

# Terms and Conditions of Employment

For Local Government Employees, Craft Operatives and  
Chief Officials

July 2023  
Version 2.0



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## Version Control

Version Number	Effective Date	Details of Revision	Responsible Person	Review Date
1				
2	Oct 2023	Revised format, updates related to all policy changes occurred since previous review.	N Cecconi	Oct 2023

## Foreword

The Terms and Conditions of Employment apply to all Local Government Employees, Craft Operatives and Chief Officials employed by South Ayrshire Council, (“the Council”). The term “employee” means a person employed by the Council and to whom these Conditions apply.

Where conditions differ for specific groups, it will be indicated appropriately, e.g., Agency Workers and the Agency Workers Regulations 2010.

Teachers and associated professionals are covered by a separate national scheme and terms and conditions negotiated by the SNCT. This national scheme is available at [SNCT](#)

These conditions incorporate existing national and local agreements together with additional terms and conditions, policies and procedures, as determined by the Council. They have been structured around the six key themes which provide the framework for the Council’s workforce strategy:

- Workforce and Capacity Planning
- Standards and Performance
- Workforce Communication and Engagement
- Recognition and Remuneration
- Leadership and Governance
- Health and Wellbeing

The Council has developed Policies which complement and form part of its conditions of service. Where a related Policy exists, this will be clearly highlighted, and a summary provided of the main points to note. However, in addition to this summary, reference should be made to the relevant policy document on The Core for full details of the interpretation and application of the condition of service.

Employees should be aware that these Terms and Conditions of Employment plus related Policies are incorporated into every Contract of Employment. These documents may be amended to reflect legislative, or business requirements and any change will be subject to discussion with the recognised Trades Unions.

## Workforce and Capacity Planning

### 1.1 Introduction

Workforce and capacity planning refers to how the Council recruits, trains and develops employees to enable them to perform competently as part of a modern, flexible, responsive workforce which is prepared to meet current and future service delivery needs.

This section covers the main terms and conditions that will apply in relation to workforce and capacity planning. A number of these terms and conditions are supported by Council Policies, Procedures and guidance which are available on The Core or can be accessed via the Links shown.

### 1.2 Recruitment

The Council's Recruitment and Selection policy provides a framework through which a fair, consistent and lawful approach will be taken as the Council seeks to employ individuals who display the knowledge, skills, attitude and behaviour that match its service delivery requirements.

Employees and potential employees should feel comfortable and supported to apply for positions with the Council and employees will have access to appropriate training and development opportunities to achieve equality of employment potential.

Each individual will undergo a thorough assessment of competence according to their ability to undertake the duties and responsibilities of the post.

Normally vacancies will be advertised using the recruitment portal and on the Core. In certain situations, employees may require redeployment, for example, due to health or displacement following restructuring, and a process of skills/capability assessment can lead to a transfer to an alternative vacant post.

Consideration will always firstly be given to the suitability of a vacant post for any employees on the Council's Redeployment List. If the post remains vacant following consideration of its potential for redeployment it will be advertised.

The Council encourages succession planning and career progression therefore vacancies can be restricted for internal promotion. Internal employees include:

- Temporary / permanent employees
- Casual workers whether currently employed or not
- Modern Apprentices, and trainees

It will be for management to decide whether jobs should be advertised internally only in the first instance, or whether they should be the subject of simultaneous internal and external advertising. In doing so, managers should liaise with appropriate Trade Unions and consider the need to comply with statutory equalities legislation which implies a requirement to recruit from the widest possible pool of applicants, while on the other hand providing effective promotion opportunities and succession planning for existing employees.

Similarly, where a post has been advertised internally, and only a small number of internal applicants have applied, it will be for management to decide (regardless of whether person specification requirements are met), to proceed with interviews or advertise externally.



The Chief HR Adviser will ensure a consistent approach to the advertising and filling of posts and will have the final approval to advertise posts.

The Council's commitment to equality of opportunity for all is reflected in its Recruitment Charter. This includes guaranteeing an interview to disabled candidates who meet the minimum requirements of the vacant role and ensuring that reasonable adjustments will be made throughout the recruitment and selection process.

Any qualifications or requirements applied to a job will be genuine and justifiable.

South Ayrshire Council is a Recruit with Conviction Ambassador and has undertaken work to ensure that people with convictions are treated within best practice guidelines when applying for work. All applicants are asked to declare any convictions within the current laws. We promote safe and sustainable employment for people with convictions in their own workplace and seek to influence other workplaces too.

## 1.3 Selection

### 1.3.1 Declaring an Interest/Relationship

Where an employee participating in the recruitment process becomes aware of any relationship or other interest known to exist between themselves and any of the applicants, they must immediately make this known to the Panel Chair or, in the case of a Panel Chair, to their Head of Service, Assistant Director or Director. A decision will then be taken as to whether it is appropriate for the individual concerned to play any further part in the selection process.

### 1.3.2 Canvassing of Council Members or Employees

Canvassing of Members or employees of the Council, directly or indirectly, in connection with any appointment under the Council, shall disqualify the candidate. This shall be stated in any form of application issued. A Member of the Council shall not solicit an appointment or promotion for any person; however, this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for employment.

### 1.3.3 References

References provided by the Council are issued by HR and will only include confirmation of employment details, such as dates of employment and position held. Should managers receive a reference request directly, they must forward this to Human Resources at [HR-policyoperations@south-ayrshire.gov.uk](mailto:HR-policyoperations@south-ayrshire.gov.uk) and should Managers wish to provide a personal reference, they can do so; however, the reference must be provided from their personal email address rather than their Council one and not on Council letterhead.

### 1.3.4 Re-employment of Former Employees

Only in exceptional circumstances and normally only to a post to which it is difficult to recruit, will a contract of employment be offered to an individual who left the employment of the Council on the grounds of Voluntary Redundancy or Voluntary Early Retirement. In all cases the approval of the Chief HR Adviser must be given.

### 1.3.5 Appointment of Chief Officers

Appointments to Chief Official posts are made by a Panel of Elected Members (Chief Officer Appointments Panel).

### **1.3.6 Temporary Workers**

Recruitment of temporary employees will be undertaken in the same way as recruitment of permanent employees. Further information on the definitions and procedures for the use of temporary workers is provided in the Council's Code of Practice for Temporary Workers.

### **1.3.7 Agency Workers**

In certain extreme circumstances i.e. imminent service breakdown, and only with the approval of the Chief HR Adviser, it may be possible to use Agency Workers. Where it is necessary to use an Agency Worker, the Council will comply with the Law by ensuring that the basic working and employment conditions of the agency worker are the same as it is for Council employees. The Council's use of agency workers is covered in the Code of Practice for Temporary Workers.

### **1.3.8 Rehabilitation of Offenders**

The Council will comply with the provisions of the Rehabilitation of Offenders Act 1974 (ROA) and The Management of Offenders (Scotland) Act 2019 (MOO) which was introduced to amend provisions previously covered in the Rehabilitation of Offenders Act 1974 with regards to the times for disclosing previous convictions. Details are covered in the Recruitment of Ex-Offenders Guidance.

## **1.4 PVG/Disclosure**

The Council will comply with the requirements of the Protection of Vulnerable Groups (Scotland) Act 2007. To this end the council will maintain a list of posts which are considered to be "Regulated work", i.e. working with children or protected adults.

It is a condition of employment for employees in Regulated Work to be registered with the Protecting Vulnerable Groups (PVG) Scheme which is managed by Disclosure Scotland.

An employee in Regulated Work who is refused membership of the PVG Scheme, is placed under consideration for Listing as a person unsuitable for Regulated Work or is barred from Regulated Work, may have their contract of employment terminated.

Employees are required to disclose on an ongoing basis and at the earliest opportunity, details of any criminal charges and/or convictions arising after the date of registration with the PVG Scheme. Further details on the disclosure of criminal charges are contained at paragraph 2.2.1

### **1.4.1 Grounds for Referral**

The Council will refer an employee, or former employee, to Disclosure Scotland when the following criteria are met:

- A Council employee undertaking regulated work has done something to harm a child or protected adult; and
- The impact is so serious that the Council has (or would if the employee has left) permanently remove them from regulated work; and
- The harmful or inappropriate behaviour corresponds with the type of regulated work they do e.g. a school teacher employed in regulated work with children, who harms a protected adult does not meet the grounds of referral.

Harm is defined as including physical or psychological harm or unlawful conduct which is detrimental to the individual's property, rights or interests (e.g. theft, fraud, embezzlement). Risk of harm includes attempting directly to harm the person, encouraging someone else to

harm another or harm themselves, or conduct which causes or is likely to cause another to be harmed.

On receipt of such a referral Disclosure Scotland will decide whether or not the employee in question should be considered for listing as a person unsuitable for Regulated Work. If the employee concerned is 'considered for listing' their contract of employment may be terminated.

If a post is subject to PVG membership, this will be clearly stated in the Job Description and any recruitment advertisement. All required checks should be fully carried out before the candidate commences employment.

External applicants will be required to meet the cost of PVG registration.

Further information on the PVG Scheme is available from Human Resources and the Recruitment of ex-Offenders Guidance.

## 1.5 Contract of Employment

In accordance with Section 1-7 of the Employment Rights Act 1996, as amended by the Employment Act 2002 employees will be given written information about their main terms of employment, including normal place of work, pay, hours, annual leave and pay for annual leave, sickness allowance, pensions and pension schemes and notice.

To meet this requirement, the Council will provide, within two months of an employee taking up employment, a letter of appointment giving brief details of the position offered, and a schedule of terms and conditions which summarises the conditions of service applicable to that post.

## 1.6 Continuous Service

Although for the purpose of the Employment Rights Act 1996, the Council does not recognise service with any previous employer(s) as being continuous service with the Council, it does recognise continuous local government service as defined in the Redundancy Payments (Continuity of Employment in Local Government etc) Modification Order 1999 and subsequent Amendment Orders, for the purpose of calculating entitlement to annual leave, occupational sick pay, occupational maternity pay, redundancy and certain other entitlements.

In addition, for appointments made on or after 16 June 2015, the Council will recognise service with NHS Scotland bodies as continuous employment for entitlement to annual leave, occupational sick pay and maternity/paternity/adoption benefits only. Service with NHS Scotland bodies will not be recognised as continuous for the purpose of statutory employment rights and redundancy.

For these purposes Continuous Service means that any break between contracts must be for no longer than 1 week or, where the employee has been made redundant by the previous appropriate employer, the break between contracts must be for no longer than 4 weeks.

Where there is no work requirement e.g. term time employees during school holidays, the period of no work requirement will not count as a break in service.

Where an employee has entered or re-entered local government employment and is in receipt of benefits under any Local Government Pension Scheme, service for the purposes of the period of notice shall commence on the date of entry or re-entry into the local government service.

Where an employee returns to the Council following a break for maternity reasons, they will be entitled to have previous service taken into account in respect of the sickness and maternity schemes provided that the break in service does not exceed eight years and that no paid employment has intervened. To calculate the annual leave entitlement the eight years' time limit does not apply provided that no paid employment has intervened.

## 1.7 Notification of Change in Circumstances

Employees must change their personal details through Employee Self Service (ESS) functionality on Oracle Fusion.

## 1.8 Employee Skills Requirements and Development

The Council takes a value-based approach to recruiting and developing employees. As such, development needs and readiness for progression should be identified using the Council's value-based Performance and Development Review (PDR) system.

## 1.9 Value-Based Recruitment Approach

The Council's value-based approach aims to continually drive the behaviours that are required to deliver the Council's vision to establish South Ayrshire as the most dynamic, inclusive and sustainable community in Scotland. It sets out core, management and leadership competencies required across all employee groups. Employees are required to possess each of the core values at the particular levels determined by their post.

### **Core Values:**

- Respectful - Achieving Results Through Personal Effectiveness
- Positive – We put the customer at the heart of everything we do
- Supportive – We work as a team
- Proud – We are proud of the work we do
- Ambitious – We embrace change

If a substantial part of the employee's job involves management responsibility, the employee will have additional Management requirements:

### **Positive**

- Consistently provide a high-quality service to customers.
- Have a can-do approach to improving the way we deliver services.
- Challenge the way we do things to ensure our services are modern, efficient and meet our customers' needs.

### **Respectful**

- Ensure that your actions and attitude at work contribute to a positive culture for others.
- Recognise and value each other's differences and treat each other fairly.
- Work to agreed standards of performance for your role, taking personal responsibility for your performance.
- Show resilience and initiative when faced with setbacks or problems.

### **Supportive**

- Be a team player and build effective working relationships.
- Recognise the contributions of others when they do a good job.
- Actively learn from others, taking part in any informal or formal learning experience.
- Encourage and support others to fulfil their potential.

#### **Proud and Ambitious**

- Take pride in being an employee of South Ayrshire Council and in the services we deliver.
- Be adaptable and open to change.

Chief Officers are required to possess Leadership Competencies as follows:

- Team Leadership and Collaborative Working
- Communicating and Influencing
- Organisational Awareness and Problem Solving
- Quality and Delivery
- Strategic Approach and Action

The value-based approach and associated matrices can be found on the [Core](#).

### **1.10 Attendance at Training**

Employees who have been enrolled on courses, either in-house or external, are expected to attend. Where an employee is unable to attend due to sickness, they must follow the Council's Maximising Attendance procedures including recording Absence through ESS functionality on Oracle Fusion.

Where a course takes a blended learning approach and is delivered partly on COAST, employees must complete the COAST module in advance of attending the taught programme where so directed. Failure to do so will result in the employee not being accredited with the course.

### **1.11 Managing Workforce Change**

The Managing Workforce Change policy sets out how the Council will approach and manage significant changes affecting the workforce. This policy applies to all employees, except for teaching staff, for whom there is a separate agreement.

The Council has an overarching responsibility to ensure that the appropriate structure is in place to meet the organisational vision, values and performance objectives, and to deliver cost effective, integrated and excellent services to the people of South Ayrshire. This requires ongoing monitoring and review of the way our business is designed and delivered and, as appropriate, the implementation of alternative delivery models, new working methods, redesigned jobs, increased productivity, new skills and revised working patterns and arrangements.

The Council acknowledges the uncertainty such change can create and the Managing Workforce Change Policy aims to ensure that in such circumstances fair and reasonable processes are applied. This will include full and informative consultation with Trades Unions and employees on the changing requirements and the options to achieve these.

Changes of this nature are likely to impact on the size, shape and structure of the required workforce, leading to fewer jobs, changing job roles and new skills which ultimately may result in the displacement of staff.

While every effort will be made to safeguard employment, in some circumstances it may be necessary to reduce the overall number of jobs for which there is no suitable alternative employment. Should redundancy prove to be unavoidable, each case will be dealt with in a fair, consistent and sympathetic way and the Council will fully comply with its statutory obligations.

The Council will consider all practical measures to avoid displacing employees and minimise the reduction in job opportunities from established structures by freeing up resources elsewhere, including: -

- Restricting or freezing recruitment
- Restricting external recruitment
- Reducing or eliminating overtime
- Freezing or reducing the number of temporary employees
- Reducing or eliminating the use of casual workers
- Removing the use of agency workers
- Redeploying employees
- Re-training and re-skilling of employees
- Reducing the working week
- Asking appropriate employees to consider taking early retirement or voluntary severance

The Managing Change Policy also provides details of the selection and redeployment procedures and is available on the Core.

## 1.12 Termination of Employment

### 1.12.1 Period of Notice

Unless stated otherwise in the contract of employment the following conditions will apply.

Notice issued by the Council:

- a) Chief Officer appointments will be terminated by a minimum of 13 weeks' notice.
- b) For other appointments and where the employee has been employed continuously for 4 weeks or more but less than 2 years, the notice period will be 1 week.
- c) For other appointments where the employee has been employed continuously for 2 years or more, 1 weeks' notice will be given for each year of continuous service up to a maximum of 12 weeks.

Notice issued by Employee:

- d) Chief Officer appointments will be terminated by a minimum of 13 weeks' notice.
- e) All other appointments are terminable by a minimum of 1 weeks' notice for each complete year of continuous service up to a maximum of 4 weeks.

All notifications must be made in writing and the notice period will begin from the start of the day after the day that notice is given.

### **1.12.2 Annual Leave at Termination**

Where possible, employees should use outstanding annual leave prior to their leave date. Where this is not possible or where an employee is unable to return to work following a period of ill-health, payment in lieu of accrued leave will be applied up to the statutory minimum inclusive of public holidays. This will be pro-rated for part time employees.

Where an employee has taken more annual leave than they are entitled to at the date of leaving, the appropriate deduction will be made from the final salary.

Where an employee is summarily dismissed the employee will be entitled to accrued annual leave based on the current statutory minimum of 28 days pro rata, which includes public holidays already taken.

### **1.12.3 Redundancy**

For the purposes of redundancy, the Council recognises continuous Local Government service as defined in the Redundancy Payments (Local Government) (Modification) Order 1983 and subsequent amendments.

### **1.12.4 Retirement**

As the Council has chosen not to operate a default retirement age there are a range of circumstances in which an employee can retire. The Employee Retirement Framework brings together the various retirement options and sets out the Council's position on each of these.

If an employee is a member of the Local Government Pension Scheme and wishes to retire, they are required to give a minimum of 3 months' notice to ensure that pension arrangements are in place at the date of retirement. Otherwise, employees wishing to retire are required to give a minimum period of notice as detailed at 1.16.1 above.

### **1.15.5 Early Retirement**

Under Local Government Pension Regulations, employees will not be able to access their retirement benefits prior to age 60 without employer consent. All applications for retirement from employees under age 60 will be considered on merit taking into account the needs of service delivery and at the same time demonstrating best value. The Council will always seek to ensure consistent and equitable application of its discretionary powers.

### **1.15.6 Others**

There are other circumstances where employment can be terminated e.g. disciplinary procedures, ill health/ capability. In such circumstances advice must be sought from Human Resources.

### **1.15.7 Exit Interviews**

Every employee leaving the employment of the Council for reasons other than retirement, redundancy, or dismissal, are expected to attend an exit interview to assist in the evaluation of the effectiveness of Council policies.

## **1.13 Flexible Working**

The Council operates a Flexible Working Policy which builds on its commitment to support employee's work/life balance. A range of flexible working options are available to all employees including term-time working; annualised hours; part time working and mobile working.

Employees will be required to make a formal written application to work flexibly, and will be required to meet the following criteria:

- must have worked with the Council continuously for 26 weeks on the date on which the application is made, and
- must not have made a previous application in the 12 months from the date of the application.

Full details of the flexible working options are available in the [Flexible Working Policy](#).

### 1.14 Annualised Hours

Annualised hours working arrangements are operated within the Council to ensure increased flexibility of resources to meet fluctuating and ad hoc service demands. It is defined as time worked flexibly across a 12-month period rather than over a fixed standard working week or recurring work rota and is appropriate where exact service demands are difficult to anticipate, or service demands at particular times of the year are higher or lower than at other times.

Although the working pattern varies, an employee receives their salary in equal instalments irrespective of the actual number of hours worked in any given period.

Each participating employee is required to work a specified number of hours in a year. For full time employees this equates to 1825 hours per annum (where full time hours are 35) or 1929 hours per annum (where full time hours are 37) with deductions being made for periods of time they are known or predicted to be absent, e.g. annual leave, public holidays, leave in connection with the Special Leave Policy or Council wide leave for a special event, average sickness absence and average other leave.

Further information is contained in the [Guide to Annualised Hours](#).

