





# Variable Hours

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CHAIR OF TRUSTEES:	
CEO:	



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## Variable hours

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### What is the 'variable hours' clause?

1. The variable hours' clause was introduced as standard in support staff contracts from 1 September 2001 by Oxfordshire County Council in agreement with UNISON and adopted by the Eynsham Partnership Academy Trust when it was established in 2014. The variable hours' clause allows the Trust to reduce the hours worked by up to 1/3 of the total and provides protection to the employee for the remaining 2/3 of the hours.

### Why was the 'variable hours' clause introduced?

2. It was initially introduced to encourage schools to employ teaching assistants on permanent contracts and to stop the practice by which some teaching assistants were employed on a succession of short-term temporary contracts. Schools need to have some flexibility in staffing levels in order to manage the fluctuations in pupils' needs that can occur from one year to the next. This is particularly true in the levels of staffing that are needed to support pupils with special needs. The variable hours' clause helps schools to manage changes in staffing without making staff redundant.

### Who does the 'variable hours' clause apply to?

3. It applies to support staff employed on a term time only permanent contract and who work directly with children e.g. Teaching Assistants, Cover Supervisors, Early Years Workers. Fixed term or temporary contracts do not include the clause.

4. It does not apply to Teachers, Administrative staff and Premises staff. A member of staff who was employed before 1 September 2001 will not have a variable hours' clause while they remain in the same job.

## Recruitment

5. Information about the variable hours' clause must be included in the information given to all applicants for jobs where the clause will apply. A document explaining variable hours for applicants is available.
6. Suggested wording to be included in the job description: "This position is subject to a variable hours' clause where the contracted hours can be reduced by a third. This enables the Trust to manage variations in pupils' needs that can occur from one year to the next while offering the employee a permanent contract."

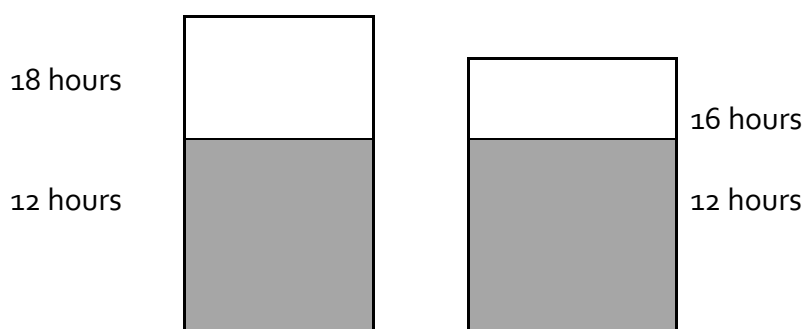
## Issuing Contracts

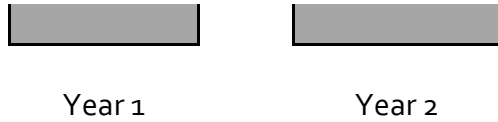
7. The variable hours' clause will be included in permanent contracts for term time only support staff who work directly with children. The standard clause reads:
8. "Your hours are subject to variation by the Trust upon the giving of one calendar month's notice of any change. A reduction of up to one third of your hours may be implemented within the terms of this contract, subject to the hours not reducing below two thirds of your original contract; this is shown as the number of protected hours in Part 1."

## How does the 'variable hours' clause work?

### Example 1

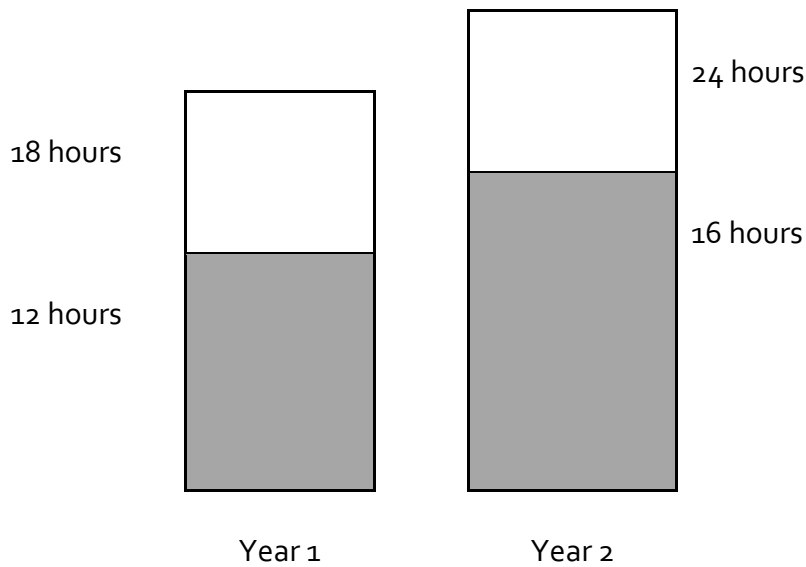
9. A teaching assistant is employed for 18 hours, 12 hours are protected. In the second year, the school needs to make a reduction in hours and gives the teaching assistant notice that the hours will reduce to 16, there is no change in the number of protected hours which remain at 12.





## Example 2

10. A teaching assistant is employed for 18 hours, 12 hours are protected. In the second year the school needs to increase hours and the teaching assistant is offered and accepts a permanent increase to 24 hours, the protected hours are recalculated and increased to 16.



11. Note: If the employee requests a reduction in their hours then the number of protected hours will be recalculated and will reduce accordingly.

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