



NORTHERN IRELAND PRACTICE AND EDUCATION COUNCIL
FOR NURSING AND MIDWIFERY

LEAVE PACK

April 2021

Any request for the document in another format or language will be considered

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SPECIAL LEAVE POLICY

1. Introduction

Departmental Circulars and legislation requirements, such as Industrial Relations (No. 2) (Northern Ireland) Order 1976, govern the granting of special leave for various purposes and NIPEC shall make available special leave arrangements, with pay, to staff required to be absent from duty for various purposes including essential civic and public duties.

2. Purpose

NIPEC recognises the requirement for fairness and consistency when considering requests for special leave and the purpose of this policy is to provide guidance for staff and managers in dealing with these requests and for decision making. It also outlines how the leave should be recorded on the HRPTS Portal.

Types of Special Leave are detailed below:

3. Urgent Domestic Distress

Urgent Domestic Distress is available to staff that have, for example, a spouse, partner, child, parent/guardian, or someone for whom they have direct live-in caring responsibilities who is suffering from an illness or condition which has been diagnosed as either critical, in the short term, or terminal. Urgent Domestic Distress is designed to enable staff to cope with unplanned and unforeseen demands on the individual and entitlement will range from one half day up to 18 days per year. Staff wishing to be granted leave due to Urgent Domestic Distress should ensure that their manager is advised promptly of any domestic difficulties he/she is experiencing. The period of leave should be agreed with the manager at the time of the first request for leave if possible. This should be recorded on HRPTS by the employee as Urgent Domestic Distress.

Managers should look at each individual case and take account of all prevailing circumstances, e.g. prognosis of illness, other family support, emotional condition of member of staff, changes which could be made to current working arrangements etc., and make a judgement as to what will best meet the needs of both the organisation and member of staff. Each situation will be considered, and both manager and member of staff should attempt to reach agreement. This should ensure that the needs of the individual are treated sympathetically and that the business/operational requirements of the Organisation are not compromised or disadvantaged. Managers should contact HR for advice if unsure about his/her reasons for rejection.

4. Compassionate Leave

Compassionate Leave is available to those staff who suffer the death of a relative or partner. Whilst it is difficult to assess how the death of someone close to us will affect each of us, this policy is to help ensure that staff are treated with sympathy and consistency at difficult times. The table below sets out a list of the maximum number of days available to staff:

| Nature of relationship | Maximum number of days |
|---|-------------------------------|
| Spouse | Six |
| Partner | Six |
| Child | Six |
| Parent/Guardian | Six |
| Direct Live-in Caring Responsibilities | Three |
| Sibling | Three |
| Grandparent/Grandchild | One |
| Uncle/Aunt | One |
| Cousin | One |
| Nephew/Niece | One |
| Father/Mother/Brother/Sister/Son/ Daughter of Spouse/Partner | Two |

An employee who intends to make use of Compassionate Leave should ensure that their Manager is advised of the situation as soon as is practicable. This should then be recorded on HRPTS as Compassionate Leave on the employee's return to work.

5. Leave for attendance at funerals

In the event of the death of a close friend or a particular relationship not covered under Compassionate Leave provisions, staff may be given time off work to attend funerals, subject to the needs of the service. This time should not exceed 2.5 hours away from the office for local funerals. Where funerals require a substantial part of that time being taken up with travelling, staff will need to discuss this with their manager and agree a reasonable time allocation. Staff may be given no more than 4 hours off for non-local funeral attendance and can take further time off through flexi-time or annual leave arrangements. Attendance at a funeral should be agreed and recorded offline by line managers.

In the event of the death of a colleague or member of a colleague's immediate family, managers will ensure that there is sufficient departmental representation at the funeral and the time available as per the entitlement outlined above. Colleagues may insert commiserations on a personal basis into local newspapers, however, not normally on behalf of NIPEC.

6. Carer's Leave

Carer's Leave is short-term leave, with pay, to facilitate staff who have caring responsibilities to manage emergency, unplanned, short-term problems. The needs covered include:

- Illness of a child, close relative or partner (immediate family or dependants)
- Breakdown of normal care arrangements wherein no or very short notice has been given.

Carer's Leave is not appropriate when people have been given notice that their current, normal caring arrangements are going to be interrupted. It is also not suitable for those carers who wish to accompany children or adults to hospital appointments which have been planned or to be with them after planned (elective) operations and holiday leave should be used for these events.

Entitlement is up to a maximum of 12 days per annum, however, no single episode should exceed three days. Staff wishing to take Carer's Leave should ensure that their immediate line manager is advised promptly of any difficulties they are experiencing in their care arrangements and that they wish to make application to take time off under this particular policy. The period of leave must be agreed at the initial stages with the manager at the time of the first notification of the difficulty.

Carer's Leave should be recorded on HRPTS as Carer's Leave by the line manager or by the employee on their return to work.

Please Note: Carer's Leave must be agreed with line manager when the need arises. It cannot be requested after a period of leave has been taken.

7. Unpaid Leave

It should be noted that staff who avail of unpaid leave will result in a proportionate reduction in their annual leave entitlement. This should be recorded on HRPTS by the employee as Unpaid Leave. If the period of unpaid leave is for more than 3 months, this is an employment break. Please refer to the Employment Break policy for further information.

8. Attendance at job interviews

Staff applying for jobs within the Health and Social Care NI will be granted time off with pay to attend for interview subject to the needs of the service. Attendance at HSC job interviews should be agreed with the employee's line manager and recorded offline by the line manager.

9. Attendance at Medical/Dental Appointment

Staff will be granted up to a maximum of 2 hours to attend a medical or dental appointment. Where possible, appointments should be scheduled for the start or end of the working day to minimise disruption. This should be recorded on HRPTS as Medical and Dental Appointment to a maximum of 2 hours.

10. Other types of leave available

Other types of leave available to employees are detailed below.

- 10.1 Absence from duty following confirmed contact with a notifiable disease. This should be recorded on HRPTS as sick leave by the employee's manager.
- 10.2 Reserve forces- as per DHSSPS circular HSC (GEN) 1/2016, the HSC is committed to granting additional paid leave of three weeks per year to Reservists specifically for professional development and training which includes attendance at annual camp, normally 14 days and up to a further 7 days in year for professional development and training (pro-rata for part-time employees). This equates to an aggregate of 21 days or three weeks paid leave. If Annual camp requires more than 14 days for example to allow for travel, this will be taken from the aggregate of 21 days.

