

3.10 Alternative Working Patterns

This policy is a guide to alternative and flexible working patterns available under statutory and contractual terms to members of staff.

- It provides a brief description of the various types of Alternative Working Patterns (AWP) and Flexible Working Arrangements.
- Section 4 – Requesting alternative working patterns and flexible working provides detail of the processes of applying for the range of AWP's and how, for example, absences are dealt with when working an AWP.
- Section 5 – Flexible Working - requests under the Employment (Northern Ireland) Order 2002 provides information around the statutory right to request flexible working.
- Annexes 1, 2, 2.1 and 3 of the policy detail the conditions around part time working and job sharing, term time working and flexible working hours.
- Annex 6 outlines the availability of hybrid working and links to the Hybrid Working Policy and Staff Toolkit for putting a Workstyle Agreement in place

The following terms within this policy are defined in the glossary: Reduced hours, Job-sharing, Term-Time Working, Compressed hours, Job Reshaping, Flexible Working Time, Hybrid Working.

You may also be interested in the following policies:

3.12 Job Reshaping (Partial Retirement), 3.11 Hours and Attendance.

This policy is version 5.0

For a printable version please click the icon. Please make sure that your printed version is current with the one on this portal.

This homepage is only a guide to the policy, not the policy itself. In the event of any discrepancy between the content of this homepage and the associated policy, the wording of the policy shall apply.

CONTENTS

1. Introduction	2
2. Types of Alternative Working Patterns	2
3. Types of Flexible Working Hours.....	3
4. Requesting Alternative Working Patterns and Flexible Working	3
5. Flexible Working – requests under the Employment (Northern Ireland) Order 2002.....	

Annex 1	Part-time working (reduced hours) and job-sharing	Page 11
Annex 2	Term-time working	Page 15
Annex 2.1	Guidelines for considering term-time applications	Page 21
Annex 3	Flexible working hours	Page 23
Annex 4	Personalised hours	Page 35
Annex 5	Compressed working hours	Page 37
Annex 6	Hybrid Working	Page 39
Annex 7	Working Time Regulations (Northern Ireland) 2016	Page 39
Appendix A	Examples of annual leave calculations	Page 40

3.10 ALTERNATIVE AND FLEXIBLE WORKING PATTERNS

1. Introduction 1.1 This chapter provides a comprehensive guide to alternative and flexible working patterns available to staff in the Northern Ireland Civil Service (NICS). It includes the policy with regard to Flexible Working Hours (FWH) and personalised hours, neither of which are required to be recorded on the HR service recording system. It additionally sets out the eligibility and principles which apply **uniquely** to those who have a statutory right to request flexible working under the Employment (Northern Ireland) Order 2002 – see paragraph 5 below. Unless otherwise stated, the conditions of service covered in this chapter refer to both NICS and statutory arrangements.

2. Types of Alternative Working Patterns

2.1 Reduced Hours (also known as Part-Time) Working

This refers to any arrangement where staff are contracted to work fewer than the fulltime conditioned hours per week, or fewer than 52 weeks a year. Conditioned hours for part-time staff vary and are determined on appointment or on a change of working pattern during employment. Job-sharing and term-time working are part-time working arrangements. Further information on part-time working, including job-sharing is outlined in Annex 1.

2.2 Job-Sharing

Job-Sharing refers to an arrangement which involves two members of staff sharing the duties and responsibilities of one full-time post. Further information on jobsharing is outlined in Annex 1.

2.3 Term-Time Working

Term-time working is generally viewed as an alternative working pattern that promotes work life balance by enabling a parent with school aged children to spend more time with their children over the school holidays. However, all NICS staff, not only parents, may apply for term-time working under this policy. Further information on term-time working is outlined in Annexes 2 and 2.1.

2.4 Compressed Hours

Compressed hours working is an alternative working pattern which allows you to compress your working week into fewer than the traditional five days without reducing the number of hours worked. Further information on compressed hours working is outlined in Annex 5.

2.5 Job Reshaping (Partial Retirement)

Job reshaping (partial retirement) is an arrangement which allows a member of staff to reduce the hours you work in the run up to retirement and to draw your pension benefits. This arrangement has been in place since 18 October 2013 and does not

apply if a member of staff does not draw his/her pension benefits. The full policy on job reshaping (partial retirement) can be found at chapter 3.12 of the HR Handbook.

3. Types of Flexible Working Hours

3.1 Personalised Hours

Personalised hours is an arrangement whereby a member of staff comes to an agreement with your line manager regarding the number of hours and pattern he/she is to work, on a temporary basis. Further information on personalised hours is outlined in Annex 4.

3.2 Working at Home

The terms “working at home” or “working from home” are generally used to describe work-related activity undertaken at a member of staff’s home rather than at his/her employer’s premises. There is no central policy on working at home and this is an arrangement that operates from time to time as dictated by business need and the operational requirements in local work areas. Further information is contained in Annex 6.

3.3 Flexible Working Hours

Flexible working hours, or flexi time schemes, provide a more flexible system of attendance for staff without a reduction in overall hours worked. An individual has scope to vary his/her daily hours of work, including lunch break, within an agreed framework of core hours. In addition to agreeing his/her own starting and finishing times with line management, a flexi time scheme allows individuals to take time off in return for any extra hours worked. There is, however, a guiding over-riding principle that this flexibility should be achieved without adverse impact on the overall efficiency of the Department or its service to the public. Further information on flexible working is outlined in Annex 3.

4. Requesting Alternative Working Patterns and Flexible Working

4.1 Eligibility

There are no grade restrictions on applications to work an Alternative Working Pattern or Flexible Hours, under either NICS arrangements or statutory provisions. All requests must be discussed with, and approved by, line management with support from NICS HR where necessary, as outlined in the Job Related Data Change User Guide (which can be accessed on the HRConnect portal). There are different eligibility criteria for job reshaping and these are detailed in chapter 3.12 of the HR Handbook.

4.2 Line management will consider all requests for an Alternative Working Pattern (AWP); however, it should be noted that business needs will be a key factor for consideration. While all of the patterns mentioned in this chapter are available in the

NICS, granting approval to work a particular pattern will be dependent on the individual circumstances of each request.

4.3 Principles

It is important to note that any change made to a working pattern may impact on certain terms and conditions of employment, annual leave entitlement, public and privilege holiday entitlement, pensions etc. The impact will vary depending upon the type of alternative working pattern.

A member of staff should also be aware that the right to a particular working pattern applies to the job to which he/she is posted at the time and that the right does not transfer automatically on any move to another post/branch/office/department.

4.4 Annual Leave

Annual leave allowances for staff working an alternative working pattern are calculated in proportion to the number of hours or days worked in a week. Further detail on how this should be calculated is contained in Appendix 1 of the policy.

E.g., a member of staff who is entitled to 30 days (222 hours) annual leave on a fulltime basis (37 hours per week) and who wishes to reduce to 4 days per week (or 29.6 hours per week) will calculate the new annual leave allowance as follows:

$222 \text{ hours (full-time leave allowance)} \times 29.6 \text{ hours (new working week)} \div 37 \text{ hours (full-time working week)}$

$= 177.6 \text{ hours per year}$

N.B. If you are not attending 5 standard days per week you will have your annual leave calculated and expressed in hours (with the exception if you work compressed hours and your working week consists of days of equal length).

4.5 Special Leave

The opportunity to work an alternative working pattern on a temporary basis, may be granted as an alternative to special leave without pay, if that is preferable to both the Department and to the member of staff concerned. Special leave for a civil servant who works an alternative working pattern will be the number of working days required to give him/her the same effective length of time away from duties as a full-time colleague. The full Special Leave policy can be found in chapter 3.08 of the HR Handbook.

