

**BELFAST EDUCATION AND LIBRARY BOARD  
NORTH EASTERN EDUCATION AND LIBRARY BOARD  
SOUTH EASTERN EDUCATION AND LIBRARY BOARD  
SOUTHERN EDUCATION AND LIBRARY BOARD  
WESTERN EDUCATION AND LIBRARY BOARD  
STAFF COMMISSION FOR EDUCATION AND LIBRARY BOARDS**

## **SECTION 75, NORTHERN IRELAND ACT 1998**

**WORK-LIFE BALANCE POLICIES  
CONSULTATION REPORT**

This information can also be made available, on request, in alternative formats including in large print, on computer disc, by email, in Braille, on audio-cassette and in minority languages to meet the needs of those people who are not fluent in English. The document is also available on the Commission's website at [www.staff.com.org.uk](http://www.staff.com.org.uk)

## 1. INTRODUCTION

Section 75 of the Northern Ireland Act 1998 requires the Education and Library Boards and the Staff Commission for Education and Library Boards, when carrying out their functions, to have due regard to the need to promote equality of opportunity between nine categories of persons namely:-

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between, men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without

and without prejudice to the obligations above, to also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

The Boards/Staff Commission set out in their Equality Schemes how they proposed to fulfil their statutory duties. Existing policies were screened to assess whether they impacted on the promotion of equality of opportunity or the duty to promote good relations using criteria specified in the Equality Commission's Guide to the Statutory Duties.

In 2001 the Boards/Staff Commission published a consultation paper which detailed:

- the results of the screening of policies and the prioritisation of equality impact assessments; and
- a proposed time table for the Boards'/Staff Commission's equality impact assessment programme.

Consultees raised a concern regarding the Boards'/Staff Commission's decision to 'screen out' policies related to flexible working arrangements. They suggested this decision be reviewed and the policies titled "flexible working arrangements" be classified as 'Family Friendly Policies'. The Boards/Staff Commission subsequently concluded that an equality impact assessment be completed of 'Family Friendly Policies' at year 3 (April 2003 – March 2004) of the implementation of the Equality Schemes.

In the interim period the National Joint Council for Local Government Services (the NJC), representing employer and trade union interests in local government in GB, produced a guide "Finding the Balance – Work-life Policies in Practice" (the Guide). The aim of the Guide was to raise awareness of current best practice in various local authorities and to set out ways for a positive joint approach to working arrangements which could be linked with an improvement of services.

In Northern Ireland the Joint Secretaries of the Joint Negotiating Council<sup>1</sup> (the JNC), local negotiating machinery established a Joint Working Group to compare policies and procedures in existence within the five Education and Library Boards/Staff Commission with those outlined in the NJC Guide. A report was compiled which concluded that, while flexible work patterns are being operated, awareness of the available options is not widespread. The Working Group recommended that:

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<sup>1</sup> The Joint Negotiating Council negotiates the terms and conditions of service of all Education and Library Board employees with the exception of teaching staff for who separate arrangements apply

- the availability of work-life balance policies should be better publicised;
- a greater awareness was required amongst line managers of the benefits of work-life balance policies; and
- greater co-operation between management and the trade unions in the operation of such policies.

The Joint Secretaries of the Joint Negotiating Council also concluded that, given the Boards statutory duties under Section 75 of the Northern Ireland Act 1998 to have due regard to the need to promote equality of opportunity across the nine equality dimensions, a review of the current 'Work-life' Balance Policies to ensure that this was achieved was also necessary. As a result of this considerable progress has been made on the Education and Library Boards/Staff Commission review and implementation of the Work Life Policies in Practice. The Boards/Staff Commission, in consultation with the recognised trade unions, have now concluded that consultation should take place on the on-going programme of work and that an equality impact assessment is not appropriate at this particular time.

The purpose of this consultation document is to record the progress to date and to obtain views on the proposed way forward. This information can also be made available, on request, in alternative formats including in large print, in Braille, by e-mail, on computer disc, on audio-cassette and in minority languages to meet the needs of those people who are not fluent in English.

