must book 8 hours leave on that day. Because the employee does not normally work on Monday's, there is no need to book leave. The time credited for this bank holiday (in the annual leave calculation) can be taken at another time.					

4.4.3. The non-working day

The employee normally sticks to an agreed working pattern. In the example 1 above, the employee works a nine-day-fortnight and takes alternate Monday's off.

An employee may be asked to change their non-working day occasionally to meet a service need. However, managers should be mindful that an employee may have commitments (such as caring responsibilities) that are difficult to rearrange at short notice.

4.4.4. Working Time Regulations

An employee's average working time must not exceed 48 hours for each seven day period unless the worker has agreed in writing that the limit will not apply.

Any rest periods set out in the Working Time Regulations will continue to apply.

4.4.5. Flexitime

Employees on compressed hours will not have access to the flexi-time scheme. However, an employee may change their normal day off (subject to service needs and their manager's agreement).

Managers may agree a level of flexibility around start and finishing times, normally within the limits of the flexi-time band widths.

4.4.6. Sick leave

One full day's sickness is recorded as 7 hours 12 minutes (7.2 hours). At the end of the accounting period, the employee must account for their contracted hours (normally 72 per fortnight); and adjustments should be made where necessary.

Example 1:

Wk 1	Monday	Tuesday	Wednesday	Thursday	Friday
40 hrs:	8	8	8	8	8
	8	8	8	8	Sick (7.2)
Wk 2	**Monday**	**Tuesday**	**Wednesday**	**Thursday**	**Friday**
32 hrs:	0	8	8	8	8
	0	8	8	8.8	8
In this example: The contractual hours (across two weeks) are 72. One day's sickness is 7.2 hours. The employee worked an additional 0.8 hours (48 minutes) on one day to ensure their 72 contracted hours were met.					

Example 2:

Wk 1	Monday	Tuesday	Wednesday	Thursday	Friday
40 hrs:	8	8	8	8	8
	8	8	8	8	8
Wk 2	**Monday**	**Tuesday**	**Wednesday**	**Thursday**	**Friday**
32 hrs:	0	8	8	8	8
	Sick (7.2)	8	8	8.8	0
In this example: The contractual hours (across two weeks) are 72. The employee was sick on the day that would normally be their day off. One day's sickness is 7.2 hours. The employee worked an additional 0.8 hours (48 minutes) on another day and met their 72 contracted hours. They were therefore entitled to a different day off in the two week period.					

4.4.7. Managing employees who work compressed hours

Guidance points for Managers:
* Make sure the hours the employee proposes to work will meet the needs of the service;
* Set time limits on the length of the working day to make sure you comply with the Working Time Regulations and that the employee is available to meet work demands;
* Agree the day(s) the employee won't work to ensure that there is good cover;
* Co-ordinate working patterns with other employees working flexibly to ensure good cover;
* Monitor the individual's performance to ensure that the new working pattern does not result in over tiredness.
* All applications for compressed hours must be fully discussed with Human Resources before any agreement is reached. Whether a request is approved or not depends on the circumstances of each case and its impact on the day-to-day work of the Service/Directorate.
* Changes to working hours and leave arrangements will be provided in writing as part of the agreement. Changes to pay are not required.

4.5. Annualised hours

The annualised hours scheme is in effect a combination of compressed hours and term-time only working. It is a system where an employee works term-time only and is on leave during school holidays, however is paid for the full year as they work longer hours each week during term-time. The employee's hours are totalled over the year, and depending on the individual's annual leave entitlement, the hours to be worked during term-time are increased to make up for the time off during school breaks.

4.5.1. Benefits

Resources can be devoted to the busy part of the year, i.e. term-time, for employees working directly with schools.

Parents/carers do not have to find alternative childcare arrangements during the school holidays.

For posts where there are recruitment and retention problems this option can help to recruit parents/carer who are restricted by childcare needs during school holidays.

4.5.2. Key principles and rules

- The annualised hours scheme is not available to employees on Teachers' terms and conditions, and is not suited to jobs which need to be done continuously throughout the year or where peaks in workload coincide with school holidays.

- Impact on performance needs to be monitored, as longer days may be tiring for some workers and they will have less leisure time during working days.

- All applications for annualised hours must be fully discussed with Human Resources before any agreement is reached. Whether a request is approved or not depends on the circumstances of each case and its impact on the day-to-day work of the Service/Directorate.

- Changes to working hours and leave arrangements will be provided in writing as part of the agreement. Changes to pay are not required.

- The period doesn't have to be 'annual'. A similar arrangement could be used across a different period of time e.g. Quarterly hours.

4.5.3. Terms and Conditions

Annual hours are calculated using the number of weeks per year, less contractual annual leave, and bank holidays, multiplied by the number of working hours per week.

Without long service	
Length of year:	52 weeks
Deduct annual leave (27/5) =	5.4 weeks
Deduct public holidays (8/5) =	1.6 weeks
	45 weeks
Annual Hours = 45 weeks x 36 = **1620 hours**.	

With long service	
Length of year:	52 weeks
Deduct annual leave (32/5) =	6.4 weeks
Deduct public holidays (8/5) =	1.6 weeks
	44 weeks
Annual Hours = 44 weeks x 36 = **1584 hours**.	

A full-time employee would work 1620 or 1584 hours (depending on their length of service)

Normally, the working pattern is split into:
- **Set hours** which cover the majority of the year; and
- **Unallocated hours** which the employee can be asked to work.

The unallocated hours are held in a **bank**; and the employee works these hours at busy times, often at short notice. Employees should be given at least 12 hours notice of a change to their working hours (i.e. that he

or she is required to start earlier or work later than rostered) and 48 hours notice that he or she is required to work on a day not previously rostered.

Employees must work the 'unallocated' hours when required and refusal (without good reason) will lead to disciplinary action. Four refusals could result in dismissal.

During quiet times, the employee may be sent home, and the hours not worked are added to the bank to be allocated at a later date.

Other working patterns could include regular hours with longer hours worked for part of the year (a busy period) and shorter hours worked at other times (that are less busy).