4.6 Public and Privilege Holidays

Staff who work a reduced hours working pattern are entitled to time off pro rata to the normal net conditioned hours. The allowance will be calculated by the HR service provider. For example, if a member of staff works 2 ½ days per week he/she would be allowed half of the public and privilege holiday allowance of a member of staff who works a standard working pattern.

If you exceed your allowance for public and privilege holidays e.g. because you work on Mondays, you will be required to make up the difference. This can be done by either working on days you would not normally work, or by using annual leave/flexi credit. If you take less than the allowance for public and privilege holidays, the balance can be taken as time off in lieu. Any difference between the number of public and privilege holidays taken and the allowance for such leave must be cleared before the end of the annual leave year. The full policy on public and privilege holidays can be found in the Public and Privilege Holidays policy, chapter 3.06 of the HR Handbook.

4.7 Maternity/Paternity Leave

A pregnant employee, regardless of her working pattern or length of service, has the same entitlement to maternity leave as a member of staff who works a standard working pattern. A woman working reduced hours is entitled to maternity leave, although the level of pay she receives may be affected by the number of hours worked. The arrangements for maternity leave and maternity pay are set out in the Maternity Leave policy, chapter 3.02 of the HR Handbook.

A partner's entitlement to 2 weeks paternity leave remains intact if he works an alternative working pattern. The arrangements for paternity leave are set out in the Paternity Leave policy, chapter 3.03 of the HR Handbook. Additionally, the arrangements for shared parental leave are set out in the Shared Parental Leave policy, chapter 3.13 of the HR Handbook.

4.8 Sickness Absence

Staff who work an alternative working pattern are entitled to sickness absence with pay on the same terms as staff working a standard working pattern. Where, by agreement with the Department, attendance is not required on each day of the working week, sickness absence allowances will be calculated pro-rata in working days, with fractions of a day being rounded up. For example, for a member of staff working a reduced hours pattern whose agreed attendance is for 3 days out of a 5 day working week, sickness absence on full pay may be allowed for not more than 78 days in any period of 12 months and thereafter sick absence on half pay, subject to a maximum of 156 days sick absence in any period of 4 years or less.

Saturdays, Sundays and other days not due to be worked, which occur during a period of sickness absence, will not reckon against sickness absence allowances, but Bank Holidays falling on working days *will* reckon.

Sick pay for staff who are working an alternative working pattern will be based on the member of staff's normal rate of pay, either for:- the hours he/she has undertaken to work as a civil servant working a regular alternative working pattern; or; where the hours are irregular; on the average weekly hours over the immediately preceding quarter (13 weeks); or; the immediately preceding 4 weeks in the case of staff employed on a casual basis.

However, where a member of staff produces a certificate from another employer confirming that the amount of benefit is being deducted by him/her, no deduction will be made from Civil Service pay.

The arrangements for sickness absence are contained in the Sickness Absence policy, chapter 3.01 of the HR Handbook.

4.9 Overtime

A member of staff who works reduced hours will not qualify for overtime payment until he/she has completed the full conditioned hours of a full time officer. Therefore, additional hours worked within the full time conditioned hours will attract plain time rate only. For staff who are partially retired see conditions detailed in chapter 3.12 of the HR Handbook.

Overtime rates are calculated as follows:-

Working reduced hours will have implications for pension entitlements. There are two aspects of the pension calculation to be considered for a member of staff who is in a final salary scheme:

- a. Final Salary – If you retire while working reduced hours, your pension would be calculated on the basis of the full-time equivalent of the salary in payment on the point of retiring.
- b. Reckonable Service – If you are working reduced hours you will build up reckonable service more slowly than someone working full-time. This is because the rate of build-up is determined by the number of hours worked.

Reduced hours service of less than 15 hours per week before 01 June 1995 and service of less of 18 hours per week before 01 October 1982, does not automatically qualify or reckon for pension benefits in the Northern Ireland Civil Service (NICS) pension arrangements. Current staff with excluded reduced hours service prior to 01 June 1995, can make a claim for retrospective membership of the NICS pension arrangements in respect of that service. Claims must be lodged with Civil Service Pensions no later than 6 months after the end of the period of continuous employment which includes months of the period of continuous employment and includes the period of reduced hours service. Claimants will be required to make payment of backdated contributions to cover the previously excluded reduced hours service.

There are two aspects of the pension calculation to be considered for staff who are in a career average scheme:

- a. Percentage of how much he/she earns each scheme year – for staff who retire while working reduced hours, he/she builds up a pension based on a percentage of how much is earned in each scheme year. If you build up a pension by adding 2.32% of actual pensionable earnings from each year to your pension. The actual earnings are used to work out his/her benefits, so this takes into account the reduced amount earned.
- b. Reckonable Service –a member of staff working reduced hours will build up reckonable service more slowly than someone working full-time. This is because the rate of build-up is determined by the number of hours worked.

Further details are obtainable from:

Civil Service Pensions
Waterside House
75 Duke Street
Londonderry
BT47 1FP

4.11 Learning and Development

It is important that staff who are working an alternative working pattern are provided with the same opportunities for training as other staff. It may not always be possible to organise courses during normal working hours, and in such circumstances the member of staff should show flexibility where this requires attendance on days (or part-days) that he/she would not usually work. When full-time training is required, a member of staff working reduced hours will either be paid for additional hours or will be entitled to time off in lieu.

4.12 Transfer to another Branch

The success of a request for a transfer will depend on the following:-

- availability of posts suitable for an alternative working pattern in the importing Branch or Department;
- the merits of the case; or
- the individual's wish to continue with their current working pattern;

and will be taken forward in accordance with the Vacancy Management Policy.

4.13 Temporary Promotion or Deputising

Members of staff who work an alternative working pattern are eligible for consideration for temporary promotion or deputising. However, the member of staff will be required to work the hours of the post into which he/she is deputising/temporarily promoted.

N.B for staff who are partially retired see conditions detailed in chapter 3.12 of the HR Handbook.

4.14 Rest Breaks

Staff who work a reduced hours working pattern, and who work for more than 6 hours in a day, are required to take a rest break of at least 30 minutes.

4.15 Career Breaks

Staff seeking to return to work on an alternative working pattern following a career break, cannot be guaranteed a post on that basis, even where he/she commenced their career break while working under an alternative working pattern. Appropriate consideration will be given to a request to return to work on an alternative working pattern in accordance with applicable NICS Vacancy Management procedures.

4.16 Mobility

A member of staff who works reduced hours is classed as non-mobile even if he/she is serving in a mobile grade. Details of the mobility requirement should be made clear in the alternative working pattern contract. The full policy on mobility can be found in the Mobility policy, chapter 1.02 of the HR Handbook.

If you are required to attend work outside your normal working pattern, your Department will reimburse any reasonable and unavoidable additional expenses incurred in the care for children or elderly, disabled or ill dependants. Expenses claimed must relate only to care which would otherwise have been provided by the member of staff.

4.17 Reimbursement of Additional Care Costs

For the purposes of these provisions, 'outside your normal work pattern' means an absence from home that is longer than the daily conditioned hours plus normal daily travelling time (this does not include paid overtime) or, in the case of staff who work an alternative working pattern, working additional hours or on an additional day or days at the request of management. The additional hours worked must be unavoidable, as opposed to optional, and can for example, include attendance at training courses (full-day or residential), late or early working and essential temporary detached duty. These provisions do not apply where regular early or late working is a feature of the work pattern. The full policy on Reimbursement of Additional care costs can be found in chapter 9.22 of the HR Handbook.

4.18 Appeals

If a member of staff is not granted an alternative working pattern, he/she may raise the matter in accordance with the established Uniform Appeals policy found in chapter 6.12 of the HR Handbook. (N.B. this does not apply if applying under the statutory arrangements – see para 5.5 below)

5. Flexible Working – requests under the Employment (Northern Ireland) Order 2002.

5.1 The Employment (Northern Ireland) Order 2002, which came into effect on 6 April 2003, introduced specific rights to help you balance your family and employment responsibilities. The right to request flexible working for care of adults has been available from 06 April 2007.