### 1.15 Remote Working

The [Remote Working Policy](#) provides a consistent framework to enable employees to adopt a remote style of working which can encompass a mix of working at home effectively and safely, meeting or visiting customers or clients on site and working in a council office environment. Where, when, and how council employees work will depend on their job role. South Ayrshire Council has identified, five different Workstyles. Each post in the council can be attributed to one of these styles:

- **Office Workers** - Employees who do their job from an office because they need access to office-based systems or equipment which they can't access from home.
- **Hybrid Workers** - Employees who can carry out their role from home part of the week but need to access an office part of the week to use specific systems or equipment.
- **Agile Workers** - Employees who are based at home but travel to meet regularly with Customers/Clients in a range of locations and may require some access to office systems.
- **Home Workers** - Employees who are based at home but may go to offices for team meetings.



- **Front Line Workers** – Employees whose job can only be carried out in certain locations and who cannot carry out their role working remotely.

Flexibility has been incorporated into the Council's operating model and this policy allows for changes to workstyle proposals based on the provision of services or an employee's individual circumstances. Should an employee wish to be considered for an alternative workstyle to the one allocated to their post, they should complete the Workstyle Request form online and submit it to their Line Manager.

Should the employee wish to permanently change their work pattern or working hours, please refer to the Flexible Working policy.

### 1.16 Flexi-time Agreement

The primary object of the scheme is to allow employees to vary their starting and stopping times of work, from the normal starting and stopping times, to a degree which, whilst suiting their personal circumstances, should mean that in the majority of cases, the total number of weekly hours worked should vary little from the normal contracted weekly hours and usually will equalise over the accounting period of four weeks. There will be exceptions to this which are catered for within the terms of the scheme and which must be agreed between employees and their managers and reviewed periodically.

However, it is not possible for all employees to reconcile flexible working hours with the requirements of their post, therefore the Council reserves the right to exclude from the scheme any post(s) where inclusion in the Scheme will reduce the effectiveness of the service provided by the Council.

Any abuse of the scheme by an employee will result in that employee being excluded from the scheme and returned to standard working hours, and may result in disciplinary action, including dismissal.

Summary of conditions:

<b>Band Width</b>	<b>8.00am – 7.00pm</b>
<b>Core Time</b>	None
<b>Lunch</b>	Minimum of 30 minutes between 12 noon and 2.00pm
<b>Accounting Period</b>	4 weeks
<b>Credit Hours</b>	14 hours 20 minutes per period
<b>Debit Hours</b>	7 hours 10 minutes per period
<b>Participants</b>	All employees where flexible working is in operation
<b>Flexi Leave permitted</b>	10 flexi days can be taken throughout the year with a maximum of 1 day per flexi accounting period. A half days flexi leave will count against the 10 days.

Full details of the scheme are available on the Core.

## 1.17 Elections

The Returning Officer is responsible for ensuring that elections and referenda are administered effectively. This includes: the provision of polling stations, including appropriate staffing, management of the postal voting process and the verification and counting of votes.

Council employees have a responsibility to support the Returning Officer in carrying out these duties as and when required. Where these duties attract a pre-determined rate of pay, the employee concerned will receive that level of payment. Where an employee undertakes election/referenda related duties for which there is no agreed rate of pay, a level of payment will be determined locally.

## Standards and Performance

### 2.1 Introduction

The Standards and Performance section sets out the Council's expectations of employees in terms of employee behaviours and standards.

This section covers the main terms and conditions that will apply in relation to standards and performance. A number of these terms and conditions are supported by Council Policies, Procedures and guidance which are available on The Core or can be accessed via the Links shown.

### 2.2 Employee Code of Conduct

The Council's Code of Conduct sets out the minimum standards expected of all employees and all employees must comply with this Code. Failure to do so may give rise to disciplinary action. As far as possible, employees should comply with the code where they are appointed as a representative of the Council on any organisation, Trust, or Company.

Should an employee anticipate difficulty in meeting the standards of the Code, they must discuss the concern with their manager or a member of Human Resources. All employees will be issued with a copy of the Code of Conduct with their Offer of Appointment letter.

The Code of conduct can be accessed on The Core and includes information on:

- The Key Principles of Public Life
- Relationships
- Conflicts of Interest
- Political Neutrality
- Work Outside the Council
- Appointments
- Conduct and Behaviour
- Fraud and Bribery Detection
- Gifts and Hospitality
- Use of Council Equipment and Resources
- Media Contact
- Contact with the Police
- Reporting Concerns at Work
- Confidentiality, Information Security and Records Management
- Patents and Copyright
- Your Rights as an Employee
- Openness and Disclosure of Information
- Corruption
- Your rights as an employee
- Standing Orders and the Scheme of Delegation.

### 2.3 Notification of Convictions

It is the duty of all employees who incur a criminal conviction, are charged with any criminal activity, or are involved in any activity which might be detrimental to undertaking the duties of their post, or which might bring the Council into disrepute, to inform their Head of Service as soon as possible.

## 2.4 Bribery

A bribe is a financial or other type of advantage that is offered or requested with the intention of inducing or rewarding improper performance of a function or activity. It can take many different forms and could be the offering, promise or authorization of anything of value, or a reward or the giving of aid, donations or voting designed to exert improper influence. Bribes may not always be monetary and may include gifts or hospitality.

Receiving or making bribes is a criminal offence (that carries prison terms of up to 10 years and unlimited fines). Employees must not:

- Accept, agree to accept, or request a reward, including gifts, loans, fees, or other financial or non-financial advantage, in return for incorrectly performing a function or action.
- Offer, promise, or give someone a reward to persuade them to incorrectly perform functions or activities, including such offers made through a third party.
- Bribe a foreign public official to win business, retain business or gain business advantage for the Council.

All employees are expected to help to detect and eradicate bribery and have a duty to report any actual or suspected bribery activity.

## 2.5 National Fraud Initiative

In terms of its duty to protect the public funds it administers and to assist in protecting the funds administered by other public bodies, the Council subscribes to the National Fraud Initiative (NFI) in Scotland. The NFI is a counter-fraud exercise led by Audit Scotland which uses computerised techniques to compare information about individuals held by different public bodies, such as the Department of Work and Pensions, to identify circumstances (matches) that might suggest the existence of fraud or error.

Amongst other things, the NFI allows public bodies to investigate these matches and, if fraud or error has taken place, to stop payments and attempt to recover the amounts involved.

The Council will therefore use and share information it holds, including payroll information, for the prevention and detection of fraud and for the recovery of debt.

The Council regards 'fraud' as 'the intentional distortion of financial or other records for personal financial gain or to the financial benefit of a third party'. The Council expects employees to lead by example in ensuring opposition to fraud and requires its employees to behave with integrity and without intent or actions involving fraud.

Fraud is considered an act of gross misconduct, therefore an employee who is guilty of obtaining, or attempting to obtain, personal financial benefit or financial benefit for a third party, through fraudulent means will have that matter dealt with under the Council's Disciplinary Procedures. The matter may also be referred to the Police.

In relation to Housing Benefit, Council Tax Benefit and other forms of State Benefit, 'knowingly obtaining benefit to which there is no, or lesser, entitlement' is regarded as fraud.

Claiming Occupational Sick Pay while pursuing a claim for damages in respect of an accident which led to the period of sickness in question may also be an act of fraud. An employee must

advise their Line Manager of the intention to pursue a claim against a third party or insurer in respect of responsibility for that accident. Further information can be found at [\(Link\)](#).

Where such an intention is indicated the Council may, having regard to the circumstances of the case, advance to the officer a sum not exceeding the sickness allowance provided, subject to the officer undertaking to refund to the Council the total amount of such allowances or the proportion thereof represented in any amount of damages received. Any amount previously paid as sickness allowance shall be taken to be part of the advance and treated as such.

Where fraudulent activity has resulted in a financial loss to the Council, the Council will pursue the employee for recovery.

Further information on the National Fraud Initiative can be found [here](#).

## 2.6 Contact with the Police

Employees who are contacted by the Police as part of a Police investigation must alert their Service Manager before making any comment.

## 2.7 Media Relations

In an employee's work with the Council, contact with the media must only take place where this has been authorised by a Head of Service or a designated Senior Officer. Employees who become aware of an issue that potentially will be of media interest must notify their line manager, who in turn must alert the Communications Team, in accordance with the Council's [Media Relations Protocol](#).

All media enquiries received must be referred to [Communications@south-ayrshire.gov.uk](mailto:Communications@south-ayrshire.gov.uk).

## 2.8 Publicity regarding salaries and promotions

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary or conditions of service, or conduct of any persons employed by the Council, it shall be considered by the Council in private unless the Council otherwise resolve.

## 2.9 Equality at Work

The Council is committed to promoting equality and diversity and will strive to ensure that equality underpins everything it does as an employer, partner and service provider.

The Council adopts a 'zero tolerance' approach and will not tolerate discrimination, harassment, victimising or bullying behaviour. It will ensure that all job applicants, employees and service users are treated fairly and with dignity and respect, and that there exists a culture which promotes and embeds equality of opportunity, values difference and is free from unlawful discrimination.

To this end the Council's [Equality at Work Policy](#) provides a practical framework of advice and guidance allowing managers and employees to discourage discriminatory, harassing, victimising and bullying behaviour and to deal with concerns and issues at the earliest stage possible.

Where equality at work concerns are evident the Council's Grievance Policy and Handbook provides the procedures for tackling these on both an informal and formal basis.

Employees who breach the Equality at Work Policy may be subject to disciplinary action in accordance with the Council's Disciplinary Policy and Handbook. Serious breaches may constitute gross misconduct and may result in dismissal.

All complaints will be handled and investigated in a confidential and sensitive manner whilst respecting the rights of all parties involved. All parties must preserve confidentiality at all times as a breach of confidentiality can hinder early and constructive resolution and may be considered a disciplinary matter.

All officers with delegated authority to deal with equality issues will undertake appropriate training.

## 2.10 Grievance Policy

### 2.10.1 General

The Council is committed to achieving and promoting fairness and equity in the treatment of individual employees in the course of their employment. To this end the Council's Grievance Policy and Procedure ensures that any grievances relating to employment are settled fairly, promptly and as near to the point of origin as possible.

A grievance is a complaint by an employee about the unfair or improper application of (or failure to apply), agreed terms and conditions, employment policies, or working arrangements, which has or is likely to have some detriment to them personally.

In this respect, "unfair or improper" relates to:

- Actions in contravention of agreed terms and conditions or employment policies
- Actions whilst following procedures have been unfairly or unreasonably applied
- Actions which are illegal.

In cases of doubt as to whether an issue falls within the definition set out in the policy, the matter shall be decided by the Chief HR Adviser. Matters once referred to this policy shall remain until either resolved, a decision reached by appeal, or the matter withdrawn by the employee.

Where a grievance is notified, and it is deemed to be a competent one, the status quo immediately existing before the grievance, will normally be maintained until the procedure has been followed and exhausted. However, there may be exceptional circumstances where it is not possible to maintain the status quo. Any such exceptional circumstances should be agreed with the Chief HR Adviser.

All officers with delegated authority to deal with grievances will undertake appropriate training. All aspects of the procedure will be completed timeously and without any unreasonable delay to meetings, decisions or confirmation of decisions.

A decision will not normally be taken until the employee concerned has attended a properly convened grievance hearing and been given the opportunity to state their case. If an employee wishes to be accompanied during the process, this will be by a trade union representative or a work colleague. It is the responsibility of the employee to arrange for their representative to be present at any stage of the process.

An employee will be informed in writing of the decision taken at each stage of the grievance

procedure. The employee will also be advised of any right of appeal against the decision taken and such appeals will not be heard by anyone who is either the subject of the grievance or has had prior involvement in the grievance procedure.

The Chief Executive will be responsible for any grievance submitted by a Chief Officer.

Where it has not been possible to resolve a grievance informally employees should raise the matter formally and without unreasonable delay with a manager who is not the subject of the grievance. This must be done in writing using the Grievance at Work Form.

The procedure will consist of the following stages:

- |             |                                                   |
|-------------|---------------------------------------------------|
| Stage 1:    | Appeal to Line Manager or Supervisor              |
| Stage 2:    | Formal appeal to higher level of management       |
| Stage 2(a): | Mediation                                         |
| Stage 3:    | Formal appeal to the Elected Member Appeals Panel |

The Grievance Form should be completed at each stage of the procedure.

A written report can be compiled by either side, to accompany the grievance form, showing clearly what facts have been established and the issues that are in dispute; it will also identify which arguments have been accepted at earlier stages of the process and which have not. This will allow areas still at issue to be highlighted at further stages of the process.

### **2.10.2 Responsibilities**

#### *Managers*

Each Assistant Director or nominated senior officer is responsible for ensuring that grievance procedures within their Directorate are carried out in a fair and equitable manner and that wherever possible, grievances are resolved at the lowest possible level.

#### *Employees*

Employees are responsible for raising issues promptly and should not unreasonably delay meetings. Where employees wish to be accompanied by a work colleague or trade union representative, at any formal grievance hearing, the responsibility for choosing an appropriate companion rest with the employee and the employee must ensure that they attend the relevant stage of the process.

### **2.10.3 Application**

The Grievance Policy provides additional information to managers and employees on the application of the policy and procedures to be followed and contains information on all aspects of grievance including:

- Effective handling of grievance issues.
- The grievance hearing.
- Overlapping grievance and discipline issues.
- Flowchart summarising the grievance process.
- Appendices including grievance form, the process to be followed at a hearing of a grievance appeal and standard grievance letters.

## 2.11 Disciplinary Policy

### 2.11.1 General

The Council is committed to achieving fairness and equity in the treatment of individual employees in relation to their performance at work and formal Disciplinary Procedures are essential to realising this aim. The Council will ensure that any disciplinary action taken within these procedures will be:

- Considered and applied fairly.
- Undertaken only in cases where adequate evidence exists, and no disciplinary action will be taken until all facts have been gathered for consideration.
- Be appropriate to the nature of the offence that has been committed; and
- Allow the employee the right of appeal.

All problems involving minor misconduct and poor performance should be dealt with, at least in the early stages, using informal advice, guidance and counselling.

Normally, no action in terms of these procedures will be taken against a trade union representative until the matter has been discussed with a full time official of the union concerned.

All officers with delegated authority to carry out disciplinary procedures will undertake appropriate training.

Where an investigation is required any decision to impose disciplinary action will not be taken by the person who conducted the investigation.

Disciplinary action should not normally be taken against an employee until they have attended a properly convened hearing and been given the opportunity to respond to the allegations. If the employee wishes to be represented or accompanied during the process, this will be by a trade union representative or work colleague only and it is the responsibility of the employee to arrange for their representative to be present at any stage of the process.

Each Director, or other nominated senior officer, has the power to apply all forms of disciplinary sanction including that of dismissal, subject to the employee's right of appeal against such disciplinary action. Disciplinary sanctions may be initiated at any stage and do not need to start at the level of an oral warning. This decision will be totally dependent on the seriousness of the misconduct. Apart from acts of gross misconduct, an employee will not normally be dismissed for a first breach of discipline.

An employee will be informed, in writing, of any disciplinary action taken, the reason for it, any improvements expected including, where appropriate, the availability of support to achieve and maintain the improvement, and the consequences of further misdemeanour. The employee must also be advised of their right of appeal against any disciplinary action and such appeals will not be heard by anyone with prior involvement in the investigatory process or in taking the original disciplinary action.

Where disciplinary action results in punitive action or dismissal, employees will have the right to appeal against these decisions to the Appeals Panel. Officers or Members hearing an appeal against disciplinary action will not have the power to increase the level of disciplinary action imposed at the disciplinary hearing.

An employee should not be dismissed or otherwise disciplined solely because they have been



charged with or convicted of a criminal offence. What needs to be considered is whether the employee's conduct warrants action because of the implications for their employment. The Council's Code of Conduct states that any employee convicted of a criminal offence must advise their Head of Service immediately. However, if an employee fails to inform their Head of Service, this in itself may lead to disciplinary action being considered.

Where required the Council will alert relevant Professional or Statutory Bodies of any disciplinary action taken against one of their members and where an employee is registered with an external body such as the Scottish Social Services Council (SSSC), Disclosure Scotland's Protecting Vulnerable Groups Scheme, or other professional body, the Council is required to make a formal report in instances such as:

- Dismissal
- Resignation during a disciplinary investigation
- Removal from the workplace during an investigation
- When the Council is made aware of any criminal conviction against such a Worker
- Any other circumstances which the Council thinks might have a bearing on the worker's registration.

In this event the employee and his/ her trade union will be advised.

### **2.11.2 Responsibilities**

#### *Managers*

Each Director or nominated senior manager is responsible for ensuring that all employees in their Directorate are made aware of the standards of conduct and performance expected of them, particularly the type of behaviour that might constitute gross misconduct, and to ensure procedures are carried out in a fair and equitable manner.

#### *Employees*

Employees are responsible for understanding and following the rules, standards and conduct that are expected of them in carrying out their day-to-day duties and as set out in the Council's Code of Conduct. They should make themselves aware of behaviour that might constitute gross misconduct.

For further information and guidance reference should be made to the [Disciplinary Policy and Handbook](#).

## **20.12 Violence and Aggression at Work**

The Council recognises that the nature of the service it provides can place particular groups of employees at risk of assault, abuse or threats from members of the public. It will therefore take all practical steps to minimise the possibility of any type of harm to employees. This will include risk assessment of work activities, appropriate training for employees, recording of all violent/aggressive situations and incidents, monitoring of reporting and reviewing of the policy and procedures.

Risk assessments will be carried out by nominated officers and should address both the need for any necessary physical protection and any improvements in health and safety to enhance the working environment.

To assist employees in potentially confrontational situations, written systems of work and information/instruction/training will be given to those who work in circumstances where there is the possibility of harm.

If an employee is absent from work due to harm of this nature, they will receive pay in accordance with the council's terms and conditions relating to Sickness Allowance to Victims of Crime and Violence. In such circumstances the period of absence will be considered separately from any sickness absence the individual may have already accrued. The duration of absence granted will be dependent on the individual case and will be decided by the Chief HR Adviser, with appropriate input from Occupational Health.

Further information is available from the [Violence and Aggression at Work policy](#).

## 2.13 Reporting Concerns at Work

The principles and guidance outlined in [Whistleblowing policy](#) and procedure have been developed to implement the Public Interest Disclosure Act 1998 (the so called "whistle-blowers" Act) and to complement the provisions of the Code of Conduct for Local Government Employees in Scotland, and the Code of Conduct - Openness in Local Government.

If an employee becomes aware of what they reasonably believe to be a serious wrongdoing in the Council, or receives information regarding malpractice, they should follow the reporting guidelines contained in the Policy.

Reporting a matter that is covered by the categories stated in the policy can be made verbally or in writing to a Line Manager, Head of Service, Assistant Director or Director, and the reporting officer will need to be able to demonstrate that there are reasonable grounds for concern. An employee may wish to discuss their concern with a colleague first as they may find it easier to raise the matter jointly. Furthermore, an employee may wish to have their trade union representative or a work colleague present during meetings or interviews in connection with the concerns they have raised.

The Council will ensure that any employee making a report is safeguarded against any detriment in the course of their employment. The Council will also take all complaints seriously, treat all parties involved fairly, exercise confidentiality wherever possible and treat victimisation of the reporting officer(s) as a disciplinary offence.

Employees must ensure that the content of their report is not made available for public consumption through the media, even where they believe it to be in the public interest to do so. Employees must not criticise the Council through the media, in another public forum or in written communication. Therefore, contact with the media is prohibited unless you are authorised by your Director or other nominated officer to do so.