Additional unpaid leave of up to 3 days will be granted for short periods of training provided adequate notice is given and where such training cannot be undertaken in off-duty time.

Please refer to DHSSPS Circular HSC (GEN) 1/2016 for further details.

This should be recorded on HRPTS by the employee as Reserve/Cadet training Service in other voluntary organisations including cadet forces, RNLI, Mountain Rescue service may be considered.

- 10.3 Attendance at meetings of the Patient and Client Council - up to 3 days paid leave. This should be recorded on HRPTS by the employee as Public Service Duties paid. Further paid/unpaid leave may be granted at the discretion of your Manager.
- 10.4 Magisterial duties - up to 10 days special leave on the understanding that any fees or payments will be paid to NIPEC. No travel expenses subsistence allowance will be paid by NIPEC. This should be recorded on HRPTS by the employee as Public Service Duties paid.
- 10.5 Engagement in trade union activities which will be in accordance with a facilities agreement. This should be recorded on HRPTS by the employee as Trade Union Duties.
- 10.6 Membership of Board of Governors, Government funded organisations or District Policing Partnerships: up to 10 days paid leave in any year subject to the exigencies of the service, subject to an understanding that the employee will pass any fees or payments (minus tax) received for the attendance to NIPEC. Further leave may be granted subject to the needs of the service by the Chief Executive. This should be recorded on HRPTS by the employee as Public Service Duties (paid or unpaid). The first 10 days should be applied for as paid and any days over this should be recorded as unpaid. Whether it is recorded as paid or unpaid will be dictated by the number of days that have been approved by your line manager.
- 10.7 Attendance at court as medical/dental witnesses are governed by the relevant team and conditions of service. This should be recorded on HRPTS by the employee as Jury Service/Witness.
- 10.8 Marriage Leave / Civil Partnerships: 3 days special leave with pay for marriage. This should be recorded on HRPTS by the employee as Marriage Leave.
- 10.9 Jury Service: employees who are called for jury service will be granted leave with pay on the basis that they are required to pass any court fees, apart from travelling expenses, to NIPEC. This should be recorded on HRPTS by the employee as Jury Service/Witness.
- 10.10 Court witness: an employee who attends court as a witness with the consent of NIPEC or on foot of a subpoena or witness summons or other legal obligation, will be granted leave with pay on the basis that the employee is required to pass any court fees, apart from travelling expenses, to NIPEC. This should be recorded on HRPTS by the employee as Jury Service/Witness. It should be noted that an employee will not be entitled to time off for attendance at court if such appearance is personally instigated.

- 10.11 Parliamentary assembly candidate: this should be recorded on HRPTS by the employee as Public Service Duties paid.
- 10.12 Employees who serve as a member of the NI Assembly can avail of an Employment Break or a reduction of 20% of normal working hours. This should be requested on HRPTS by the employee as a contractual change for either an employment break or change in hours.
- 10.13 Employees who are officially standing as a candidate at an Assembly/Council/Parliamentary Election will be granted up to four weeks special leave without pay to facilitate their candidature. This should be recorded on HRPTS by the employee as Public Service Duties Unpaid.
- 10.14 International sporting event:-paid leave may be available to staff representing their country in an international sporting event. If the employee is assisting a team at an international sporting event (for example as a coach/physiotherapist), paid leave may be available if they are not already paid for their involvement. In either case, the employee should discuss their request with their director who in turn should seek advice from Human Resources. Once a decision has been made, if appropriate, the employee should apply for leave for 'International Sport Event' on HRPTS.

11. Review Date

This policy will be reviewed in April 2022 or sooner if a revised regional / BSO policy is issued.

Recording of Special Leave on HRPTS

The table below summaries the main types of special leave covered in this policy and how they should be recorded on HRPTS. This should be read in conjunction with the details provided in this policy.

| Type of Special Leave | Recorded on HRPTS | Allowance |
|---|---------------------------|---|
| Urgent Domestic Distress | Urgent Domestic Distress | One half day to 18 days per annum |
| Compassionate Leave | Compassionate Leave | Dependent on nature of relationship |
| Leave for attendance at funerals | Recorded Offline | Maximum 2.5 hours for local funeral Maximum 4 hours for non-local funerals |
| Carer's leave | Carer's leave (not SHSCT) | Maximum 12 days per annum No single episode more than 3 days |
| Unpaid leave for less than 3 months (If more than 3 months, it is an employment break) | Unpaid leave | Line Manager's discretion |
| Attendance at job interviews | Recorded Offline | Line Manager's discretion |
| Attendance at Medical/Dental appointment | Medical and Dental Appt | Maximum 2 hours |

EMPLOYMENT BREAK SCHEME

1. Introduction

NIPEC is committed to attracting and retaining the experience of staff consistent with the HSCNI commitment to the provision of high quality healthcare.

Under the requirements of the Agenda for Change, NHS Terms & Conditions Handbook, this policy has been developed, with the intention of facilitating requests for Employment Breaks which enables employees to balance work with other commitments and responsibilities without detriment to their career or the services we offer to clients.

2. Purpose of this Policy

An Employment Break Scheme is a period of unpaid leave which provides an employee with the opportunity to leave the organisation for a specified length of time with the security of knowing that a job will be available on their return to employment (See section 11 Returning to Work). It is a commitment by NIPEC to ensure effective working arrangements for securing, retaining and encouraging skilled staff back to work. It is part of NIPEC's flexible working arrangements and is an option for all employees regardless of religious belief, political opinion, gender, marital status, sexual orientation, disability, race or ethnic origin, trade union membership or age and whether or not they have dependants.

The main reasons for which Employment Breaks can be used include:

- Childcare including fostering
- Eldercare
- Care for another dependant*
- Training – where relevant to the post
- Study leave – where relevant to the post.

*This includes dependent adults or children within the household and may also include someone who reasonably relies on the employee for assistance.

Applications for reasons other than those listed above will be considered on their own merits. Employment breaks for a period of one year only are available within the confines of the Absence Management Policy as a means of rehabilitative care for those staff with sickness problems.