5.2 Eligibility

To be eligible to make a request for flexible working under the Order, you must have been employed in the Northern Ireland Civil Service for at least 26 weeks continuously at the date the application is made.

5.3 Applications

Requests for flexible working under the Order must meet the criterion set out in paragraph 5.2 above.

5.4 Line management must give serious consideration to all requests, although, as business needs must be taken into account, there is no obligation to grant the request acceptance of a statutory application will lead to a change to contractual terms and

conditions of employment, which will be permanent unless agreed otherwise at the outset.

5.5 Appeals against a decision made on a statutory request

Where a request cannot be facilitated, a member of staff may appeal the decision in writing to the HR service provider within 14 days of receipt of the notification of refusal. Where, for example, a case has been referred by an Agency /NDPB etc to NICS HR, joint consideration of the appeal may be undertaken.

5.6 If the appeal is upheld, the member of staff will be notified by the HR Service provider within 14 days of receipt of the appeal of the change in contract of employment and the date of commencement of the new working pattern.

5.7 Where an appeal is not upheld, the HR service provider will arrange a meeting to take place within 14 days of receipt of the appeal and, if requested, an accompanying colleague (who may be a Trade Union representative) to discuss the appeal. If there is likely to be an unreasonable delay between the date of the written appeal being received and the proposed meeting, the member of staff should be notified of its receipt and given an explanation for any delay.

5.8 Within 14 days of the meeting referred to in section 5.7 above, the HR service provider will notify you and the Head of Branch in writing, of NICS HR's decision.

PART-TIME WORKING (REDUCED HOURS) AND JOB-SHARING

1. Introduction

1.1 The aim of availability of various forms of part-time working (including job sharing) provides ways in which the NICS can retain and benefit from the skills and experience of staff it has trained and developed, and at the same time help staff to combine work and other commitments more effectively. Part-time working and jobsharing must not be used as a means to reduce overall staff in post. Staff should be aware that a request to return to full time work would be subject to consideration of business and staffing requirements.

2. Scope and Purpose

2.1 The scope of this policy is to provide general guidance on both part-time and job-sharing arrangements. The purpose is to provide Departments with an up to date framework within which to consider opportunities for staff to work part-time and jobsharing arrangements. This policy replaces CSC 29/87 dated 14 August 1987, and CSC 29/87 Addendum dated 14 November 1991 and incorporates policy previously detailed in various sections of the HR Handbook.

3. Eligibility

3.1 All staff may apply for part-time working and job-sharing. There are no grade restrictions on applications for part-time work.

4. Types of working patterns

4.1 Part time working

Various forms of part-time work patterns are possible.

Examples of part-time working include:

working some full days – 1, 2, 3 or 4 days a week;
working some full and some half days - 1½, 2½, 3½ or 4½ days a week; reducing the hours worked each day but still attending 5 days a week – mornings only, afternoons only or working all morning with an earlier finish in the afternoon;

4.2 Job Sharing

Job-sharing is a particular form of part-time working where two people agree to divide the duties of a full time post between them.

Examples of job- sharing arrangements include:

split day – one works each morning and the other works each afternoon; split week – one works the first half of every week and the other works the second half; alternate week - one works one week while the other works the next week; part week – one works one day and the other works 4 days in a week.

5. Applications

5.1 Requests for job-sharing or part-time working should be discussed with line managers, and the relevant application submitted to the HR service provider on online form “Online job sharing and Change to Working Patterns request” (which can be accessed on the HRConnect portal). If you wish to job-share may be able to identify a suitable job-sharing partner, in which case, this should be noted in the application. In such cases, both members of staff who wish to job-share should submit an application to the HR service provider. Line management will make the decision on the application and the HR service provider will advise of the outcome. Each application will receive full consideration, but no guarantee can be given that an appropriate post will be found.

5.2 Managers should carefully judge each application taking account of business needs and should not refuse a request unless there is appropriate objective justification. When an application is refused, the members of staff should be advised of the particular grounds for the refusal.

5.4 Priority will be given to applications from staff who wish to reduce their working hours, either through job-sharing or part-time working, because of the following reasons:-

the member of staff is mainly or solely responsible for the care of a child/children under school leaving age;

the member of staff is mainly or solely responsible for the care of an aged or infirm relative;

the member of staff has other welfare or domestic considerations which put continued full-time employment at risk;

the member of staff is near pension age;

the member of staff has serious health problems.

5.5 Cases where part-time working is recommended temporarily on medical grounds will be considered separately under existing procedures found in the Sickness Absence policy, chapter 3.01 of the HR Handbook. (para 12- Phased return on medical grounds- refers)

5.6 When considering applications or deciding between competing claims, where necessary management will have regard to:

- the needs of the service;
- the extent to which hardship will arise if the application is refused, including taking account of, where appropriate, the views of the Welfare Service;
- If an application is not to be granted, adequate grounds must be identified to justify a refusal and conveyed in writing.

6. Identifying Suitable Part-Time/Job Sharing Posts

6.1 No full-time post should be automatically excluded from consideration for conversion to either part-time or job-sharing.

6.2 Departmental Trade Union Side should be consulted with a view to agreeing proposals to convert full-time posts to either part-time or job-sharing posts.

7. Flexible Working Hours

7.1 Staff should be able to avail of flexi-time, subject to a personalised agreement with line management of appropriate core-times and band widths.

8. Management Letter Setting Out Revised Conditions of Service

8.1 Staff who change from full-time to part-time/job sharing employment (and vice versa) will receive a letter from the HR service provider setting out:-

- full details of the change; and
- any revised conditions of service and employment rights.

8.2 Where Departmental conditions depart from the central rules (e.g. for flexible working arrangements) the variations, and any other particular provisions, should be set out clearly in writing. If the proposed part-time or job-sharing arrangement may result in the officer not paying National Insurance contributions, this should be highlighted as it would affect their eligibility to claim National Insurance benefits or the amount of National Insurance benefits (e.g. the amount of Statutory Sick Pay or Maternity Pay) that would be payable to them. The agreed arrangements and conditions for either the Department or the member of staff to vary or to bring to an end part-time or job-sharing arrangements, should be stated. Also, the agreed period of notice should be stated. If it becomes necessary for Management to vary or to end the part-time arrangement, the reason(s) and periods of notice should be given in

writing, at the same time clarifying entitlements to pay and other revised conditions of service.

8.3 If you wish to end a part-time or job-share working pattern should discuss this with your line manager, notifying them and the HR service provider, in writing. At least one month's notice should be given. You should also advise your line manager whether or not you are willing to move to a new post in order to resume a standard working pattern. Management will make every effort to meet a request to resume a standard working pattern in as reasonable a time as possible, having regard to all circumstances. Such requests will be considered sympathetically, but no guarantee can be given that a suitable post will be readily available. Staff should be aware that business needs may mean that a return to full time working cannot be accommodated.

8.4 Where management need to end a part-time or job-share working pattern, staff will be given:-

- At least 3 months' notice of management's intention;
- The full reasons for the cancellation of the arrangement

This may be necessary where, for example, the work involved is no longer compatible with a part-time or job-share working pattern. Before ending a part-time or job-share working pattern, management will explore all alternatives.

TERM TIME WORKING

1. Introduction

1.1 The following section outlines the NICS term-time working policy. Although term-time working is generally viewed as a form of part-time working that promotes work-life balance, by enabling parents with school aged children to spend more time with their children over the school holidays, all NICS staff, not only parents, may apply for term-time working under this policy.

1.2 This policy does not in any way affect the right to request term-time working under the Employment (Northern Ireland) Order 2002 (see section 5 of this policy).