If an employee deliberately submits a report that they know to be untrue or unfounded, they will be subject to the rules of the Council's Disciplinary procedure.

## 2.14 Political Restrictions

A number of posts are "politically restricted" in terms of the Local Government and Housing Act 1989 and employees holding such posts will be advised that they are disqualified from becoming or remaining an Elected Member of a Local Authority, the Scottish Parliament, the House of Commons, European Parliament or carrying out certain political activities.

## 2.15 Paid employment out with the Council

Except for Chief Officers, where separate arrangements apply requiring them to obtain the express consent of the Chief Executive if they wish to undertake paid work out with the Council, there is no restriction on employees undertaking other work of a paid or unpaid nature out with normal working hours, providing the additional work:

- Does not interfere with or impair the employee's ability for the efficient execution of duties within the Council's service.
- Is not carried out during the employee's normal working hours with the Council.
- Does not involve the employee using Council vehicle, plant, premises, equipment, materials, or any other Council resources (either on or off Council premises).
- Is not undertaken while the employee is in a South Ayrshire Council uniform or where the employee can be identified clearly as being an employee of the Council.
- Does not involve the employee, on behalf of a person or organisation, in return for payment or fee, preparing an application, drawing, report or other documentation which will be submitted to the Council for the purpose of obtaining any license, consent, warrant, or other form of statutory permission on behalf of that client.

## 2.16 Data Protection

The Council recognises the need to respect personal privacy and has therefore built appropriate safeguards for the collection, storage, processing and utilisation of personal information. The Code of Practice sets out how this is to be achieved and ensures that the Council meets the relevant requirements of the Data Protection Act 2018.

The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR).

## 2.17 Information Security

The Council and its employees, as well as any working partners, will be provided with appropriate access to the equipment and systems they need to effectively perform their duties. Everyone using these has a direct responsibility for the security of these assets.

Access to these information assets and IT systems will be controlled using specific accounts that must be used by the authorised user only. For further information employees should refer to the Information Security Policy.

## 2.18 ICT Acceptable Use

The Council provides access to ICT facilities which are vital for delivery of services and has developed policies, procedures, and guidance to ensure appropriate and effective use of these facilities. These cover all aspects of computer use, including email, internet, and monitoring. Procedures are in place to provide detail and rules on how this policy is to be implemented. These can be accessed on the Core.

Authorised users will be granted access rights to Council ICT facilities appropriate to their business need. Reasonable personal use may be undertaken but must not interfere with normal business or be detrimental to productivity.

A range of monitoring is undertaken to ensure ICT facilities are operating efficiently and effectively. This includes the monitoring of email and internet use. Monitoring is not generally focused on specific individuals; however, personal information may be accessed as part of the procedure. Where personal use of council facilities is undertaken there can be no presumption of privacy.

Where there is a breach of procedure, the Council will take appropriate disciplinary steps in accordance with the Disciplinary Policy and Procedure. Any unlawful acts will be referred to the appropriate authorities.

## 2.19 Social Networking

Guidance has been developed which provides information and offers practical advice on the use of social media and details protocols for all employees to follow whether using it for Council business or by interacting on-line in a personal capacity in their own time.

The Council respects the legal rights of its employees. However, incautious social media use brings with it the risk that employees may breach Council policy, which in turn may constitute misconduct or gross misconduct resulting in disciplinary action up to and including dismissal, even if the breach occurs in the employee's own time.

As a general rule, employees should be aware that if they wouldn't (and shouldn't) say something personally to another individual, then it should not be posted on Social Networking Media.

## 2.20 Control of Removable Media

The use of removable media – such as USB memory sticks or pen drives or any other device or storage solution that can be attached or removed from a computer, brings with it a risk if incorrectly handled, and the possible introduction of viruses to the PC and Council network. To counter the risks, all users of removable media must follow the rules for their use as detailed in the Standard for Controlling the Use of Removable Media.

## 2.21 Bring Your Own Device

Bring your own device (BYOD) makes it possible for employees to use their personal devices to view and manage data the Council holds about them. BYOD is an optional programme. Employees can choose to participate and be able to:

- Use devices they feel comfortable with;
- Connect using a device of their choosing without being tied to Council refresh schedules;
- Increase digital participation using familiar devices;
- View and print payslips, enter holidays and manage other information held on Oracle Fusion.

## 2.22 Telephone Policy

The Council's Telephone Policy provides a framework for the management and use of Council telephones. Employees are responsible for the appropriate use and care of telephones, both landlines and mobile, and should aim to keep telephone costs to a minimum.

Mobile telephones will only be considered in the following circumstances:

- Where an employee must routinely make calls and/or be contactable and who spends a substantial amount of working time out with Council premises, without ready access to a Council landline; or
- Where an employee is regularly on call out with normal business hours; or
- Where a health and safety risk assessment has identified the provision of a mobile telephone as a control measure e.g. lone workers.

Heads of Service will be required to approve usage in accordance with these criteria.

## 2.23 Driving

### 2.23.1 Business Travel

Employees must ensure that the most cost and environmentally effective travel option is chosen for all business related journeys and, in this respect, the Council's Service Travel Plan must be followed.

### 2.23.2 Capability

It is each employee's responsibility to ensure that they are fit to drive and that their ability to drive is not impaired due to a health condition or as a result of alcohol consumption or drug use. It is essential that the employee discloses any medical condition that may affect their ability to drive to DVLA and their supervisor/line manager. For further advice and guidance please refer to the Ayrshire Roads Alliance Risk Based Approach.

It is also the employee's responsibility to inform their employer of any road traffic incidents or convictions and licence endorsements or driving disqualifications that occur.

An employee recruited as a driver for any of the Council's vehicle/plant fleet will be required to hold a valid licence as a condition of employment and shall, where appropriate, have the cost of the licence renewal met by the Council. The cost will include the fee for medical examination and certificate where these are not provided for under the Council's own arrangements. For further advice and guidance please refer to the Ayrshire Roads Alliance Risk Based Approach.

### 2.23.3 Annual Driving Licence Checks

The Council reserves the right to inspect the driving licence of employees who are required to drive Council vehicles. It also reserves the right to inspect the driving licence and/or Motor Insurance Certificate of employees who use their own vehicles on official business. These checks should be carried out by appropriate service managers on an annual basis and copies of all documents should be taken and held on file.

#### **2.23.4 Accidents and Damage to Vehicles**

Employees recruited to drive a council vehicle, are responsible for the safety of themselves, their vehicles and those around them. It is important that employees understand how to safely operate and work in and around their vehicle during the working period and should refer to the Driver Safety Guide to ensure their own safety and the safety of others.

An employee involved in a vehicle accident, should give their name and address along with the Council's Fleet Management phone number to anyone having reasonable grounds to request such information. A copy of a "bump card" is attached to all council vehicles to assist the employee. Any contact by a third party or their Solicitor must be notified to the Insurance Section as soon as possible. Employees must not discuss the incident with any third party.

If a person or animal has been injured, the employee must report the accident to the Police as soon as possible but within 24 hours.

If the vehicle cannot be driven safely to the employee's base, details of recovery companies for council supplied vehicles can be found in the "Information for Drivers of Council Vehicles" booklet.

An employee must report any accident or damage on the vehicle to their supervisor or line manager as soon as possible after the occurrence. They must complete an accident report form from the Information for Drivers of Council Vehicles booklet and submit it to Fleet Management within 48 hours of the incident. All damage should be recorded in the vehicle defect book and reported to Fleet Management workshop as soon as possible. Further information on Accidents or damage to Council vehicles is available from Fleet Management.

#### **2.23.5 Use of Mobile Telephones Whilst Driving**

It is a criminal offence to use a "handheld mobile phone" whilst driving a vehicle. Therefore, employees must not use mobile communications devices while driving any vehicle while on Council business. Users of any mobile communications should use them in a manner that always complies with the law, and on all occasions should find a safe place to work before using any such device in a vehicle.

If an employee is prosecuted for having insufficient control of their vehicle while using a mobile phone, any penalty will be the responsibility of that employee. The Council accepts no responsibility for the payment of fines or other penalties imposed as a result of any such prosecution.

An employee who has an accident whilst using a mobile phone when driving on Council business will be personally responsible for the costs of damage repairs and any personal injury claims that arise.

### **2.24 Membership of Professional Bodies**

It is the responsibility of each employee to maintain membership of, or registration with, a Professional Body or Registration Authority where membership or registration is a requirement of the post.

Employees in a position which requires SSSC registration are no longer required to pay registration fees.

## Workforce Communication and Engagement

### 3.1 Introduction

This section covers the main terms and conditions that will apply in relation to workforce communication and engagement. A number of these terms and conditions are supported by Council Policies, Procedures and guidance which are available on The Core or can be accessed via the Links shown.

### 3.2 Partnership Working Agreement

The Council recognises the importance of engaging positively and constructively with Trades Unions and believes that continuous improvement and the delivery of best value services is best achieved by developing real partnership working arrangements with the Trades Unions. This Council, in association with other Scottish Local Authorities, is represented on National Negotiating bodies dealing with Local Authorities' Services. It therefore encourages its employees to achieve representation on the appropriate negotiating body through membership of a recognised trade union.

The Council and Trade Unions will work together as partners, recognising that partnership working will benefit both the Council and its employees. Partnership working arrangements will be based on the following fundamental principles:

- Common, agreed and stated objectives.
- A shared understanding.
- Respect and trust.
- Honesty, transparency, and integrity.

Partnership working recognises the rights of each partner to progress individual issues through appropriate procedures and channels, when initial agreement on employment relations issues looks unlikely. It is important that the views of each will be given equal consideration and that there is mutual respect, trust and honesty amongst partners. Whilst the Trade Unions have agreed with the fundamental principles of this Partnership Agreement, they are an independent body and may from time to time take alternative views from Management. All partners will ensure the confidentiality of information, where agreed.

The Chief HR Adviser and, where appropriate, the Council's Management Team will meet with the Trade Union representatives on a planned, regular basis to discuss ongoing strategic and appropriate issues. Throughout the budget setting process, Trade Union representatives will participate in meaningful discussions on the budget with the CMT on a planned, regular basis. This process will commence as early as possible during the financial year.

Further details on the Council's partnership working arrangements are available at [Partnership Working Agreement](#).

### 3.3 Joint Consultation Committees

Joint consultation facilities are provided via Joint Consultative Committees. Details of the constitution of the 1<sup>st</sup> tier JCC are available at Appendix 1.

First tier JCC meetings usually take place on a quarterly basis, involving nominated Elected Members, the CMT and Trade Union representatives to consult and share information on agreed agenda items and other areas of common interest.

Directors will ensure that Directorate JCC meetings take place as and when required but not less than twice per annum, involving key members of the relevant Directorate Management Team and Trade Union representatives to consult and share information on agreed agenda items and other areas of common interest.

### 3.5 Leave and Pay Arrangements for Trade Union Representatives

In support of the Council's Partnership Working Agreement is the recognition that in order to carry out their role effectively, trades union representatives require reasonable facilities and time off to undertake trades union duties and activities. The Leave and Pay Arrangements for Trade Union Representatives Agreement has been developed jointly with Trade Union side in line with the principles of Partnership Working.

### 3.6 Employee Recognition

The recognition and reward programme recognises employees who have demonstrated outstanding service to others. At a local level, The Outstanding People Awards recognises employees across a range of categories including service delivery, innovation, equalities, sustainability, and inspiration. Nominations for these awards come from members of the public and Council employees. Information on how to nominate is accessible on the [Core](#). Employees are also recognised for a range of other achievements relating to learning and development.

The Council also submits nominations to a range of national awards as appropriate, including the CoSLA Excellence Awards and the Association for Public Service Excellence (APSE)

The Council, through the Provost, recognises long service. Employees who have completed 40 years continuous local authority service may be granted a civic luncheon to which they may also bring a guest.

### 3.7 Employee Communication

The Council has put in place a number of different communication and feedback mechanisms to ensure that employees are involved in the Council's decision-making processes and are provided with feedback on how these decisions affect their day to day working life. An employee survey is carried out every 2 years, giving employees the chance to have a say in how the Council works and what can be done better. The survey is designed to complement other feedback mechanisms such as team briefs as well as day to day feedback through contact with line managers. Other communication channels are Chief Executive Bulletins, Council Wide emails and posts on Yammer. Employees should familiarise themselves with these methods of communication and how these are accessed within their service area.



## Recognition and Remuneration

### 4.1 Introduction

This section covers the main terms and conditions that will apply in relation to recognition and reward. A number of these terms and conditions are supported by Council Policies, Procedures and guidance which are available on The Core or can be accessed via the Links shown.

### 4.2 Job Evaluation

The Scottish Council's Job Evaluation Scheme, as endorsed by the Scottish Joint Council for Local Government Employees in 2000 and amended in 2002 is formally used as the mechanism for the evaluation of jobs except for teachers and chief officers.

The job evaluation scheme is used to evaluate all Council jobs in terms of 13 factors and will be applied in a fair and non-discriminatory way that complies with equal pay legislation and associated Codes of Practice. Once evaluated, posts are assimilated to the council's pay and grading model.

### 4.3 Job Re-Evaluation

The council has developed a procedure for the re-evaluation of posts which should be referred to when an employee, or group of employees in similar posts, wish to request a re-evaluation as a result of a change(s) to their job.

Providing it is at least 1 year since a previous evaluation or request for evaluation (whichever is the most recent), and where an individual employee identifies that their job has changed to the extent that the following criteria can be met, they can submit the Form JE1 to their Line Manager who will examine the request and forward with recommendation to the relevant Head of Service.

Where the Head of Service believes the job has changed in accordance with the essential criteria, and therefore supports the request, they should, in consultation with their HR Policy and Operations Advisor, complete and forward Form JE1 to the Chief HR Adviser, together with any supporting documentation.

The essential criteria are that:

- There is a material change in the duties and responsibilities (not increased volume of work) impacting on one or more of the 13 factors of the Job Evaluation Scheme; and
- The change is a necessary part of the post remit (as determined by the line manager) and is considered to be a permanent feature of the post; and
- The change arises directly from service requirements; and
- Clear documentary evidence of the substantial change can be provided to support the request, including the impact on the scheme factors. A submission based solely on wording directly lifted from the job evaluation scheme is not supporting evidence.

This procedure is not intended, designed or available for cases where:

- The change which has prompted the request is increased volume of work – such situations should be addressed through staffing levels; or
- The request relates to a claim of comparability with another post or employee (either within or out with the Council) or seeks to restore previous differentials or establish parity; or
- The basis for the claim is a residual or ongoing dissatisfaction with the outcome of the original job evaluation exercise or structural review; or
- The request is based on an individual's opinion as to what the job remit should be.

Full details of the Re-evaluation Procedure are available [here](#).

#### 4.4 Application of Pay Grades

The basic hourly rate of pay for each employee will be a point on the relevant salary level for the post held. Weekly contractual earnings will be determined by applying the respective hourly rate to the contractual hours of the post. Annual contractual earnings are determined by multiplying the weekly figure by 52.1428.

Term time employees receive salary averaged over the year regardless of the number of weeks worked. The term time salary calculation is based on annualised hours worked plus annual leave and public holiday entitlement.

Employees who work annualised hours flexibly across a 12-month period rather than over a fixed standard working week will receive their salary in equal instalments irrespective of the actual number of hours worked in any given period.

On entry to the Council's employment, employees will be placed on the minimum point of the grade and placing beyond this point will only be considered in exceptional circumstances i.e., the post is one to which it is demonstrably difficult to recruit, and the candidate is already in an identical post. Therefore, a candidate's current level of earnings is not a sufficient reason for placement on an advanced point of the salary scale. In all cases the approval of the Chief HR Adviser must be obtained.

A Council employee promoted to a higher graded post, will be placed on the first point on the new grade.

Details of pay grades and hourly rates are available on [the Core](#).

#### 4.5 Career Grades

Certain service areas may operate a Career Grade scheme which allows employees in defined occupations to progress through a number of linked grades as they assume increased responsibility. The increase in responsibility can be connected to the attainment of an appropriate professional qualification or completion of appropriate formal training but is not necessarily so.

The criterion for progression through the linked grades is the demonstration of the ability to carry out the higher responsibilities associated with the next Level on the grading structure. This may include the practical duties and skills associated with the post but also the attitudes and behaviours expected at that higher level. Attainment of a qualification or completion of training on its own will not be sufficient to justify progression.

Normally in order to develop the required skills and demonstrate competence, employees will be on the top point of the lower salary level before progression is approved. However, employees should be assessed annually or following attainment of an appropriate professional qualification or completion of appropriate formal training, and in exceptional circumstances, and only with the approval of the Chief HR Adviser, progression will be permitted prior to reaching the top point of the lower salary level.

Where an employee is considered suitable for progression the higher grade will apply from the first day of the pay period following the date of assessment.

#### 4.6 Living Wage

As an accredited Living Wage employer, the Living Wage is consolidated as part of the Council's Pay Model.

#### 4.7 Hours of Work

The Council operates a variety of working arrangements to meet the needs of the services it provides, including full time, part time, term time and flexible working.

Hours of work will be determined by the requirements of individual services up to a maximum of 37 hours. An employee's normal hours of duty will be outlined in their Offer of Appointment.

Core hours of work will be 7am – 8pm Monday to Sunday. All hours worked up to 37 hours, within these core hours will be paid at the hourly rate for the job. Hours worked out with the core hours will attract an additional allowance (See paragraph 4.11.2 below).

Working arrangements will comply with relevant Health and Safety legislation, including the European working time directive and its associated UK legislation and variations to the established working week or patterns of work will be reasonable and subject to adequate notice.

In certain circumstances e.g. where minimum staffing levels would be breached, employees may be required to remain on the work premises during a break period. If during such a period the employee is required to return to work, compensatory time off will be given for the break period.

#### 4.8 Calculation of a day's pay

A day's pay can be calculated in one of two ways:

- Where the actual hours to be worked in a particular day are known, the calculation of a day's pay will be the hourly rate multiplied by the hours to be worked. This will apply for example when an employee requests unpaid leave or is taking strike action; or
- Where the actual hours to be worked in a particular day are not known e.g. a payment in lieu of annual leave. In those circumstances the calculation of a day's pay will be the hourly rate x the average number of hours worked each day calculated over a normal work cycle.

## 4.9 Payment of Increments

Annual increments shall be granted to an employee from 1 April each year until the maximum point of the grade is reached. Application of increments for a new entrant to the Council and an employee promoted to a higher graded post are as follows:

- Appointed between 1 October and 31 March of the following year, will be entitled to an increment after 6 months service in that post (i.e. entered service 15 October, increment payable from 15 April, the following year) and thereafter on 1 April;
- Between 1 April and 30 September will be entitled to an increment on the 1 April of the following year.

## 4.10 Pay Cycles

All employees are paid by credit transfer on a monthly basis as detailed in their offer of appointment.

Employees will receive their pay on the 13<sup>th</sup> of each month except where the 13<sup>th</sup> falls on a weekend or bank holiday when payment will be made on the preceding Friday.

In the unlikely event of any overpayments being made in error, these will be recovered directly from an employee's pay after consultation with the employee, and if necessary, their Trade Union. As a minimum, repayments will be recovered over the same length of period over which the overpayment was made. Repayment of any underpayments will be made directly into an employee's pay.

The following details will be included in your online payslip, accessed through ESS functionality on Oracle Fusion:

- Normal wages, including the total, or specifying separately, regular payments such as enhanced rates;
- Overtime and other similar variable payments;
- Allowances.