NB. Employment Breaks will not normally be granted for the purpose of taking up paid alternative employment with another employer and in these circumstances written approval from NIPEC is required.

A member of staff granted an Employment Break for the purpose of further education will only be permitted to take up employment on a casual basis during holidays etc. or to work during a student placement at the relevant grade.

3. Eligibility

To be eligible to be considered for an Employment Break employees must:

- Have at least twelve months' continuous service with NIPEC
- Have satisfactorily completed their probationary period
- Have a satisfactory record of performance and conduct
- Have a permanent contract.

Those staff on fixed-term contracts may avail of the Employment Break Scheme provided they satisfy the same eligibility criteria other than the permanent nature of the contract and the duration of the break does not exceed the remaining time of the fixed-term contract. A member of staff who is subject to disciplinary or incompetence procedures will not normally be permitted to take an Employment Break until his/her standard of service reaches a satisfactory level or until the expiry of any disciplinary sanctions.

The granting of an Employment Break is a discretionary matter and not an automatic entitlement. Each application will be considered on its own merit and in light of the circumstances which prevail in the particular Department and in the given grade or specialty of the applicant. Every effort will be made to strike a balance between the needs of the service and the needs of the individual.

Applications may, however, have to be turned down or delayed where there are overriding business considerations. Reasons for refusal will be conveyed in writing to the applicant by the relevant manager. Applicants who are dissatisfied with the reasons given may access NIPEC's Grievance Procedure.

4. Duration and number of Employment Breaks

An Employment Break may be granted for a period ranging from a minimum of three months to a maximum of five years during the course of employment with NIPEC.

Employment Breaks may be extended twice for a period of not less than three months, provided that the total period does not exceed five years in all.

On return to work following an Employment Break, one additional break may be granted subject to the total maximum of five years during the course of employment and provided the period of service between the Employment Breaks is not less than three months.

A woman who gains approval for an Employment Break to take effect immediately after a period of maternity leave is not required to return to work for a period of 3 months prior to taking the Break. If, however, she resigns during the course of the Employment Break or fails to return at the end for a period of at least 3 months, she will be liable to refund the whole of her maternity pay less any SMP received.

5. Employment Status during an Employment Break

During an Employment Break the following contractual obligations will continue to apply:

- NIPEC and employee's implied obligation of trust, confidence and good faith.
- Obligations relating to notice of termination.
- Obligations relating to disclosure of confidential information.

- Obligations relating to acceptance of gifts or other benefits.
- Obligations relating to unprofessional conduct/conduct likely to bring NIPEC into disrepute.
- Obligations relating to the disclosure of criminal convictions.
- The application of disciplinary and grievance procedures.

6. Applications

Applications giving at least three months' notice of the intended start date must be made via the Work Life Balance request form on HRPTS. The time limit may be waived in exceptional circumstances only.

If the work life balance request is approved, the line manager must complete a contractual change form for the employee on HRPTS.

Please note: line managers should seek Chief Executive approval before approving an employment break.

Managers should seriously consider the benefits of an Employment Break to both the individual and the organisation and must also take into account the effect on operational requirements and the need to recruit a replacement. If, following discussion with the Human Resources Directorate, a manager cannot approve an application, he/she must advise the employee in writing of the reasons. The applicant may then access NIPEC's Grievance Procedure if they so choose.

The date on which an Employment Break begins will be a management decision taking into consideration the circumstances of the application and the likely time-delay in filling the vacancy created.

Employees on an Employment Break should provide the Human Resources Directorate with a forwarding address and will be responsible for keeping the information up-to-date. Any outstanding arrangements such as lump sum payments in connection with car allowances, car loans etc., must be resolved before agreement can be given to a request for an Employment Break.

Annual leave due must be taken before the commencement of an approved Employment Break. Where possible the last day of attendance should be fixed to take account of any untaken leave.

7. Continuity of Service

The period of the break counts towards continuous employment for statutory purposes.

Other provisions dependent upon length of service, i.e. superannuation, contractual redundancy payments, annual leave entitlements etc. shall be suspended for the period of the break.

Employees considering an Employment Break must consult the Payroll Shared Service or Pension Branch about their superannuation position.

8. Social Security and Inland Revenue Arrangements

It is entirely the responsibility of the individual to contact the Social Security and Inland Revenue to determine whether they are entitled to any Social Security benefits and to check the position with regards to National Insurance contributions.

9. Vacancies/Promotion

Employees should note all vacancies/promotions will be placed on www.hscrecruit.com and it is their responsibility to check for posts they may be interested in during the Employment Break and are free to apply for other posts during that time. Any job offers, however, must be accepted at time of offer and duties taken up as soon as possible after appointment, and the terms of the employment break will be terminated.

10. Keeping in touch

Before a break commences, arrangements must be made with the employee's line manager as to how they keep in touch and to agree what job related or other information relating to NIPEC is to be sent during the period of the break. This ensures that the employee is kept abreast of developments while away from the workplace.

Professional staff are required to keep up to date with relevant professional registration needs, including attendance at specified training courses and conferences. They should also contact the Human Resources Directorate on each anniversary of their Employment Break to confirm they have met the requirement to keep in touch and that they will continue on the break.

11. Return to Work/Extension

Employees on an Employment Break must contact the Human Resources Directorate before they are due to return to:

- confirm that they intend to return on the due date
- or
- apply for an extension of the Employment Break
- or
- indicate that they wish to resign.

The notice period required before the return to work or to request an extension is two months if the break is less than a year and six months if the break is one year or more. The Human Resources Directorate will advise the relevant Manager of all correspondence.

Requests to return earlier than the agreed date shall be considered after discussion with the Organisation and after examination of any other vacancies that may be available in NIPEC as a whole. Whilst every effort shall be made to accommodate requests, no guarantee can be given that an early return can be facilitated.

Failure to notify NIPEC at the agreed time may result in an assumed resignation.

Where reasonably practicable, an individual returning to work within one year shall return to the same job. In the event that this is not possible, every effort will be made to identify a vacancy that is broadly comparable to the employee's former post.

An employee returning to work after a period of one year may return to as similar a job as possible.

