

# HR & OD POLICIES

human resources and organisational development



## Part-Time Support Staff - Leave and In-Service Arrangements (39 Week Support Staff) Guidance

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## 1. INTRODUCTION

The Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 make it unlawful to treat part-time workers less favourably than their full-time counterparts. This means that part-time support staff are entitled to the same entitlements to leave, on a pro-rata basis, as full-time support staff and should therefore receive a proportion of that leave based on their contracted hours of work.

Support staff who work 39 weeks per year are contracted to work 38 pupil weeks and a week of in service days e.g. employee works 27.5 hours per week which equals 1072.5 hours over the School Session is further broken down as follows:

- 38 weeks pupil days (1045 hours)
- 5 In Service Days (27.5 hours)

How these hours are worked is arranged with the Senior Management of the school.

Support staff employed on a part-time basis also have a pro-rata entitlement to the agreed number of In-Service days (currently 5) in each school year.

**NB: If the employee's working hours are spread equally over the week (e.g. 5 hours per day Mon-Fri) then there is no need for the adjustment to be made.**

## 2. NEED FOR ADJUSTMENTS

Full-time support staff have a working year of 195 days per school session. Part-time support staff receive the pro-rata proportion of the annual salary and therefore should actually work the same proportion of 195 days on the same pro rata basis.

The placement of Public Holidays and Occasional days within the overall scheme of school holidays, when set against the working pattern of individual part-time support staff, can result in some support staff receiving less or more leave than their entitlement.

In-Service days are set each year and this, when considered against the working pattern of individual part-time support staff, can result in some support staff not receiving their pro-rata entitlement to In-Service.

### 3. IMPLEMENTATION GUIDANCE

To ensure that each part-time support staff member is working the correct number of days in the school session and receiving their pro-rata entitlement to In-Service Days, Head Teachers should use the [calculator](#) and examples as a guide for calculating entitlement.

Prior to the start of the new school session in August a calculation should be done to establish the pro-rata proportion of 195 working days that the part-time employee is required to work. This will ensure that the employee is given sufficient notice of what their working pattern will be.

On commencement of employment part way through the year a calculation should be made to establish the pro-rata proportion of 195 working days that the part-time employee is required to work.

If an employee works in more than one school then a separate calculation will require to be done by each individual School. The Head Teachers and the employee will then agree on which School the employee will do their In-Service Days.

The calculator will identify the employee's pro rata entitlement in hours to:

- Pupil Days
- In Service days

And will show the number of the above days (detailed in hours) that fall within their working pattern.

Depending on the working pattern of the employee an adjustment may be required to enable them to receive their entitlement to both In-Service and Pupil days

#### Pupil Days

An employees working pattern may result in them receiving more or less public holidays/ occasional days/ mid term than they are entitled to which can have an impact on their ability to work the pro rata requirement for Pupil Days. In such circumstances other arrangements should be made, in consultation with the Head Teacher, to enable the employee to meet their contractual hours.

## In-Service Days

Where the working pattern is such that the employee would be unable to undertake their entitlement to In-Service days then other arrangements should be made in consultation with the Head Teacher to enable the employee to attend the relevant number of In-Service days. The timings of such adjustments will be subject to the exigencies of the service. See In-Service Days section of the calculator.

Examples 1 - 4 should be used as guidance in conjunction with the calculator.

### EXAMPLE 1

#### Session 2016-2017

Employee is contracted for 11 hours per week (429 hours per year, made up of 418 hours on Pupil days and 11 hours on In Service days)

Working Pattern: Tuesday (5.5 hours) and Wednesday (5.5 hours)

From 15 August 2016 to 30 June 2017

#### Pupil Days

Between 15 August 2016 and 30 June 2017 there are 5 Public holidays/mid term/occasional days (Aboyne Network)

#### Public Hols

Friday	24/03/17	<b>not</b> within working pattern
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Monday	01/05/17	<b>not</b> within working pattern
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#### Mid Term

Monday	13/02/17	<b>not</b> within working pattern
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#### Occasional days

Thursday	09/02/17	<b>not</b> within working pattern
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Friday	10/02/17	<b>not</b> within working pattern
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The calculator show that, based on the employees working pattern, they will work 423.5 hours on days when the pupils are in School. As they are only contractually

required to work 418 hours over the pupil days they should take the additional 5.5 hours off at a time agreed with their service.