Each payment type will be shown on its own row. For example:

- Salary
- Overtime
- Standby
- Compensation Non-Taxable

## 4.11 Overtime Working

If requested by their Line Manager, employees can agree to work beyond their contractual weekly hours i.e. overtime.

Overtime will be calculated using the employee's hourly rate and paid at time and a half for all authorised additional work beyond 40 hours (including Saturdays and Sundays). All overtime worked up to 40 hours will be paid at single time.

Overtime of less than 30 minutes in any one day will not count. Overtime of half an hour or more on any one day will be aggregated for each week and only completed half hours will be paid. (This does not apply to overtime payments whilst on standby. Refer to section 4.12.2 for

further details). Any outstanding balance can be taken as time-off at a later date subject to service delivery.

**4.11.1 Eligibility for Payment**

An employee whose basic salary is at, or below, spinal column point 75 is eligible for payment of overtime subject to paragraphs 4.10.1–3 above.

In exceptional circumstances where a Chief Officer considers that a payment should be made to an employee whose basic salary is above spinal column point 75, consideration will be given to an overtime payment subject to the limit of the maximum of spinal column point 75.

As an alternative to payment for overtime working, managers have the discretion to grant time off in lieu at non-enhanced rates.

**4.11.2 Contractual Overtime**

For certain posts there will be a contractual requirement for the post holder to work a defined period(s) of overtime. In such circumstances the conditions referred to at 4.10.2 to 4.10.5 will apply.

Employees who are contractually required to work overtime will receive the appropriate payment during annual leave, sickness absence or maternity, paternity and adoption leave subject to the provisions of the relevant policies, and such payment will also be assessable for pension contributions.

**4.12 Allowances**

**4.12.1 General**

Allowances will be paid to eligible employees in addition to their basic rate of pay when the relevant qualification criteria set out in this section are met.

When an employee is paid an allowance, the working arrangements will be reviewed annually to confirm that the level of allowance is applicable to the working arrangement. Where the working arrangement is changed, the allowance value should be amended in line with the change in working arrangements.

It is a fundamental principle that an employee shall not receive an allowance calculated on an already enhanced rate of pay.

Allowances for Standby Duty, Disturbance and Call Out are in accordance with the guidelines issued by the SJC for Local Government Employees.

**4.12.2 Non-Core Time**

If, as part of their contractual working week a day worker is required to work out with the core hours 7am – 8pm Monday to Sunday, they will be eligible to receive a non-core time allowance. This allowance will be based on the total non-core hours worked per week out with the hours of 7am – 8pm Monday to Sunday as follows:

Up to 29% of hours worked out with core hours	5% of contractual salary
30% - 59% of hours worked out with core hours	10% of contractual salary

60% - 100% of hours worked out with core hours	15% of contractual salary
------------------------------------------------	---------------------------

If an employee works an irregular shift pattern, the allowance will be calculated based on the **average** non-core hours worked per week during the shift period.

The following example shows how this will work:

Core hours: 7am – 8pm (Monday – Sunday)  
 Early Shift: 7.15am – 3.30pm (7.5 hours)  
 Late Shift: 1.45pm – 9.45pm (7.5 hours)

Shift Pattern	Mon	Tue	Wed	Thurs	Fri	Sat	Sun	Total hours	Non-Core hours	%
Week 1	Early	Late	Early	Early		Early	Late	45	3.5	
Week 2	Early		Late	Early	Early			30	1.75	
Week 3	Late	Early	Early		Late	Late	Early	44	5.25	
Week 4	Late	Late		Late	Early			29	5.25	
Average hours and non-core hours over the shift period (total hours divided by 4)								37	4	
Non-core allowance = $4/37 = 10.8\%$										5%

### 4.12.3 Responsibility

Where, for reasons other than absence on normal holiday, an employee is required temporarily, for a continuous period exceeding four weeks, to undertake the full (100%) range of duties of a post the grade of which is higher than the employee’s own grade, and therefore ceases to carry out the duties of their permanent post, the employee will be deemed to be in a temporary position for the duration of the arrangement effective from the day on which the employee undertakes the duties of the higher post. Accordingly, any overtime payment will be paid at the higher rate of pay subject to the provisions at paragraph 4.10.

Where an employee (or employees) does not undertake the full range of duties of the higher graded post the Council shall grant the employee an allowance based on the salary scale for the higher post, the extent (%) of the additional duties and responsibilities; and the period for which these are undertaken.

Once the qualifying period of four weeks has been satisfied, the allowance will be paid with effect from the day on which the employee was required to undertake the duties of the higher post and shall be made in the next available payroll cycle.

The salary point used for this calculation will be the first spinal column point on the higher level. However, should the arrangement continue, the incremental rules as detailed at paragraph 4.8, will apply.

Overtime payment shall be calculated excluding the allowance, subject to the provisions at paragraph 4.10.

An employee who, while in receipt of such an allowance, is absent due to sickness or on leave of absence without pay shall not be paid the allowance during the period of absence.

In exceptional circumstances i.e. only in order to avoid service failure or meet statutory requirements, a responsibility allowance can be paid with immediate effect even if the arrangement is not expected to last beyond 4 weeks. In these circumstances one full day or full shift worked at the higher rate triggers the entitlement to the higher rate. Any such arrangement must be approved by the Chief HR Adviser.

#### **4.12.4 Night Work**

A designated Night Worker i.e. an employee required to work at night as part of their normal working week, shall receive an allowance at the rate of time and a third for all hours worked between 10.00 pm and 7.00 am. This is the only allowance payable in respect of hours worked between 10.00 pm and 7.00 a.m. for a designated Night Worker.

The allowance for night work is not payable to employees in receipt of allowances for non-core hours working.

Work at night in addition to an employee's contractual hours, which is paid at enhanced rates, shall not be subject to the night work allowance but will be regarded as overtime and paid for in accordance with the overtime provisions.

Work at night in addition to an employee's contractual hours, which is paid at plain time will attract the night work allowance.

#### **4.12.5 First Aid**

An employee, who is required by the Council to be a designated First Aider, must hold a current certificate in first aid for which an appropriate annual allowance will be paid. The Certificates required are those approved by the Health and Safety Executive for the purposes of the Health and Safety (First Aid) Regulations 1985.

The First Aid allowance will be paid in respect of all contractual hours but will not be taken into account in the calculation of overtime premium or any other allowances e.g. non-core time and night work payments. It will be taken into account in calculating the payment for annual leave, sickness allowances, maternity and adoption pay. Part time and term time staff will be paid the allowance on a pro-rated basis.

The allowance will cease with immediate effect when an employee is no longer required to perform the First Aid duty or possess a valid first aid certificate.

Payment of the allowance will be suspended if the employee in receipt of the allowance is absent from work for longer than a 4-week period, except on annual leave, and will resume on their return.

### **4.13 Standby Duty**

Standby duty refers to a specific rostered arrangement whereby employees are under an obligation outside their normal working hours (including Saturdays, Sundays and Public Holidays) to be available to be called out for emergency duty.

Such employees will be required to undertake standby duty and to carry out emergency work as and when the need arises and will be issued with contracts of employment to reflect this commitment.

#### **4.13.1 Payment for Standby**

With the exception of Chief Officers and 3<sup>rd</sup> tier managers, employees required to undertake standby duty, where the requirement is not already reflected in the grade of the post, will be entitled to payment in accordance with the table below.

Standby rates are reviewed on annual basis and are available from the Payroll and Pension team.

An employee performing standby duty will be paid an allowance for each complete week or day(s) of standby duty actually performed, plus a Public Holiday allowance for standby undertaken on Christmas Day, Boxing Day, 1 January or 2 January (or the days nominated as Public Holidays at Christmas and New Year). A Public Holiday is defined as the standby shift which commences on the public holiday and ends on the following day (refer also to paragraph 4.12.4).

#### **4.13.2 Payment for Call-out – Employees on Standby**

Employees undertaking standby duty who are contacted or called out in accordance with the agreed arrangements, shall be paid time and a half for all time worked except for time worked on Christmas Day, Boxing Day, 1 January, or 2 January (or the days nominated as Public Holidays at Christmas and New Year) which will be paid at double time.

For these purposes the hours that attract double time are the hours out with normal working hours that are worked during the 24 hours of each of the 4 days i.e. from midnight to midnight.

Where an overtime payment is appropriate this will not be considered when calculating overtime rates for other time worked during the normal working week.

In this connection the appropriate rate of overtime for employees above the overtime ceiling will be based on Spinal Column Point 75 (see paragraph 4.10.4).

#### **4.13.3 Payment for Call-out – Employees not on Standby**

With the exception of Directors, Assistant Directors, Heads of Services, 3<sup>rd</sup> tier managers, and other employees where the requirement is already reflected in the grade of the post, employees not undertaking standby duty but who are contacted or called out shall be paid for each occasion on which the officer is contacted and which results in the exercise of skills which are required either at the officer's home or elsewhere. Call out rates are reviewed annually and are available from the Payroll and Pensions team.

An employee will only be entitled to one such payment within each period of 2 hours, commencing with the time of the first contact.

Where an officer is entitled to such a payment and where that or subsequent disturbance or call-out is in excess of one hour, the officer will be entitled to further payment of the whole of the disturbance period for call-out at the rate of time and a half, except for hours worked on Christmas Day, Boxing Day, 1 January or 2 January (or the days nominated as Public Holidays at Christmas and New Year) which will be paid at double time. For these purposes the hours that attract double time are hours worked during the 24 hours of each of the 4 days i.e. from midnight to midnight.

Where an overtime payment is appropriate this will not be taken into account when calculating overtime rates for other time worked during the normal working week.



In this connection the appropriate rate of overtime for employees above the overtime ceiling will be based on Spinal Column Point 75 (see paragraph 4.10.4).

#### **4.13.4 Standby Duty on a Public Holiday**

Employees on standby on Christmas Day, Boxing Day, 1 January, or 2 January (or the days nominated as Public Holidays at Christmas and New Year) will receive:

- The Public Holiday payment.
- Compensatory leave for the period equivalent to the normal working day; and
- Additional payment at plain time for the period equivalent to the normal working day.

By agreement, payment at double time for the period equivalent to the normal working day can be made instead of b) and c) above.

Employees on standby on any of the other Public Holidays will receive compensatory leave for the period equivalent to the normal working day.

## **4.14 Payments**

### **4.14.1 Sleep Over**

Where an employee, in addition to or instead of waking night staff, is required to sleep on residential premises or other premises on which the Council is providing a service and be available for duty when called during these hours, and this requirement is not already reflected in the rate of pay, a Sleep Over payment will be made. This payment covers the sleeping-in requirement and up to half an hour's call out per night. When a call out exceeds half an hour on any night, such additional time shall be paid at the appropriate overtime rate. The current rate of payment is £36.65.

### **4.14.2 Mental Health Officer**

A remuneration contract specifies the Mental Health activity required to enable payment of the Mental Health Officer (MHO) remuneration in line with National Standards.

The Council has statutory demands that only MHO's can undertake, and the new MHO's standards indicate that every MHO must be active in the whole range of tasks for registration.

MHO's are required to undertake additional specialist training in order to fulfil the role. This additional work is recognised by the Council in the form of an annual financial payment, normally paid around February.

To receive the payment the MHO's must contribute to the delivery of the Council's statutory responsibility, as specified in the remuneration contract and every MHO in South Ayrshire Council is responsible for evidencing their contribution to statutory activity.

### **4.14.3 Registrar/Celebrant**

Prior to commencing registrar duties, an employee will be required to indicate the hours during which they would be prepared to conduct Civil Marriages, the days on which they would be willing to work and the occasions when they would prefer not to work.

#### 4.14 Pensions

Under the Local Government Superannuation Scheme (LGPS) all new employees, with the exception of employees with contracts for less than 13 weeks, are automatically entered into the pension scheme irrespective of age or salary. This is known as Contractual Enrolment.

Employees who wish to opt out of the pension scheme can do so and providing they have been a member of the scheme for less than 2 years; a full refund of contributions will be made. Employees can join or rejoin at any time during their employment. Full details of the LGPS are available at [Strathclyde Pension Fund](#).

In addition, and under the Pensions Act 2011, the Council is required to automatically enroll certain workers into the LGPS. For the purposes of automatic enrolment employees are categorised as either 'Eligible', 'Non – eligible' or 'Entitled' and the category into which an employee falls, and therefore the Council's duties to that employee, is determined by the employee's age and earnings as follows:

1) Eligible jobholders are workers who:

- are aged between 22 and state pension age; and
- have qualifying earnings that are above £10,000.

These workers are 'eligible' for automatic enrolment.

2) Non-eligible jobholders are workers who either:

- are aged between 16 and 74; and
  - have qualifying earnings between £6,240 and £10,000.
- Or
- are aged between 16 and 21, or state pension age and 74; and
  - have qualifying earnings that are above £10,000.

These workers are not eligible for automatic enrolment but can choose to opt into a pension scheme.

3) Entitled Workers are workers who:

- are aged between 16 and 74; and
- have earnings of less than £6,032

These workers are 'entitled' to join a pension scheme.

Earnings	Age (inclusive)		
	16-21	22-State Pension Age	State Pension Age-74
Under lower earnings threshold (£6,240)	Entitled Worker		
Between £6,240 and £10,000	Non-eligible jobholder		
Over earnings trigger for automatic enrolment (£10,000)	Non-eligible jobholder	Eligible jobholder	Non-eligible jobholder

Changes in an employee's age and earnings may see them move between the different categories of worker and consequently the Council's duties will change. The Council will

continually monitor the age and earnings of employees who are not members of the LGPS as it is required to enrol employees into the LGPS when they become Eligible, even if they have previously been Contractually Enrolled and advise them of their right to opt in to the LGPS when they become non-eligible. The Council will also carry out a full assessment of its workforce for automatic enrolment purposes every 3 years.

Under automatic enrolment an employee who has opted out of the LGPS following Contractual Enrolment will, if eligible, have to be automatically enrolled as a member and pension contributions deducted from their salary. However, although automatic enrolment is compulsory, ongoing membership is not, and employees have the right to opt out of membership.

The Council will issue notification to all employees who have been auto – enrolled, advising them of that fact, providing the terms of the LGPS and confirming their right to opt out. Employees will have 3 months to opt out of the scheme. On receipt of a valid opt out notice, pension contributions will be refunded to the employee.

## 4.15 Annual Leave Provisions

### 4.15.1 General

The Council's leave period is 1 January – 31 December. All leave must be taken within the period 1 January of the year to which it relates and 31 January the following year. Any leave not taken by 31 January will be forfeited.

From 1 January 2023 the Council moved to calculating annual leave in hours as part of the implementation of Oracle Fusion.

A day of annual leave equates to 7 hours for a full time 35-hour employee (pro-rated for part-time employees) and equates to 7.4 hours for a full time 37 hours employee (pro-rated for part-time employees) or for compressed hours working patterns a day's leave will be the number of hours the employee is scheduled to work that day.

Annual leave entitlement is based on completed years of continuous local government service at the commencement of the leave year. Service shall be assessed as continuous service with any Local Authority listed in the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999. Where an employee has returned to Local Government service following a break for maternity reasons, that employee will be entitled to have previous service taken into account, provided that no paid employment has intervened.

For continuous service of less than 1 year, or broken service, the entitlement will be calculated based on complete months, inclusive of any applicable floating days, on a pro-rated basis as detailed in Appendix 1. A "complete month" means the period between a date in one month and the immediately preceding date in the following month (e.g. 15 February to 14 March inclusive).

Leave will be granted subject to the needs of the service. Employees must agree annual leave with the appropriate line manager and submit their request using ESS functionality on Oracle Fusion and giving reasonable notice. If an employee is unable to log their annual leave through ESS, they can arrange for their line manager to action on their behalf.

The notice given should be double the length of the period of leave requested. Annual leave should not be taken without the appropriate authorisation. Where leave has been taken without

prior authorisation, the absence shall be recorded as unauthorised absence and the matter will be dealt with in accordance with the Council’s Disciplinary Policy.

Details on the accrual of annual leave during periods of sickness absence are available at paragraph 4.19.7.

Leave granted should be based on the assumption that an employee will remain in service until the end of the leave year. An employee leaving the services of the Council, for reasons other than dismissal for misconduct, will be granted prior to leaving, any proportion of annual leave due, as per tables in paragraph 4.15.2 – 4.15.4. If however, at the request of the Council or through unavoidable circumstances such leave cannot be granted, the employee will be paid an allowance in lieu and any necessary adjustments will be made in the balance of salary paid at the termination date.

In cases of dismissal on the grounds of misconduct, an employee is not entitled to any payment in lieu of annual leave subject to receiving the statutory minimum for service given, to the date of dismissal.

Where an employee is requesting to take a half day of annual leave, they will be permitted to take half of the working hours on the day in question.

**4.15.2 Chief Officers**

All Chief Officers are entitled to a maximum of 34 days annual leave dependent upon their length of continuous service. Annual leave will increase based on the table below from 28 days up to the maximum of 34 days as follows:

Completed Years’ Service	Days	Floating Days	Total days	Full Time Value for Chief Officer in hours
Less than 5 years	28	3	31	217
6 to 10 years	31	3	34	238
Over 10 years	34	3	37	259

**4.15.2 Term-Time**

Term time employees working in schools are contractually obliged to attend work for each of the annual 195 days the school is operating. It is not expected that school term time employees make leave requests within the school term unless this request is covered under the provisions of the Council’s Special Leave Scheme. If exceptional circumstances arise which prompt a leave request, approval lies with the Head of Service.

An allowance in lieu of annual leave and public holiday entitlement is included in the calculation of annual salary. This is detailed in an employee’s schedule of terms and conditions.

**4.15.3 Local Government and Craft Employees**

All employees are entitled to a maximum of 29 days annual leave dependent upon their length of continuous service. Annual leave will increase by one day each year from 21 days up to the maximum of 29 days. The following tables provide the full-time values in hours for the annual leave entitlement for employees depending on the number of floating days that apply as per the terms and conditions Schedule:

**Table 1 - Standard Annual Leave Calculator (10 fixed public holidays plus 3 floating days)**

Completed Years' Service	Days	Floating Days	Total days	Full Time Value for 35-hour employee in hours
<b>Less than 1 year</b>	21	3	24	<b>168</b>
<b>1</b>	22	3	25	<b>175</b>
<b>2</b>	23	3	26	<b>182</b>
<b>3</b>	24	3	27	<b>189</b>
<b>4</b>	25	3	28	<b>196</b>
<b>5</b>	26	3	29	<b>203</b>
<b>6</b>	27	3	30	<b>210</b>
<b>7</b>	28	3	31	<b>217</b>
<b>8 +</b>	29	3	32	<b>224</b>

**Table 2 - Other Schedule Annual Leave Calculator (4 fixed public holidays and 9 floating days)**

Completed Years' Service	Days	Floating Days	Total days	Full Time Value for 37-hour employee in hours
<b>Less than 1 year</b>	21	9	30	<b>222</b>
<b>1</b>	22	9	31	<b>229.40</b>
<b>2</b>	23	9	32	<b>236.80</b>
<b>3</b>	24	9	33	<b>244.20</b>
<b>4</b>	25	9	34	<b>251.60</b>
<b>5</b>	26	9	35	<b>259</b>
<b>6</b>	27	9	36	<b>266.40</b>
<b>7</b>	28	9	37	<b>273.80</b>
<b>8 +</b>	29	9	38	<b>281.20</b>

**Table 3 – School Based Staff Annual Leave Calculator (13 fixed public holidays)**

Completed Years' Service	Days	Full Time Value for 35-hour employee	Full Time Value for 37-hour employee
<b>Less than 1 year</b>	21	<b>147</b>	<b>155.40</b>
<b>1</b>	22	<b>154</b>	<b>162.80</b>
<b>2</b>	23	<b>161</b>	<b>170.20</b>
<b>3</b>	24	<b>168</b>	<b>177.60</b>
<b>4</b>	25	<b>175</b>	<b>185</b>
<b>5</b>	26	<b>182</b>	<b>192.40</b>
<b>6</b>	27	<b>189</b>	<b>199.80</b>
<b>7</b>	28	<b>196</b>	<b>207.20</b>
<b>8 +</b>	29	<b>203</b>	<b>214.60</b>

#### 4.16 Scheme of Enhanced Leave

Employees, with the exception of teachers and school-based term time employees, can purchase additional days to increase their annual leave entitlement. The maximum number of hours that can be purchased per year cannot exceed 2 weeks i.e. 2 x the equivalent of an employee's contractual weekly hours.