Whilst NIPEC cannot guarantee that the employee will return to their former posts or locations, it is agreed that the job shall be at an equivalent salary level, reflecting increases awarded during the break. If on return to work a vacancy does not exist in the grade formerly held by the employee, he/she can be offered a lower graded post (on protected salary with the appropriate terms and conditions of service for a specified period). Every effort will be made to relocate the employee to a suitable post at their original grade as soon as possible. Where an employee is relocated, excess travelling expenses will not be paid.

The employee will be required to undertake any training needed to ensure that their knowledge and skills are sufficient to enable them to carry out the duties of the job to which they are returning. This will be a condition of acceptance for an Employment Break and the detailed requirements will be specified by management. Any extra training required for membership of professional bodies, such as CIPD, must, however, be undertaken by the employee.

If prior to the commencement of an Employment Break an employee was working in a part-time/job-sharing arrangement, every effort will be made to allow the employee to return on that basis. However, there can be no guarantee that this will always be possible and in some circumstances employees may be offered a full-time post. Employees are therefore required to demonstrate flexibility.

An employee who refuses two reasonable job offers may have their employment terminated.

Employees who are unable to resume duty on the due date because of illness will be required to produce a supporting medical certificate from the first day of sickness and will be referred to the Occupational Health Service.

Line managers are responsible for the development of a comprehensive induction and training programme which facilitates the employee's re-introduction to the workplace.

12. Compliance with the Policy

Employees will be expected to comply with the terms of this policy and in the event of a breach may be subject to NIPEC's Disciplinary Procedure.

13. Monitoring and review

This policy will be reviewed in April 2022 or sooner if a revised regional / BSO policy is issued.

FLEXIBLE WORKING POLICY

1. Introduction

NIPEC is committed to equality of opportunity and to the continued development of a working environment which encourages all staff to give of their best within an arrangement which allows them to balance both work and personal commitments.

NIPEC, in considering how it can best balance the needs of the organisation with the needs of the individual employee, has determined that staff should have the flexibility to agree working arrangements with their line manager which meet both the organisational and individual needs.

There are many variations of flexible working which an organisation may wish to consider, some which will impact on an individual's remuneration and terms and conditions of service, and some which will not. This policy incorporates a range of examples of alternative patterns of work and sets out general principles that should be applied.

2. Policy Statement

Whilst there is no automatic entitlement to any of the flexible working options available, the NIPEC is keen to support staff in balancing their work and home commitments, recognising that individuals have a wide range of varying circumstances within which they have to manage. To this end, NIPEC will consider any form of flexibility, provided it does not adversely affect the organisational goals/objectives or the service provided and does not contravene any legislation, particularly in the area of health & safety and Working Time Directive Regulations.

Arrangements for flexible working will be reviewed at least annually between managers and staff. It will be a condition of any agreement that an employee who works flexibly will not unreasonably refuse any request to attend work outside the agreed working hours in exceptional circumstances or for training purposes.

3. Why allow flexible working?

Research would suggest a correlation between flexible working and a positive psychological contract, with employees tending to be more emotionally engaged, more satisfied with their work, more likely to speak positively about their organisation and less likely to want to leave their organisation. It can also enable employees to achieve better work life balance, improve their working lives, improve their range of skills and experience, and can often assist in reducing work related stress. Flexible working can also support recruitment and retention within the organisation and in turn, reduce the costs associated with recruitment and staff development.

4. Who can apply for flexible working?

The Scheme is open to ALL employees who, in most circumstances, should have satisfactorily completed their probationary period. Each application will be considered on its individual merits, taking into account the needs of the service.

5. Promotion/Career development

An employee accessing any form of flexible working arrangement is free to apply for promotional posts in the usual manner. There will not be an automatic right to retain the flexible working arrangement in the new post. Movement to a new post will require consideration of the potential to work flexibly.

6. Training and development

All staff availing of flexible working arrangements will be afforded the same opportunities to participate in training and development as other staff.

7. Superannuation

Entitlement to continue in the HSC Pension Scheme remains unchanged. However, staff should be aware that any reduction in salary will impact on superannuation benefits. Further information can be obtained from the HSC Pensions

8. Employment rights

Employment rights such as continuity of employment and employment protection remain the same.

9. Car lease scheme

All staff availing of flexible working arrangements will be assessed with regard to their eligibility for inclusion in the Car Lease Scheme in the normal way.

10. The annual review process

To assist in planning of services, managers will seek to assess the demand for flexible working arrangements at least on an annual basis prior to the commencement of the financial year. Managers must remind staff to submit Work Life Balance requests via HRPTS for such arrangements, prior to commencement of the financial year or as soon as reasonably practicable.

It is recognised that individual circumstances may change at short notice. In such circumstances individuals may still apply for flexible working arrangements during a year and the request will be considered at the time of application in the usual manner.

11. How to apply for flexible working arrangements

There is a range of flexible working options available including:

- Part-time working
- Term-time working
- Job Share
- Flexi-time
- Compressed hours
- Personalised hours

See Appendices 1 and 2 for further details of each option. It is important to note that some of these options **will affect** remuneration/terms and conditions of service (see Appendix 1) and some **will not affect** remuneration/terms and conditions of service (see Appendix 2).

Employees should make a work life balance request via HRPTS selecting the type of work life balance request from the options available.

Each request will be considered on its merits but where circumstances result in a number of applications from the same Department/ being submitted at the same time, preference will initially be given on the basis of length of service in the organisation, unless exceptional circumstances would indicate otherwise. Every effort will be made to facilitate such requests on a rotational basis, if necessary.

Upon receipt of the work life balance request, the line manager should discuss the request with the employee and subsequently liaise with the appropriate senior manager to seek their approval prior to approving on HRPTS.

Once a decision has been reached the line manager should complete the contractual change form on HRPTS and this will then be processed by Human Resources (HR).

If the request is approved, the employee will receive a letter from HR confirming the contractual change. If it is not approved, the employee will receive correspondence from their line manager providing reasons for rejection. No application will be unreasonably refused. The line manager must send a copy of the correspondence to HR for the employee's personal file.

12. Grounds for rejecting an application

All applications should be reasonably considered by managers. Listed below are the grounds for rejecting such applications:

- the burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to re-organise 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.

Managers should confirm grounds for rejection in writing. Employees still reserve the right to apply with an amended application.

