Working week and working time

1 Working week

In Birmingham schools, the working week is defined as 36.5 hours each week (pro rata for part time working) over a five-day period with a minimum of 30 minutes unpaid lunch break each working day (the normal working week). Salary payment is aggregated on a plain time basis over 37 hours in accordance with the National Agreement on Pay and Conditions of Service.

Employees may be required to work alternative hours or days or additional hours or days or other working patterns all of which are determined by business need. This may include, but is not limited to, the various flexible working arrangements that exist and the requirement for particular groups of employees to work different patterns other than those defined by the normal working week.

The actual "Hours of Work" in each school are determined by the Governing Body in relation to the school day, the times of which will vary from school to school.

School Governing Bodies in Birmingham endorse the principles of a work/life balance and should consider individual requests for changes to working arrangements, subject to operational needs. Further details on **flexible working**, including a model procedure for schools please **see separate document – 12. Flexible Working Policy**

The Working Time Regulations oblige the City Council and schools to ensure that employees do not work more than 48 hours a week on average unless they have signed an agreement opting out of this limit.

The Department for Education has issued guidance for school leaders to help them consider how best to encourage, support and enable flexible working requests in schools. The guidance applies to all schools maintained by the Local Authority.

2 Working time regulations

The Working Time Regulations oblige employers to ensure that employees do not work more than 48 hours a week on average, over a 17-week

qualifying period, unless they have signed an agreement opting out of this limit.

See separate document – 23. Working Time Regulations opt Out Guidance Form.

3 Weekend working as part of normal working week.

Employees who are required to work on Saturday and/or Sunday as part of their normal working week will receive the normal rate of pay.

4 Overtime

Payment for overtime working is limited to employees on grades GR.A, and GR.B up to spinal 23 In order to receive overtime employees must work a minimum of 37 hours in their normal working week, and only hours worked in excess of 37 hours will be paid as overtime.

For part-time employees, overtime pay is the normal hourly rate until they have worked 37 hours. Once they have worked 37 hours they get paid as outlined below.

Overtime will be paid at time and a half for additional hours worked, outside normal contractual hours (after 37 hours are worked) and on Saturday (or first day of rest), and double time for Sunday working (or second day of rest).

Employees graded GR.D and above who undertake planned overtime can be paid at plain time rate by prior agreement, but they should in the first instance seek to take time off in lieu.

5 Night working

Employees who are required to work during the night (defined as 8.00 p.m. to 6.00 a.m.) as part of their normal working week will receive an enhancement of time and a third for all hours worked between 8.00 p.m. and 6.00 a.m.

All employees required to sleep at their place of work are paid an allowance for each occasion in accordance with the National Agreement. This allowance covers the requirement to sleep in and up to 30 minutes call-out per night, after which they will be paid the appropriate rate for the

additional hours worked. Compensatory rest time will be given for hours actually worked during a call out.

6 Working on public holidays

Employees required to work on bank/public holidays will, in addition to the normal pay for that day, be paid plain time rate for all hours worked for that day. In addition, at a later date, time off with pay will be as follows:

- Time worked less than half the normal working hours on that day - half day
- Time worked more than half the normal working hours on that day - full day

7 Banked hours

The banked hours scheme allows an employee to work a number of hours, calculated in accordance with a standard calculation, in addition to their contractual hours, in order not to work for the whole or part of the school holidays. Details about banked hours for certain part-time employees can be found in the banked hours scheme.

See separate documents – 2. Banked Hours Record Form, 4. Calculating Banked Hours.

8 Term Time only

Commonly in schools, employees are contracted to work only for the 39 term weeks, often known at Term Time Only or TTO for short. Their annual salary is calculated as a proportion of full-time and payments are spread evenly over twelve months. Leave entitlement is built into the annual salary and no further leave is permitted other than the school holidays. If the leave entitlement changes due to accrued service, then the salary is adjusted to reflect this in the April following the actual anniversary of when the increased leave entitlement takes effect.

9 The School Day

The school day comprises two sessions, a morning and an afternoon. Each school must determine, by law, the start and end of the day for pupils. The school day includes registration and assembly, as well as lessons, and

mid-morning and mid-afternoon breaks, but excludes the lunch break, as pupils may go home for lunch.

It does not include the short meetings or staff briefings which many schools hold before the starting time of the school day, and which have sometimes been called 'buffer time' in Birmingham. Therefore, there are times when support staff and teachers are required to be on duty outside the pupil/school day, either because they are preparing to receive pupils or seeing them safely off the premises, or in the case of lunchtime supervisors supervising them at lunchtime, or because they are required to attend a staff meeting after school.

For teachers buffer time and staff meetings come within their directed time in accordance with the provisions of the School Teachers' Pay and Conditions Document on working time.

For support staff, buffer time and staff meetings should be included in the employee's contracted hours, which should be increased if necessary to ensure that employees are paid for the work. Support staff required to work buffer time will usually do this on a regular daily basis, but not all support staff attend staff meetings regularly. Therefore, support staff who attend an occasional staff meeting outside their normal contracted hours should be paid the extra hours worked for that meeting.