For further information please refer to the [Scheme of Enhanced Leave](#).

## 4.17 Public Holidays

### 4.17.1 General

In addition to annual leave, employees are granted up to a maximum of 13 public holidays per annum comprising a number of fixed and floating days. The exact number of fixed and floating days will be determined by individual service requirements and will be notified to employees in their schedule of terms and conditions. The exact dates of fixed public holidays will be issued each year.

For Council premises that are closed during the Christmas and New Year period, employees should use their floating annual leave days to facilitate their annual leave requirement. However, in certain circumstances, subject to agreement with line managers, it may be possible to use flexi leave or TOIL credit in some areas.

Employees working in schools and other term-time establishments will have public holidays set in accordance with the arrangements in the establishment.

Public Holiday entitlement is proportionate to the number of days worked per week as follows:

Days worked per week	4 Fixed public Holidays	8 Fixed public Holidays	10 Fixed public Holidays	13 Fixed public Holidays
1	1	2	2	3
2	2	3	4	5
3	2	5	6	8
4	3	6	8	10
5	4	8	10	13

Public Holidays are converted in hours for the purpose of calculating entitlement. A day of public holiday equates to 7 hours for a full time 35-hour employee (pro-rated for part-time employees) and equates to 7.4 hours for a full time 37 hours employee (pro-rated for part-time employees).

Where the pro-rata entitlement is more than the number of hours which would actually accrue in the leave year then the difference should be added to the employee's annual leave entitlement.

Similarly, where the pro-rata entitlement is less than the number of hours which would actually accrue in the leave year then the difference should be deducted from the employee's annual leave entitlement.

An employee who starts or leaves part way through a year will be entitled to Public Holidays based on complete months, on a pro-rated basis. A "complete month" means the period between a date in one month and the immediately preceding date in the following month (e.g. 15 February to 14 March inclusive).

### 4.17.2 Public Holiday Working

An employee who is required to work on Christmas day or Boxing day or 1 January or 2 January, or the days nominated as public holidays at Christmas or New Year, will receive in addition to their pay for the day, plain time and a day in lieu or double time in complete recompense. These are the only days that will attract enhanced payments if an employee is required to work.

Arrangements for public holidays can be reviewed and agreed on a service need basis and in exceptional circumstances, where an employee is required to work on any other public holiday (apart from those identified above) which has been notified as a fixed day in their schedule of terms and conditions, they will receive a day in lieu in addition to their pay for the day. There will be no enhanced payments.

Time off will be based on the following:

Time Worked	Time Off
Half of a normal day or less	Half of a normal working day
Over half of a normal working day	The whole of a normal working day

For night/shift working, the public holiday shall be defined as that complete shift which commences on the public holiday and ends on the following day.

The decision on the appropriate method of pay or leave will be taken by Directorate Management to meet the exigencies of the service.

#### 4.17.3 Sickness Absence on a Public Holiday

Where an employee is receiving sick pay under the Occupational Sickness Scheme, sick pay will continue if a public or extra statutory holiday falls during such sickness absence. No substitute public or extra statutory holiday will be given. Where an employee has exhausted sickness allowance, no payment shall be made in respect of a public holiday occurring during the period of sickness absence.

#### 4.18 Special Leave

Special Leave is available to all employees of the Council for a wide range of reasons, and may be with or without pay. A summary of the types of special leave that will be granted are available in the Appendix 1 of the [Special Leave Policy](#).

Employees should submit requests for Special Leave using ESS functionality on Oracle Fusion. Requests will initially go to line managers for information; however, approval of the request will be made by a more senior manager with the relevant approval level. Appointment cards or other notification should be attached to the request where available.

Requests for Special Leave, in the following cases, must be discussed with the Chief HR Adviser before approval.

- Employees with less than 5 years' service who request leave of absence to visit relatives overseas;
- Employees who apply for voluntary service overseas;
- Employees who wish time off to participate in an international sporting or cultural event;
- Local Government employees who wish to apply for a career break.

For further information and guidance reference should be made to the [Special Leave Policy](#).

## 4.19 Absence Management – Summary of Sickness Allowances

An integral part of the sickness provisions includes the effective management of sickness absence and reference should be made to Section 6 of this Scheme – Health and Wellbeing and the Council's Framework for Maximising Attendance at Work.

### 4.19.1 General

A day of sickness absence is a day on which the employee is deemed to be incapable by reason of illness of doing work which can reasonably be expected to be done under the Contract of Employment. This includes days of absence from work due to an industrial injury or disease.

When an employee is absent from work due to sickness or disablement, they will normally receive Statutory Sick Pay (SSP) and/or Occupational Sick Pay (OSP).

The qualifying conditions for these payments are different and full details of the Schemes are provided at paragraphs 4.19.3 and 4.19.4 respectively.

An employee who exhausts or is not entitled to SSP, may be entitled to Employment Support Allowance (ESA). Information on ESA is contained at paragraph 4.19.5.

Payments are made in accordance with the provisions set out in:

- Social Security and Housing Benefits Act 1982;
- Social Security Contributions and Benefits Act 1992;
- Social Security Act 1975;
- Redundancy Payments (Continuity of Employment in Local Government) Modification Order 1999;
- Access to Medical Reports Act 1998.

An employee must provide any information required by the Council to determine whether they are excluded from entitlement to statute based benefits and any subsequent alteration in the circumstances on which such entitlement is based.

Where an employee has received payments based on erroneous information the Council shall be entitled to recover such payments from the employee.

### 4.19.2 Notification of Absence

The provisions set out below relate to the notification and certification of all periods of sickness absence. An employee must fulfil all of these requirements to be entitled to SSP or OSP (unless otherwise specified).

As outlined in the Councils Framework for Maximising Attendance at Work an employee should notify their line manager of the absence and reasons for absence as required in Stage 1 – 4 below:

- **Day 1** - When an employee is prevented by sickness for reporting for duty (so that there is a day of incapacity for work or a day of sickness absence) the employee, or some other person acting on the employees' behalf, shall notify the Council by phoning their line manager or designated person at least an hour before their scheduled time of start. Employees will also be required to log their first full day of sickness absence



on Oracle Fusion using ESS functionality. If an employee is unable to log their absence through ESS, they can arrange for their line manager to action on their behalf.

- **Day 4** - Where the absence continues to a 4<sup>th</sup> day the employee, or some other person acting on the employees' behalf, shall notify the Council of the continuing absence and whether the period of absence is likely to continue beyond a 7<sup>th</sup> day.
- **Day 7** - An employee can self-certify sickness absence for periods up to 7 days, therefore, where the absence lasts up to 7 days and then the employee returns to work, they must update and end their Absence record on Oracle Fusion or arrange for their line manager to action on their behalf.
- **Beyond 7 days** - Where the absence extends beyond 7 days the employee is required to submit a Statement of Fitness for Work to cover the period of absence beyond 7 days.

Where an employee fails to comply with the Notification and Certification requirements in respect of any day of sickness, entitlement in respect of that day to either SSP or OSP shall cease.

The effects of non-compliance with the notification and certification requirements are also set out in the Framework for Maximising Attendance at work.

#### **4.19.3 Statutory Sick Pay**

Statutory Sick Pay (SSP) is a statutory based payment and a measure of earnings replacement for employees who are absent from work because of sickness i.e. the period of incapacity for work (see (a) below). The Council will pay SSP to all employees who satisfy the qualifying conditions when they are off work sick.

The rate of SSP is determined by Government and is subject to tax and National Insurance deductions.

##### *Qualifying Conditions*

An employee must meet all of the following qualifying conditions to be paid SSP. The employee:

- Must be an employee and will need to have done some work under their Contract of Employment before being absent from work due to sickness; and
- Must be incapable for work for at least four or more days in a row. This is called a Period of Incapacity for Work. All days of sickness count towards the total number of days in a period of incapacity for work, including bank holidays, weekends and non-working days. If there are less than four consecutive days there is no period of incapacity for work. A period of incapacity for work may be linked with previous periods of incapacity for work. A period of incapacity for work is linked and treated as one period of incapacity for work if the gap between them is 56 calendar days or less. Any subsequent spells of sickness must be 4 or more days to form another period of incapacity for work otherwise there is no subsequent period of incapacity for work to link with an earlier period of incapacity for work; and
- Must have at least one Qualifying Day in each week – these are the days an employee normally works. These are the only days that: an employer can pay SSP or count as

Waiting Days (see b) below). The qualifying days for Council employees have been determined as follows:

WORKING HOURS	WORKING DAYS	QUALIFYING DAYS
<b>Full-time</b>	Monday to Friday	All seven days of the week (Sunday to Saturday) are considered qualifying days
<b>Part-time</b>	Monday to Friday	
<b>Full-time</b>	Irregular	
<b>Part-time</b>	Irregular spread over 5 or more days other than Monday to Friday	
<b>Part-time</b>	Less than 5 days in a week	The days on which the employee is actually rostered to work are considered qualifying days.

And

- Must have earnings at least as much as the Lower Earnings Limit. This is the minimum 'Average Weekly Earnings' an employee must earn to qualify for a statutory payment such as SSP.
- Must have notified the Council about their sickness and provide medical evidence of sickness as outlined in notification and certification at paragraph 4.30.8

#### *Waiting Days*

SSP is not payable for the first three qualifying days in a period of incapacity for work. These are called Waiting Days. They are not always the first three days of sickness as the employee may have been sick on non-qualifying days. SSP is payable from the first qualifying day after the three waiting days.

Where periods of incapacity for work are linked and all three waiting days fall in the first period of incapacity for work there will be no waiting days in any later linked spells of sickness. Any remaining waiting days must be served at the beginning of the next linked period(s) of incapacity for work.

#### *Period of Entitlement*

SSP is payable, subject to satisfying the qualifying conditions below, for qualifying days, up to a maximum of 28 weeks in any single period of incapacity for work (whether linked or continuous).

This is except where linked periods of incapacity for work extend beyond 3 years. Entitlement to SSP finishes at the end of the 3<sup>rd</sup> year.

#### *Calculations*

When calculating SSP entitlement and payment, a week is a period of 7 days starting on Sunday and ending on Saturday.

Average weekly earnings are equal to or more than the lower earnings limit before tax and National Insurance contributions are deducted. They are calculated depending on an employees pay cycle as below:

PAY CYCLE	CALCULATION
<b>Monthly</b>	Add together the payments made on the last pay day before the period of incapacity for work began and on the immediately preceding pay day; multiply the total by 6 and divide by 52 to produce the weekly average.
<b>New Employees</b>	<p>For employees who have received at least one payment but who have not received payment for 8 weeks by the time the period of incapacity for work began:</p> <p>Add together all the payments made before the period of incapacity for work began and divide by the total number of weeks these payments represent, to produce a weekly average. Odd days count as 1/7<sup>th</sup> of a week.</p> <p>For employees who have not been paid at all at the time the period of incapacity for work began:</p> <p>Average weekly earnings are deemed to be the pay the employee is entitled to under the Contract of Employment for a week's work.</p>

Only earnings in this 8-week period can be used for the average weekly earnings calculation. Earnings must have been subject to NI contributions or would be if earnings were high enough. Earnings may include:

- Normal earnings;
- Bonuses;
- Holiday pay;
- Overtime;
- Other statutory payments

If an employee has participated in any of the Council's salary sacrifice schemes the average weekly earnings will be calculated using the actual earnings minus the salary sacrifice. This may take earnings below the lower earnings limit therefore meaning that the employee may not be eligible for SSP.

*Exclusion from Entitlement*

There is no entitlement to SSP where an employee on the first day of a period of incapacity for work:

- has average weekly earnings less than the lower earnings limit for National Insurance contributions; or
- started or returned to work after getting Employment Support Allowance from Job Centre Plus/SSA and are a 'benefits recipient' who is sick within the first 12 weeks or starting or returning to work; or
- is a new employee who has done no work under their Contract of Employment; or
- is absent due to sickness during a period of industrial action (unless the employee has not taken part in the industrial action and has no interest in it); or
- is absent due to sickness during the qualifying period relating to pregnancy (e.g. from the beginning of the maternity pay period for a period of 18 weeks); or
- has already had 28 weeks of SSP from the Council and a new spell of sickness links to the last one. SSP1 form should be issued to allow the employee to claim Employment Support Allowance; or
- was not entitled to SSP for a previous sickness absence, for any reason, and this new spell of sickness links to their last one; or

- has already been due 28 weeks SSP from a previous employer and the period between the first day of incapacity for work with the Council and the last day of SSP with the previous employer is 56 calendar days or less; or
- where linked periods of incapacity for work extend beyond 3 years. Entitlement to SSP finishes at the end of the 3<sup>rd</sup> year; or
- is in legal custody or is subsequently taken into legal custody; or
- contract of employment ends or brought to an end; or
- is absent from work due to a pregnancy related illness in the 4 weeks before their expected week of childbirth; or
- entitlement will also cease when the employee returns to work as they are no longer incapable of work, due to sickness, under the Contract of Employment.

#### **4.19.4 Occupational Sick Pay**

Occupational Sick Pay (OSP) is a payment made which is in addition to the statute-based payments (e.g. SSP) which an employee may receive. Payment is subject to a range of conditions, many of which are additional to those applying to the statute-based payments.

OSP is payable in respect of all days of sickness absence (including Saturdays, Sundays and public holidays) which are also qualifying days.

##### *Qualifying Conditions*

An employee must meet all of the following qualifying conditions to be paid OSP:

- notification is made immediately to the person identified for this purpose by the Council (see 4.19.2 above);
- further notification is made as required by the Council;
- evidence of incapacity for work should be provided no later than the 8<sup>th</sup> calendar day of absence e.g. Med 3 04/10 Statement of Fitness for Work;
- subsequent evidence of incapacity is submitted as necessary; and
- upon return to work the employee must complete the Absence Report (ABS/FORM/4) in order to self-certify for all absences up to and including 7 days.

Where, for the purposes of qualifying for OSP, the Council requires a Statement of Fitness for Work from an employee, the Council will reimburse the employee the costs of the Statement on the provision of a receipt.

##### *Waiting Days*

OSP is payable from the first day of sickness absence. There are no waiting days.

##### *Normal Pay*

Normal pay includes all earnings that would be paid during a period of normal working but excluding any payments not made on a regular basis. Payments included in normal pay also include i) overtime payments made where the Contract of Employment provides that the employee must undertake hours in excess of normal hours and ii) any contractual allowances as per the Contract of Employment.

The social security benefits to be considered for the calculation of sick pay are those to which an employee is entitled on the basis that the employee has satisfied so far as is possible:

- The conditions for the reporting of sickness as required by the Council.

- The claiming of benefits.
- The obligation to declare any entitlements to benefits and any subsequent changes in circumstances affecting such entitlement.

*Continuous Service*

To qualify for entitlement to OSP, service is current continuous service with any local authority listed in the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999.

Where an employee returns to Local Government service following a break for maternity reasons, they will be entitled to have previous service taken into account in respect of sickness schemes provided that the break does not exceed eight years and that no paid employment has intervened.

*Entitlement*

An employee's entitlement to OSP will depend on length of continuous service. On satisfying the Council's medical requirements employees who have accrued 26 weeks continuous service are entitled as follows:

SERVICE AT COMMENCEMENT OF ABSENCE FROM DUTY	FULL ALLOWANCE	HALF ALLOWANCE
<b>Less than 26 weeks</b>	Nil	Nil
<b>26 weeks or more but less than 1 year</b>	5 weeks	5 weeks
<b>1 year but less than 2 years</b>	9 weeks	9 weeks
<b>2 years but less than 3 years</b>	18 weeks	18 weeks
<b>3 years but less than 5 years</b>	22 weeks	22 weeks
<b>5 years and over</b>	26 weeks	26 weeks

In exceptional circumstances, and only with the approval of the Chief HR Adviser, the period of full allowance or half allowance provided for in this paragraph may be extended.

Where an employee has entered or re-entered Local Government employment and is in receipt of benefits under any occupational pension scheme service for OSP purposes shall commence on the date of entry or re-entry into the local government service.

The period for which the allowance shall be paid in respect of any period of sickness absence shall be ascertained by deducting from the period of allowance appropriate to the employee's service, on the first day of absence, the aggregate of the periods of absence due to sickness during the twelve months immediately preceding the first day of absence except that neither the aggregate nor twelve month period shall include any periods of absence on unpaid leave. The reference period will be extended by the length of the period of unpaid leave. The aggregate of such previous periods of sickness allowance shall be deducted in the first instance from the full allowance period and the balance from the half allowance period to which the employee is entitled in respect of the latest absence.

*Calculations*

OSP is payable only in respect of qualifying days (see 4.30.10a) The daily rate of OSP is the appropriate weekly rate divided by the number of qualifying days in the week. Calculations are based on 'normal pay' as defined at 4.30.11b.

- Full Allowance:

In the case of full allowance OSP will be an amount, which when added to SSP will be the equivalent of normal pay.

Where an employee is, or becomes excluded from entitlement to SSP, the full OSP allowance will be a sum which, when added to benefits payable, will be the equivalent of normal pay.

- Half Allowance:

In the case of half allowance OSP will be an amount equal to half normal pay plus an amount equivalent to SSP so long as the total sum does not exceed normal pay.

Where an employee is, or becomes excluded from entitlement to SSP, the half allowance will be a sum which is equal to half pay so long as this sum, when added to benefits payable, does not exceed full normal pay.

An employee who intends to pursue a claim against a third party or insurer in respect of responsibility for an accident that results in absence from work may have OSP adjusted. Reference should be made to paragraph 4.30.11

#### *Exclusion from Entitlement*

There is no entitlement to OSP if an employee:

- has less than 26 weeks continuous service;
- is absent due to sickness during a stoppage of work as a result of industrial action (unless the employee has not taken part in the industrial action and has no direct interest in it);
- on the first day of sickness has already exhausted or subsequently exhausts OSP entitlement;
- on the first day of sickness absence is in legal custody or subsequently taken into legal custody;
- fails to satisfy or continue to satisfy the notification or certification requirements;
- is absent on maternity leave;
- terminates or has their contract of employment terminated;
- has a contract of employment which is terminated whether by reason of permanent ill health or infirmity of mind or body. This is without prejudice to the right of an employee whose employment is terminated by reason of permanent ill health to receive the period of notice as specified in the Contract of Employment;
- abuses the OSP scheme and as a result may be *excluded* from OSP on account of:
  - the employee's own misconduct or neglect;
  - active participation in sport for payment;
  - an injury while working in the employee's own time for private gain or for another employer.
- abuses the scheme and as a result may be *suspended* from OSP on account of:
  - a sickness absence due or attributable to deliberate conduct prejudicial to recovery.