For example:

Employee works:	
3 months	520 hours (approx 40 hours per week)
9 months	1100 hours (approx 28.2 hours per week)
12 months	**1620 hours**

Employee works:	
3 months	520 hours (approx 40 hours per week)
9 months	1064 hours (approx 27.3 hours per week)
12 months	**1584 hours**

Note: 1584 or 1620 are hours to be worked. Where an employee takes annual leave, the leave is paid but these are not counted as hours worked.

4.5.4. Leaving part way through the year

Where an employee leaves part way through the year, then the required hours will be recalculated based on a 36 hour week across the period worked. Any additional hours worked / hours owed will be paid/recovered at the normal hourly rate for the job.

4.5.5. Overtime

Overtime is not normally payable, as the employees hours are increased or decreased to meet service demands within their contracted hours. Overtime is only payable where the employee has exceeded their annual hours.

4.5.6. Working Time Regulations

An employee's average working time must not exceed 48 hours for each seven day period unless the worker has agreed in writing that the limit will not apply.

4.5.7. Annual Leave and Bank Holidays

The employee is entitled to the full-time leave entitlement (if the employee works full-time) and leave is booked in the normal way. Annual Leave and Bank Holidays do not count as hours worked, nor do they attract any additional payment. Annual leave and Bank Holidays are accounted for in the employee's annual salary.

4.5.8. Managing employees who work annualised hours

Guidance points for Managers:

● Monitor hours worked carefully. At the end of the year, the hours that an employee has been paid and the hours worked should reconcile.
    - If hours are used too early, then overtime/TOIL may be necessary to cover the service at the end of the year;
    - If a surplus of hours remain, then employees may be paid for no or low productivity.

● Employees may request time off that he or she is scheduled to work (outside of annual leave). Requests may be approved if he or she can swap shifts with a colleague; or if the service can be covered with reduced numbers. These are hours that the employee owes that will be 'banked' and allocated for working at a later date.

4.6. Term-time only working

Term-time only working is an arrangement where an employee works during school term time only and takes some paid and some unpaid leave during the school holidays. All annual leave must be taken during the school holidays.

The employee's salary is calculated accordingly (based on the total number of weeks worked and the individual's entitlement to annual leave) and payment is spread across the year.

4.6.1. Benefits

• Resources can be devoted to the busy part of the year, i.e. term-time, for employees working directly with schools.

• Parents/carers do not have to find alternative childcare arrangements during the school holidays.

• For posts where there are recruitment and retention problems this option can help to recruit parents/carers who are restricted by childcare needs during school holidays.

• This option may be combined with reduced hours, for example working parents/carers can work part-time during the term time.

4.6.2. Key principles and rules

• Term-time only working is not suited to jobs which need to be done continuously throughout the year or where peaks in workload coincide with school holidays.

• Criteria for adopting term-time working may include:

    • 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 other employees.

• All applications for term-time working must be fully discussed with Human Resources before any agreement is reached. Whether a request is approved or not depends on the circumstances of each case and its impact on the day-to-day work of the Service/Directorate.

- The employee is entitled to paid annual leave which is pro-rata to their actual working weeks. Paid leave will be taken during the school holidays.
- Changes to pay, working hours and leave arrangements will be provided in writing as part of the agreement.

4.6.3. Terms and Conditions

A Term Time Only Working arrangement is a form of part-time working and employees will receive pay and benefits proportionate to the hours and weeks worked. See guidance on part-time working.

The proportion of pay for an employee working **Full-time** hours (36 per week) is as follows:

Service:	Proportion:
Without long service leave	86.28%
With long service leave	88.23%

Where an employee works **Part-time** hours then the proportion is reduced further by the number of hours worked as follows:

Service:	Proportion:	
Without long service leave	86.28%	x hours/36
With long service leave	88.23%	x hours/36

Example:
   1. 86.28% x 18/36 = 43.14%
   2. 88.23% x 18/36 = 44.12%		

Pay will be averaged out and paid in equal instalments over the whole year.

Annual Leave and Bank Holidays have been paid and leave is normally restricted to the school holidays.

Employees have no automatic right to increase their hours should they be available for work during their unpaid period. However, any requests will be given consideration.

4.6.4. Managing employees who work term time only

Guidance points for Managers:
- Ensure that the dates the employee will work and be absent are known well in advance. Hackney's term dates can be used or agree the dates with the employee;
- Plan ahead – allocate work fairly and plan for the absence. Planned absences are often good development opportunities for other employees e.g. by providing opportunities for acting-up or for short term secondments;
- Allocate opportunities fairly (such as training and development);
- Consider other arrangements where necessary for training and development that happens while the employee is absent;
- Agree communication channels for while the employee is away. Make sure you keep the employee informed about developments at work – especially if they involve, for example, a reorganisation;
- Consider how their responsibilities will be handled while the employee is absent e.g. how staff reporting to him or her will be managed.

4.7. Unpaid Leave

Unpaid leave is pre-arranged leave without pay or contractual benefits.

4.7.1. General Principles

The following general principles will normally apply:

- The maximum leave that can be requested is 12 months;
- The leave must be taken in one block;
- All paid leave must be exhausted first;
- The Trust intends to hold the employee's job open for them, however, this cannot be guaranteed. 'The empoyee's job' means their substantive post; any acting or temporary arrangements will stop;
- Every effort will be made to consult with the employee in the event of a reorganisation during their absence;
- Employees must confim their intention to return at least 4 weeks before the due date (unless the period of unpaid leave is less than 4 weeks);
- Requests to return earlier than expected should be made at least 8 weeks before the new date.

Important note: Unpaid leave arising from the application of other provisions or statutory entitlements are not covered by this procedure. This includes Maternity Leave, Adoption Leave, Parental Leave and Additional Paternity Leave.

4.7.2. Pay and Conditions

The impact on the employee's terms and conditions will depend on whether it is a shorter period of unpaid leave (up to 3 months) or a longer period of leave (more than 3 months).

4.7.3. A period of unpaid leave up to 3 months

Pay and allowances
All pay and allowances will stop during the period of unpaid leave.

Continuous service
A period of unpaid leave up to 3 months will not break the employee's service.

Annual Leave calculation
Annual leave will be pro-rata to the proportion of the year to be worked. The statutory minimum will apply i.e. the minimum leave entitlement is 28 days (inclusive of bank holidays) per annum.

