

**JOINT AGREEMENT ON GUIDANCE FOR
REGULATING WORKING HOURS
IN FURTHER EDUCATION COLLEGES**

between

The Association of Colleges (AoC)

and

Association for College Management (ACM)

Association of Teachers and Lecturers (ATL)

GMB

UNISON

Unite – the Union

Universities and Colleges Union (UCU)

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Joint Agreement on Guidance for Regulating Working Hours in FE Colleges

Part 1: Commitment

1. Purpose

- 1.1 The aim of this joint agreement is to assist Colleges in meeting their legal obligations and achieving standards of good practice in working hours by implementing effective local policies. It is recommended that, where long working hours exist, Colleges work in partnership with local trade unions to develop workable policies, procedures and guidelines to regulate the hours of work. This guidance aims to provide a framework for Colleges to assess local working hours practice and identify areas for improvement. Practical guidance is also provided on ways to reduce long working hours where applicable.
- 1.2 A fundamental aim of this joint agreement on guidance is to promote and achieve good practice in working hours. Tackling long working hours and excessive workloads can be good for business, individuals and families; helping to improve productivity and work-life balance. Employers who have addressed the issue have demonstrated the benefits to be gained by both employers and employees, which include:
 - A happier, more engaged workforce ;
 - Employees having greater control of their own workloads and greater control over their daily lives;
 - Employees feeling satisfied with their work-life balance;
 - Reduced staff absence;
 - Improved staff retention, including improved return rates from maternity leave;
 - Reduced staff turnover; and
 - Improved operating efficiency.

2. Legislation and Relevant Standards

- 2.1 The relevant legislation includes:
 - The Health and Safety at Work Act 1974, which places a legal duty on Colleges to protect the health, safety and welfare of staff; and a legal duty on employees to take reasonable care for their own health and safety and that of others at work, and to co-operate with their employer regarding health and safety matters.
 - The Management of Health and Safety at Work Regulations 1999, which require Colleges to ensure that health and safety is managed effectively and to use risk assessment to achieve this; and
 - The Working Time Regulations 1998, which limit working hours and set out statutory requirements in relation to rest periods, breaks and annual leave.
- 2.2 Colleges are also bound by their contractual terms and conditions of employment. There is an implied term in every employment contract that the employee shall be provided with a safe system of work. There is also an implied duty of mutual trust and confidence which requires both the employer and the employee to act in such a way as to allow the other to have trust and confidence in them.
- 2.3 Applying the HSE Management Standards will help enable Colleges to establish good practice and meet their legal duties under health and safety law (*see Appendix 1*).

¹ Source: “Managing change: Practical ways to reduce long hours and reform working practices” (2005) BERR

3. Definition of Working Time

3.1 Working time is:

- Any period during which a worker is working at the College's disposal and carrying out his/her duties;
- Any period when a worker is receiving relevant training; and
- Any additional period which is to be treated as working time under a relevant agreement (for examples see 3.2 below).

3.2 For the avoidance of doubt, Colleges and local trade union representatives may wish to agree specific periods that will be treated as working time under a local agreement. Examples of working time might include time spent on:

- Preparing, correcting and assessing reports;
- College-supervised trips or other similar activities with students;
- Meetings with parents;
- Liaison with local authorities;
- Attendance at staff meetings and other work-related meetings; and
- Attendance at College-organised training.

4. Assessment of College Working Hours

4.1 Colleges are required to conduct risk assessments for health and safety hazards in the workplace. This includes assessing whether working hours are causing or could cause harm to people at work. Colleges should work with recognised trade union representatives to identify whether long working hours practices exist and whether appropriate precautions have been made or whether more should be done to prevent any harm such practices may cause.

4.2 The following steps are recommended by the HSE when conducting a risk assessment:

- **Identify the hazard:**
 - Do any workers work long working hours?
- **Assess who may be harmed and how:**
 - Who works long hours and how could this harm them?
- **Evaluate the risk and take action in consultation with recognised trade unions:**
 - Is there a high chance or low chance that somebody could be harmed by the long working hours and how serious could this harm be?
 - Take steps that are reasonable, practical and appropriate to protect people from harm – the College should identify precautions in consultation with employees and their representatives, and also refer to examples of good practice.
 - Refer to Part 2 of this joint agreement for further guidance on practical ways to reduce working hours.
- **Record your findings and implement them:**
 - The record should demonstrate that: a full assessment was made; the College considered who might be affected; action was taken to deal with any risk identified resulting from long working hours; the action taken means the risk is reduced or removed; and staff and recognised trade union representatives were involved in the process.