## **2. BACKGROUND TO THE POLICIES**

Since the early 1990s when the Boards/Staff Commission introduced formal guidance on part-time working and job sharing arrangements, there has been recognition that enabling staff to better blend work and home life benefits the individual, the Education and Library Service and the community.

The JNC has concluded that work-life balance is not solely about being "family friendly".

*Work life balance is for everyone – married, single, male, female, parents, carers, those without dependants, and regardless of grade or age.*

A key characteristic of the work-life balance strategy is the way it has become an integral part of daily working life for many staff members and not just a policy that exists on paper.

## **3. REVIEW OF CURRENT POLICY AND PRACTICE**

The JNC Joint Working Group referred to earlier set out, as a first step, to establish current working patterns available for non-teaching staff in the Education and Library Boards. As part of this exercise a survey was carried out to assess the uptake of flexible working arrangements in Board and Library Headquarters. The survey identified that 15% of such staff had opted for a flexible work pattern. The survey highlighted that uptake across the Boards was highest amongst the lower grades of staff, namely Clerical and Senior Clerical Officer. Uptake by staff above Senior Executive Officer grade was relatively low. However posts above the grade of Assistant Principal Officer indicated a substantial uptake by staff in the Educational Psychology Service.

At the same time as the survey, an audit of current policy and practice was conducted. The information gleaned from this exercise can be classified into three categories. They are:-

a) Flexible working patterns currently available in Boards which are contained in the NJC Guide.

The JNC Circulars which facilitate flexible working patterns are:

- Job Sharing Scheme *JNC Circular No.21*
- Career Breaks *AECP&T Circular No. 308 Amendment*
- Term-time Working *JNC Circular No. 53*
- Flexible Working Hours

b) Current provisions regarding statutory, discretionary and other leave arrangements. Organisational policies are detailed in JNC Circulars and Management Bulletins as follows:

- Annual Leave - *AECP&T No. 215*
- Domestic Leave - *Management Side Advisory Bulletin No. 18*
- Carer Leave - *Management Side Advisory Bulletin No. 19*
- Maternity Leave - *General Council Circular No. 10; JNC No. 59; JNC No. 117*
- Maternity Leave Support - *General Council Circular No. 10; JNC No. 59; Paternity Leave JNC No. 118*
- Adoptive Leave - *AECP&T Council Circular No. 326; Leave for Adoptive Parents JNC No. 119*
- Parental Leave *JNC No. 120*

Substantially reviewed to take account of the provisions of the Employment Act 2002, effective from 6 April 2003

(c) Policies and practices utilised by local authorities in GB, referred to in the NJC Guide, which are not currently available in Boards.

One such option which is being actively explored at this time by the JNC is Teleworking. Teleworking is working at a distance from the people who pay you, using information and communication technologies (ICT) to keep in touch with employers, colleagues or service users. An inter-Board Working Group has been appointed, which includes Trade Union representation, to develop a policy on teleworking. Teleworking is part of a range of flexible work practices which are becoming widespread.

The terms of reference for the Group are:-

- › to prepare a policy in relation to teleworking or home-based working for acceptance by the Boards/Staff Commission.
- › to suggest any necessary strategy and guidelines for the implementation of same; and

- › to assist with the establishment and review of any pilot teleworking projects that would inform the above arrangements.

With regard to (a) and (b) above in addition to the classification of policies they have been critically reviewed to ensure that they are compatible with Section 75 of the Northern Ireland Act 1998. A significant number of these policies were developed to move away from the traditional structured working pattern to increase flexibility and remove disadvantage to staff with domestic obligations. This enabled such staff to accommodate home and working life and brought benefits to both the individual and the Boards/Staff Commission.

As outlined earlier under Section 75 of the Northern Ireland Act 1998 the Boards/Staff Commission are required to have due regard to the need to promote equality of opportunity across the nine equality dimensions. This has necessitated the Boards/Staff Commission to review these 'Work-life' Balance Policies to ensure that this was achieved. As a result of this review the following policy changes are proposed. **The summary notes below are not intended as a full and definitive statement of these policies and/or the statutory provisions.**

### **JOB SHARING SCHEME – JNC Circular No. 21**

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. The full-time salary and accompanying terms and conditions of service are divided proportionately between the job-shares. Staff who are job sharing will be provided with the same opportunities for training as full-time staff.