13. Appeals

Applications for flexible working will not be unreasonably denied however the business needs of the organisation will be the over-riding factor. If an application for flexible working is declined, staff may raise the matter through the Grievance Procedure.

14. Review of policy

To ensure the on-going effectiveness of this policy, a review will be undertaken at regular intervals, and not more than 3 years from the date of implementation. This policy will be reviewed in April 2022.

15. General information

Any further information regarding this policy may be obtained from BSO's Human Resources Directorate.

Types of flexible working arrangements affecting remuneration / terms and conditions of service

1. Part-time working

This is an arrangement wherein a member of staff can request to reduce their weekly hours on an on-going basis.

Staff moving to part-time working will be issued with a revised contract of employment and there will be no automatic right to return to full time hours although such applications will not be unreasonably refused if part time working is required for short periods of time this will also be agreed for a defined period.

To assist in planning of services, managers will seek to assess the demand for flexible working arrangements at least on an annual basis prior to the commencement of the financial year.

How does it work

There are numerous methods of working part-time such as every morning; every afternoon; one week on, one week off; working until mid-afternoon etc. Essentially the part-time arrangements should be designed to suit both the needs of the organisation and the individual in such a way as is workable.

Ultimately it is recommended that even within part-time arrangements some flexibility exists for both parties. For example, it is possible to combine part-time working with flexi-time.

Terms and conditions of employment

Staff moving to part time work will be issued with a revised Contract of Employment and Job Description which clearly defines the duties and responsibilities of the post.

Employment Rights such as Continuity of Employment and Employment Protection would remain the same

Terms and Conditions of Employment which will be applied on a pro-rata basis subject to eligibility will include:

- Salary/Wage
- Occupational Sick Pay
- Maternity Leave
- Annual/Study Leave
- Public/Bank holidays

If an individual wishes to revert to full time work, every effort will be made to accommodate the request elsewhere within the organisation; however, there will be no right to return to full time work unless a suitable vacancy exists at the relevant time.

Trial arrangements

Where possible, staff wishing to undertake part time hours on a trial basis will be accommodated. In such circumstances, this will be for a defined period. This may also be a request by management to ensure that the service is not adversely affected by the change in working arrangements.

Applying on HRPTS: employees should select 'vol. reduced hours/PT' in the Work Life Balance form and if approved, managers should select 'Part Time Working' in the Contractual Change form.

2. Term-time working

This is an arrangement wherein an individual can request to work a reduced number of weeks per year and have their reduced salary paid over a twelve-month period.

Individuals will be requested to submit Work Life Balance request forms to their line manager on an annual basis for consideration and authorisation prior to 1 April each year.

Agreement to such an arrangement will be made annually to ensure as many staff can access the arrangement as possible.

How does it work?

Term-time working allows employees to remain on a permanent full-time or part time contract but to take unpaid leave during some or all of the school holidays.

Terms and conditions of employment

Individuals will have their salary paid equally over the 12 month period. Annual leave will be on a pro-rata basis depending on the length of the term time arrangement.

Applying on HRPTS: employees should select 'Term-Time Working' in the Work Life Balance form and if approved, managers should select 'Term Time' in the Contractual Change form

Please refer to the Term Time Guidelines for more information.

3. Job share

This is a variant on part-time working and involves two employees requesting to share a job on a basis acceptable to both the employees and the Organisation.

How does it work

An individual may submit a Work Life Balance request form on HRPTS to their Manager to have their post considered for a job-share arrangement. The Manager, in consultation with the Human Resources Directorate in the BSO, will give appropriate consideration to the proposal and make a decision based on the needs of the Service. The final decision must rest with the Manager. Agreement to the application will not be unreasonably withheld.

Alternatively an individual may apply separately for a post which has been identified as being open to job-share arrangements.

Job-sharing arrangements might also help NIPEC to improve flexibility within a job whereby the job-sharers' in some circumstances, could allow a mechanism for coping with peak periods together or attending different meetings at the same time. Job-sharing might also allow NIPEC to have greater continuity as when one partner is absent the other is still carrying out the duties of the post. During times of sickness, annual leave or other such circumstances, one partner may elect, following discussion with the manager, to work the additional hours to cover the full duties of the post. On such occasions the individual will be paid at plain time until the standard working week has been achieved.

Duration of job-share arrangement

Following a decision to share a post the job-sharing arrangement will last until it appears to management that the job sharing situation is no longer practical. Full consultation will take place with the individuals concerned.

If either or both of the job-sharers leave then the job sharing arrangement will be reviewed.

Terms and conditions of employment

The terms and conditions of service attached to the post are shared, for example, remuneration, annual leave, statutory leave and general conditions. For these reasons job-sharing is not the same as part-time work.

Each job-sharer will be issued with an individual Contract of Employment and a Job Description which clearly defines the duties and responsibilities of the post.

Employment Rights such as Continuity of Employment and Employment Protection would remain the same as for full-time staff.

Terms and Conditions of Employment which will be applied on a pro-rata basis subject to eligibility will include:-

- Salary/Wage
- Occupational Sick Pay
- Maternity Leave
- Annual/Study Leave

Public/Bank Holidays will be shared between job-sharers on a pro rata basis.

Where a job sharer accepts the offer of a post in a location different from their current post, he/she will not be entitled to payment of excess travelling expenses.

Those newly appointed to a post will be subject to the successful completion of the normal six-month probationary period. The probationary period will enable managers to assess the suitability of participants and the feasibility of the job-sharing situation. If it is found that a participant does not carry out their duties satisfactorily this would be dealt with in the normal way when a person undertakes a new post i.e. the normal disciplinary process may be invoked. This will not necessarily end the job-share arrangement.

If it is found that the job-sharing initiative has not succeeded, the post will revert to a full-time job with the most recently appointed employee being re-deployed to another post at the first opportunity. In the case of job-sharers having a common starting date management will have the right to decide which officer should be re-deployed to another post.

If an individual wishes to revert to full time work, every effort will be made to accommodate their request at the same grade elsewhere within the organisation; however, there will be no right to return to full time work unless a suitable vacancy exists at the relevant time.

Every effort will be taken to ensure an equal balance in the division of responsibility for the job among the job sharers. Managers must ensure that job sharers, where necessary, work an appropriate number of common hours to exchange information and update each other on work issues.