If an employee is guilty of conduct prejudicial to their recovery, then the payment of OSP may be suspended. The Council will advise the employee of the ground for suspension and the employee will have the right of appeal using the Council's Grievance Policy.

If the Council decides that the grounds were justified the employee will forfeit the right to any further payment in respect of that period of absence.

If the Council decides that the grounds were not justified OSP will be re-instated from the original date of suspension.

Abuse of the OSP scheme will be dealt with under the Council's Disciplinary Policy.

Entitlement will also cease when the employee returns to work as they are no longer incapable of work, due to sickness, under the Contract of Employment.

### *Third Party Claims*

OSP will be paid in the normal way. Where an employee intends to pursue a claim, the Council may, having regard to the circumstances of the case, make an advance payment to the employee (the amount would not exceed the OSP due). This is subject to the employee agreeing to refund to the Council the total amount of OSP or the proportion represented in any damages received. Any amount previously paid as OSP shall be taken to be part of the advance and treated as such.

Any period of absence in such a case where a refund of the advance is made in full shall not be treated as sickness absence and shall not count against the periods of entitlement set out in 4.19.4 (e) above. The period shall be treated as Special Leave.

Where the refund is made in part only the period of absence not covered by the amount of damage shall not be treated as sickness absence and shall not count against the periods of entitlement. It shall instead be treated as special leave.

Where there is no award of damages the absence shall be treated as sickness absence and count against the periods of entitlement.

### **4.19.5 Employment Support Allowance**

If an employee is excluded from entitlement to SSP or entitlement ceases, they may be entitled to Employment and Support Allowance (ESA). ESA provides financial help to individuals who are unable to work because of illness or disability. It also provides personalised support to those who are able to work.

In such circumstances the Council will complete and send an SSP1 form to the employee who, if wishing to claim ESA, should forward the form to the Department for Work and Pensions.

### *Qualifying Conditions*

An employee may be able to claim ESA if they have an illness or disability that affects their ability to work and any of the following apply:

- SSP entitlement has ended or there is no entitlement;
- The employee has been in receipt of Statutory Maternity Pay (SMP) and has not returned to work because of an illness or disability which affects their ability to work;

- The employee is under state pension age.

Additionally, the employee must also either:

- have had an illness or disability affecting the ability to work for at least 4 days in a row (including weekends and public holidays); or
- be unable to work for 2 or more days out of 7 consecutive days; or
- be receiving special medical treatment.

#### *Calculations*

The amount of ESA payable is dependent upon an employee's individual circumstances. It also depends on what impact the illness and/or disability has on an employee's ability to undertake any work.

#### **4.19.6 Sickness During Annual Leave**

If an employee falls sick during the course of annual leave they will be regarded as being on sick leave from the date of a Statement of Fitness for Work, which must be provided to the Council at the earliest practicable date. Employees must also follow normal sickness absence reporting procedures i.e. contact their Line Manager on the 1<sup>st</sup>, 4<sup>th</sup> and 7<sup>th</sup> day of the absence.

#### **4.19.7 Accrual of Annual Leave**

If an employee is absent for less than 6 months (where a month is the period from one date in a month to the previous day in the following month e.g. 16 February to 15 March) and returns to work during a calendar year (1 January to 31 December), their annual leave accrued during absence will be based on their contractual service entitlement.

If absent for a full calendar year (1 January to 31 December) or absent for over 6 months and the employee returns in the calendar year, a maximum of 28 days statutory annual leave inclusive of public holidays is accrued, pro-rated for part time employees.

This will apply where an employee's absence spans more than one calendar year. For example, for an employee who has been absent for more than 6 months in year one and less than 6 months in year two, the statutory minimum of 28 days (inclusive of public holidays) would apply for year one and the employee's service entitlement would apply for year two.

If an employee has been absent for 2 years or more, they will only be permitted to carry forward a maximum of 28 days (pro-rata for part-time workers) into the following leave year in which they return to work.

Where a public holiday falls during a period of sickness absence, these days are not reimbursed on the employee's return to work.

Employees should use accrued leave to facilitate a phased return to work where appropriate and if returning from a period of long-term absence should use their accrued annual leave as soon as practicably possible. If leave can't be taken by the 31 January, it should be taken within 3 months of their return to work date.

Where an employee is unable to return to work following a period of ill-health, payment in lieu of accrued leave will be applied up to the statutory maximum of 28 days in total inclusive of public holidays, pro-rated for part-time employees. Statutory annual leave of 28 days cannot be replaced by a payment in lieu except where employment is terminated.



Employees on long-term sick leave who are on half pay or out of pay can request payment of accrued annual leave.

When calculating accrued annual leave, any public holidays or annual leave taken before an employee was absent or still to be taken when they return, will be taken account of in their entitlement, subject to a minimum of 28 days.

#### **4.19.8 Sickness Provision for Victims of Crime or Violence**

Where an employee is absent from work because of an injury in respect of which an award may be made by the Criminal Injuries Compensation Board and the employee is otherwise qualified to receive sickness allowance such allowance shall be granted without a requirement to refund any proportion of it from the sum which the Compensation Board may award.

Where an award has been made by the Compensation Board the period of absence shall not be treated as sickness absence and shall not count against the periods of entitlement set out in 4.19.4 (e) above. The period of absence shall be treated as special leave. In the case of an assault in the course of employment an employee's period of absence shall not be treated as sickness absence and shall not count against the periods of entitlement; it shall instead be treated as special leave.

#### **4.19.9 Sickness/Disablement due to an Accident in the Course of Employment**

Where an employee is absent due to sickness or disablement as a result of an accident arising out of or in the course of Council employment or due to an industrial disease the employee shall be entitled to a separate allowance calculated on the same basis as the OSP provided for above.

Absence in respect of normal sickness and absence due to an industrial accident or disease will be treated separately. Periods of absence in respect of one will not be offset against the other for the purpose of calculating entitlements under the scheme.

An absence due to an accident shall only qualify for payment under this paragraph when the incident has been recorded using the Council's own accident reporting procedures\* approved for the purposes of the Social Security Act 1975 as appropriate and in the subsequent investigation by the Council the facts so recorded are found to be accurate.

**Note:** Every effort must be made to ensure that all accidents are recorded using the Council's [Internal incident reporting form on the Core](#) including those where the employee, as a result of the accident, is unable to make the entry. In circumstances where no entry is made at the time of the accident the Council may refuse the payment of industrial injury allowance. The Council will still need to carry out the required investigation into the accident to establish the facts. If that investigation establishes that an accident took place arising out of or in the course of employment the employee will nonetheless be entitled to the industrial injury allowance despite the fact that no entry has been made on the online form.

\*the accident reporting form is the Council's own reporting form and incorporates the same information as the Accident Book (Form B1 150). This form is utilised in place of B1 150 as agreed following consultation with the HSE.

## 4.20 Maternity, Paternity and Adoption Leave Provisions

### 4.20.1 Maternity or Adoption Leave

All pregnant employees and adoptive parents of children up to 18 years of age are entitled to take up to 52 weeks maternity/adoption leave, regardless of length of service. However, payment entitlements are dependent on length of continuous service, as follows:

- **Employees with less than 26 weeks continuous service:**

- by the 15<sup>th</sup> week before the Expected Week of Childbirth (EWC); or
- the week in which the employee is notified of being matched with a child for adoption by an approved adoption agency,

are entitled to a period of up to 52 weeks maternity/adoption leave (unpaid). This leave may be taken anytime from:

- 11 weeks before the date the baby is due; or
- 14 days before the expected date of the child's placement.

Employees who do not have the qualifying service, will not be entitled to Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP) nor will they be entitled to Occupational Maternity/Adoption pay.

Within 7 days of the decision that an employee is not entitled to SMP or SAP the Council will complete an SMP Exclusion Form (SMP1) or a Non-Payment of Statutory Adoption Pay Form (SAP1) and send it to the employee. The employee should complete and forward the appropriate form to the Department of Work and Pensions.

If the employee does not qualify for SMP, they may be eligible for Maternity Allowance which is paid for 39 weeks. Payments can start 11 weeks before the baby is due.

If an employee does not qualify for SAP, they may qualify for other allowances and should discuss their eligibility with the Department for Work and Pensions.

- **Employees with at least 26 weeks continuous service:**

- At the 15<sup>th</sup> week before the EWC: or
- the week in which the employee is notified of being matched with a child for adoption by an approved adoption agency,

are entitled to a period of leave not exceeding 52 weeks in total. This leave may be taken anytime from

- 11 weeks before the date the baby is due; or
- 14 days before the expected date of the child's placement.

Women who have the required service will be entitled to 26 weeks paid ordinary maternity/adoption leave and will also be able to take 26 weeks additional maternity/adoption leave. This additional maternity/adoption leave will start immediately after ordinary maternity/adoption leave and continue for a further 26 weeks. The last 13 weeks of additional maternity/adoption leave will be unpaid.

Employees will be entitled to occupational maternity/adoption pay and statutory maternity/adoption pay as follows:

- weeks at 9/10ths inclusive of statutory maternity/adoption pay;
- 12 weeks at 5/10 pay plus statutory maternity/adoption pay or other allowances subject to the total amount not exceeding the employee's full pay;
- 21 weeks at the statutory maternity/adoption pay rate or 90% of the employee's average weekly earnings if this is less than the statutory maternity/adoption pay rate;
- The remaining 13 weeks are unpaid.

Temporary employees should seek further advice from HR on which maternity scheme, conditions and entitlements apply to them.

Only one period of leave will be available to employees irrespective of the number of children born as a result of the same pregnancy or adoption at that time.

Women who experience a premature birth or whose babies are stillborn on or after the 25th week of pregnancy still qualify for maternity leave. However, if the baby is stillborn or the mother miscarries on or before the 24th week of pregnancy, the employee is not entitled to maternity pay but will be eligible for sick pay.

Where an adoption placement ends for any reason during the adoption leave, the employee should notify Human Resources. Where the adoption placement ends within the first 26 weeks of adoption leave, the employee will be entitled to remain absent from work until the end of the 26-week period. Where the adoption placement ends after the 26<sup>th</sup> week of adoption leave, the employee will be entitled to remain absent for up to 8 weeks after the end of the placement or until the end of the adoption leave period whichever is sooner. Notification of the intended return date should be given in accordance with paragraph 4.20.4.

Employees who are entitled to maternity or adoption pay are required to return to work for a period of not less than 3 months. An employee who fails to return to work or returns to work but leaves before having worked for the full 3-month period will be required to repay to the Council at 5/10 pay.

#### **4.20.2 Notice Requirements**

An employee should give the earliest possible notice to the Council of the possibility of adoption or her pregnancy. This will enable the Council to take appropriate action including health and safety measures and risk assessment in the case of pregnancy. Maternity or Adoption leave will be requested through ESS functionality on Oracle Fusion.

Employees should notify their Manager of the intention to take maternity leave by the 15<sup>th</sup> week before the EWC unless this is not reasonably practicable; or to take adoption leave within 7 days of being notified by their adoption agency that the employee has been matched with a child for adoption unless this is not reasonably practicable.

Employees on maternity leave should notify the Council of the actual date of childbirth at the earliest possible date and in any case, within 28 days of the birth. This notification should be submitted through ESS functionality on Oracle Fusion. The Council will then respond to the notification within 28 days, setting out the date on which the employee is expected to return to work if they take full entitlement to maternity/adoption leave.

### **4.20.3 Entitlements during Maternity and Adoption Leave**

#### **Pension Contributions**

Pension contributions during maternity or adoption leave will continue to be deducted whilst the employee is still in pay. However if an employee wishes to make contributions in respect of the period of unpaid leave, they are required to complete Form S4 which is available from Payroll. In these circumstances the Council will also make its contributions for the period of unpaid leave. If contributions are not maintained during this period it will be treated as a break in service for pension purposes.

#### **Keeping in Touch Days**

Employees are entitled to return to work for up to 10 days during the statutory maternity or adoption leave period or additional paternity leave without bringing their leave to an end. Work means any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace. Any days work carried out shall not have the effect of extending the total duration of the statutory leave period. There must be an agreement between the employee and their manager on what work is to be done and when the work will be carried out.

Any days worked on a particular day for the purposes of keeping in touch (KIT) will amount to one whole KIT day and one KIT day should be deducted from the total accordingly. The payment for a KIT day will be paid at the normal hourly rate for the exact number of hours worked.

### **4.20.4 Returning to Work**

An employee who intends to return to work at the end of her full maternity or adoption leave entitlement is not legally required to give any further notification to the Council, however, to ensure that pay is not affected, it is advisable to provide the notification through ESS functionality on Oracle Fusion.

An employee who wants to return to work before the end of her maternity/adoption leave will need to give the Council at least 8 weeks' notice of the intended date of return, subject to the fact that it is unlawful for a mother to work in the 2 weeks after the birth of her child.

Where an employee has terminated her employment due to pregnancy or childbirth but her baby does not survive, they may be entitled to return to work. However any return to work will be without the right to return to the same post at the same grade or salary as applied immediately prior to the termination of employment. Each case will be considered on its own merits.

### **4.20.5 The right to retain a job**

An employee maintains the right to return to the same job after returning from any period of leave that includes maternity, paternity, adoption and shared parental leave that totals 26 weeks or less in aggregate, even if the leave is taken in discontinuous blocks. If the period of leave exceeds 26 weeks, the employee has the right to return to the same job, or if that is not reasonably practicable, a similar job.

#### **4.20.6 Sickness Following Maternity or Adoption Leave**

When an employee has terminated her maternity or adoption leave by giving notice that they intend to return to work and later submits a medical certificate, the employee will be deemed to be on sickness absence and the normal procedures, as outlined in the Framework for Maximising Attendance at Work, will apply.

#### **4.20.7 Ante-Natal Care and Pre-Adoption Meetings**

Ante-Natal Care: Pregnant employees are entitled to reasonable time off with pay to attend ante-natal appointments. Except for the first appointment, an employee must be prepared to show the Council:

- a certificate from a registered medical practitioner, registered midwife or registered health visitor confirming that you are pregnant and
- an appointment card or some other document showing that an appointment has been made.

Ante-natal care not only includes medical examinations but also dental appointments, relaxation and parent craft classes.

Partners of expectant mothers and Parental Order parents in a surrogacy arrangement can take reasonable time off to attend up to two unpaid antenatal appointments. An employee must be prepared to show an appointment card or some other document showing that an appointment has been made.

Pre-adoption Meetings: An employee who is adopting will be allowed to take reasonable time off with pay, as required, to attend pre-adoption meetings. The employee must be prepared to show evidence of appointments.

#### **4.20.8 Risk Assessment**

Specific consideration must be given to the risks posed to new and expectant mothers. If the risks cannot be avoided by other means, it will be necessary to alter working conditions or hours, offer suitable alternative work, or if that is not possible, to give the worker paid leave for as long as necessary to protect the health and safety of herself and of her child.

#### **4.20.9 Retrospective Pay Awards**

If the council implements a pay award that is effective:

- during the relevant period for calculating SMP or SAP i.e. the 8-week period ending with a) the last normal pay day before the end of the 15th week in advance of the expected week of childbirth; or b) the week in which the employee is notified of being matched with a child for adoption (the relevant period); or
- after the relevant period, but before maternity or adoption leave starts; or
- during ordinary maternity or adoption leave; or
- during additional maternity or adoption leave.

The employee's average weekly earnings will be recalculated taking account of the pay rise, and arrears paid where appropriate.

#### **4.20.10 Support Leave (Maternity or Adoption)**

Maternity Support Leave of 1-week full pay is available to a nominated carer of the mother to be, this should be deemed to be Special Leave and is not linked to Paternity Leave. However, Maternity Support Leave can also be used by a father or partner but only when the employee who is the father or partner does not meet the SAC eligibility criteria for Paternity Leave and Pay. In these cases, the father or partner would only be eligible for 1 week of Special Leave, if they wished to take additional time off, it would need to be unpaid leave or annual leave.

To be eligible for paid maternity or adoption support leave and pay, employees must have worked for the Council or another Local Authority for 26 continuous weeks leading into:

- The 15<sup>th</sup> week before the baby is due; and
- Be the child's father or the partner or nominated carer of the expectant mother and
- Have, or expect to have, responsibility for the child's upbringing.

This leave would be applied for through Special Leave.

#### **4.20.11 Ordinary Paternity Leave (Maternity or Adoption)**

Paternity Leave of 1 or 2 weeks is available only to eligible father or husband/partner of the mother, this includes same sex partners, 1 week will be paid at full pay (SPP and OPP) and the second week will be paid at SPP only.

To be eligible for paternity leave the employee must:

- be an employee
- give the correct notice to take leave
- have been continuously employed by SAC for at least 26 weeks up to any day in the 'qualifying week', the 'qualifying week' is the 15th week before the baby is due or for adoptive paternity leave, it is the week in which the adopter is notified of being matched with the child.

To be eligible for paternity pay the employee must:

- be employed by SAC up to the date of birth
- earn at least £120 a week (before tax)
- give the correct notice
- have been continuously employed by SAC for at least 26 weeks up to any day in the 'qualifying week', the 'qualifying week' is the 15th week before the baby is due or for adoptive paternity leave, it is the week in which the adopter is notified of being matched with the child.

A father/partner who meets all the eligibility criteria for Paternity Leave and Pay is not able to take Maternity Support Leave in addition to their Paternity Leave. Maternity Support Leave will only be available to fathers and partners who don't meet the Paternity Leave eligibility criteria.

#### **4.20.12 Shared Parental Leave**

Under the Children and Families Act 2014, an eligible mother or adopter can choose to end their maternity / adoption leave early and with their partner or the child's father, can opt for

shared parental leave, e.g. a mother could end her maternity leave after 12 weeks, leaving 40 weeks in total available for shared parental leave.

Similarly, an eligible mother or adopter can choose to bring their maternity or adoption pay or maternity allowance to an end early and any untaken pay will become available as statutory shared parental pay.

Under the new rules, mothers will still be required take at least the initial two-week compulsory maternity leave following the birth and adopters will be required to take at least 2 weeks adoption leave following the child's placement, therefore parents can share up to 50 weeks leave and 37 weeks of statutory pay.

The 52-week period during which SPL can be taken is fixed and cannot be extended.

Leave must be taken in complete weeks and the minimum period that can be taken is 1 week. A minimum of 8 weeks' notice must be given and where leave is taken in blocks, 8 weeks' notice is required for each block. Employees are encouraged to take leave in blocks of at least 4 weeks.

Under the Council's policy, fathers will still be entitled to 1 week of maternity support leave and 1 week of paternity leave straight after a child's birth.

To qualify for shared parental leave and pay, the child's mother or adoptive parent must be eligible for either maternity leave or pay; maternity allowance; or adoption leave or pay and must share the main responsibility for caring for the child with the child's father or her partner.

In addition, a parent seeking to take shared parental leave must have worked for the Council for at least 26 weeks' continuous service at the relevant date (at the end of the 15<sup>th</sup> week before the expected week of childbirth or the notified week of adoption) and still be employed in the week before the shared parental leave is due to start.

The other parent wishing to take shared parental leave (who must be the partner of the employee) must also have worked for an employer for 26 weeks (not necessarily continuously) in the 66 weeks leading up to the baby's due date/matching date (as at 5 April 2015) and have earned an average of at least £30 a week in 13 of the 66 weeks.

To qualify for shared parental pay, the parent must also have earned an average salary of the lower earnings limit for 8 weeks prior to the 15<sup>th</sup> week before the expected week of childbirth or date of adoption.