2. General Principles

2.1 As term-time working is a form of part-time working, the same general principles for implementing the policy apply – in other words Heads of Branches should:

- a. aim to accommodate requests rather than look for ways of turning them down, and
- b. ensure that, while it is recognised that there may be circumstances when it is not possible to approve an application, such decisions are justifiable and are based on sound business reasons (see section 3.1 of Annex 2.1).

2.2 Detailed guidelines, for use by Heads of Branches when assessing applications for term-time working, can be found in Annex 2.1.

2.3 The decision whether or not to approve an application for term-time working will be based solely on business need. That means that approval should be granted provided there is no adverse impact on service delivery.

2.4 If the number of applications exceeds the number that can be accommodated, but there is capacity for *some* term-time working, Heads of Branches will prioritise applications on the basis of the criteria set out in Annex 2.1, sections 1.4 and 1.5. Where it is necessary to apply these criteria, Heads of Branches should liaise with Departmental Trade Union Side.

2.5 You may apply to have any school holiday period covered by term-time working and must outline in your application, the periods during which you wish to be absent from work (in blocks of complete weeks). An absence may start on any day of the working week. Only in exceptional circumstances can

the dates of absence be changed after the term-time working arrangement has been formally accepted.

2.6 Staff who wish to use annual/flexi leave in conjunction with a period of termtime working absence, will be required to do so in a block before, and/or after, the period of absence. Requests to use annual/flexi leave in this way should be outlined in the application as detailed in the Job Related Data Change User Guide (which can be accessed on the HRConnect portal). Annual/flexi leave must not be used to bridge periods of term-time working absence.

2.7 Term-time working applications will be approved for one year only; therefore, staff who wish to avail of term-time working for more than one year must reapply each time. The terms and conditions of employment will be revised on an annual basis, from 1 April to 31 March.

2.8 You may also apply for a variation to your normal working pattern for the duration of the term-time working year, for example if you normally work five full days per week, you may wish to work five mornings for the duration of the term-time working arrangement. However, you should note that, if this request is approved, the change will be temporary and will be effective for one year only. If you would like such a variation to apply on a permanent basis you should follow the normal part-time working application procedure as detailed in the Job Related Data Change User Guide (which can be accessed on the HRConnect portal). It should also be noted that requests for changes to the normal work pattern, under this section, will only be considered when the application for term-time working can be approved.

3. Calculation and Payment of Salary

3.1 If term-time working applications are approved, basic salary will be reduced in accordance with the number of weeks' absence and paid in 12 monthly instalments.

4. Pensions

4.1 As a member of the Northern Ireland Civil Service (NICS) pension arrangements you will continue to have your employment covered under the scheme for pension purposes.

4.2 It is important to note, however, that working part-time affects the benefits payable under the NICS pension arrangements. Generally speaking, in a final salary scheme the service which counts toward pension benefits accrues on the basis of the years and days actually worked. For example, if you work 10 months out of 12, you will build up 10/12th of a year's reckonable service in a calendar year for pension purposes. The same applies to the service which would count for early retirement

benefits, but any compensation in the event of redundancy would be based on the salary actually received rather than the full-time rate of pay. In a career average scheme, the actual earnings are used each scheme year with 2.32% added to build up and determine the pension benefits.

4.3 Staff should also be aware that where, in the event of death-in-service in a final salary arrangement, there is part-time service in the last three years of reckonable service, any death benefit lump sum will be calculated by reference to the actual pay and pensionable emoluments in whichever of the last three years of reckonable service gives the highest figure, rather than by reference to the full-time rate of pay for the grade. Any long-term widow's/widower's/children's payable will be calculated using the full-time rate of pensionable earnings for the grade and the actual reckonable service accrued. Any short-term rate payable will be based on the amount of actual pay received. The actual earnings are also used in the career average scheme to determine both the death in service lump sum and dependants benefits.

4.4 A member of staff may contact Civil Service Pensions for detailed information on how any proposed term time working arrangement would affect his/her pension.

5. Annual Leave and Public and Privilege Holidays

5.1 You should be aware that a successful application for term-time working will result in a pro-rata reduction in your annual leave allowance and public and privilege holiday entitlement for the period covered by the arrangement.

6. Sickness Absence

6.1 The normal provisions for paid sickness absence will continue to apply if you are unable to attend work due to illness, and any such payments will be calculated on the pro rata salary. Eligibility for occupational sick pay will cease during the period(s) when staff are not due to attend work.

7. Maternity Leave and Pay

7.1 During a term-time working arrangement, you will continue to be entitled to paid maternity leave if the qualifying conditions are satisfied but should note that payments will be calculated on the pro rata salary. If maternity leave commenced during term-time working normal statutory entitlements will be retained.

8. Application Process – Timetable

8.1 The following is a list of the key dates in the application process for term-time working.

- a. December** – The HR service provider will alert all staff to the availability of term-time working and provide advice on how to access guidance and application forms. The closing date for applications will be the first working Friday in January or as near as possible to this time.
- c. By first working Friday in January** – Completed applications must have been sent to the Head of Branch for consideration.
- d. Mid February** – The Head of Branch will notify the applicant of their decision in writing; in other words, whether or not the application has been approved. If approved Head of Branch will forward completed application to the HR service provider.
- e. End February** – The HR service provider will write to successful applicants outlining the revised terms and conditions of service if they wish to proceed with the term-time working arrangement.
- f. Mid March** – You should then advise the HR service provider, whether you wish to accept the revised terms and conditions outlined in the confirmation letter and proceed with the term-time working arrangement.

8.2 If a Head of Branch wishes to apply for term-time working, his/her application form should be submitted to their line manager for consideration. Throughout the remainder of this section, staff who are at Head of Branch level or above and are applying for term-time working, should read “line manager” in place of “Head of Branch”.

9. Approved Applications

9.1 When an application for term-time working has been approved, the HR service provider will notify the member of staff in writing by the end of February, outlining the revised terms and conditions of employment.

9.2 On receipt of the confirmation letter from the HR service provider, the member of staff must consider the revised terms and conditions of employment as outlined and return the attached reply slip to the HR services provider by mid March.

10. Refused Applications

10.1 When an application for term-time working has been refused, the HR service provider will also inform the member of staff in writing by the end of February. The Head of Branch will give a full explanation why your application has been refused, and the HR service provider will send a copy of the form to both the applicant and NICS HR.

11. Unpaid Special Leave

11.1 If your application for term-time working is refused, you are not permitted to make an application for unpaid special leave to cover the same period, or part of the same period, unless you can show that there has been a change in circumstances. You should be aware, however, that any decision to refuse an application for term-time working will have been based on the needs of the business, and it is likely that an application for unpaid special leave will be refused for the same reason, unless you can show that there has been a change in your personal circumstances or business needs.

12. Right of Appeal

12.1 A member of staff may appeal against a decision to refuse an application for term-time working by following the uniform appeals procedure as outlined in the HR Handbook.

12.2 You should be aware if your appeal is successful and your Department does not have adequate opportunity to amend your salary from April, then any overpayments made from April will be automatically recovered from salary at the next available opportunity.

13. Transfer to another Branch

13.1 If you requested a transfer and wish to retain an approved term-time working arrangement for the remainder of the one-year period, the importing branch will try, as far as reasonably possible, to ensure that the term-time working arrangement can continue. Only in exceptional circumstances, which must be linked to business need, would a request be denied.

13.2 If you would consider terminating a term-time working arrangement in order to secure a suitable transfer should ensure that you bring this information to the attention of NICS HR when requesting a transfer.

