

Term Time Working

Introduction

Term time working is a form of flexible working with particular relevance to parents or other UNISON members with childcare responsibilities. It is becoming a more popular request, particularly as families seek to cope with stagnating incomes and rising childcare costs. Term time working should play a part in our bargaining agenda as part of helping members attain better work life balance and as part of our equalities commitment. We should be aiming to make it part of every employers flexible working agreement and an option that members feel able to consider if they feel it matches their needs. This briefing is aimed at providing stewards and activists with a brief summary of the rights and responsibilities around term time working.

Extension of Flexible Working

Workers with caring responsibilities have had the right to request flexible working patterns since 1996. Since June 30th 2014 however employees now have the right to request [flexible working](#) regardless of caring responsibilities. This covers all employees providing they have 26 weeks service in post. As before however, this is merely a right to request not necessarily to receive.

There is no longer a statutory procedure for handling requests, but employers must treat requests in a “reasonable manner”. If applications are refused then the employer must refer to one of six ‘business grounds’ for rejecting the request.

Members can compensate for term time working by either working an agreed level of annualised hours during non term time (ie set additional hours during the weeks they are at work) or by taking unpaid leave (once existing leave entitlements are used up).

Changing arrangements can of course impact on wages - and in making requests it is good practice to suggest at the same time the method of accommodation most suitable to members. This will vary according to circumstance. Some members may find it more helpful to have an adjustment such that they receive a constant wage - others may be content with unpaid periods off.

KEY POINTS:

- **Term time working should be included as an option in any workplace agreements around flexible working**
- **Employers must consider Term Time working requests as they would any other flexible working request.**
- **If requests are not granted clear reasons must be given**
- **Employees have the right to appeal decisions.**



Contact UNISON's Bargaining & Campaigns team:

Dave Watson
d.watson@unison.co.uk

Stephen Low
s.low2@unison.co.uk

0141 342 2811
0800 0 857 857

Making a request

A request for term time working is a request for a form of flexible working. As such it follows the same format and should be dealt with by the employer in the same way as other flexible working requests. It should therefore;

- Be in writing
- State that it is a statutory request to work flexibly
- State the change that is being requested (ie term time working) with the date it should start from
- Explain what effect, if any, the change will have on the employer and how these could be dealt with.

Employer response

As stated previously – the right in law is only for the right to ask and for the request to be considered by the employer. Flexible working is no longer restricted to workers with caring responsibilities, and employers do not need to make value judgements about the merits of requests. Employers can refuse the request – but they must give a ‘business’ reason for doing so. [ACAS advice](#) is requests can be refused if they will mean ;

- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to meet demand
- insufficient work for the periods the employee proposes to work
- a planned structural change.

If a request is refused then there should be an appeal process available where reasons for rejection are be able to be contested. Members are of course entitled to be accompanied at any meeting with the employer about their request.

Other points

Whilst no special provision need be made for carers, employers still need to meet obligations under the 2010 *Equality Act*. ACAS guidance stresses that an employer needs to be careful not to directly or indirectly discriminate against employees in handling requests.

Although the idea of term time working is one that might seem of most interest to parents of younger children it can, like other flexible working options, be available to all workers (It may for example suit workers who are also full time students.)



Contact UNISON's Bargaining & Campaigns team:

Dave Watson
d.watson@unison.co.uk

Stephen Low
k.sillars@unison.co.uk

0141 342 2811
0800 0 857 857