#### **4.20.13 Parental or Adoptive Leave**

Parental and adoptive leave is a right to take unpaid time off work to look after a child or make arrangements for the child's welfare. Entitlement will be available for employees who have at least one year's continuous service with the Council or other Local Authority, at the date of the requested leave and are deemed to be the "responsible" person in terms of caring arrangements for the child.

An employee has the right to up to 18 weeks unpaid parental or adoptive leave for each child and up to 18 weeks unpaid leave if the child has a disability. Entitlement is pro-rated for part time workers.

Employees can choose to take parental leave up until the child's fifth birthday or for adoptive leave until five years after the child is first placed. In the case of a child with a disability, leave

can be taken up until the child's 18<sup>th</sup> birthday.

Parental and adoptive leave must be taken in multiples of one week except where the child has a disability. Where a child has a disability leave can be taken a day at a time, however where a part of an employee's working week is taken as Parental or Adoptive Leave it will count as a full week of her/his entitlement.

A maximum of 4 weeks in any year can be taken in respect of any one child, although the Chief HR Adviser, in conjunction with the relevant Head of Service/Assistant Director can agree requests to exceed this in exceptional circumstances.

An employee is required to give either 4 weeks' notice or notice that is twice the amount of leave the employee wishes to take, whichever is the greatest other than in the following circumstances:

- Where leave is to be taken immediately after the birth, an employee needs to give the Council 21 days' notice before the beginning of the expected week of childbirth;
- In the case of adoption 21 days' notice of the expected week of placement. In cases where this is not possible, an adoptive parent should give notice as soon as reasonably practicable.

Where the requested dates cannot be accommodated alternative dates will be offered. These alternative dates will be within 6 months of the original dates.

#### **4.20.14 General**

Maternity, adoption or paternity leave taken will not break continuity of service. An employee's contract of employment will continue during the period of leave, unless either party expressly terminates it by dismissal or resignation.

Participation in the Salary Sacrifice Schemes will have an impact on an employee's entitlement to Statutory Maternity/Adoption Pay as this is calculated on an employee's reduced salary. Employees should seek further advice from HR on how it affects them.

Leave will not be treated as sick leave and will not be taken into account in calculating an employee's sick pay entitlement under the sickness allowance pay scheme.

Annual leave and public holiday entitlement will continue to accrue during the periods of Leave covered by this Policy.

At the end of ordinary maternity or ordinary adoption leave, ordinary and additional paternity leave and 4 weeks or less of parental leave, an employee has the right to return to their job.

An employee taking additional maternity leave, additional adoption leave or more than 4 weeks of parental leave, has the right to return to their job, or a suitable alternative job if it is not possible to give them the job they had prior to maternity/adoption/paternity/parental leave. Suitable alternative means the job has the same terms and conditions. If an employee unreasonably refuses to take the similar job, the Council can take this as their resignation.

An employee on maternity, adoption, paternity or parental leave who is selected for redundancy has the right to be offered any suitable alternative vacancy before it is offered to other employees. This special protection is provided by Regulation 10 of the Maternity and Parental Leave regulations.



The Council also has a [Flexible Working Policy](#) which builds on its commitment to support employees involved in the care of their children. This Policy is available on The Core.

For further information and guidance reference should be made to the [Family Leave Policy](#).

## 4.21 Travel and Subsistence Allowances

### 4.21.1 Travel

The purpose of the Travel & Subsistence scheme is to reimburse employees for receipted expenditure actually and necessarily incurred whilst undertaking official duties as part of their employment with the Council. The [Travel & Subsistence policy](#) provides advice and guidance for all employees when making an expenses' claim.

In the interests of economy and sustainability, employees should use public transport, Hire-on-the Wire or shared car arrangements wherever possible.

The 'Hierarchy of Travel' as referred to within the Council Service Travel Plan should be followed for all journeys undertaken on official duties.

Payment of mileage allowance will usually be restricted to journeys within the Ayrshire boundaries (North, South and East).

For journeys out with Ayrshire public transport should be used. In exceptional cases, and in the interests of efficiency, a director or delegated officer may authorise journeys by car out with Ayrshire but within the United Kingdom. Where such journeys are authorised, the Public Transport rate of 0.223p per mile for the entire journey will be used for re-imburement.

Where public transport is the preferred mode by the Council and an employee opts to use their own car, they will not be entitled to re-imburement for that journey.

Employees claiming mileage should refer to the standard mileage charts contained in the [Travel & Subsistence policy](#). Mileage for journeys not included in the standard mileage charts should be calculated using Google Maps (except employees who use CM2000).

Current reimbursement rates are as follows:

Method Used	Mileage	Rate
<b>Car</b>	Up to 10,000 miles	£0.45 per mile
<b>Car</b>	Over 10,000 miles	£0.25 per mile
<b>Passenger</b>	Per passenger mile	£0.05 per mile
<b>Motorcycle</b>	Per mile	£0.24 per mile
<b>Bicycle</b>	Per mile	£0.20 per mile
<b>Public Transport</b>	Per mile	£0.223 per mile

Overseas journeys must be authorised by the Chief Executive. Confirmation of such authorisation must be provided to the appropriate Director. As much notice as is reasonably possible should be given to allow the appropriate authorisation to be granted. For the purposes of this guidance Northern Ireland and the Republic of Ireland are not deemed to be overseas.

Journeys that require pre-authorisation must not be booked or undertaken until confirmation of authorisation is received. Where no pre-authorisation is granted, there is no guarantee that expenses incurred will be reimbursed.

#### **4.21.2 Standby**

An employee who is called out or is required, whether on standby or not, by management to report out with normal working hours in an emergency, may claim any expenditure incurred in travelling from home to the normal working location or alternative location as the case may be, and in returning home if the return journey is made out with normal working hours.

#### **4.21.3 Starting/Finishing at an Alternative Location**

Where an employee is authorised to start or finish at a place of work other than their normal work location, they may only claim travelling expenses in excess of that which would have normally been incurred in travelling from home to normal working location, or vice versa.

#### **4.21.4 Excess Travel Following Redeployment**

Excess travelling expenses will be payable for a maximum period of 1 year from the date of transfer to the new work location if the transfer is compulsory (this includes any employee who has been redeployed as a result of management restructures / service reviews). An employee appointed to a new / promoted post at a different work location will not be eligible to claim excess travel expenses.

Excess travelling expenses will only be payable where the difference in the daily distance travelled exceeds 4 miles (return journey) and where this is the case the total excess miles should be claimed.

The amount payable will be the difference between the cost of travelling from home to the new work location and home to the previous work location. Authorised expenditure actually incurred will be reimbursed based on public transport costs i.e. economy class train/bus fares by the most economic fare. If an employee travels by car or motorcycle, mileage will be paid at the public transport rate as detailed at 4.32.1 (h). Claims should be submitted for approval to the Director or nominated senior official on the appropriate forms within 4 weeks of the employee starting their new work location or change in circumstances.

Where a transfer is for a period of less than 24 months this expense will be reimbursed free of tax. Where a transfer is permanent or for a period of more than 24 months, the expense will be taxable from the date of transfer.

An employee is required to notify any changes in circumstances relevant to the claim to their Director or nominated senior official e.g. an increase in bus fare or house move. In such circumstances the payment will be recalculated accordingly.

If an employee is promoted or voluntarily moves job during the 1-year period the payment of excess travelling expenses will cease.

Expenses will be calculated on an annual basis and paid with the normal salary. A deduction of 12.5% in respect of holidays is made for employees who work 52 weeks of the year. Term time employees will have their expenses pro-rated over 39 weeks per year in accordance with the school year.

Payment of excess travel will be suspended if employees are absent from work for longer than a 4-week period, other than annual leave or term time closure, and will resume on their return. The Director or nominated senior official can take specific circumstances into account e.g. where a season ticket has been purchased.

#### 4.21.5 Subsistence

The purpose of the subsistence allowance scheme is to reimburse employees for expenditure reasonably incurred whilst undertaking official duties as part of their employment with the Council and will only apply when an employee is required to be away from their home overnight on Council business.

Subsistence paid will be subject to receipted expenses based on actual expenditure incurred and is subject to specific conditions. For further information please refer to the [Travel and Subsistence policy](#).

Where accommodation has been fully arranged and paid on behalf of an employee, the following subsistence allowances may be paid:

Meal	Maximum Allowance
<b>Breakfast</b>	£6.00
<b>Lunch</b>	£8.00
<b>Tea</b>	£3.00
<b>Evening Meal</b>	£9.00

Where accommodation has not been fully arranged and paid directly by the Council, receipted expenditure for overnight accommodation and expenses for up to a 24-hour period will be paid up to the following limits:

Overnight	Maximum Allowance
<b>Outwith London</b>	£83.00
<b>London</b>	£95.00
<b>Friends / Relatives</b>	£25.00 (no receipts necessary)
<b>Personal/Incidental Expenses</b>	£5.00 per night (no receipts necessary)
<i>Includes all costs during the 24-hour period including breakfast, lunch, tea and evening meal.</i>	

These subsistence allowances will be paid subject to the authorisation of expenses by the appropriate Director, with the exception of overseas visits that require authorisation by the Chief Executive.

Where an employee's expenses are in excess of the amounts shown above, authorisation must be obtained in advance and approved by the appropriate Executive Director or delegated officer before a claim is submitted.

## Leadership and Governance

### 5.1 Introduction

This section covers the Council’s responsibilities in relation to Leadership and Governance, and the delegation of authority to Council Officers. A number of these conditions are supported by Council Policies and Procedures, Regulations and Orders and reference should be made to these documents for fuller details.

### 5.2 The Council's Purpose, Vision and Values

**Purpose - Why we are here as a Council?**

To serve South Ayrshire

**Vision - Where we want to be in the future?**

To make a difference every day

**Values - How we deliver our Purpose and Vision?**

- Respectful - Achieving results through personal effectiveness.
- Positive - We put customers at the heart of everything we do.
- Supportive - We work as a team.
- Ambitious - We embrace change.
- Proud - We are proud of the work we do.

**How will we achieve our Purpose and Vision?**

Employees play the most important role in implementing the new Purpose, Vision and Values. In recognition of this, we have committed to an Employee Deal which sets out our commitments to you and your responsibilities in return.

The 4 Strategic Goals of the Employee Deal are outlined below.

Workforce Themes	Our Part	Your Part
Engaged and Informed	<ul style="list-style-type: none"> <li>• We'll be visible, supportive and honest in our leadership.</li> <li>• Engage with you and listen to your ideas.</li> <li>• We'll share information and keep you up to date.</li> </ul>	<ul style="list-style-type: none"> <li>• Have a positive, can-do approach.</li> <li>• Get involved and share your ideas for improvement.</li> <li>• Take responsibility - keep yourself up to date.</li> </ul>
Skilled and Digitally Confident	<ul style="list-style-type: none"> <li>• Give you opportunities to learn and grow to modernise the way we work.</li> <li>• Embrace new technology.</li> </ul>	<ul style="list-style-type: none"> <li>• Value and take advantage of opportunities to learn and grow to modernise the way we work.</li> <li>• Embrace new technology.</li> </ul>

Valued, Proud and Ambitious	<ul style="list-style-type: none"> <li>• Work with you to improve services.</li> <li>• Value and believe in you and celebrate your successes.</li> <li>• Care for your health and wellbeing.</li> </ul>	<ul style="list-style-type: none"> <li>• Be adaptable, open to change, and committed to making services better for our customers.</li> <li>• Believe in yourself, be proud of your job and South Ayrshire.</li> <li>• Keep active and care for yourself.</li> </ul>
One Team	<ul style="list-style-type: none"> <li>• Work as one team, one Council.</li> <li>• Respect each other, value our differences.</li> </ul>	<ul style="list-style-type: none"> <li>• Work as one team, one Council.</li> <li>• Respect each other, value our differences.</li> </ul>

### 5.3 Best Value

The pursuit of “Best Value” has been a driving force for the Council for a number of years. The Local Government in Scotland Act 2003 introduced statutory duties relating to Best Value and Community Planning, which require the Council to:

- Work with its partners to identify a clear set of priorities that respond to the needs of the community in both the short and the longer term.
- Be organised to deliver those priorities.
- Meet and clearly demonstrate that it is meeting the Community’s needs.
- Operate in a way that drives continuous improvement in all its activities.

Council employees have an important contribution to make towards ensuring that this is achieved. The Council has introduced processes to review and scrutinise both its performance and the ways in which services are delivered. The views of employees and the public are vital inputs to understanding what works, what requires improvement and how more effective outcomes can be achieved within tight financial constraints that all public services have to work within

### 5.4 Councillors and Panels

The direction and priorities of the Council are set by the 28 local Councillors who represent the electorate of South Ayrshire. These “elected” members undertake their work through a cabinet, supported by Scrutiny Panels and an Audit and Governance Panel.

The Cabinet is responsible for taking the main decisions on behalf of the Council. It is made up of the Leader of the Council and the Portfolio Holders, with each Portfolio Holder taking responsibility for an area of the Council’s business. Other decision-making panels include Regulatory Panel, Local Review Body, Appeals Panel, Chief Officers Appointments/Appraisal Panel and Licensing Board. Some of the local Councillors are also representatives on the Ayrshire Shared Services Joint Committee and the South Ayrshire Integration Joint Board.

### 5.5 Chief Officers and Directorates

The Council is managed by the Chief Executive, a Depute Chief Executive and Director (Housing, Development and Operations), three Directors (Strategic Change and

Communities; Education; Health and Social Care Partnership) and Four Assistant Directors. Each Director is supported by a number of Service Leads or Head Teachers who in turn manage operational services. The Chief Executive is also supported by two Heads of Service (Head of Finance, Procurement and ICT and Head of Legal and Regulatory Services) as well as the Chief Internal Auditor and the Chief HR Adviser.

The Director of the Health and Social Care Partnership is supported by Childrens Health Care and Criminal Justice and the Head of Community Health and Care Services.

Details of Directorate structures are available on [the Core](#).

## 5.6 Scheme of Delegation

Like every other Local Authority, the Council is only able to do what the law empowers it to do. In the absence of a decision by the Council to the contrary, all of its powers would have to be exercised through meetings of the full Council. That is, all decisions no matter how large or how small would need to be taken at meetings of the full Council.

Recognising that this would be unworkable, the Council has chosen to exercise one of the powers available to it – the power to delegate, whereby every decision taken under delegated power is considered to be a decision of the Council.

There are some powers which the law says cannot be delegated and others which the Council chooses not to delegate. [The Scheme of Delegation](#) describes how decision-making operates within the Council and details the specific delegations that have been agreed by the Council.

It is the responsibility of each Director, Head of Service and the Chief HR Adviser, to ensure that the Scheme of Delegation is made known to the appropriate persons within their Directorates and that they are adhered to.

Any breach or non-compliance must, on discovery, be reported immediately to the Chief Executive, who may discuss the matter with Head of Legal and Regulatory Services and/or such other Chief Officer as may be appropriate in order to determine the proper action to be taken.

## 5.7 Financial Regulations

The Council is accountable for the stewardship of public funds. Stewardship is a function of management, and therefore, a responsibility placed upon the elected members and officers of the Council. This responsibility is discharged by the establishment of sound arrangements and systems for the planning, appraisal, authorisation, and control over the use of resources, and by the preparation, maintenance and reporting of accurate and informative accounts.

Elected members and officers have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring that everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

These arrangements are set out within the Council's Financial Regulations. All those with a responsibility for dealing with financial matters must familiarise themselves with these Regulations.

In addition, it is the responsibility of each Director and Head of Service to ensure that the Regulations are made known to the appropriate persons within the Directorate and that they are adhered to.

Any breach or non-compliance must, on discovery, be reported immediately to the Chief Executive, who may discuss the matter with the Head of Legal and Regulatory Services and /or such other Chief Officer as may be appropriate in order to determine the proper action to be taken.

## 5.8 Standing Orders for Contracts

The Standing Orders Relating to Contracts set out how the Council will invite Tenders and let contracts for the procurement of supplies, services and works. The purpose of the Standing Orders is to ensure that contracts are appropriate for their purpose, provide the right balance between price and quality, and are procured in an open way that demonstrates probity and compliance with the Council's policies.

These Standing Orders apply equally where payment is expected to be received by the Council as where payment is to be made.

Every contract whether authorised by the Council, Panel, Officer or other person engaged by the Council to which the power of entering into contracts has been delegated, must comply with the Standing Orders in addition to;

- The current Revenue or Capital Budgets as approved by the Council;
- The Financial Regulations of the Council;
- The Scheme of Delegation to Officers;
- The requirements of the European Directives relating to public procurement; and
- All other relevant legislation.

Each Director will ensure that there are written procedures in place to ensure compliance with the Contract Standing Orders by officers within their Directorate.

The Standing Orders Relating to Contracts is available on The Core.

## 5.9 Compliance with Standing Orders for Council Meetings

The Council also has Standing Orders relating to Council Meetings and employees who are likely to attend Council meetings during the course of their employment, should familiarise themselves with them.

## 5.10 Delivering Good Governance Framework

The Council is committed to the highest standards of governance in the way that it is organised, managed and operates. To help achieve and maintain such standards, it adopted the Delivering Good Governance Framework in April 2010.

This Framework sets out the main arrangements and procedures that the Council has in place in relation to the 7 "principles" of governance.

The Framework is never static and over the course of each year it is subject to ongoing review and development. The principles are regularly reviewed by the Council's Audit and Governance Panel and a year - end assessment is signed off by the Chief Executive and Leader of the Council.

## 5.11 Public Performance Reporting

The Council has a Public Performance Reporting Strategy which helps to signpost the public to the information they need, when they need it. Access to this information is provided in a number of ways, one of which is the Council's Public Performance Reporting web page which sets out how the Council and the Community Planning Partnership are currently performing.

## 5.12 Consultation and Engagement

The Council has introduced a Community Engagement Strategy to ensure a coordinated approach to consultation across the Council. The strategy seeks to seeks to:

- Provide an overview of our approach to effective community engagement.
- Identify ways in which we will inform, consult, involve, collaborate and empower our communities.
- Provide a practical toolkit for all those involved in community engagement.

A copy of the strategy is available [here](#).

## 5.13 Monitoring and Review

Each year the Council reviews its arrangements for Delivering Good Governance and identifies where any improvements are required. These go before the Audit and Governance Panel and then the Council for review and approval.

If there are any aspects that employees feel could be improved upon or that are not working in practice, then their views and comments are appreciated. Complaints which are more in relation to the Council's services or schools can be made in the following ways:

- Through one of the Customer Service Centres, or any local office.
- Phoning our Customer Services Team on 0300 123 0900
- Speaking to any member of staff - Complaints should be logged for the customer by clicking on the Listening to You - Complaints Online E-form.
- E-mail: [listeningtoyou@south-ayrshire.gov.uk](mailto:listeningtoyou@south-ayrshire.gov.uk)
- In writing to: Customer Services, South Ayrshire Council, Freepost NAT 7733, Ayr, KA7 1DR.

Alternatively, matters of a more serious nature can be reported on a confidential basis to their line manager, Head of Service, Assistant Director or Director. An employee in any doubt should contact Human Resources or their trade union representative. More information is available in the Whistleblowing policy.

Complaints of Fraud should be reported and dealt with in accordance with the Council's Anti-fraud and Anti-bribery Strategy and the Reporting Fraud procedure.



## Employee Health, Safety and Wellbeing

### 6.1 Introduction

This section covers the Council's specific responsibilities in relation to Health and Wellbeing. A number of these conditions are supported by Council Policies Procedures and Guidance documents and reference should be made to these for fuller details.