For example:	
An employee takes unpaid leave for 3 months, February – April.	
Contractual Annual leave:	27 days + 8 bank holidays
Period of unpaid leave	3 months (i.e. 9/12 worked)
Pro rata leave	26.25 days (26 days, 1 hr & 48 mins)
Statutory minimum	28 days
As the statutory minimum is greater, the statutory minimum applies.	
Bank holidays outside unpaid period:	6
Pro rata entitlement	28 – 6 = **22 days**

4.7.4. A period of unpaid leave over 3 months

Pay and allowances
All pay and allowances will stop during the period of unpaid leave

Continuous service
A period of leave over three months will break the employee's service. However, provided the employee returns as agreed, the Trust will enter into an arrangement with the employee whereby:

He or she will be reemployed into the job they left on the same terms and conditions (including salary) unless this has been varied during their absence (e.g. by collective agreement);

Or

If their job is no longer available, they will be reemployed on the terms and conditions of the job they left while a suitable alternative is sought (in accordance with the Trust's redeployment procedure);

And:

The Trust will recognise their previous local government service, as if he or she had not been away, for example when calculating:
- Redundancy
- Notice periods
- Long service leave
- Sick pay calculations
- Maternity provisions
- Statutory notice
- Incremental progression.

Annual Leave calculation
Annual leave will be pro-rata to the proportion of the year to be worked. The statutory minimum does not apply, as he or she is not employed during the break in service.

For example:	
An employee takes unpaid leave for 9 months.	
Contractual Annual leave:	27 days (+ no bank holidays)
Period of unpaid leave:	9 months (i.e. 3/12 worked)
Pro rata leave:	6.75 days (6 days, 5 hrs & 24 mins)
Annual statutory minimum does not apply as he or she is not employed during the unpaid absence.	
Pro rata entitlement	**6 days, 5 hrs & 24 mins**

There is no entitlement to bank holidays that fall while on unpaid leave.

4.7.5. Other terms and conditions - all Periods of unpaid leave

Pension implications
A period of unpaid leave will have implications for the employee's occupational pension (assuming he or she is a member) and members of the scheme must consult the pension provider for further information.

Maternity Leave, Paternity Leave and Adoption Leave
There is no entitlement to occupational maternity pay, paternity pay or adoption pay. You may be entitled to statutory rights and leave.

Once you return, your occupational pay could be affected if you were on no pay at the date your 'average earnings' are calculated.

Incremental progression
Employees must work for at least 6 months but need not work more than 12 months in any year to qualify for an annual increment. On 1st April, employees must have worked for at least 6 months during the previous year to qualify for an increment.

Outstanding debts with the Trust
Normally, the employee is expected to repay any loans before the unpaid leave begins. This includes and season ticket loans or welfare loans or any overpayments that are being repaid.

An employee on three months leave or less, who has a bicycle under the cycle to work scheme, may be able to suspend payments until their return.

4.7.6. Other considerations

Employees requesting unpaid leave for family reasons should refer to the Trust's provisions for Parental Leave, Time off for dependents and compassionate leave. These may be better suited to their circumstances.

4.7.7. Managing employees taking unpaid leave

Guidance points for Managers:
- Remember that although there is no obligation to grant unpaid leave, there can be benefits for the Trust including:
  - Prestige;
  - An increase in the skills and knowledge of staff;
  - The retention of valuable staff who may otherwise resign.
- Maintain contact with the person (e.g. an email address that will be checked) in case issues arise at work that requires contact with them, such as consultation over changes to their job.
- Make plans for catching up the employee upon their return e.g. has he or she missed any essential training.

4.8. Remote Working including Homeworking

Remote working is where an employee works (at least some of their time) from a location that is not the traditional office. Examples of remote working include homeworking; and/or working from another site such as a library or café.

Homeworking is currently the most commonly used remote working arrangement and this guidance will refer primarily to Homeworking. However, normally the same general principles will also apply to other forms of remote working. All forms of remote working will be supported where they can be used effectively.

4.8.1. Terms and conditions

There are no changes to the employee's terms and conditions.
There is no absolute right on the part of any employee to work at home or remotely.

Normally not less than two months' notice of a wish to become a remote/home worker must be given.

Normally, the Trust does not contribute to any costs arising out of working from home, such as electricity, broadband, telephone line rental, etc. Exceptionally, the Trust may fund/contribute to equipment, particularly if this amounts to a reasonable adjustment for a disabled employee.

4.8.2. Other conditions

Employees may be required to work at the office at short notice e.g. to cover for sick colleagues or to meet a deadline. However, managers will take account of any arrangements the employee may have in place e.g. collecting children from school.

Where irregular home-working could jeopardise service levels and workplace cover, it can be withdrawn fully or in part until service led requirements are met. If withdrawn, the employee will be given sufficient notice to mitigate any personal impact. In some case, working from home can be withdrawn without notice e.g. where there are Health and Safety concerns.

4.8.3. Health and Safety Considerations

The Trust retains its duty of care to employees who are working from home, or at other sites. It is important to ensure that the (remote) working environment is safe and suitable.

In most cases, working from home in an office environment is relatively low risk. However, if for example, the employee is using or storing supplies or equipment that are potentially dangerous; a risk assessment must be completed that is appropriate to the circumstances. Further advice is available from the Health and Safety Team.

Even in a relatively 'low risk' office environment, a risk assessment must be completed. The scope of the risk assessment typically depends on how frequently the employee will work from home, as follows:

Level 1	
Frequency (on average):	One day per week (7.2 hours) or less is spent working from home.
Level of Risk Assessment Required:	Standard Workstation Assessment.

Level 2	
Frequency (on average):	More than one day per week (7.2 hours) but less than 2.5 days per week (18 hours) is spent working from home.
Level of Risk Assessment Required:	As level 1 **Plus** the **Basic Homeworking Risk Assessment.***

Level 3	
Frequency (on average):	More than 2.5 days per week (18 hours) spent working from home (includes full-time Homeworking).
Level of Risk Assessment Required:	As level 1 **Plus** the **FULL Homeworking Risk Assessment.***

*Risk Assessment templates are available on the Flexible Working page on Aspire.