Cover for sharers

Where one sharer is unable to work for a reason such as illness or maternity leave the partner may be offered the opportunity to cover the hours of the absent sharer, in the first instance. If the partner is unable to cover those hours management may either seek to cover by employing a temporary person to share the post or review the arrangement. It should be noted that if the partner decides to work full-time hours they will only be paid at the basic rate until such times as they have exceeded the standard working week.

Applying on HRPTS: employees should select 'Job Share' in the Work Life Balance form and if approved, managers should select 'Job Share' in the Contractual Change form

Types of flexible working arrangements not affecting remuneration / terms & conditions of service

The following are examples of flexible working arrangements where there is no actual change to the contracted hours, be they part-time or full-time, which may be considered:

1. Flexi-time

It provides flexibility in starting and finishing times subject to attendance during core hours with a facility to transfer hours on a credit and debit basis from month to month.

Why have a flexi-time scheme?

A flexi-time scheme can assist in the reduction or elimination of punctuality problems as the employee is allowed a flexible start to the day, time-keeping problems are often reduced and consequently a reduction in disciplinary action in respect of lateness.

It can also greatly improve the efficiency of employees as they are more likely to stay on and finish a task knowing that the time is being “banked”. This reduces the amount of time the following day the employee might otherwise spend “getting back up to speed”.

Flexi-time can also assist in reducing absenteeism as the improved flexibility can often lead to reduction in casual absenteeism as a flexible start and finishing time allows for changes in personal circumstances to be accommodated.

Clearly flexi-time can improve the retention of staff who desire to work in a flexible working environment and this in itself can help to improve relationships between managers and staff through showing added trust. It is also found that in most instances staff can deal with personal matters such as medical and dental appointments outside of their core time hence reducing time off to deal with such matters.

Who can use the scheme?

The Flexi-time scheme by its nature relates to those jobs which have Terms & Conditions of service dictating a set number of hours. Whilst the AFC Terms and Conditions enable all staff to apply for flexible working each application will be considered on its own merit taking account of business needs. Assuming business needs are met, it is anticipated that for Bands 1-6 Flexi-time would be available. For Bands 7 and above specific application will be considered in accordance with para 34.8 of the AFC handbook.

The scheme is open to temporary staff and those working under part-time arrangements including job-share on a pro rata basis. In most circumstances staff will be required to complete 3 months in service of NIPEC.

How does the scheme work?

Flexi-time splits the normal working day into core time and flexi time.

Core times are the periods when all employees must be present.

Flexible times are the period when starting and finishing times will be varied subject to the demands of the job and with the agreement of colleagues within the Organisation. The core time will be

- 10.00 am – 12.00 noon
- 2.00 pm – 4.00 pm

The flexi-time will be

- 8.00 am – 10.00 am
- 4.00 pm – 6.00 pm

It is recognised that there may be exceptional circumstances (H&S issues and external factors such as weather) in which flexible hours can be extended for a limited period of time only to be determined by NIPEC's Senior Team as appropriate, enabling staff to either commence earlier than 8am or finish later than 6pm. Any arrangement to do so must be agreed with a Senior Manager and confirmed in writing.

All staff working more than 6 hours must record a minimum break of 30 minutes to be taken between 12 noon and 2.00 pm.

The accounting period will be one calendar month. The standard working day will be 7 hours 30 minutes.

A maximum of 8 hours credit and, under exceptional circumstances, 12 hours credit may be carried forward to the next month. Members of staff should try to avoid having a debit of hours, however, a maximum of 8 hours debit may be carried from one month to the next. Debited hours in excess of 8 hours will be treated as a serious offence and may lead to disciplinary action. Any hours credited at the end of the month in excess of the stated maximum will be forfeited.

Time off (flexi leave)

Flexi leave is credit time taken off in lieu of the hours previously worked and must be taken with the prior agreement of the line manager.

An employee may take up to a maximum of two days off per month. Leave may be taken in half or full days.

Staff are encouraged to co-operate and agree together a fair share of "popular" days for taking time off and managers have a responsibility to ensure a fair distribution of such 'popular' days.

Overtime

Paid overtime which should only be worked at the request of NIPEC's Senior Team and will continue to be recorded separately. Overtime on any day will not begin until the officer has completed the standard working day of 7 hours 30 minutes for that day and will be subject to the standard conditions of service as laid down in the appropriate handbook. It should be noted that in accordance with the Administrative & Clerical terms and conditions of service, paid overtime is not applicable to staff in band 8 or above. For part time staff,

overtime rates will only be paid when the individual has worked the standard full time hours (37.5) of the post.

Recording of time

Each officer will be responsible for recording his/her own time for arrival and departure. A spread sheet is available which will calculate your worked time and the subsequent credit/debit.

Applying on HRPTS: Each time a half day or full day flexi leave is taken by an employee this should be requested on HRPTS as Flexi Leave and approved by the manager.

Time off due to sickness will be credited to staff in the basis of a standard working day. Time should be recorded and calculated accurately. Individual managers should make arrangements as to how this system of recording is monitored

Traffic delays and inclement weather must be accepted as a normal hazard. Credit will only be given where management determines that truly exceptional circumstances exist.

Flexible working hours credit/debit on leaving the service

On receipt of notification from an employee working flexible working hours that they intend to leave the organisation, management must ensure that the individual is showing a nil balance by their last working day.

In exceptional circumstances where this has not been achieved, any debit balance should firstly be offset against any outstanding annual leave and if this is not possible final payment may be adjusted accordingly. Similarly, an addition will be made for excess balance of hours in credit.

2. Compressed hours

This is an arrangement which describes the working time of an employee, organised in such a way that full-time hours are worked within less than the standard 5 day working week. Typically the same basic hours are worked in a 4-4.5 day week or a 9 day fortnight. Since a key feature of this type of arrangement is a longer working day, staff may be required to undergo an assessment by the Occupational Health Service as to their ability to work longer days. It is unlikely that anyone working compressed hours could participate in the flexible working hours' scheme. The ability to work compressed hours will be subject to:

- The opening hours of your work location
- The Working Time Directive
- The nature of the employees work and the need for supervision
- The Health & Safety legislation.