14. Termination of Term-Time Working Arrangements

14.1 If your application for term-time working has been successful, you are expected to remain as a term-time worker for the period 1 April to 31 March. Should you wish to terminate the term-time working arrangement before you have taken the agreed period(s) of absence, you should apply to your Head of Branch, giving a minimum of one month's written notice. Where, for justifiable business reasons, it becomes necessary for a Department to terminate a member of staff's term-time working arrangement, he/she must be given a minimum of one month's written notice and full reasons for the termination. Term time working arrangements should normally be in place for a 12 month period and you will not be eligible for occupational sick pay if you are ill during periods when you are not due to attend work.

15. Other Assistance

15.1 It is recognised that many members of staff request term-time working to allow care for their children during school holidays. However, there are a number of other facilities available that are also aimed at helping staff cope with caring responsibilities such as holiday play schemes, flexible working hours, parental leave, the temporary rearrangement of working hours and career breaks. Managers should direct staff to Welfare Services for advice on childcare provision and other care-related issues.

GUIDELINES FOR CONSIDERING TERM-TIME APPLICATIONS

1.1 Heads of Branches should strive to accommodate as many applications as possible, while at the same time ensuring that there are sufficient staff present to meet the business needs of the service. This includes, not only ensuring the delivery of the service, but also that a non-term time member of staff is able to have his/her reasonable annual leave requirements met during the school holiday periods.

1.2 In determining the number of applications that can be accommodated, the Head of Branch should consider the options available for covering absences. Examples of some of these are listed below:

- a) employing temporary staff;
- b) authorise more junior members of staff;
- c) requesting assistance from other Branches on a temporary basis
- d) asking other part-time staff if they would be prepared to work full-time over the summer months; and
- e) asking NICS HR if there are any surplus staff who could be transferred.

1.3 If, after considering the above, the number of applications still exceeds the number that can be accommodated, but there is capacity for some term-time working, the Head of Branch should meet with staff to discuss the possibility of meeting part of each request.

1.4 If, after all of the above has been considered, demand still exceeds the number that can be accommodated, the Head of Branch will give priority to applications from the following groups, in the order stated:

- a) staff with school-aged children aged 12 or under at the date of commencement of the term-time working arrangement, or disabled¹ children under 18.
- b) staff with school-aged children aged 13 or over.

¹ For the purposes of these arrangements, a disabled child is a child who is entitled to a disability living allowance within the meaning of section 71 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

1.5 If it is necessary to further differentiate between applications, this will be done firstly by giving preference to those staff who have not availed of term-time working previously, and finally by means of random selection.

2. Approved Applications

2.1 When an application for term-time working has been approved, the Head of Branch must complete the Term-time Working Request Form and send to the HR services provider by mid February. See the Job Related Data Change User Guide (which can be accessed on the HRConnect portal).

3. Refused Applications

3.1 As stated in section 2.1 of the guidance in Annex 2, applications for term-time working should be considered on a business needs basis only. An application can be refused only where there is a clear, justifiable business reason. The business ground(s) for refusing an application must be one of those listed below:

- a. the burden of additional costs;
- b. detrimental effect on ability to meet customer demand;
- c. inability to re-organize work among existing staff;
- d. inability to recruit additional staff;
- e. detrimental impact on quality;
- f. detrimental impact on performance; and
- g. planned structural changes.

3.2 When an application for term-time working has been refused, the Head of Branch must complete the Term-time Working Request Form providing a full explanation why the application was refused and send a copy of the form to both the applicant and the HR services provider by mid February.

FLEXIBLE WORKING HOURS

1. Introduction

1.1 This Code of Practice, agreed between the Management and Trade Union Sides of the Central Whitley Council, offers guidance on Flexible Working Time (FWT) in the Northern Ireland Civil Service (NICS).

1.2 The Code of Practice does not cover every eventuality and further guidance may be sought from NICS HR.

1.3 All FWT schemes must be agreed with Departmental Trade Union Side. Each scheme must be designed with the conditions of the Department or Branch in mind and therefore there must be scope for variation between schemes. However, certain elements of FWT have been agreed centrally and every scheme should contain the following:-

- a) a four week accounting period;
- b) minimum lunch break of 30 minutes;
- c) carry over of credit of three standard days (that is 22 hours 12 minutes for staff who work a normal 5-day week office hours);
- d) carry over of debit of two standard days (that is 14 hours 48 minutes for staff working normal 5-day week office hours);
- e) credit leave of up to three days in any one accounting period which may be taken as half or full days.

1.4 Credit leave of half or full day's duration, and absences within core time, must be authorized as for annual leave.

1.5 Flexible Working Time is now a well-established part of most Civil Servants' working lives. Both sides of the Central Whitley Council would like FWT Schemes, based on this policy, to be extended to as many civil servants and workplaces as possible.

2. Basic Principles of Flexible Working Time

2.1 The main purpose of FWT is to provide a more flexible system of attendance for staff. The number of hours which staff work on FWT is the same overall as the

time worked by non-FWT staff. The difference lies in the considerable scope which a member of staff on FWT has to vary his/her times of arrival and departure from work, to vary the length and timing of lunch breaks and to take time off if he/she works extra hours. There is, however, a guiding and over-riding principle that this flexibility should be achieved without adverse effect on the overall efficiency of Departments or on service to the public.

2.2 Since a member of staff who works FWHs, works the same number of hours for their grade and location as a non-FWT member of staff, his/her pay is not affected by the FWT arrangements. Similarly, on other conditions of service, staff who are on FWT should be in no more or less favourable position than other staff. Privileges, arrangements and agreements which existed before the introduction of FWT, should continue to apply.

3. Flexible Working Time – An Outline

The Day

3.1 In order to ensure that there are periods in each day during which staff can communicate with each other, with other Departments, and with the public, several hours each day are designated as the core time. Core time is the essential part of the day during which a member of staff should be present unless he/she has been granted permission to be absent.

3.2 In many Branches, however, there is no reason why all staff should arrive and leave together, and there is time at the beginning and end of each working day when staff absence is possible. These periods are called the flexible bands. Staff are free to arrive for work in the morning flexible band and leave for home during the afternoon flexible band, subject only to the need to maintain adequate staffing during normal office hours. The total time for which an office is open for work is called the bandwidth.

3.3 The flexible lunch break in the middle of the day enables you to vary (within limits) the length and timing of their lunch breaks, subject only to operational requirements such as the need to maintain adequate staffing in the middle of the day.

The Accounting Period

3.4 Staff would not be able to complete their conditioned hours by working during core time alone. The balance between core time working and conditioned hours is made up by attendance during the flexible bands. Hours of attendance are recorded, and at the end of each accounting period there is a reconciliation of the hours recorded with conditioned hours net of lunch breaks. Within limits, you can carry over any excess or deficit in the hours recorded compared with condition hours.

3.5 There may be occasions during the accounting period when your record needs to be adjusted by a credit or debit. For example, on annual leave or sick absence, 'credit' must be given for the time you are away, or time may need to be deducted from the record to compensate for hours incorrectly recorded. Credits and debits are authorized by management and are taken into account during reconciliation to determine the carry over.

3.6 Credits and debits often need to be given for periods of whole or half days. The standard day (for staff who, normally work a 5-day week, is the net equivalent of one-fifth of weekly conditioned hours) is used for this purpose. Standard hours (which are calculated on the same basis) can serve as a useful comparison, with hours actually worked and recorded to date, so that you can calculate at any time during the Accounting Period, whether you are in credit or debit.

3.7 Since, over a period of FWT, you can accumulate more than the normal conditioned hours of work, you can take time off – in whole, or half days if they wish – to use up the excess hours which you have worked. This flexi leave may also be taken in anticipation of extra hours to be worked later. Flexi leave is recorded separately from annual leave and is not held on the HR services recording system.

4. Definitions

General

4.1 This Section defines more precisely, and gives guidance about, the terms which were used in the previous paragraphs to describe the general way in which FWT operates. Where appropriate, the following definitions include the centrally agreed elements which must be adopted as part of any FWT scheme. Section 5.2 indicates the scope which there is for variations in FWT arrangements.