Even employees who work from home occasionally (level 1), must ensure that there are no obvious risks (normally common sense will apply).

For example:
- Remove trailing wires and other trip hazards;
- Do not overload plugs;
- Use all equipment correctly and do not use any equipment that appears to be faulty;
- Ensure your work area is interruption free and you can concentrate;
- Take breaks and do not work excessive hours;
- Take reasonable care of your own health & safety.

Employees must also take reasonable care with any work related information. Examples include appropriate transportation and storage of confidential information; and an area where confidential calls can be made and received.

The employee may complete the risk assessment themselves, however, managers are responsible for ensuring the employee understands how to complete the assessment; that the assessment is completed; and that any risks identified are addressed. If it is not possible to address significant risks, the employee will not be able to work from home.

Additional considerations (for all levels) include:

Work Station Assessments - Employees are responsible for ensuring that they comply with the Trust's guidance on Work Station Assessments and any other relevant guidance as directed by their manager.

Smoking - Employees are encouraged not to smoke during 'working hours' at home; and must not smoke where there are any Health & Safety risks or if they can be seen (e.g. while video conferencing). If an employee dedicates a specific space to working, then no smoking is permitted in this area (even in the home).

Lone working - In some cases an employee may have contact with clients (lone-working) and appropriate assessments and protocols must be established. Employees must not have face-to-face contact with clients in their own home.

4.8.4. Setting up an employee to work from home

Generally, an employee must have available:
- A physical space that is comfortable and free from noise and interruptions;
- Appropriate facilities e.g.
    o Broadband;
    o Suitable storage for sensitive/confidential information;
    o Telephone lines.
- Home insurance that covers working from home.

4.8.5. Managing employees who work from home/remotely

Managing staff remotely normally requires additional effort (at least at first) and additional trust; and usually involves a shift from managing attendance to managing outputs.

Key points to consider are:

1. **Management style**:
   - A high trust, low control management style will normally work best (*note, the work produced is still monitored*).

2. Job specific issues:

This might include identifying:

- Specific periods that the employee will need to be available/contactable;
- How contact will be made;
- Clear goals, boundaries and expectations;
- The required quality and quantity of work. The work produced can be monitored but this should not be excessive compared to other employees;
- Storing and transporting confidential information;
- Arrangements for office cover at short notice.

3. Support:

This involves consideration of the support the employee might need:

- Arrangements for contacting their manager in an emergency?
  Recognise signs of stress (which may include for example the tone of emails or telephone calls).

Please also see *Communicating and dealing with remote staff* on page 35.

5. Flexible working procedures

This section explains procedures for applying for flexible working. It also explains how a manager deals with any flexible working requests that they receive.

The next page provides a summary flowchart of the overall process. The rest of the section describes the each of the steps, the appeals process and withdrawing requests:

Step 1 – Employee makes an application.

- Before making a formal application the employee has an informal discussion with their line manager.
- Completing Flexible Working Application Form.
- Completing Health & Safety Risk Assessments (for remote and home working).

Step 2 – Manager considers the request and makes a decision.

- Discussing the request with the employee.
- Considering the formal flexible working request.
- Rejecting the flexible working request.
- Notifying HR and Payroll Teams.
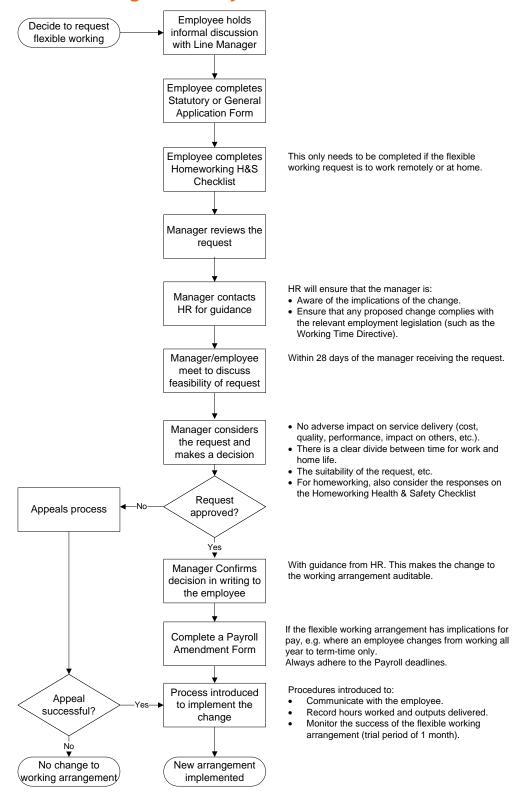
Step 3 – Manager implements supporting procedures.

- Communicating and dealing with remote staff.
- **Error! Reference source not found.**.
- Monitoring the success of the flexible working arrangement.

- Appeals.

- Withdrawing requests.

5.1. Flexible working - summary flowchart

```
Decide to request          Employee holds
flexible working    →      informal discussion
                           with Line Manager
                                   ↓
                           Employee completes
                           Statutory or General
                           Application Form
                                   ↓
                           Employee completes          This only needs to be completed if the flexible
                           Homeworking H&S             working request is to work remotely or at home.
                           Checklist
                                   ↓
                           Manager reviews the
                           request
                                   ↓
                           Manager contacts           HR will ensure that the manager is:
                           HR for guidance            • Aware of the implications of the change.
                                                      • Ensure that any proposed change complies with
                                                        the relevant employment legislation (such as the
                                                        Working Time Directive).
                                   ↓
                           Manager/employee           Within 28 days of the manager receiving the request.
                           meet to discuss
                           feasibility of request
                                   ↓
                           Manager considers          • No adverse impact on service delivery (cost,
                           the request and              quality, performance, impact on others, etc.).
                           makes a decision           • There is a clear divide between time for work and
                                                        home life.
                                                      • The suitability of the request, etc.
                                                      • For homeworking, also consider the responses on
                                                        the Homeworking Health & Safety Checklist
Appeals process    ← No     Request
                            approved?
                                   │ Yes
                                   ↓
                           Manager Confirms           With guidance from HR. This makes the change to
                           decision in writing to     the working arrangement auditable.
                           the employee
                                   ↓
                           Complete a Payroll         If the flexible working arrangement has implications for
                           Amendment Form             pay, e.g. where an employee changes from working all
                                                      year to term-time only.
                                                      Always adhere to the Payroll deadlines.
                                   ↓
          Appeal      Yes   Process introduced        Procedures introduced to:
          successful?  →    to implement the          • Communicate with the employee.
                            change                    • Record hours worked and outputs delivered.
             │ No                                     • Monitor the success of the flexible working
             ↓                  ↓                       arrangement (trial period of 1 month).
     No change to          New arrangement
     working arrangement   implemented
```

5.2. Step 1 – Employee makes an application

An employee interested in flexible working is advised to speak informally with their line manager to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery, before submitting a formal request. The employee must complete the Flexible Working Application Form. If the flexible working request is for remote working or home working, the employee will also need to complete the relevant risk assessment, and a number of other Health & Safety assessments might need to be undertaken, depending on the nature of the role.