- If considerable action needs to be taken, prioritise the issues and make a plan of action.
 - **Monitor, review and update if necessary:**
 - Set a review date for the risk assessment and ensure it is reviewed regularly.
- 4.3 An additional risk assessment may be necessary if an employee's circumstances change. For example where an employee notifies the College she is pregnant (legal requirement); or where an employee is returning to work after a period of absence due to illness or injury.

5. Responsibilities

5.1 **Senior Management** commitment is essential. **Governors/Corporation Members and Senior managers** are responsible for:

- Making a commitment to assess working hours to identify any risks;
- Ensuring that any risks are properly addressed;
- Involving and communicating with employees, trade union and health and safety representatives about the issues; and
- Leading by example.

Employees are only likely to take part in initiatives to reduce excessive working hours if senior management have demonstrated a clear commitment to tackling the issue. Colleges could consider appointing a senior manager to 'champion' the initiative.

5.2 **Line managers** are responsible for monitoring and reviewing working hours to identify any risks and taking reasonably practicable steps to protect employees from any risks, including:

- Regularly reviewing work allocations, targets and organising deadlines with appropriate consideration of workloads;
- Reviewing departmental procedures and practices to improve efficiency and reduce time wasting, e.g. with unnecessary meetings;
- Utilising the appraisal system to manage performance, ensuring that appropriate support is in place to enable staff to meet the standards required; and
- Assisting staff in prioritising their work.

5.3 **The Joint Negotiating Committee (JNC)** is responsible for negotiating local agreements for working hours.

5.4 **Trade union and health and safety representatives** should contribute to the risk assessment process by raising concerns about long working hours and assisting Colleges to identify reasonable, practical and appropriate steps that may be taken to protect employees from any risks.

5.5 **Employees** are responsible for:

- Working efficiently during working hours;
- Taking rest breaks and annual leave entitlements, the timing of which is subject to the agreement of line managers; and
- Monitoring their workloads and working hours and raising any concerns with line managers.

Part 2: Practical ways to reduce working hours

The aim of this part of the guidance is to demonstrate possible ways in which Colleges could reduce long or excessive hours, where these problems exist. The following initiatives do not form an exhaustive account of the ways in which Colleges can tackle a problem with long hours, rather they provide a starting point for Colleges to consider the ways in which such issues could be addressed following an assessment (as described in section 4, above). Colleges may find that they only need to implement one or two initiatives in response to specific problems identified through the risk assessment. Colleges may find that they uncover issues that affect the organisation as a whole, or specific departments or certain categories of employees. Alternatively there may be a training or capability issue with individual employees that could be addressed in order to support them in working efficiently during normal working hours.

The College will consult and negotiate with recognised trade unions where there are proposals to make contractual changes in order to address long hours working. The College will involve and consult recognised trade unions on proposals to change working practices to address excessive working hours.

6. Initial Assessment

Where long or excessive working hours are identified, the first issue that the College should consider is whether the work is distributed fairly and carried out efficiently, or whether an inefficient use of resources or available working time is leading to employees taking longer than necessary to complete their workloads.

- 6.1 The College should consider whether managers are equipped with the skills to manage workloads effectively, both for themselves and for their direct reports. Training or development may be required in the areas of time management, prioritising work, effective delegation and communication.
- 6.2 The College should consider whether there are any individual capability issues that are hindering an employee's capacity to manage his or her workload within normal working hours. Where capability issues are identified, the College should seek to address these through the performance management system with line management support, coaching or training, as appropriate.
- 6.3 The College should review situations where employees have more than one job within the College, to ensure that there are no conflicting pressures on the employee which lead to excessive workloads.
- 6.4 Managers should take responsibility for resource planning, including work allocations, individual employee workloads and staffing levels (see section 7.3 for further details).