<b>Current Policy</b>	<b>Proposed Changes</b>
<p><b>Job Sharing Scheme</b> Priority is given to staff who wish to reduce their hours on the grounds of caring responsibilities, illness or age.</p> <p>An applicant should state the reasons why he/she wish to reduce his/her working hours.</p>	<p>It is proposed that this criteria be extended to also give priority to the needs of people with disabilities. Either employees who became disabled whilst in employment or to provide employment opportunities for people with disabilities.</p> <p>This is important as it facilitates priority being given to applications which fall within the criteria specified. It is proposed that the availability of job share is better publicised to ensure that staff are aware that it is available regardless of circumstances. The approval of applications and/or agreement on working patterns will seek to meet the needs of the Board/Staff Commission. For example, practicalities such as opening hours of the building, opening hours to public, resource implications.</p>

### **CAREER BREAKS – AECPT Circular No. 308 – Amendment**

The objective of the career break scheme is to provide new job opportunities in the Education and Library Boards and facilitate employees who wish to take a career break.

A career break may be allowed for most purposes including further education, domestic responsibilities, starting one's own business, a family business or a stay abroad.

Current Policy	Proposed Changes
<p>Reference to "family business"</p> <p>Scheme is currently limited to former "white collar" staff</p>	<p>Propose this be amended to read "a family/partner's business"</p> <p>In 1997 a "Single Status" agreement was reached which merged the existing negotiating Councils (Administrative, Executive, Clerical, Professional and Technical and Ancillary General Councils) to create a single Joint Negotiating Council (JNC)</p> <p>The 'Single Status' agreement requires the harmonisation of conditions of service. It is therefore proposed that all postholders under the remit of the JNC be eligible for consideration under this Scheme.</p>

### TERM TIME STAFF – Council Circular No. 53

This agreement made provision for all classroom assistants, school secretaries, school technicians, Library Assistants, General/Domestic Assistants and any other miscellaneous term-time school based staff employed on term-time contracts, to avail of a range of working options.

No proposed amendments

### TERM TIME WORKING - LOCAL AGREEMENT(S)

Term Time Working is a flexible working arrangement which allows part-time and full-time staff to take unpaid leave, normally during the school holidays. The salary and accompanying conditions are abated to reflect the reduction in working hours smoothed out over the year and paid in 12 monthly payments. Term Time working is a local agreement between each Board and the Staff Consultative Committee.

No proposed amendments.

### FLEXIBLE WORKING HOURS SCHEME (FLEXITIME)

Flexible Working Hours (FWH) provides a flexible system of attendance for staff. The number of hours which people work on (FWH) is the same overall as those put in under fixed times. There is scope however for individuals to vary their times of arrival and departure from work, to vary the length and timing of their lunch break and to take time off if they work extra hours. This flexibility should be achieved without adverse effect on the overall efficiency of departments or on an individual's service to the public.

Flexible Working Hours Schemes are local agreements between each Board and the Staff Consultative Committee.

Current Policy	Proposed Changes
Examples provided based around full-time employees.	Propose that the same opportunity is provided to staff who work alternative patterns to agree individual flexi hours, where practicable.

### ANNUAL LEAVE – AECPT Circular No. 215

Annual Leave is intended to give staff time off for relaxation and leisure.

Current Policy	Proposed Changes
Annual leave entitlement is linked to salary level and length of service.	It is proposed that a common approach to annual leave provision be explored regardless of seniority.

### DOMESTIC LEAVE – Management Side Advisory Bulletin No. 18

Leave with pay under this heading is not part of annual leave entitlement, where specified it is a JNC agreement, otherwise time off is at the discretion of the Boards.