5.2.1. Completing Flexible Working Application Form

Employees must make an application in writing using the Flexible Working Application Form.

Applications must include the following information:

- o That the employee is requesting to change his or her terms and conditions of employment;
- o Details about the change applied for and the date the employee would like the change to take effect;
- o Explain what effect (if any) the change will have on their service and any thoughts he or she has for dealing with any negative impact;
- o The dates of any previous applications for flexible working;
- o The date the current application is being made.

Employees must submit their applications to their line manager in good time and ideally at least three months before they would like the change to take effect.

Employees should be aware that if the employer approves their application, and the agreed trial period has been successful, the variation in contractual terms is a permanent one and the employee has no automatic right to change back to their previous pattern of work, unless the application seeks the variation for a specified time period only. The manager and employee may however wish to review the arrangement on a regular basis (e.g. to review the needs of the employee and/or service).

If an application is rejected, the member of staff may request a review by another line manager. See *Appeals*, on page 37.

5.2.2. Completing Health & Safety Risk Assessments (for remote and home working)

Any agreement for staff to work at home will be dependent on a suitable and sufficient risk assessment, and employees wishing to work from home either occasionally or regularly must complete the relevant risk assessment.

It is the responsibility of the line manager to ensure that a copy of the form is given to the employee and to review the completed forms to ensure that the home working environment conforms to health and safety guidelines.

Depending on the requirements of the role, the employee may also need to complete:

- A Display Screen Equipment Assessment (available on the Health and Safety Pages on Aspire), if using a desktop computer, laptop or PDA.

- Manual Handling Risk Assessment (available on the Health and Safety Pages on Aspire), if required to lift equipment or materials while working at or from home. Line managers should warn any employee wishing to work at or from home of the hazards of handling loads.

- Control of Substances Hazardous to Health (COSHH) (available on the Health and Safety Pages on Aspire), if using substances or materials that may be hazardous to health and safety while working at home. If necessary training and advice must be provided by the Health & Safety team.

- Lone Working Risk Assessment (available on the Health and Safety Pages on Aspire).

The forms need only be completed once. All forms should be returned to the employee's line manager.

5.3. Step 2 – Manager considers the request and makes a decision

Managers must view any valid requests for flexible working seriously and in a positive light and, whenever it is possible and practicable, agree to the employee's request.

When considering the request the manager should:

- Discuss the request with the HR Team.

- Meet with employee to discuss the feasibility of the request and how it will work in practice, usually within 28 days of the application being received.

- Consider the request and make a decision, usually within 14 days of the meeting.

- Notify the HR and Payroll teams of any change to the employee's working arrangement.

5.3.1. Discussing the request with the HR Team

All applications must be fully discussed by the manager with Human Resources before any agreement is reached.

The HR Team will:

- Ensure that the manager is aware of the implications of the change.

- Ensure that any proposed change complies with the relevant employment legislation (such as the Working Time Regulations).

5.3.2. Discussing the request with the employee

All applications for flexible working must be fully discussed between the employee and their line manager before any agreement is reached. The meeting should explore the feasibility of the request and how it will work in practice. The meeting will be used to discuss the working arrangements the employee has requested. The employee will be able to explain how the arrangements will accommodate his/her needs and will also be able to discuss what impact the proposed working arrangements will have on their work and that of their colleagues. If the proposed arrangements cannot be accommodated, discussion at the meeting will also provide an opportunity to explore possible alternative flexible working arrangements.

The employee's line manager may suggest starting new working arrangements under an initial trial period to ensure that they meet the employee's needs and those of the employee's team.

Arrangements will be kept under review and any concerns will be discussed with the employee. See *Monitoring the success of the flexible working arrangement*, on page 36.

Managers **must not** enter into informal agreements with employees, as this may mean that their salary and benefits are calculated on an incorrect basis. An informal agreement may cause serious problems in the future if the contract is ever challenged (i.e. in cases of dismissal or redundancy, or disputes over pension, maternity or sickness payments).

5.3.3. Considering the formal flexible working request

When considering flexible working it is imperative that the following areas are taken into consideration:

- Eligibility.
- Suitability.
- Service Delivery.
- Work-life Balance.
- Communication.

Whether a request is approved or not depends on the circumstances of each case and its impact on the day-to-day work of the Service/Directorate.

This section sets out the decision making process/timeframe and provides guidance on the areas that the manager should consider. It also describes the risk assessment that must be undertaken for all home workers.

Timeframe for decision

Hackney Learning Trust will endeavour to make a decision on the request within three months of first receiving it, including any appeal. If the employee's line manager needs more time to make a decision, for example, where they need more time to investigate how the employee's request can be accommodated or to consult several members of staff, they will discuss this with the employee and mutually agree on a decision date.

Changes to working hours

If the change relates to working hours (e.g. reduced hours, compressed hours in less days, switch to term-time working), the manager should look at the pattern of working the employee is seeking (i.e. the number of hours or days they propose to work) and consider:

- Will the change incur additional costs for Hackney Learning Trust?

- Will there be a detrimental effect on quality or performance, or on the ability to meet demand? Ensure that there is a business need and that the service will not be affected in any way should the proposal be introduced.

- Can the workload be reorganised amongst existing staff?

- Will there be a need to recruit additional staff?

- Is there sufficient work during the periods the employee wishes to work?