Accounting Period

4.2 The accounting period is four weeks. If you join a flexi-scheme during an accounting period, you will simply record flexi-time for the remainder of the period.

4.3 At the end of the accounting period, there is a reconciliation between hours recorded and standard hours. There can be a carry over to the next accounting period of excess or deficit hours, up to an agreed maximum (see section 4.7).

Bandwidth

4.4 The Bandwidth refers to the times within which the office is open for work – normally 8am – 6pm. The total bandwidth should normally be a minimum of 10 hours. Very exceptionally it can be longer or shorter, by agreement between a

Department and its Departmental Trade Union Side, subject to a minimum of 9 hours and a maximum of 11 hours.

4.5 The need to save fuel and to limit expenditure on heating and lighting is obvious. Central Procurement Directorate (CPD), Department of Finance and Personnel, will not normally provide full heating for more than 9 hours a day. This will be adequate for most offices, since they will be warm enough to use in the 10th hour, in other words after the heat has been switched off. Where under local agreement, the bandwidth is 11 hours, Premises Officers should ask CPD to provide heating for an extra hour. All requests that are fair and reasonable will be given consideration, but the reasons for having an 11 hour bandwidth rather than 10 hours will have to be strong in order to justify the extra cost of lighting and heating. Extra heating will, of course, be provided for overtime under existing arrangements.

Carry Over

4.6 Carry over is the arrangement to take forward from one accounting period to the next the excess or deficit in the total hours recorded (that is, the time worked-credits and debits) compared with the total standard hours for the accounting period.

4.7 The maximum carryover of deficit hours is the equivalent of 2 standard days (that is 14 hours 48 minutes for staff who work normal 5-day week office hours). The maximum carryover of excess hours is the equivalent of 3 standard days (that is 22 hours 12 minutes for staff who work a normal 5-day week office hours).

4.8 You may not normally carry forward more than the maximum deficit. Any greater deficit than the maximum is in breach of the scheme and this can lead to disciplinary action (which may include stopping of pay for the excess deficit). However, it may be unavoidable that a member of staff is prevented from reducing their deficit balance to the maximum allowed (for example, if absent due to ill-health towards the end of the accounting period). Such occurrences should be rare, bearing in mind that staff are credited with the standard hours for the day during periods of sick absence. Where a member of staff is prevented from reducing a deficit balance to the maximum allowed because of circumstances which he/she could not anticipate or avoid, he/she should be allowed to carry the extra deficit forward.

4.9 Any excess credit above the maximum is normally lost. But where a member of staff is prevented by the needs of the office from reducing his/her credit balance to the maximum, he/she should normally be allowed to carry the excess into the next accounting period. This facility will only be available where there is clear evidence that a member of staff has been specifically prevented by management from taking flexi leave. Similarly, if he/she is prevented from reducing his/her credit balance to the maximum because of sick absence he/she should normally also be allowed to carry the excess into the next accounting period.

4.10 When the carryover of greater deficit or excess than the maximum is authorised, there should be a clear understanding that the deficit or excess should be brought within normal limits as soon as reasonably possible. Unless there are exceptional circumstances, the normal limits should apply again at the end of the next accounting period.

4.11 Staff are discouraged from remaining in continuous substantial deficit for a prolonged period.

Coretime

4.12 Core time is the essential part of the day during which all staff should be present unless their absence is authorised by management. The core time should normally be 4 hours (for example 10 am – 12 noon and 2 pm – 4 pm, or 10 am – 12.30 pm and 2 pm – 3.30 pm), but in exceptional circumstances coretime may be extended by agreement with Departmental Trade Union Side.

Time Allowed for Authorised Absences

4.13 For authorised absences (other than flexi leave) time is credited to the record of hours attended.

4.14 Staff on FWT should not be in any less favourable position than non-FWT staff in relation to time off for casual absences. Time off should still be allowed for visits to the doctor, dentist, hospital, optician, and the like. Staff should, where possible, arrange appointments for the beginning or end of the working day. Such absences, together with sick absence and absence on annual leave, special leave, detached duty, training courses and the like should attract a credit (hours attributable) to the record. Similarly, arrangements should be made to give credits for unavoidable delays in arriving at work due to transport disruption and other exceptional circumstances, and also for early departures for the same reasons. FWT arrangements should not inhibit a managers' ability to use his/her discretion to grant credits for other occasional or casual absences. Such credit can be refused if it is felt that the facility is being abused or used to an unacceptable level.

4.15 Absence from work with appropriate credit for industrial relations activities should be allowed if staff are working flexible hours in the same way as for non-FWT staff, in accordance with the Trade Union Arrangements chapter, Chapter 6.08. Similarly, staff who are Trade Union Health and Safety Representatives or Union Learning representatives have statutory rights to local absence from work.

4.16 The credit for a whole day's approved absence should be a standard day, and the credit for a complete morning's or afternoon's absence should be half of a standard day. It is suggested that other credits for unavoidable absence, if less than

a day, should be agreed between you and your line manager, subject to any relevant NICS HR staff rules, and should reflect the time which he/she would have recorded if the absence had not been necessary. To avoid excessive administrative effort, no account should be taken of absences of less than 10 minutes.

4.17 When agreeing the credit to be given for authorised absences, line managers will take into account the time at which the member of staff normally reports for duty. The line manager may use discretion when the normal time varies over a narrow range. Where there is no pattern, allowances should be calculated on the normal starting time for the branch.

Flexi Leave

4.18 Flexi leave is time taken off:

- a. in lieu of excess hours attended (in the previous or current accounting period); and/or
- b. in anticipation of hours which must be made up later.

4.19 Flexi leave may be allowed up to a limit of three days in any one accounting period and may be taken as half or full days. Flexi leave of a half or full day's duration, and absences within core time, must be authorized as for annual leave.

Half-Day Leave

4.20 The only restriction on the timing of a half-day's leave is that the leave period should not impinge on more than one core period. Thus, after a morning's leave staff may arrive at the office at any time during the flexible lunch break (usually 12 noon – 2 pm) and when taking an afternoon off, may depart at any time in the same period.

4.21 There is no requirement to have a lunch break when taking a half-day's leave. For flexi leave, no entry in the FWT record is made, other than the hours actually attended; for a half-day's annual leave half a standard day should be credited in addition to the hours actually attended. Credit for a half-day's leave is 3 hours 45 minutes.

Debit

4.22 Time may be debited from a record of hours attended, in order to compensate for time wrongly credited. This may occur, for example, when a member of staff forgets to record their departure.

Flexible Bands

4.23 Flexible bands are the periods before and after core time during which staff are free to arrive for work in the morning and leave for home in the afternoon, subject only to the need to maintain adequate staffing during normal office hours.

Example:

	(8 am -10 am)	Flexible Band
	(10 am -12 noon)	Core time
Bandwidth	(12 noon – 2 pm)	Flexible Lunch Break
	(2 pm – 4 pm)	Core time
	(4 pm – 6 pm)	Flexible Band

Flexible Lunch Break

4.24 The lunch break must be a minimum of 30 mins and may be up to a maximum of two hours.

4.25 In certain circumstances, particularly where offices are open to the public, it may be necessary to ensure adequate cover, therefore total flexibility in the times at which staff take their lunch breaks, may not be feasible. Nevertheless, every effort should be made to avoid placing any more restrictions on the timing and length of staff lunch breaks than is operationally necessary. If, on occasion, a member of staff wants to extend his/her lunch break, by seeking prior approval for absence in core time, that approval should not be withheld unreasonably.

Reconciliation

4.26 The analogy is with reconciling a bank account, to see what balance is carried forward. Recorded hours are adjusted to take account of debits and credits and then compared with the total standard hours for the accounting period. The 'balance' is the carry over.