Current Policy	Proposed Changes
<p><b>Bereavement Leave</b> Death of a near relative or other relative who is a member of the officer's household Up to 3 working days leave with pay at the time of the bereavement if deceased is spouse, or father, mother, brother, sister, son, daughter, mother-in-law, father-in-law, or other relative who is a member of the officer's household. (Agreement of Council).</p>	<p>Up to 3 working days special leave with pay may be allowed in the case of the death of a partner, child, parent, brother, sister or mother-in-law, father-in-law (or equivalent e.g. the case of a civil partnership). This will also be given in the case of a death where special circumstances exist, such as the necessity of taking charge of funeral arrangements or where the deceased was a member of the officer's household.<sup>2</sup></p>
Current Policy	Proposed Changes

<sup>2</sup> A person who lives in the same household as the employee, otherwise than by reason of his/her being his/her employee, tenant, lodger or boarder.

<p><b>Death of other relative</b> One day's leave with pay if deceased is sister/brother-in-law, daughter/son-in-law; grandmother, grandfather, uncle, aunt, niece, nephew, grandson, grand-daughter.</p>	<p>Consideration may also be given where a stable relationship exists, especially between two unrelated individuals who reside together.</p> <p>Proposed change "or equivalent in the case of a civil partnership".</p>
<p><b>Attendance at funeral</b> Other than specified above</p>	<p>Annual Leave/Unpaid Leave</p>
<p><b>Marriage Leave</b> Five days leave with pay (Agreement of Council )</p>	<p>Extend to cover civil partnerships under the Civil Partnership Act 2004 (SDO outlawed discrimination in employment against married persons, it will be amended to outlaw discrimination in employment against people who are married and people who are 'civil partners').</p>
<p><b>Attendance at a wedding</b> Annual leave/unpaid leave</p>	<p>Extend to include "or civil partnership"</p>
<p><b>Serious illness at home</b> 1 day's leave with pay</p>	<p>Remove, replaced by Carer Leave Provisions</p>
<p><b>Wife's confinement</b></p>	<p>Remove, replaced by Maternity Support Leave.</p>
<p><b>Accompanying spouse on special visit to a medical consultant or parent accompanying own child on special visit to medical consultant.</b> Annual leave/ unpaid leave</p>	<p>Extend to include 'civil partner' and carer accompanying an elderly parent on special visit to medical consultant.</p> <p>No proposed change</p>
<p><b>Burglary or serious damage to home</b> e.g. flood, fire etc. One day's leave with pay. Any additional days – annual leave/unpaid leave.</p>	<p>No proposed change</p>
<p><b>Attendance at court as a witness, plaintiff or defendant</b> Annual leave/unpaid leave</p>	<p>Note: If required to attend Court or Tribunal as a witness at the request of the Board, discretionary leave is not applicable.</p>

Current Policy	Proposed Changes
<b>Time off for Public Duties as defined in Industrial Relations Order (NI) No2 1976</b>	No proposed change
<b>Leave with pay less any loss of earnings payment received for attendance.</b> Limited to a maximum of 10 days per year	No proposed change
<b>Acting as presiding Officer, polling clerk etc. at an election.</b> Annual leave/unpaid leave	No proposed change
<b>Attendance at examinations/revision for examinations</b> Leave with pay in accordance with the Scheme relating to Facilities for Study for approved qualifications.	No proposed change
<b>Attendance at interviews in connection with appointments</b> <ul style="list-style-type: none"> <li>a) within the Education and Library Board (leave with pay)</li> <li>b) outside the Education and Library Board (annual/unpaid leave)</li> </ul>	No proposed change
<b>Attendance at Conference, meetings etc. where attendance is:</b> <ul style="list-style-type: none"> <li>a) as a nominated representative of the Board (discretionary leave not applicable)</li> <li>b) for any other reason (annual/unpaid leave)</li> </ul>	No proposed change
<b>Absence due to disruption of daily travel facilities</b> Leave with pay but regard must be had to the individual circumstances	No proposed change
<b>Attendance at</b> <ul style="list-style-type: none"> <li>• <b>Ordination or Profession of near relative</b></li> <li>• <b>Graduation ceremony of officer or near relative</b></li> </ul> <b>Accompanying own child to receive Duke of Edinburgh Gold Award</b> Annual leave/unpaid leave	Redefine to ensure multi faith approach.  Add 'Gold Award' or equivalent

Current Policy	Proposed Changes
<p><b>Participation as an amateur in sporting events (international standing only)</b>  <b>Attendance at musical festivals, feis etc. as a competitor</b>            To be determined by Board</p>	<p>No proposed changes</p>

**Note:** Nursery Nurses Class I and II, Classroom Assistants and Childcare Staff – Special Schools  
 As in the case of teachers, no annual leave provision is specified for these groups of staff. Council Circular No 260 requires that leave of absence is considered in accordance with the provisions applied to teachers. The leave arrangements for these staff groups are currently under review.