- Are there any planned structural changes that mean that the request cannot be reasonably accommodated?

- Does the request conform to the Working Time Regulations (e.g. an average 48-hour week is not exceeded, minimum rest periods are adhered to, etc.)?

- Will there always be adequate cover? The manager will need to monitor and fairly distribute popular days (e.g. Mondays and Fridays) requested as part of the flexible working applications.

- Will longer days (as part of a 'compressed hours' request) be tiring for the employee or impact on performance?

Changes to location

If the change relates to a change in location (occasional home working, remote working, etc.), the manager should consider:

- Does the role have clarity of requirements, deadlines and objectives?

- Can the output of the work be clearly defined and measured?

- The capability and role development needs of the applicant, and their suitability to work successfully in a potentially isolating environment. Have they got the following skills and attributes:

    - Self-discipline and the ability to work without direct supervision?

    - Good organisational skills?

    - Ability to manage time effectively?

    - Ability to cope with the potentially conflicting demands of work and family?

Trial Periods

It is recommended that manager and the employee reach an agreement to implement a trial period for a defined temporary period (e.g. a month). This will ensure that the proposed flexible working arrangement is suitable for all parties involved.

A trial period can be beneficial for both parties, especially where there is some doubt as to the viability of the working arrangements requested by the employee. It can give both the manager and the employee an opportunity to review how the arrangements work in practice and whether or not they are likely to create any practical difficulties for the employee's department or for the business as a whole.

At the end of any agreed trial period, the manager should hold another meeting with the employee to review how the revised working pattern has worked out and whether or not to make the arrangement permanent.

If a trial period is agreed, the manager must confirm to the employee in writing that the new working pattern has been put in place as a temporary variation to the terms of the employee's contract, and how long the trial period has been agreed for.

5.3.4. Agreeing the flexible working request

The manager should write to the employee with:

- a statement of the agreed changes

- a start date for flexible working

They should also ensure that the employee's contract is changed to include the new terms and conditions (see *Notifying HR and Payroll Teams*, on page 35).

This should be done as soon as possible but no later than 28 days after the request was approved.

5.3.5. Rejecting the flexible working request

There are only certain grounds within which an application can be refused; these are:

- The burden of additional costs.

- Detrimental effect on ability to meet customer demand.

- Inability to reorganise work among existing staff.

- Inability to recruit additional staff.

- Detrimental impact on quality.

- Detrimental impact on performance.

- Insufficiency of work during the periods the employee proposes to work.

- Planned structural changes.

If a manager rejects an application for flexible working they are expected to provide an employee with one of the permitted reasons for rejection as well as outlining how they think the reason applies to the employee's circumstances.

Managers should consider whether it is possible to agree part of the request; and this should be discussed with the employee at the meeting. For example, it may be possible to agree to a reduction in hours but fewer hours and/or a different working pattern than was requested.

5.3.6. Notifying HR and Payroll Teams

If a change in working arrangement is agreed, the manager must complete an [Establishment and Payroll Changes Form](#) to advise the HR Team of the details of the change. This formalises the change so it is auditable.

> **Note:** The manager must always adhere to the Payroll deadlines. This is imperative so the change can be reflected in the employee's salary.

Where necessary, the HR Team will amend the Contract of Employment to get the employee to agree to new terms and conditions of employment (the contract will clearly specify the hours of work and the days that the employee is permitted to work from home, if applicable).

5.4. Step 3 – Manager implements supporting procedures

Managers must implement procedures to support and monitor the flexible working arrangement. For example, procedures to:

- Communicate and deal with remote employees.
- Record hours worked and monitor outputs delivered.
- Monitoring the success of the flexible working arrangement.

5.4.1. Communicating and dealing with remote staff

It is imperative that managers ensure that employees do not feel isolated or lack involvement in shared decision making.

Managers should have regular contact with employees as regular communication and support is paramount. Employees should be kept informed of all Hackney Learning Trust information and be involved in team activities or training. It is a manager's responsibility to ensure that employees do not give in to any temptation to work longer hours and not take regular breaks, including missing lunch.

Managers must retain up to date contact details of all staff working away from the office and must have arrangements for staff to report their whereabouts if this is subject to change throughout the day, for example visiting customers in their homes.

Managers must maintain records of communication with staff. The recommendations are:

Contact with staff	• Register contact via email or phone. • Register meetings in the office. • Inclusion in staff events.
Performance Review Meetings/One-to-Ones	• These should be carried out in line with usual practice.
Telephones	• Maintain log of phone calls made between staff and line manager.
Emails	• Maintain log of emails sent to staff by line manager.
Documentation	• Maintain log of all documents sent to staff via the post by managers.

HLT Information	• Ensure that all information, updates, circulars, etc. are sent to staff.
Team Meetings/ Training	• Ensure staff are invited to team meetings and provided with minutes/actions.
Attendance	• The line manager is to monitor hours that the employee has worked in the usual way.
Annual Leave	• Recorded and authorised in line with Hackney Learning Trust's policy and procedure.
Emergency/Special Leave	• To be requested, authorised and recorded in line with Hackney Learning Trust's policy and procedure.
Sickness	• Recorded and verified in line with Hackney Learning Trust's policy and procedure. Staff must comply with Hackney Learning Trust's sickness reporting procedures.
Accidents at Work	• Recorded and verified as usual. Staff must comply with Hackney Learning Trust's accident reporting procedures.

5.4.2. Recording hours worked and outputs delivered

The manager should put in place procedures to make sure the correct hours are being worked and that work is agreed and delivered to schedule.

Flexitime

Managers are required to keep a record of flexitime using a signing in and out book which employees are expected to complete each day outlining their working hours to ensure they are recorded correctly and can be monitored by managers. It is against this evidence that flexitime hours may be accrued and subsequently taken as leave where appropriate.

Remote/home working

Work to be carried out at home or remotely must be clearly identified with specific outcomes and hours agreed with managers before starting this arrangement.

If for any reason, staff are unable to complete the agreed task or target, they must inform their line manager.

5.4.3. Monitoring the success of the flexible working arrangement

It is the responsibility of the line manager to ensure that they monitor the flexible working arrangements within their teams. This is to ensure that the flexible working arrangement is working on an individual basis and across the team.