Applying on HRPTS: employees should select 'Compressed Working' in the Work Life Balance form and if approved, managers should select 'Compressed Working' in the Contractual Change form

3. Personalised Hours

Personalised hours is an arrangement whereby an individual comes to an agreement with their manager regarding their working time based on their individual needs. This might involve an arrangement of flexible working hours, or perhaps staggered hours similar to a split-shift arrangement.

For example, an employee may submit a request to be considered for personalised hours working 8am to 4pm each day. This is different from the flexi scheme as personalised hours are a contractual arrangement whereas flexi scheme does not permanently alter an employee's start and finish time but rather grants them a degree of flexibility around start and finish times.

Applying on HRPTS: employees should select 'Personalised hours' in the Work Life Balance form and if approved, managers should select 'Personalised hours' in the Contractual Change form

Guidance for managers

1. Introduction

We are all influenced by the environment around us, and how organisational policy is put into practice. As a manager, you must be seen as fair and consistent to all staff, acting on behalf of the organisation in a manner attuned to corporate policy.

In terms of flexible working, this means you will need to understand how flexible working can benefit both the individual and the organisation, and be clear about the options available. As a manager you may have discretion in the application of flexible working arrangements and this for many can cause concern as to how the needs of the service can be balanced with requests from staff, whilst always striving to be consistent and equitable and ensuring that business needs are met.

This appendix sets out some general principles or considerations which managers may wish to work through when responding to requests for flexible working arrangements.

2. Key principles

Staff may wish to seek flexible working arrangements which will either:

- allow them to continue full time but working outside of the traditional 9.00am - 5.00 pm Monday to Friday pattern
- OR**
- allow them to reduce their working time commitment either on a temporary or a permanent basis.

There may be many reasons for staff wishing to seek an alternative working arrangements so be open minded. Staff choosing to work a reduced number of hours are not showing any less of a commitment to their job/career. Time is not necessarily commitment. Recognise that working in a less traditional manner may require a higher degree of organisational skills. Very few jobs cannot be undertaken in a different way, it just may require more lateral thinking. Whilst the needs of the service must be paramount, remember that flexibility can pay dividends in terms of staff commitment, loyalty and morale.

Research shows that where there is the development of a positive psychological contract (i.e. good relations between employer and employee) then staff can and will respond through improved quality and productivity. However, this depends greatly on elements of fairness of treatment, trust and delivery of the “deal” (i.e. the availability and application of organisational policy).

3. Key considerations when responding to a request

General issues

- What type of arrangement is the individual seeking?
- Why is the arrangement being sought?
- Is the request for a temporary or permanent arrangement?

Is reduced working time on a long term basis?

- Will the individual's request meet the needs of the service?
- What will the working arrangements be?
- What impact will this have on other team members?
- How will the gap of hours be filled/workload managed?
- Does the individual understand the implications of the reduction in salary and have they been provided with necessary support to consider the long-term implications on pension, annual leave etc?

Is reduced working time on a short term basis?

- The considerations for this arrangement will be the same as for those reducing their working time on a long-term basis with the exception that the manager and individual should agree the defined period of the arrangement.
- Under this arrangement staff should be encouraged to discuss their superannuation contributions with the Salaries & Wages Dept to determine if there is any avenue for making payments to cover the temporary reduction in hours?

Can this be accommodated/will it meet the needs of the service?

How will the gap in time between the part time hours and full time hours be met?

Part time working

How many hours per week does the individual want to work?

How should the hours be grouped? - Each day, 3 days per week etc?

Does the agreement require flexibility in terms of days worked or is the requirement predictable for the longer term?

Job sharing

Can the duties and responsibilities be clearly defined and measured for each person?

How will the hours for each partner be grouped? There are many variations such as:

- one week on, one week off
- split each week with one working Monday, Tuesday and ½ day Wednesday and one working ½ day Wednesday, Thursday and Friday; or
- split each day, with one working every morning and one working every afternoon.

How will each partner communicate with the other to ensure a smooth transition in work?

Flexi-time

What are the requirements of the office in terms of office cover and how will such duties be shared on an equitable basis?

Compressed hours

Does the job lend itself to the individual working longer hours some days combined with shorter days?

Does the person need to be referred to the Occupational Health Department for assessment of their suitability to work longer days?

Would the arrangement be set hours or a flexible arrangement variable from week to week – will this have an impact on the needs of the service.

TERM TIME WORKING SCHEME

(to be read in conjunction with the Flexible Working Policy)

1. Introduction

Term Time Working allows staff to remain in post but gives them the right to unpaid leave of absence during the year. This may be due to childcare responsibilities for their dependants but term time is not limited to this reason and all requests will be considered. As term time leave is planned well in advance, the employee will continue to receive a regular salary every month, though at a reduced rate in line with their reduced hours. Annual leave and statutory holidays will also be reduced on a pro rata basis.

2. Objectives

The objectives of the Term Time Working Scheme are:

- To retain skills and experience within the organisation.
- To facilitate staff who wish to continue working at the same time as meeting other personal commitments
- To further develop NIPEC's Flexible Working arrangements in the promotion of work/life balance, as well as providing guidance on the use of the term time option.

3. Eligibility and approval

All employees are eligible to apply for a Term Time Working Arrangement.

Applications will be facilitated whenever possible.

4. Approval/Rejection Criteria

When considering requests for term time, managers must ensure that the service can be provided without the need for agency staff or overtime. Should multiple requests be received in one area, managers must have regard to anti-discrimination obligations. Consideration should also be given to previously approved applications within the department.

If more employees in a section request Term Time Working than can be facilitated by the manager, a rotation or sharing of this arrangement may be agreed by the line manager.

Grounds for Rejecting an Application:

All applications should be reasonably considered. Listed below are the grounds for rejecting such applications:

- the burden of additional costs;
- detrimental effect on ability to meet customer demand;
- inability to re-organise 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.

Managers must confirm grounds for rejection in writing and should retain a copy for local records. The letter should include clear rationale for the rejection and should detail the manager's decision making process. Employees still reserve the right to apply with an amended application.

5. Term time Working Arrangement applications

All applications should be made in line with the Flexible Working Policy and the specific guidance notes set out in this guidance document.

Applications should be made on the HRPTS Portal no later than 28 February of each year in order that the necessary arrangements can be made for the new salary to become effective from 1 April.