### CARER LEAVE – Management Side Advisory Bulletin No. 19

This is a special leave provision, which is currently at the discretion of management, that facilitates time-off to cover short-term domestic difficulties.

Current Policy	Proposed Changes
<p>Currently there is no automatic entitlement to special leave with pay, however Management accept that each Board should, in approved cases, be able to exercise its discretion – staff who require time off from work to cover short-term domestic difficulties such as those associated with the care of sick or elderly relatives and/or children of school age should be treated sympathetically.</p>	<p>Specify criteria to ensure a more consistent approach e.g.            The Board may grant up to _ days leave with pay in any 12 month period to enable an employee to take time off due to urgent domestic responsibilities, such as:</p> <ul style="list-style-type: none"> <li>• to make arrangements for the care of a sick or injured dependent or to deal with a disruption in normal care arrangements;</li> <li>• to attend a terminally or seriously ill dependent;</li> <li>• to make arrangements for alternative accommodation etc. if you are a victim of domestic violence.</li> </ul>

### EMPLOYMENT ACT 2002

Under the Employment Act 2002 working parents who are employees have new and additional rights, intended to allow them to be able to spend more time with their young children. The new statutory measures in force in Northern Ireland since 6 April 2003 include:

- up to 26 weeks' paid maternity leave and a further 26 weeks' unpaid leave to expectant mothers;
- two weeks' paid paternity leave for working fathers;

- adoption leave and pay, similar to maternity and paternity leave for parents adopting a child who is newly placed with them;
- facility for parents with children under the age of 6 or disabled children aged under 18 to request flexible working arrangements.

As a result of these legislative developments a substantial review of the existing Joint Council circulars was undertaken. The following revised circulars have been proposed

## **MATERNITY LEAVE PROVISIONS – Joint Negotiating Council Circular No. 117**

### **Maternity Leave Entitlement**

Provided that an employee has complied with the notification procedures she will be entitled to 26 weeks' maternity leave. This may be paid or unpaid.

If an employee has at least 26 weeks continuous service at the end of the 15<sup>th</sup> week before the expected week of confinement (EWC) they are entitled to a further 26 weeks additional unpaid maternity leave (AML).

An employee may qualify for Occupational Maternity pay and/or Statutory Maternity Pay (SMP). Employees in the Boards/SC enjoy an enhanced scheme depending upon service stipulation and declared intention to return to work. If an employee does not return to work for the three month period the board will be entitled to recover 12 weeks at half pay. For those employees not intending to return to work, SMP will be payable for the next 12 weeks.

Every pregnant employee has the right to paid time off to attend for ante natal care and must produce evidence of appointments if requested.

No further proposed amendments.

## **PATERNITY LEAVE - Joint Negotiating Council Circular No. 118**

In order to be granted paternity leave you must be the biological father of the child and/or be married to or the partner of the child's mother and expect to have responsibility for the upbringing of the child. You must be taking time off to support the child's mother or care for the child.

Staff who meet the above requirement, irrespective of service, are entitled to 1 week's paid leave at full pay (maternity support leave<sup>3</sup>).

Staff who have **26 weeks** continuous service by the end of the 15<sup>th</sup> week before the expected week of confinement (EWC) are entitled to an additional week's leave, paid at the current rate of Statutory Paternity Pay (SPP) if they meet the qualifying requirements.

No further proposed amendments.

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<sup>3</sup> Staff other than the partner of the child's mother (e.g. father, sister, mother) may apply for maternity support leave (one week at normal pay) if the mother nominates them as carer in these circumstances.

## **LEAVE FOR ADOPTIVE PARENTS – Joint Negotiating Council Circular No. 119**

Provided that an employee has complied with the notification procedure he/she will be entitled to 26 weeks' ordinary adoption leave. This may be paid or unpaid (depending on eligibility), followed immediately by up to 26 weeks' additional unpaid adoption leave.