An example of this would be through regular 1:1 meetings, telephone updates or team meetings to jointly review and monitor the impact of the change in hours or the time spent working away from the office.

As part of this review, the manager will review performance to ensure that the working arrangement is not having a detrimental effect on the employee or their work. For example, longer days (as part of a 'compressed hours' request) could be tiring for the employee or impact on performance.

Any problems must be discussed and, if no suitable solution can be found, it may be that the manager considers amending the arrangement or reverting back to the original way of working.

> **Note:** As part of the review, the manager should also get feedback from other staff as to the effectiveness of the flexible working arrangement.

5.5. Appeals

The appeals procedure provides an employee with the right to appeal against the line manager's decision by giving notice within 14 days of the date on which notice of the decision is received.

The appeals process is designed to be in keeping with the overall aim of the right of encouraging both parties to reach a satisfactory outcome.

The appeal should be made to the manager's line manager, must be in writing and should clearly set out the grounds for the appeal. For example, the request has been refused for a reason outside the eight specified reasons (see *Rejecting the flexible working request* on page 34) or the decision to reject was based on incorrect facts.

Once the appeal has been received by the line manager, a copy should be immediately forwarded to Human Resources.

5.5.1. Appeal hearing

A meeting to hear the appeal will be arranged within 14 days of the date on which the notice of appeal is given by the employee. The time and place of the meeting must be convenient to both the individual hearing the appeal and the employee.

The employee can be accompanied to the meeting by a representative who may be a work colleague or union member if they so wish.

Within 14 days after the date of the meeting the individual hearing the appeal will give the employee notice of his/her decision on the appeal. This notice will be in writing and be signed and dated by the person who heard the appeal.

If the appeal is upheld, the notice must specify the contract variation agreed to and the date from which it is to take effect. Where the appeal is dismissed, the notice will set out the grounds on which the dismissal is based.

The decision made by the appeal panel is final and an employee wishing to reapply to work flexibly will need to wait a further 12 months before putting together another application.

5.6. Withdrawing requests

Requests will be deemed to have been withdrawn if the employee:

1. Withdraws it verbally or in writing.

2. Fails to attend more than one meeting arranged to discuss the request or the appeal without good reason. A failure to attend the meeting without an acceptable explanation being received beforehand may result in the case being heard in the employee's absence based upon the information available at the time.

3. Unreasonably refuses to provide necessary information to support his/her request (e.g. evidence of birth certificate, child's disability etc).

In this case the line manager should write to the employee confirming the withdrawal of the request for flexible working.

6. Summary of roles and responsibilities

This section explains the roles and responsibilities of each of the following:

- Employee.
- Line manager.
- Human Resources.

6.1. Employee

It is the responsibility of the employee to:

- Consider how potential negative effects of flexible working can be overcome.
- Consider all the options available before putting forward a request for flexible working to ensure the best fit is achieved.
- Advise managers immediately of any concerns or difficulties they have as a result of the flexible working arrangement.
- Ensure that they record all flexible working activities and hours to prevent working excessive hours.
- Complete the Home Working Health and Safety Checklist (and other Health & Safety assessment forms, depending on the nature of their work) and hand to the manager prior to commencing working from home.
- Notify the line manager of any other circumstances that could impact on the safety of the home working environment.
- Follow the findings of the risk assessment conducted by the manager.
- Co-operate during any agreed trial period and discuss the suitability of the arrangement with manager.

6.2. Line manager

It is the responsibility of the line manager to:

- Ensure their team are aware of flexible working opportunities.

- Deal with flexible working applications openly and fairly and within a reasonable timeframe.

- Consider each application on its merits.

- Ensure the needs of the service and customers are met.

- Look for opportunities for customers/the service to benefit from individuals working more flexibly.

- Review flexible working arrangements regularly and ensure any change has a positive effect on service delivery and on the employee's work-life balance.

- Collect contact details of those involved.

- Remain in contact with those involved so that they do not feel isolated and to ensure that work is managed as normal. This can be carried out through regular 1:1's, team meetings, etc.

- Complete the necessary risk assessments and provide copies to the employees concerned, explaining the findings of the assessment.

- Ensure all informal arrangements are reviewed and formalised under this procedure.

- Ensure that where current arrangements exist, employees complete an application form.

- Assess the suitability of the flexible working arrangement where a trial period has been agreed, and where the employee and manager agree that the arrangement should be reviewed.

It is also the line manager's responsibility to **never** enter into informal agreements with employees.

6.3. Human Resources

It is the responsibility of the Human Resources Team to:

- Communicate effectively the organisation's approach to flexible working to all employees to raise awareness of the business benefits and to ensure that they understand the implications (i.e. contractual changes) should they put forward a request.

- Help ensure compliance with relevant legislation (Employment Act 2002, Working Time Regulations, and equality and discrimination legislation).

- Support managers to implement flexible working in their teams, ensuring they are aware of the implications of any change.

- Ensure that flexible workers have the same access to rewards, learning and development and promotion opportunities as all employees.

Appendix A – Homeworking: other considerations

Before line managers agree to let employees work at home, both parties should be fully aware of the implications. This appendix covers:

- Risk assessments.
- Tax and insurance implications.
- Data protection consideration.
- Equipment usage.

Risk assessment

Any agreement for staff to work at home will be dependent on a suitable and sufficient risk assessment.

Depending on the type of risk assessment required, it should take into account the following issues.

● Workplace

If you use a computer or laptop, the home workplace should have adequate ventilation, a reasonable temperature, suitable and sufficient lighting, sufficient space, and the floor should be kept free from obstructions or from articles or substances which could cause a home worker to slip, trip or fall. See the Display Screen Equipment Assessment Form (available in the Health and Safety Manual on Aspire).

● Display screen equipment

Any employee wishing to work from home will be required to carry out a risk assessment of their home based workstation using the risk assessment forms which can be downloaded from the Health & Safety section on aspire.

● Electrical equipment

Hackney Learning Trust is only responsible for electrical equipment which it supplies. However, before allowing an employee to become a home worker the employee must ensure that their home electrical wiring is adequate for the purposes intended and ensure that all electrical equipment is in good working order. Maintenance of the wiring is the home worker's responsibility.