Standard Day and Standard Hours

4.27 For members of staff who normally work a 5-day week, the standard day is one fifth of the weekly conditioned hours less lunch breaks (totalling five hours). For example, for grades conditioned to office hours of 37 per week, the standard day is 7 hours 24 minutes. For staff who have a different length of working week, or are in a grade with different conditioned hours, the calculations should be adjusted accordingly.

4.28 Standard hours calculated in this way are used during, or at the end of, the accounting period as a basis of comparison with hours actually recorded. At the end

of the accounting period, the reconciliation is between hours recorded and the total standard hours for the period.

Normal Working Day

4.29 The normal working day is defined as the hours staff would have to work if no flexi-scheme was in operation. Most buildings have standard starting and finishing times set and these should be used by all staff not availing of the flexi-scheme. Where staff have had their access to flexi-hours withdrawn, they must conform to the agreed starting and finishing times for the building. However, Departments may vary the times to a limited extent in individual cases where withdrawal of flexi-hours could lead to hardship, such as where travelling difficulties are involved.

5. Flexible Working Time (FWT) Schemes

General

5.1 Any flexible working time scheme must be agreed with Departmental Trade Union Side. Where it is not feasible to introduce FWT fully in particular locations, agreement may be reached with Departmental Trade Union Side to introduce a FWT scheme on a full or modified basis for selected groups or grades. Similarly, provision should be made in new schemes for a member of staff who wishes to continue with his/her previous pattern of attendance. In such cases, a member of staff will not have to change his/her existing method, if any, of recording attendance.

5.2 A part-time member of staff may be included in FWT schemes on a pro-rata basis, in accordance with his/her conditioned hours, but the precise arrangements will depend on local circumstances and need to be worked out at the local level.

Variations and Flexibility

5.3 Ideally, all staff in one branch/location should be covered by the same FWT arrangements.

5.4 Sometimes this may not be possible because of particular work processes or patterns; the need to have certain staff present at particular times; the need to maintain supervision because of the nature of the work or for health and safety purposes; the need to maintain a service to the public, and so on. Nevertheless, the FWT guidelines afford considerable scope for variation to suit the particular circumstances where one standard scheme for all staff is not appropriate. For example, core times may be set for an office as a whole, or on a section, group or individual basis; different core times and flexible bands may be set for different days of the week or weeks in the accounting period; a wider lunch band may be adopted within which a lunch break can be taken so that absences from the office may be

staggered; and informal rosters can be worked out to ensure essential cover during the lunch band and flexible bands. Such variations should only be introduced where they are operationally necessary, and the aim should be to maintain so far as possible, a comparable degree of attendance flexibility to a standard scheme.

5.5 Any member of staff who avails of FWT by starting earlier than the normal starting time or leaving later than the normal finishing time should inform his/her supervisor if he/she considers that they have not enough work for the period in question.

5.6 The operation and control of FWT schemes should normally rest with local management. The success of the scheme will depend largely on the relations between staff and their line managers. Nevertheless, any system of time recording can be abused if an individual is sufficiently enterprising and insensitive to the views of colleagues. Fortunately, such individuals are rare, but it is only fair to everybody else that line managers should examine individual FWT records and ensure by frequent checks at irregular intervals that the scheme is not being abused. Times should be recorded by staff at the start and end of the day and must be accessible to Managers for scrutiny.

5.7 Since abuse of FWT is a breach of the scheme, the offender's participation in the scheme may be suspended temporarily or indefinitely for persistent or serious abuse. This will be made clear, particularly for newly-recruited staff who have joined an office already working FWT; and the normal times of arrival and departure (which would apply if participation in FWT was suspended) will be specified in staff regulations or local staff notices. Whether and what disciplinary action should be taken if there is abuse, depends of course very much on the circumstances of each individual case.

6. Time Recording

6.1 It will be quite clear that an essential part of any FWT scheme is the accurate recording of the hours staff actually work. The method of time recording is by Departmental or local agreement.

7. Record Keeping

7.1 Paperwork should be kept to a minimum and records need not be kept for longer than three months from the end of the accounting period to which they refer, unless used to monitor compliance with the Working Time Regulations, in which case retention until after each 17-week reference period will be necessary.

8. Flexible Working Time and Certain Conditions of Service

General

8.1 It is one of the basic principles of FWT that it should not place a member of staff in any more or less favourable position than a non-FWT member of staff in relation to his/her conditions of service. However, FWT arrangements can sometimes give rise to misunderstandings in this respect, and the application of certain conditions of service to staff who work FWT is therefore explained below.

Overtime for Excess Hours Worked and Other Premium Payments

8.2 There is a clear distinction between extra hours worked by individuals on FWT to suit themselves, as part of the normal FWT arrangements, and additional attendance outside core time which may attract overtime or other premium payments or time off in lieu, where appropriate. It is a general rule that all overtime for which payment is to be made must be authorized, and that claims for overtime, or other premium payments, must be properly supported by a record of hours worked. Overtime for staff who are on FWT must therefore be authorised and supervised in the normal way, and work for which overtime or other premium payments are being claimed, should be recorded completely separately from FWT. Before starting to work overtime, staff must record the time at which normal working ended.

8.3 It follows that:

- a. hours credited to the FWT total may not attract payment of overtime, travel time outside office hours, and similar as an alternative to flexi leave; and
- b. extra attendance which is authorised as overtime may not be added to the FWT total, whether or not such attendance qualifies for additional payment in accordance with The HR Handbook Overtime Pay Policy (8.08) sections 3 and 7.

8.4 Because overtime is worked at the request of management, and is recorded separately from FWT, it follows that a member of staff is able to work overtime and still accumulate the number of credit/debit hours on his/her FWT record up to the normal limit.

9. Detached Duty

9.1 In accordance with the HR Handbook Hours and Attendance policy (3.11), if you are on detached duty should be conditioned to the hours of the office to which you are posted (which may or may not have FWT arrangements).

10. Working Away from the Office

10.1 If you are travelling direct from his/her home to an assignment, without first calling at his/her office, his/her starting/finishing time (within the agreed scheme bandwidths) should be calculated as follows:

- a. If the office lies on route, the starting time is the time at which the member of staff passes the office.
- b. If the assignment lies in the opposite direction to that in which the member of staff travels from his/her home to the office, his/her starting time is the time at which he/she leaves home.
- c. If the assignment lies on route to the office, the starting time is the time of arrival at the assignment.
- d. In circumstances other than those covered in a, b, or c. the notional starting time is calculated by adding the duration of the normal home-to-office journey to the time at which the member of staff leaves home (for example – if the office is in central Belfast and it normally takes 30 minutes to reach it from a home address in Lisburn. If the member of staff left home at 8.30 am to travel direct to an assignment in Ballymena, arriving at 9.45 am, his/her notional starting time would be 8.30 am plus 30 minutes which is 9 am).

10.2 Finishing times will be similarly calculated.

11. Travelling Time and Attendance at Training Courses and the like

11.1 The Travelling Time policy, chapter 8.13 of the HR Handbook (sections 4.1-4.3 refer), states that for the purpose of calculating the travelling time of staff attending internal and short full-time and part-time external courses, “officers may be considered to have worked their full hours provided that the hours of the course are not more than one hour less per day than their conditioned hours.” This applies equally to FWT and non-FWT staff and a day’s attendance at such a course should attract a Standard Day’s credit to the FWT record.

12. FWT Credit/Debit on Leaving the Service

12.1 On receipt of notification from a member of staff working FWT that he/she intends to leave the Service, management must inform him/her that a nil balance of hours should be achieved by the last working day.

12.2 Where exceptionally this balance has not been achieved, any debit balance should firstly be offset against any outstanding annual leave and if this is not possible final payment must be adjusted accordingly, in other words by a deduction made for the debit balance of hours. Similarly, an addition will be made for excess balance of

hours. Early notice should be given where a nil balance will not be achieved. Should the member of staff die whilst in debit in flexi-time, the requirement to recover an equivalent cash amount should be waived.