## **IN-SERVICE DAYS**

Within the 16/17 session there are 5 In Service Days.

Monday 15/08/16 **not** within working pattern

Monday 14/11/16 **not** within working pattern

Tuesday 15/11/16 falls within working pattern

Tuesday 14/02/17 falls within working pattern

Wednesday 15/02/17 falls within working pattern

This employee is contracted to work 11 hours on In Service days. There are 16.5 hours of In Service days in their Working Pattern. As a result this employee will be working more than their contractual entitlement for In Service so should take 5.5 hours off at a time agreed with their service.

## **EXAMPLE 2**

### **Session 2016-2017**

Commenced employment with effect from 24 October 2016

Employee works 27.5 hours per week (852.36 hours from the 24 October 2016 – 30 June 2017. Made up of 830.5 hours on pupil days and 21.86 hours in In Service days)

Working Pattern: Monday, Tuesday, Wednesday, Thursday and Friday (5.5 hours each day)

### **PUBLIC HOLIDAYS/MID TERM/OCCASIONAL DAYS**

Between 24/10/16 and 30/06/17 there are 5 Public Hols/Mid Term/Occasional Days (Mintlaw Network)

#### **Public Hols**

Friday 24/03/17 falls within working pattern

Monday 01/05/17 falls within working pattern

## **Mid Term**

Monday 13/02/17 falls within working pattern

## **Occasional days**

Friday 10/02/17 falls within working pattern

Monday 05/06/17 falls within working pattern

The calculator show that, based on the employees working pattern, they will work 830.5 hours on days when the pupils are in School. As this is the same as their contractual entitlement no adjustment is required to the hours they work over the pupil days.

## **IN-SERVICE DAYS**

Between 24 October 2016 – 30 June 2017 there are 4 In Service Days

Monday 14/11/16 falls within working pattern

Tuesday 15/11/16 falls within working pattern

Tuesday 14/02/17 falls within working pattern

Wednesday 15/02/17 falls within working pattern

This employee is contracted to work 21.86 hours on In Service days. There are 22 hours of In Service days in their Working Pattern. As a result this employee will be working more than their contractual entitlement for In Service so should arrange to take the additional 0.14 hours off at a time agreed with their Head teacher.

## **EXAMPLE 3**

### **Session 2016-2017**

Employee works 2 days per week (**429** hours over the School Session, made up of 418 pupil days and 11 In Service days)

Working pattern: Monday and Friday (5.5 hours each day)

## **PUBLIC HOLIDAYS/MID TERM/OCCASIONAL DAYS**

Between 15/08/2016 and 30/06/17 there are 5 Public Hols/Mid term/Occ days (Mintlaw Network)

## Public Hols

Friday 24/03/17 falls within working pattern

Monday 01/05/17 falls within working pattern

## Mid Term

Monday 13/02/17 falls within working pattern

## Occasional days

Friday 10/02/17 falls within working pattern

Monday 05/06/17 falls within working pattern

The calculator show that, based on the employees working pattern, they will work 401.5 hours on days when the pupils are in School. As they are contractually required to work 418 hours over the pupil days they should arrange to work the remaining 16.5 hours over the pupil days at a time agreed with the service.

## IN-SERVICE DAYS

Within the 16/17 session there are 5 In Service Days.

Monday 15/08/16 falls within working pattern

Monday 14/11/16 falls within working pattern

Tuesday 15/11/16 **not** within working pattern

Tuesday 14/02/16 **not** within working pattern

Wednesday 15/02/16 **not** within working pattern

This employee is contracted to work 11 hours on In Service days. There are 11 hours of In Service days in their Working Pattern. As this employee will meet their contractual entitlement for In Service hours no adjustment is required.