An employee may qualify for Occupational Adoption Pay and/or Statutory Adoption pay. Employees in the Boards/Staff Commission enjoy an enhanced scheme depending upon service stipulation and declared intention to return to work.

If an employee does not return to work for a period of at least three months following adoption leave, the board will be entitled to recover 12 weeks at half pay.

Occupational adoption leave and pay will entitle eligible employees to take paid leave when a child is newly placed for adoption by an adoption agency. Adoption leave and pay will be available to individuals who adopt, one member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave).

The provisions are similar to those granted under the maternity provisions.

No further changes proposed.

## **PARENTAL LEAVE – Joint Negotiation Council Circular No. 120**

Parental leave of 13 weeks (**unpaid**) is available to all employees who have or expect to have parental responsibilities. This entitlement is available to the biological parents; foster parents; adoptive parents prior to placement; grandparents with a significant parenting role; step-parents; and same sex partners.

The entitlement is extended to 18 weeks (**unpaid**) for employees who are receiving Disability Living Allowance (DLA) for a child for whom they are responsible.

Parental Leave is available for the purposes of caring for a child:

- up to the age of 8; *or*
- in the case of adoption, for 8 years following placement for adoption or up to the age of 18, which ever is soonest; *or*
- up to the age of 18 for those employees who are receiving Disability Living Allowance (DLA) for a child for whom they are responsible.

The terms and conditions under which parental leave may be taken are set out in Circular No. ...

No further changes proposed.

## TELEWORKING

An inter-Board policy has been drafted on Home-Based Working. The policy includes an information pack which provides information to departments within each Board to help them consider the possibility of participating in the pilot scheme on home-based working. The main issues which need to be addressed by both managers and employees considering home-based working have been identified as:-

- industrial legislation and employment contracts;
- health and safety;
- equality;
- the Board's policies and guidelines;
- legal impacts;
- security and confidentiality of information;
- insurance, mortgage/tenancy arrangements, rates and taxation.

Home based working pilot schemes are underway in the Southern and Western Education and Library Boards.

## 4. CONCLUSION

Following preliminary consultation with the Trade Union Side of the JNC and having considered the equality implications of each of the policies/JNC agreements specified above, the Boards/Staff Commission propose the following:-

- All the policies be up-dated in accordance with the proposed changes;
- All policies should be made available to staff in a user friendly format and in alternative formats to meet specific needs;
- All employees should be made aware of the policies through induction and refresher training; and
- The use of the policies should be monitored including; applications made, outcome of application/appeal, as appropriate, overall uptake.

## 5. FORMAL CONSULTATION

At this stage we would welcome your comments on the approach adopted and the on-going programme of work. **Please note that all of the circulars and/or reports referred to in this consultation document are available on request.**

The arrangements for consultation are being co-ordinated on behalf of the five Boards/Staff Commission by Ms Deirdre Vaugh, Senior Principal Officer – Equality, Staff Commission for Education and Library Boards, to whom all enquiries should be made. Deirdre's contact details are:

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**The closing date for responses is Tuesday, 31 May 2005**

## **GLOSSARY OF TERMS**

### **Joint Negotiating Council (JNC)**

The JNC negotiates the terms and conditions of service of all Education and Library Board employees with the exception of teaching staff for whom separate negotiating arrangements apply.

### **Single Status**

In 1997 a 'Single Status' agreement was reached which merged the existing negotiating machinery for Administrative, Executive, Clerical, Professional and Technical (AECPT) and Ancillary and General staff (previously referred to as 'white collar' and 'blue collar' workers) to create a single Joint Negotiating Council. The 'Single Status' agreement also required the harmonisation of conditions of service and removal of any inequality of treatment between the two former groups of employees.

### **Persons with dependants**

No legal definition, defined in the Equality Commission's Guide to Statutory Duties, as:

"Persons with primary responsibility for the care of a child;  
persons with personal responsibility for the care of a person with a disability;  
persons with primary responsibility for the care of a dependant elderly person"