12.3 In the case of late notified debit balances it may be necessary for issue of final pay to be deferred. Where credit balances are notified late final pay will be issued as originally calculated, with a balancing payment being issued subsequently.

PERSONALISED HOURS

1. Introduction

1.1 Personalised hours is an arrangement whereby a member of staff comes to an agreement with his/her line manager regarding the number of hours he/she is to work and the pattern in which he/she is to work. This work pattern should be on a temporary basis, and only approved provided that the member of staff works his/her normal contracted hours over an agreed period of time.

2. Operation

2.1 Under a personalised hours agreement, a member of staff can design a new working pattern with the agreement of his/her line manager for a specified period of time. At the end of this period, he/she can either return to his/her normal working pattern or re-negotiate a new pattern.

2.2 There are two main ways in which personalised hours can be used:

- flexible weekly hours – in this arrangement the member of staff will be contracted to work a set number of hours per week; however, the pattern of work may change from one week to the next. To accommodate the needs of the business, this pattern should be planned as far as possible in advance;

Example: A member of staff is contracted to work a 37-hour week who is required to attend classes at variable days and times with a child who has a disability. They intend to work 3 nine hour days and 2 five hour days, varying the start and finish times of the shorter days in order to accommodate these classes.

- staggered hours – in this arrangement the member of staff is contracted to work a set number of hours per week; however, the pattern of work is fixed from week to week.

Example: A member of staff who is contracted to work a 22 ½ hour week wishes to assist an elderly relative early morning and at lunchtime. They arrange to work the requisite number of hours in two daily shifts from 10.30am to 1.00pm, and 3pm to 5pm. This is a regular arrangement.

3. Request a Personalised Hours Working Pattern

3.1 A member of staff who wishes to request a personalised hours working pattern should discuss this with his/her line manager, and submit a request in writing, stating

his/her reasons. Relevant documentation should be retained locally by the line manager, and the member of staff.

4. Termination of a Personalised Hours Working Pattern

4.1 A member of staff who wishes to resume a standard working pattern should discuss with his/her line manager and then notify the line manager in writing.

COMPRESSED WORKING HOURS

1. Introduction

1.1 Compressed Working Hours is an alternative working pattern which allows a member of staff to compress his/her working week into fewer than the traditional five days without reducing the hours worked. The benefits of this arrangement are similar to those attached to Flexi time; the member of staff can benefit from a full day off, enabling him/her to meet outside commitments, while preserving his/her full-time income.

2. Operation

2.1 Compressed Working Hours is a formal working pattern, and staff who wish to use this arrangement must agree to a regular pattern of attendance: Monday to Thursday, for example. A member of staff should discuss and agree a working pattern, in conjunction with his/her line manager. In more common arrangements, a member of staff may compress his/her full working hours into four or four and a half days rather than five; or into nine days instead of ten.

2.2 A member of staff may, with the agreement of his/her line manager, make ad hoc adjustments to this pattern. On a similar basis, however, a member of staff may be expected to make ad hoc adjustments to his/her working pattern to meet business needs.

2.3 Depending on the working pattern, and the business needs of the office, there may be some scope for staff to combine Flexi time with Compressed Working Hours. This can be discussed and agreed between the member of staff and his/her line manager.

2.4 A member of staff must agree normal start, lunch and finish times with his/her line manager and these can only be changed with the prior approval of his/her line manager.

2.5 Annual leave debited during a Compressed Working arrangement must reflect the number of hours which were due to be worked on that day. However, if the officer's compressed working pattern consists of days of equal length, he/she will have annual leave calculated and debited in days.

2.6 Requests for compressed hours working should be discussed with line management before submitting an application to the HR services provider.

3. Termination of a Compressed Hours Working Pattern

3.1 A member of staff who wishes to resume a standard working pattern should discuss this with his/her line manager and notify his/her Line Manager and HR services provider in writing, stating his/her reasons. At least one month's notice should be given. A member of staff should advise his/her line manager whether or not he/she is willing to move posts in order to resume a standard working pattern.

3.2 Such requests will be considered sympathetically, but no guarantee can be given that a suitable post will be readily available.

3.3 Where management need to end a compressed hours working pattern for any particular member of staff, he/she will be given:-

the full reasons for the cancellation of the arrangement.

This might be necessary where, for example, the work involved is no longer compatible with working a compressed hours working pattern. Before ending a compressed hours arrangement Management will explore every alternative, including transfer to another post.

Annex 6 Hybrid Working

The NICS introduced a Hybrid Working policy in June 2022 with an accompanying Staff Toolkit for putting the arrangement in place.

See attached links to the policy and supporting documentation:- [Link](#)

The Working Time Regulations (Northern Ireland) 2016.

The 2016 Regulations consolidate and replace the provisions of the Working Time Regulations (Northern Ireland) 1998 and the ten Statutory Rules which amended it from 1998 to 2009).

The aim of the Directives is to ensure that workers are protected against adverse effects on their health and safety; caused by working excessively long hours or having inadequate rest or disrupted work patterns. They lay down minimum conditions relating to weekly working time, rest entitlements and annual leave, and make special provision for working hours and health assessment in relation to night workers. The Regulations make special provision for 'young workers' (those above school leaving age, but below the age of 18) in terms of daily and weekly working time limits, daily and weekly rest, rest breaks at work and night work.

The Working Time Regulations (Northern Ireland) 2016 implement elements of European Directive No. 2003/88/EC and European Directive 94/33/EC concerning certain aspects of the organisation of working time.

Appendix 1

Examples of Annual Leave Calculations for staff working Alternative Working Patterns

If you work an alternative working pattern, ie any pattern other than 5 standard days per week, your public and privilege holiday entitlement must be expressed in hours. If you change from a normal working pattern to a reduced hours working pattern or vice versa part way through a leave year, will have their annual leave entitlement calculated for the remainder of that leave year by adding the proportion of the annual leave allowance earned during the period of *full-time status* to the calculated annual leave entitlement during the period of the *alternative working pattern*. In the event that you have taken annual leave while employed in a different working pattern, the amount of leave taken should be deducted from the recalculated annual leave allowance to determine the balance of annual leave for the remainder of that leave year.

Example (a)

A member of staff, who has an annual leave entitlement of 30 days, converts to working reduced hours (0.5) status on 1 August. At this date only 10 of the 15 days annual leave allowance in respect of the period February – July have been taken. Leave entitlement owing for the remainder of the year is therefore calculated as:

Annual Leave Entitlement for normal working pattern from 1 February – 31 July = 15 days @ 7 hours 25 minutes.

Annual Leave Entitlement for working reduced hours from 1 August – 31 January = 15 days @ 3 Hours 45 minutes.

Total = 167 hours 30 minutes

Annual Leave taken up to 31 July = 10 days @ 7 hours 25 minutes

= 74 hours 10 minutes

Balance of Annual Leave owing for = 93 hours 20 minutes

The remainder of the leave year (25 days @ 3 hours 45 minutes)

Example (b)

Conversely, a member of staff moving from a reduced hours working pattern to a normal working pattern on the same date would be entitled to:

Annual Leave Entitlement working a reduced

Northern Ireland Civil Service
HR Policy

hours pattern from 1 February – 31 July = 15 days @ 3 hours 45 minutes

Annual leave Entitlement as a full-time
Employee from 1 August = 15 days @ 7 hours 25 minutes

Total = 167 hours 30 minutes

Annual Leave taken up to 31 July = 10 days @ 3 hours 45 minutes
= 37 hours 30 minutes

Balance of Annual Leave owing for
the remainder of the year = 130 hours
18 days @ 7 hours 25 minutes