For employees who have retained the NICS terms and conditions of service, applications will be effective from 1 February to coincide with the NICS leave year and therefore application should be made on the HRPTS Portal no later than 31 December of each year.

In order to apply for term time working, employees submit a Work Life Balance form on the HRPTS Portal and should select 'Term-Time Working'. If this is approved by the manager, the manager should complete a Contractual Change form on the HRPTS Portal and should select 'Term Time'.

In the event that the application is not approved, the Line Manager will provide the employee with a written reason and advise of the right to appeal.

6. Term time leave

When taking time off as Term Time leave, employees must request each period of term time leave via a new leave request on the HRPTS Portal for their manager's approval

Term time leave should only be taken in completed weeks and part weeks cannot be considered.

7. Term time allowance

The Term Time Policy intends to offer as much flexibility as possible.

The maximum option available is working 39 weeks out of 52 weeks. This equates to 13 weeks leave; 9 weeks should be taken as unpaid term time leave and the remaining 4 weeks should be taken as holiday leave.

The maximum number of weeks which can be taken as unpaid leave for any arrangement under this policy is 9 weeks.

For example, if an employee requests 10 weeks leave, the maximum number that can be taken as unpaid term time leave is 9 weeks with the remaining week taken as holiday leave.

Employees on Term Time Working totalling 9 weeks or less are encouraged to use their holiday leave against the time they are not working as this will reduce the impact on their salary. However, a reasonable amount of holiday leave should be retained for use during working time.

The minimum option available is working 50 weeks out of 52 weeks which equates to 2 weeks unpaid term time leave during the year.

This term time leave can be taken at a time which is mutually agreed between the manager and employee taking into account the needs of the service. These weeks are not limited to the main/peak holiday periods such as Easter, Christmas and the summer period.

In your application for Term Time Working on HRPTS, you should only request the number of weeks that you wish to take an unpaid term time. Any supplementary holiday leave should be requested in the normal way and discussed with the line manager when agreeing the term time working.

8. Terms and Conditions

Throughout the duration of the Term Time Working arrangement both the employee and the manager must adhere to the terms and conditions of this scheme.

Staff accessing this scheme will be required to agree a variation to their existing contract for a period of one full year. Accordingly the employees' salary will be paid over 52 weeks and the salary will be reduced by the number of weeks the employee takes as unpaid term time leave. Sick leave, maternity leave etc. will be calculated on the reduced salary.

In the event of a period of sickness exceeding one week occurring during the agreed period of term time leave (i.e. during the leave year), the contractual change for term time will be cancelled (or adjusted) for the relevant period of sickness and HRPTS will automatically generate a refund of pay to the employee. Sick leave should be recorded as normal by the line manager. The period of term time leave will not normally be deferred in lieu of sickness absence.

Entitlement to continue in the HSC Pension Scheme remains unchanged. However, staff should be aware that the reduction in service will impact on pension contributions. It is therefore the responsibility of an employee wishing to pursue a Term Time Working arrangement to consult with the Payroll Shared Service Centre to obtain information regarding the reduction in their individual income and with HSC Pensions regarding the pension implications. HSC Pensions will also advise on additional voluntary contributions which may offset any reduced pension contributions by virtue of the term time arrangement.

Staff on Term Time Working will accrue annual leave and statutory leave on a pro-rata basis to the period of time that they work over the 12 month period. HRPTS will automatically calculate the new leave quota for the year in which the amendment to contract is made.

Employees on Term Time Working are encouraged to use a proportion of their annual leave against the time they are not working as this will reduce the impact on their salary. For example, if an employee wanted to take off 8 weeks during the summer months,

consideration should be given to taking a proportion of the time as annual leave (for example, two weeks) and the remainder as term time. However, a reasonable amount of annual leave should be retained for use during working time. Individual arrangements should be discussed and agreed with the line manager.

9. Duration of Term Time Working Arrangements

Term-Time Working Arrangement is only granted for one financial year and a new application is required for each financial year.

10. Promotion and Leaving Post

Employees will be free to apply for promotional posts in the usual manner whilst participating in Term Time Working. However, they would have to accept the promotional post at the time of offer and take-up duties when required. There is no automatic right to retain the Term Time Working arrangement in the new post. This can be discussed with the new line manager and all requests can be considered. Advice should be sought from the Human Resources Department or Payroll Shared Service Centre in relation to pay before proceeding.

In the event of an employee leaving the organisation during the 12 month term time working arrangement, an under or over payment may occur.

In the event of an under payment the organisation will correct this in final salary.

In the event of an overpayment, monies will be recouped through a final salary adjustment and/or other methods.

Please contact Human Resources or the Payroll Shared Service Centre for further pay advice if necessary.

11. Training and Development

Staff participating in a Term Time Working arrangement should have their training and development needs assessed and delivered in the same manner as for all other staff in line with the appraisal and personal development plan.

12. Keeping in Contact

It is the responsibility of the line manager and employee to maintain mutual communication in relation to any developments, job opportunities, refresher/training courses and to agree appropriate updating arrangements (if necessary).

It is the responsibility of the employee to inform the line manager and the Human Resources Department of any change in his/her circumstances, e.g. change of address, and also for the employee to adhere to requirements of their professional regulatory body

13. Termination of a Term Time Working Arrangement

If approval has been granted within a department and difficulties arise, managers must weigh up all the facts and circumstances before terminating a term time arrangement.

Advice should be sought from the Human Resources Directorate regarding termination before proceeding, as this will have an impact on pay.

14. General Information

Any further information regarding Term Time Working may be obtained from the Human Resources Department

15. Review of the Term Time Working Policy

We are committed to ensuring that all policies and procedures are kept under review to ensure they remain compliant with relevant legislation and guidance.

This policy is based on a regional HSC policy and will be monitored and reviewed by NIPEC in April 2022, or sooner if a revised HSC policy is issued.

EQUALITY SCREENING

This Leave Pack has been screened for equality implications as required by Section 75 and Schedule 9 of the Northern Ireland Act 1998.

As a result of these considerations the screening has identified some equality impacts for a number of groups and outlines the way these will be addressed.

The equality screening has been published and can be accessed here <http://www.hscbusiness.hscni.net/services/2166.htm>.