● Handling loads

Any employee wishing to work at or from home should be warned of the hazards of handling loads. If staff are required to lift equipment or materials while working at or from home a Manual Handling Risk Assessment Form (this can be downloaded from the Health & Safety section on aspire) must be completed. If necessary, training must be provided.

- ### Substances and materials

If employees are using substances or materials that may be hazardous to health and safety while working at home a Control of Substances Hazardous to Health (COSHH) assessment (the form can be downloaded from the Health & Safety section on aspire) must be carried out.

- ### Security

Employees who undertake to meet with colleagues or members of the public in the course of their employment should make appropriate arrangements to meet at the local work office or in a public building.

- ### Lone working

As staff working from home will be working by themselves a Lone Working Assessment Form (this can be downloaded from the Health & Safety pages on aspire) must be completed to consider the risk involved in lone working.

Taxation and insurance implications

- ### Taxation/mortgage

Employees working at or from home are responsible for any tax or mortgage implications arising out of their home worker status. It is strongly recommended that employees investigate any likely tax and mortgage implications before they commence any home working arrangement. Staff may also wish to take advice from their recognised trade union.

- ### Employers' Liability Insurance

Hackney Learning Trust has Employers' Liability Insurance which covers its legal liability for personal injury to employees while acting in the course of their employment. Any employee working from home owes a duty of care to Hackney Learning Trust and should not engage in activities which may put themselves or other persons in situations of personal harm or damage.

- ### Public Liability Insurance

Hackney Learning Trust has Public Liability Insurance which covers the legal liability of Hackney Learning Trust and its staff for injury and/or property damage to third parties caused whilst on Hackney Learning Trust business. Any employee working from home owes a duty of care to Hackney Learning Trust and should not engage in activities which may put themselves or other persons in situations of personal harm or damage. It is strongly recommended that members of staff do not arrange or conduct any work related meetings within their own home.

● Property insurance

Any equipment bought and owned by Hackney Learning Trust is automatically covered by Hackney Learning Trust's insurance subject to an excess. Individual Services and Directorates will indicate whether they also require employees working from home to include such items on their home and contents insurance. In the event of loss or damage any additional costs will be borne by the Service or Directorate. All claims must be reported using Hackney Learning Trust insurance procedure. A claim form must be submitted to the Insurance Officer in the Property and Capital Department; claims must be reported within 30 days of loss to ensure a successful recovery from the insurers. The IT department will arrange to repair or replace equipment.

Hackney Learning Trust's insurance cover includes conditions relating to security and risk management. These are detailed in the Insurance Handbook. This document is held by the Insurance Officer in the Property and Capital Department. It is the responsibility of the home worker to obtain a copy of this document and to ensure compliance with these conditions. Staff must adhere to the Health and Safety policy of Hackney Learning Trust where all incidents that may give rise to a claim must be reported to the Health and Safety team as soon as practicable.

● Home and contents insurance

The employee working at or from home will be responsible for arranging adequate insurance of their home and contents other than the items specifically insured by Hackney Learning Trust. It is the home worker's decision as to the level of insurance provided.

● Notification of incidents

Employees must ensure that all incidents of harm or damage are reported as soon as reasonably practicable. For advice and information please contact the Insurance Officer.

● Homeworker's own insurance

In cases where incidents result in a claim against the home worker's own insurance cover employees are responsible for informing their insurer. Employees should contact their insurers at the earliest opportunity if they are aware of an incident which may lead to a claim; this will ensure that any claim is not unduly prejudiced.

● Employer's insurance

Incidents which may result in claims against Hackney Learning Trust's insurance cover must be reported to the employee's line manager. Major incidents must be reported **immediately** by telephone to the member of staff's line manager or as soon as is reasonably possible if the incident occurs outside office hours. Line managers will ensure that major claims are reported to the Insurance Officer as soon as reasonably practicable.

Data protection considerations

It is the duty of any employee working at or from home to take all reasonable precautions to protect information which is stored in the home relating to their employment with Hackney Learning Trust.

The following data protection rules apply for all those working from home:

- Consider access that other people residing in or visiting the home may have to the information.

- Information is confidential where it is expressly stated to be confidential. Information can also be confidential where its nature or quality attracts confidence by implication, or where it is covered by data protection legislation.

- Information must be kept secure when in transit between home and work, e.g. never leave a briefcase or laptop unattended.

- Information which contains data about any identifiable living individuals is subject to the Data Protection Act. Employees working at or from home need to know and understand their obligation to keep data confidential and secure.

- In practice employees working at or from home are best able to follow the data protection principles by keeping work related information, files and documentation and domestic life separate and storing such information, files and documentation in a lockable filing cabinet.

- Where there is a risk that other household occupants might gain access to work related computer files these should be password protected. Great care should be taken not to inadvertently disclose passwords.

- Home workers must ensure any computer at home that holds work related information files has up-to-date anti-virus software and is not accessible by any non-Learning Trust employees.

- Employees working at or from home using a broadband connection should ensure they have a properly configured firewall.

- Work related information, files and documentation taken or stored at home must also be accessible to anyone within Hackney Learning Trust who needs to use it for their work. In principle this means employees should never take home the only copy of this type of information.

- Line managers are responsible for agreeing and monitoring procedures for ensuring the security of the work, information, and data files under the home worker's control.

Equipment, e-mail and Internet usage

Hackney Learning Trust reserves the right to monitor internet usage to the extent necessary to ensure that the system is being used in compliance with IT policy and for the following purposes:

- Training.
- Quality control.
- Security.
- Prevention of fraud.
- Prevention or detection of crime.
- Apprehension or prosecution of offenders.
- Productivity.

Employees may utilise company owned hardware and software for personal use when on site or occasionally working from home but this must be outside of normal work times and not for commercial use with negligible costs to Hackney Learning Trust. Any employees found to be abusing this system or using it inappropriately may be liable for disciplinary action for negligence. Further details of this and email usage can be obtained in IT Policies and the Email and Internet Policy.

Technical support

Support for remote workers is available from the IT Helpdesk. Contact details are as follows:

- IT Helpdesk: extension 7777.
- Email: Helpdesk.

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