7. Organisation Considerations

Where the assessment uncovers large and/or unbalanced workloads, Colleges should consider the following initiatives to support employees:

- 7.1 The College could review whether the appraisal and performance management systems adequately cover concerns about workloads and working hours.
- 7.2 The College should ensure that its performance management system places value on output (results) rather than input (hours worked).
- 7.3 Where an assessment uncovers excessive workloads for individuals or groups of employees, the College should consider whether adequate resources have been assigned to those areas.

- 7.4 Many roles in Colleges are subject to peaks and troughs of work during the academic year. Monitoring of workloads during the year and improved advanced planning could help to alleviate workload pressure on employees at peak times.
- 7.5 Managers should not allow externally-driven targets to increase employees' workloads to unmanageable levels. Targets should always be SMART (specific, measurable, achievable, relevant and time related), to enable employees to manage their own workloads effectively.
- 7.6 The College should review the practice of meetings to ensure that they are only held where necessary and are conducted in an efficient and focused manner.
- 7.7 The College should ensure that it has a clear policy on the use of email, to explain that email is a business tool and that unnecessary emails waste the time of recipients and congest the system.
- 7.8 The College should review its use of Working Time Regulations opt-out agreements and opt-out agreements should be discouraged. Where employees have in the past been asked to enter into opt-out agreements, the College should consider whether this is really necessary and appropriate, and could ask employees if they wish to opt back into the 48 hour weekly limit. Also, any worker who has entered into an opt-out agreement may terminate the agreement at any time by giving a minimum of seven days written notice. A worker has the right not to be dismissed or subjected to any detriment for choosing not to enter into, or not to continue with, an opt-out agreement.

8. Review of working options

Employees may find their working hours or workloads unmanageable if they feel that they have no control over how, when and where they work. Colleges may wish to consider the following initiatives to give employees more control over their working time.

- 8.1 Some employees may benefit from being able to conduct part of their role at home, where they may be able to carry out their work more efficiently. The College could consider whether full or partial homeworking could be accommodated to the benefit of both the business and the employees concerned. The College would need to develop a clear homeworking policy in such circumstances to cover issues such as reporting requirements, health and safety and IT systems.
- 8.2 The right to request flexible working could be extended to all employees, subject to employees being required to put forward a sound business case for any request, to ensure that any changes to working hours are to the benefit of both the College and the employee.
- 8.3 To meet business needs, employees may occasionally work beyond their contractual hours and Colleges may operate a system of overtime pay and/or time off in lieu (TOIL) to manage this. Nevertheless, Colleges should take care that any overtime scheme does not encourage systematic overtime that leads to excessive working hours, as excess hours can cause health and safety problems. Similarly, where TOIL is offered, managers should still monitor employee workloads to ensure that long hours and TOIL are not common practice, and that accrued time off is taken within a set timescale (e.g. no more than one month after the time is generated).
- 8.4 The College should ensure that all employees are aware of the flexible working arrangements and leave entitlements available to them, for example with clear signposting on the College intranet or in newsletters.

9. Culture

Implementation of any of the above initiatives will be of little use if the College culture is one that encourages or rewards long hours working.

- 9.1 Managers, particularly members of the senior management team, should lead by example, by setting themselves reasonable starting and finishing times, and actively discouraging the development of a long hours culture.
- 9.2 Employees should be encouraged to take their entitlement to rest breaks, lunch breaks, annual leave and TOIL.
- 9.3 The College could consider introducing non-work activities during breaks from work to confirm to employees that taking a break during these periods is endorsed by the College.
- 9.4 Clear, timely and relevant internal communications enable employees to manage their work more effectively and plan for future developments which may impact on their workloads.
- 9.5 Before implementing any initiatives to tackle long or excessive hours, the College should have a clear vision of the culture it is trying to achieve and a business case for change, which should be communicated clearly to employees and recognised trade unions.

10. Review and Consultation

- 10.1 A policy on working hours should be reviewed on a regular basis in accordance with legislative developments and the need for good practice.
- 10.2 As part of the review, the College should seek and take into account the views of stakeholders including the consultation and negotiating arrangements within the College.

11. Definition of joint agreement

- 11.1 The agreement on this guidance is intended as a recommendation to Colleges relating to working hours.