## EXAMPLE 4 A

### (employee working first half of the week) session 2016-2017

Employee works 13.75 hours per week (536.25 hours per year, 522.5 pupil hours and 13.75 In Service hours)



Working pattern: Monday (5.5 hours), Tuesday (5.5 hours), Wednesday (2.75 hours)

From 15/08/16 to end of school session on 30 June 2017.

## **PUBLIC HOLIDAYS/MID TERM/OCCASIONAL DAYS**

Between 15/08/16 and 30/06/17 there are 5 Public Hols/Mid Term/Occ days (Mintlaw Network)

### Pupil Days

#### **Public Hols**

Friday 24/03/17 **not** within working pattern

Monday 01/05/17 falls within working pattern

#### **Mid Term**

Monday 13/02/17 falls within working pattern

#### **Occasional days**

Friday 10/02/17 **not** within working pattern

Monday 05/06/17 falls within working pattern

The calculator show that, based on the employees working pattern, they will work 508.75 hours on days when the pupils are in School. As they are contractually required to work 522.5 hours over the pupil days they should make arrangements to work the remaining 13.75 hours at a time agreed with the service.

## **IN-SERVICE DAYS**

Within the 16/17 session there are 5 In Service Days.

Monday 15/08/16 falls within working pattern

Monday 14/11/16 falls within working pattern

Tuesday 15/11/16 falls within working pattern

Tuesday 14/02/16 falls within working pattern

Wednesday 15/02/16 falls within working pattern

This employee is contracted to work 13.75 hours on In Service days. There are 24.75 hours of In Service days in their Working Pattern. As a result this employee

will be working more than their contractual entitlement for In Service so should arrange to take the additional 11.00 hours off at a time agreed with their service.

## EXAMPLE 4 B

### (Employee working 2nd half of the week)

Employee works 13.75 hours per week (536.25 hours per year, made up of 522.5 pupil hours and 13.75 In Service hours)

Working pattern: Wednesday (2.75 hours), Thursday (5.5 hours), Friday (5.5 hours)

From 15/08/16 to end of school session on 30/06/17

### PUBLIC HOLIDAYS/MID TERM/OCCASIONAL DAYS

Between 15/08/15 and 30/06/17 there are 5 Public Hols/mid term/Occ days (Mintlaw Network)

#### Pupil Days

#### Public Hols

Friday	24/03/17	falls within working pattern
Monday	01/05/17	<b>not</b> within working pattern

#### Mid Term

Monday	13/02/17	<b>not</b> within working pattern
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#### Occasional days

Friday	10/02/17	falls within working pattern
Monday	05/06/17	<b>not</b> within working pattern

The calculator show that, based on the employees working pattern, they will work 536.25 hours on days when the pupils are in School. As they are contractually required to work 522.5 hours over the pupil days they should arrange to take time off for the additional 13.75 hours over the pupil days at a time agreed with the service.

### IN-SERVICE DAYS

Within the 16/17 session there are 5 In Service Days.

Monday 15/08/16 **not** within working pattern

Monday 14/11/16 **not** within working pattern

Tuesday 15/11/16 **not** within working pattern

Tuesday 14/02/16 **not** within working pattern

Wednesday 15/02/16 falls within working pattern

This employee is contracted to work 13.75 hours on In Service days. There are 2.75 hours of In Service days in their Working Pattern. As a result this employee will be working less than their contractual entitlement for In Service so should arrange to work the remaining 11 hours over the in Service days as agreed by their service.

# 39 Week Guidance

## Index of Documents

### Guidance

Revision Date	Previous Revision Date	Summary of Changes
22-07-2013		Creation of new Documents
21-08-2014	22-07-2013	Updating of Documents
31-08-2015	21-08-2014	Updating of Documents
09-09-2016	31-08-2015	Update to calculator and guidance