Appendix 1

Health and Safety Executive (HSE) Management Standards for work-related stress

The following is an extract from the HSE website: www.hse.gov.uk

The Management Standards

Note on the Management Standards

The descriptions in each of the standards shown as 'What should be happening/states to be achieved' define a desirable set of conditions to work towards.

You can use the data from the HSE indicator and analysis tools to define the gap between where you are now and where you want to get to. The analysis tool will provide a set of data on your performance on each of the six standard areas. Also provided are representative data on current performance in the UK workforce. You will probably find that you are good on some things and less good on others. Together with any existing data you may have (for example, on sickness absence or staff turnover), this information can be used in focus group discussions with employees to determine what is happening locally and what should be done to close the gap.

Demands

Includes issues like workload, work patterns, and the work environment

The standard is that:

- Employees indicate that they are able to cope with the demands of their jobs; and
- Systems are in place locally to respond to any individual concerns.

What should be happening / states to be achieved:

- The organisation provides employees with adequate and achievable demands in relation to the agreed hours of work;
- People's skills and abilities are matched to the job demands;
- Jobs are designed to be within the capabilities of employees; and
- Employees' concerns about their work environment are addressed.

Control

How much say the person has in the way they do their work

The standard is that:

- Employees indicate that they are able to have a say about the way they do their work; and
- Systems are in place locally to respond to any individual concerns.

What should be happening / states to be achieved:

- Where possible, employees have control over their pace of work;
- Employees are encouraged to use their skills and initiative to do their work;
- Where possible, employees are encouraged to develop new skills to help them undertake new and challenging pieces of work;
- The organisation encourages employees to develop their skills;

- Employees have a say over when breaks can be taken; and
- Employees are consulted over their work patterns.

Support

Includes the encouragement, sponsorship and resources provided by the organisation, line management and colleagues

The standard is that:

- Employees indicate that they receive adequate information and support from their colleagues and superiors; and
- Systems are in place locally to respond to any individual concerns.

What should be happening / states to be achieved:

- The organisation has policies and procedures to adequately support employees;
- Systems are in place to enable and encourage managers to support their staff;
- Systems are in place to enable and encourage employees to support their colleagues;
- Employees know what support is available and how and when to access it;
- Employees know how to access the required resources to do their job; and
- Employees receive regular and constructive feedback.

Relationship

Includes promoting positive working to avoid conflict and dealing with unacceptable behaviour

The standard is that:

- Employees indicate that they are not subjected to unacceptable behaviours, e.g. bullying at work; and
- Systems are in place locally to respond to any individual concerns.

What should be happening / states to be achieved:

- The organisation promotes positive behaviours at work to avoid conflict and ensure fairness;
- Employees share information relevant to their work;
- The organisation has agreed policies and procedures to prevent or resolve unacceptable behaviour;
- Systems are in place to enable and encourage managers to deal with unacceptable behaviour; and
- Systems are in place to enable and encourage employees to report unacceptable behaviour.

Role

Whether people understand their role within the organisation and whether the organisation ensures that the person does not have conflicting roles

The standard is that:

- Employees indicate that they understand their role and responsibilities; and
- Systems are in place locally to respond to any individual concerns.

What should be happening / states to be achieved:

- The organisation ensures that, as far as possible, the different requirements it places upon employees are compatible;
- The organisation provides information to enable employees to understand their role and responsibilities;
- The organisation ensures that, as far as possible, the requirements it places upon employees are clear; and
- Systems are in place to enable employees to raise concerns about any uncertainties or conflicts they have in their role and responsibilities.

Change

How organisational change (large or small) is managed and communicated in the organisation

The standard is that:

- Employees indicate that the organisation engages them frequently when undergoing an organisational change; and
- Systems are in place locally to respond to any individual concerns.

What should be happening / states to be achieved:

- The organisation provides employees with timely information to enable them to understand the reasons for proposed changes;
- The organisation ensures adequate employee consultation on changes and provides opportunities for employees to influence proposals;
- Employees are aware of the probable impact of any changes to their jobs. If necessary, employees are given training to support any changes in their jobs;
- Employees are aware of timetables for changes;
- Employees have access to relevant support during changes.

Further information about the Management Standards is available on the HSE website at:
<http://www.hse.gov.uk/stress/standards/standards.htm>

Joint Agreement on Guidance for Regulating Working Hours in Further Education Colleges

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