### 6.2 Maximising Attendance at Work

The Council has an agreed framework for maximising employee attendance at work. Employees will be provided with a safe and healthy working environment and conditions of employment which facilitate work life balance and a healthy lifestyle.

The framework places a particular emphasis on prevention by requiring managers to identify and address the causes of employee absence and by tackling issues at the earliest stage possible.

The framework is structured around five objectives and detailed within each of these are the required actions of the Council, its management, and employees. These can be summarised as follows.

#### 6.2.1 The provision of a safe working environment

All employees must put themselves in a position where they fully understand their responsibilities with regard to health and safety. This includes participation in relevant training. Employees must not disregard any unsafe systems or situations which come to their attention whether in their own or in another workplace. Such matters must be brought immediately to the attention of their manager or supervisor.

#### 6.2.2 To support employees to adopt and maintain a healthy lifestyle

Employees are required to attend all early intervention mechanisms offered which are put in place to support them during periods of absence. Employees will be permitted time away from work to attend any appropriate follow up appointments / ongoing treatment following their return to work.

Employees should make themselves aware of and utilise the health based services and initiatives within the Council which can be found at the Core.

As part of the Council continuous commitment to promote a culture and environment in which mental wellbeing is encouraged and supported, employees who are living with mental health difficulties can also receive support via the Access to Work scheme which is funded by the DWP. Employees can access the service directly without a management referral; therefore, the service is provided in total confidentiality. More information on the scheme can be found on the Core.

All employees should be aware of their responsibility in line with the Corporate Health and Safety Policy. This will include having due care for their own safety and health and that of others. Employees should report all accidents, incidents, near misses or cases of occupational ill health to management as soon as possible and highlight any issues that they consider to be hazardous within the workplace.

### 6.2.3 Maximising Attendance

It is the responsibility of all employees to make every effort to attend work. Employees should advise their line manager of absence from work at the earliest possible stage and adhere to ongoing absence notification procedures. Where employee cover must be organised, notification of absence must be prior to the normal start time. Employees will be notified of the name and telephone number of their line manager and these reporting lines must be followed.

It is the employees' responsibility to take all reasonable steps to facilitate an early return to work from any period of absence. In the event of absence employees must fulfil the notification procedures as outlined at paragraph 4.19.2.

Sickness absence can normally be categorised into either short term or long and the procedure for dealing with each differs. While the Maximising Attendance at Work Framework sets minimum standards, Managers can take action, even where the specified triggers have not been met.

Action will be taken when the following absence triggers have been met:

#### *Short Term Absence*

Stage	Trigger
1	<ul style="list-style-type: none"> <li>• 10 consecutive working day's absence (pro-rated as appropriate); or</li> <li>• 9 cumulative working days of sickness absence (pro-rated as appropriate), taken over more than one occasion, in a rolling 12-month period; or</li> <li>• 3 occasions of sickness absence in a rolling 12-month period, irrespective of the length of absence.</li> </ul>
2	<ul style="list-style-type: none"> <li>• a further 2 occasions of sickness absence in the 12-month monitoring period, irrespective of the length of absence; or</li> <li>• a further 6 consecutive working days sickness absence (pro-rated as appropriate) in the 12-month monitoring period.</li> </ul>
3	1 further instance of sickness absence occurs during the 12-month monitoring period.

#### *Long Term Absence*

Long term absence cases will be considered on their individual circumstances and within the following parameters:

Stage	Trigger
1 Meeting	between 8 – 12 weeks
2 Meeting	no later than 24 weeks
3 Meeting	between 24 – 36 weeks

#### *Discretion*

During the absence management process an element of discretion can be applied, but only where an employee:

- has a good attendance record over a number of years i.e. at least 3 years, and whose attendance has not previously been a cause of concern to management;
- or

- is absent due to a chronic illness/disease; or
- has to undergo a surgical procedure/requires hospitalisation which has a specified/expected date of recovery; or
- has a disability or an underlying medical condition which affects their attendance; or
- has been absent for pregnancy related reasons;

Any decision to vary from the procedure must be approved by the Service Lead in conjunction with the Human Resources.

### *Appeals*

Employees have the right to be accompanied by a trade union representative or an appropriate work colleague at Stages 1, 2 and 3 meetings.

An employee has the right of appeal at Stages 1, 2 and 3 of the absence management procedure. The appeal must be made within 14 days of the employee being notified of the outcome of the stage 1, 2 or 3 meeting.

An appeal against a decision taken at Stage 1 or Stage 2 will be heard by the relevant Head of Service or appropriate Officer.

An appeal against a decision taken at Stage 3 will be heard by the Council's Appeals Panel.

Employees should make themselves aware of the Maximising Attendance at work Framework to comply with its requirements.

#### **6.2.4 The reduction and prevention of workplace ill health**

Employees should be aware and take advantage of health promotion opportunities and events offered by the Council. Health checks can be carried out by Occupational Health to alert employees and managers to health problems e.g. blood pressure, hearing, lifestyle, and lung capacity.

#### **6.2.5 The provision of management information on attendance**

Employees will be informed of attendance levels and should actively participate in discussions on attendance information to improve own and team attendance. This will be achieved via individual meeting with employees, e.g., Performance & Development Review, Attendance Review meetings or via team/section/service meetings.

### **6.3 Occupational Health**

An Occupational Health service is provided by the Council to ensure the protection of employee's health, safety, and welfare at work.

The full provisions of this service are detailed in the Corporate Health and Safety Policy and are summarised below:

- Conduct pre-employment medical screening for employees.
- Conduct health surveillance in line with relevant statutory provisions and the Council's own policies.

- Provide occupational health advice and information to Directorates and advice, information and guidance in respect of managing sickness absence.
- Liaison with external bodies as necessary e.g. Employment Medical Advisory Service, Health and Safety Executive, Public Health Officer, Environmental Health and NHS Ayrshire and Arran etc.

### 6.3.1 Health Surveillance

Health surveillance is a legal requirement in specific circumstances when there is likely to be an exposure to noise, vibration, and hazardous substances and therefore, there may be some residual risk to the employee's health despite the control measures the Council put in place.

Depending on the employee's position and working environment, health surveillance may include a range of checks such as hearing, respiratory, skin and HAVS.

## 6.4 Supporting Mental Wellbeing in the Workplace

As part of the Framework for Maximising Attendance at Work employees should be aware of the provisions within the Council's guidance document on Supporting Mental Wellbeing in the Workplace.

The overall aim of this guidance document is to enable the Council to support employees in effectively managing mental ill health issues. Effective practice can reduce sickness absence, improve productivity, and decrease recovery time. By supporting all employees, the Council will retain skills, knowledge, and experience, which can be difficult to replace.

Employees are encouraged to seek support at the earliest stage possible to allow appropriate support and action to prevent, reduce, minimise and/or eliminate any negative impact on their well-being.

Employees will be offered support in line with the guidance document, and all offers of support are made on the basis that employees will be granted time off to attend counselling and other related support to encourage recovery or ongoing management of a mental health condition.

Employees must inform the Council of any prescription medication which may affect their ability to fully undertake their work duties. This includes any impact on driving related duties (including commuting to and from work).

For further advice and guidance please refer to the Mentally Healthy Workplace page on the Core.

## 6.5 Supporting Employees Managing Addiction

To support the Council's holistic approach to maximising attendance at work, a policy has been introduced to ensure that employees are aware of the risks associated with alcohol, substance misuse and addiction, the consequences of their actions and are aware of the support mechanisms available to them.

Employees are required to report for work completely free from the effects of alcohol or other substances and remain free from the effects of alcohol/substances for the duration of their shift/working day. The Council will adopt a 'zero tolerance' approach to the misuse of alcohol and substances in the workplace.

Employees who may have an addiction are encouraged to voluntarily seek assistance. Support will be provided at the earliest opportunity to employees who acknowledge they have developed an addiction problem.

Employees have a duty to report incidents of other's behaviour contrary to the standards of safety and conduct required by the Council and which arise from alcohol and/or substance misuse.

Employees are not permitted to possess drugs or store, trade or sell alcohol/drugs on Council premises or bring the Council into disrepute by engaging in such activities outside of work.

Employees should not consume alcohol and/or illegal drugs during their working hours, within offices or other normal work areas.

Employees employed in a driving capacity will not be allowed to undertake driving duties, drive Council vehicles or request to use their own vehicle for travel whilst under referral to Occupational Health/appropriate support agencies.

Employees are obligated to inform their employer of any prescription medication which may affect their ability to fully undertake their work duties. This includes any driving related duties and commuting to and from work.

Through the course of conduct or capability issues if it becomes apparent that an employee may have an alcohol or substance misuse problem, the Council has no alternative but to intervene. Having conducted a formal investigation and in many situations considered evidence at a formal disciplinary hearing, Managers will require to decide upon the appropriate course of action. If disciplinary action has been held in abeyance and the employee does not participate in or complete the appropriate support mechanisms offered, then the disciplinary hearing will be reconvened, and the appropriate disciplinary action taken.

Where an employee relapses while undergoing a support programme then, depending on the circumstances, the employee may be provided with one further opportunity to complete the support programme and improve their performance, conduct and/or attendance to an acceptable level.

## 6.6 Medical Examination

An employee will, if required by the Council at any time, submit to a full medical examination and/or x-ray examination, by a medical practitioner nominated by the Council, subject to the provisions of the Access to Medical Reports Act 1988 where applicable. Any costs associated with the examination will be met by the Council. Where it is necessary to obtain a second medical opinion, it will be provided by an independent medical referee as nominated by the Council.

## 6.7 Health and Safety

The Council recognises its responsibility to guarantee, as far as is reasonably possible, the health, safety, and welfare of all its employees including the conditions under which they work. In order to achieve its Health and Safety aims, the Council will set targets and performance standards, undertake risk assessments, assess training needs, provide training, and ensure that the necessary resources are available for health and safety, for example the Council will provide special and/or protective clothing where the special nature of an employee's duty warrants such provision.

In addition, the Council will regularly monitor and report on health and safety issues to ensure that targets and standards are being met.

A range of policies have been introduced to ensure the health, safety and welfare of employees:

- *Health and Safety Policy* - This Policy covers the Council's corporate responsibility in relation to managing the health and safety of employees and others affected by Council activities. It is available at Corporate Health and Safety Policy.
- *Dealing with Stress* – The Stress Policy incorporates the guidance provided by the Health and Safety Executive and is intended to demonstrate the proactive approach that the Council will adopt in tackling stress.
- *Personal Safety* - The provision of a safe and healthy working environment is a core Council objective. However, from time to time the personal safety of employees can be threatened, either in their workplace or in the process of delivering a service. The objective of this policy is to ensure that every employee is alert to the possibility of a threatening situation occurring, how to minimise the risk and, if necessary, manage the situation. It is available within Corporate Health and Safety Policy.

## 6.8 Risk Assessment

### 6.8.1 General

The Council recognises the importance of maintaining Health and Safety by taking all the practical steps to minimise the risks associated with it.

The aim of the risk assessment is to try and prevent injury, ill health, damage to property or other loss to our organisation. Whilst the Management of Health and Safety at Work Regulations 1999 require all work activities to be assessed with significant risks duly controlled and recorded. Legislation also requires that certain activities receive particular attention e.g. work with hazardous substances, display screen equipment, manual handling, exposure to noise, hand-arm vibration, asbestos, personal protective equipment, young persons, including work placement training programs and new and expectant mothers. Further information on these assessments is available.

### 6.8.2 Stress Risk Assessment

There is also a specific risk assessment which must be completed when an employee is suffering from stress. The Stress Risk Assessment should be completed in line with the Dealing with Stress – Guide for Managers and the Risk Assessment Standard.

## 6.9 Infectious Diseases

An employee who is prevented from attending work because of contact with a notifiable infectious disease (as identified in section 3 of RIDDOR) will advise they Head of Service immediately and will be entitled to receive normal pay during the related period of absence.

The particular period of absence will not be reckoned against the employee's entitlements under the sickness allowance scheme.

## 6.10 Working Time Regulations

Working arrangements will comply with relevant Health and Safety legislation, including the European Working Time Directive and its associated UK legislation.

Under these regulations each employee is restricted to a maximum of 48 hours per week averaged over a reference period of seventeen weeks. Although employees of the Council will have their normal working hours set out in their contract of employment and will be subject to a maximum of 37 per week, an employee can 'opt out' of the 48-hour limit. An employee wishing to do so must arrange with their line manager for the completion of the 'opt out' form.

## 6.11 Smoke Free Policy

The Council's Smoke Free Policy covers all cigarette smoking including non-tobacco cigarettes or any other substance that is capable of being smoked and results in the emission of smoke and fumes into the atmosphere. The Policy complies with the Law and seeks to protect individuals from tobacco-induced ill health and consequently smoking is prohibited throughout the entire workplace.

This policy applies to all employees and associated personnel and covers most Council sites and properties. This includes all offices, buildings and venues managed by the Council. Smoking near doorways and public entrances of Council properties is also prohibited.

Council vehicles and private vehicles used for Council business are considered to be workplaces and, as such, smoking is not permitted in either.

In circumstances where employees must make home visits, residents of the property will be asked to refrain from smoking during the visit. Failing that, staff rotation may be used to minimise contact time or masks may be provided to employees on request.

If an employee feels that they have been exposed to environmental tobacco smoke in the course of their duties, then they should report this to their line manager.

For further guidance on the Smoke Free Policy is available at [Smoke Free Policy](#).

## 6.12 INSURANCE AND INDEMNITY

### 6.12.1 Insurance

The Council will make payments to an employee in the event of permanent total disablement of the employee or permanent disabling injuries which arise as a consequence of their employment, or in the event of death, in which case payment will be made jointly to the dependents of the employee.

### 6.12.2 Indemnification

Under the Health and Safety at Work Act 1974, the Council will indemnify employees who are prosecuted as a result of acting within the scope of their employment, or acting in relation to enforcement duties undertaken as Environmental Health Inspectors, in the following circumstances:

- In event of a charge being brought against the employee for an offence alleged to have been committed in terms of Section 7 (general duties of employee at work); Section 8 (duty not to interfere with or misuse things provided pursuant to certain provisions) and Section 37 (offences by bodies corporate) of the Health and Safety at Work Act 1974, the Council shall meet all reasonable legal expenses incurred by the officer in conducting his or her defense or in tendering a plea in mitigation.
- Where the employee is charged with an offence under any of the above sections of the Act, the Council shall pay such reasonable expenses of the employee as might be appropriate in the circumstances of the case, subject to the employee making an application to the Chief Executive or other designated officer before instructing a solicitor to act on his or her behalf.
- In a case where an employee is convicted of an offence under the Act and a penalty is imposed, the Council should consider the case on its merits and, if satisfied that the employee acted in the course of employment with due regard to the Council's safety policy and in good faith, should reimburse the employee the amount of any fine imposed.
- Inspectors acting in accordance with Sections 18 to 26 (enforcement duties) of the Health and Safety at Work Act 1974, should be indemnified in respect of any damage, costs or expenses required to be borne by them personally as a result of any act or omission in good faith in the course of carrying out their duties.
- Where an employee is aggrieved by the decision of the Council in respect of any of the above matters the employee shall have a right of appeal, in accordance with the Council's Grievance Procedures.

### **6.12.3 Legal Action**

The Council will indemnify employees who are faced with legal action (civil and criminal) being taken against them, providing that they were acting in the course of their employment, in accordance with Council/ Directorate procedures and in good faith. The indemnity will cover the reimbursement of reasonable expenses incurred in defending their actions.

In order that a claim for reimbursement of expenses can be considered an employee must notify the Director immediately that they become aware of legal action being taken. On receipt of this notification the Director will arrange for the employee to be interviewed to determine whether or not the conditions of this scheme have been met. Where the Director supports the claim, the matter should be immediately referred to the Chief Executive in order that agreement can be given to meeting reasonable expenses in arranging legal representation etc.

Where the Director does not feel that the terms of this scheme have been met the employee should be so informed. Where an employee is aggrieved at a decision in this respect, they may pursue the matter under the Council's Grievance Procedures.

Further detail on other Insurance is available [here](#).



## 6.13 Attendance During Adverse Weather

The Council has produced guidelines that apply in respect of attendance at work during adverse weather conditions, for example, severe snowfall, extreme winds or flooding, and will apply to all employee groups.

Specific circulars will apply regarding the effects on delivery of service within Education establishments such as schools.

Employees should make every possible effort, whilst having regard for their personal safety and any particular conditions such as mobility impairment, to report for work as normal, particularly in areas where public transport is running. All possible alternatives should be explored, including, where distance and fitness permit, walking to work or reporting to an alternative Council location.

In the event of being prevented from attending work, employees must speak directly to their line manager as soon as possible, to advise of the reasons for non-attendance and to discuss the most appropriate arrangement to deal with the situation. If the relevant manager cannot be contacted, the supervisor or other appropriate manager in the service should be contacted. Failure to notify a line manager of non-attendance without a reasonable explanation will count as unauthorised absence without pay and may lead to the matter being considered under disciplinary procedures.

Where an employee is unable to attend work the following options will be considered:

- A day's annual leave
- Working from home
- A day's unpaid leave
- Working at an alternative location
- Flexi leave
- A paid day with the agreement to make up lost hours at a later date(s) within the following 8 weeks.

Employees should review the situation throughout the day and if the weather improves sufficiently to allow a return to work, should contact their line manager to discuss the most appropriate course of action. If non-attendance at work due to adverse weather continues beyond the first day, contact must be repeated daily.

If an employee needs to take time off to care for a dependant for reasons related to adverse weather (e.g., school/nursery closure) one of the options above will be considered. It should be noted that the statutory right to take unpaid time off to deal with unforeseen events regarding dependants does not provide the right to take extended leave, but only the right to take off what time is reasonable to allow the employee to deal with the unforeseen event.

Where an employee has pre-arranged to take annual leave or flexi leave on the day(s) of adverse weather, this will not be cancelled even although, had they not been on annual leave or flexi leave, they would have been prevented from attending work because of adverse weather conditions.

Where weather conditions are extreme and the ELT sanctions the early closure of offices, those employees sent home from work will not be required to make up the time lost or have any deduction from pay for the remainder of the normal working day. Any paid absence from work (as opposed to annual leave/flexi, homeworking or making up time) due to adverse weather conditions, will only be considered by the ELT based on relevant information being

sourced from external organisations, e.g., Met Office, COSLA. Decisions will therefore be made retrospectively. The Chief HR Adviser will liaise with the ELT and issue any special guidance as may be required for such situations.

Employees who have made every possible effort to report for work as normal but are denied access to Council property due to adverse weather conditions and/or cannot satisfactorily perform their duties on account of adverse weather will be paid the appropriate rate of pay for the normal working day.

Where an employee has made every effort to attend work and arrives late due to adverse weather, line managers have the discretion to waive the requirement for the employee to make up the time lost time or have any deduction from pay.

Where an employee is required by management to remain at work when other employees have been released early and when, after normal finishing time, is unable because of adverse weather conditions to return home, hotel expenses reasonably incurred will be reimbursed. In such circumstances, certain other expenses reasonably incurred may also be reimbursed, provided prior agreement is reached with the appropriate Head of Service/Director.

For employees who normally work in the open air, the Council provides appropriate protective clothing, and an employee will be required to continue at work during adverse weather unless instructed to stop.

During adverse weather, particularly when there are critical service areas that need to be maintained, Business Continuity plans may require the co-ordinated transfer of employees from service areas that cannot continue due to adverse weather, to emergency teams dealing with adverse conditions such as flooding and snow clearance.

Employees will be transferred to other work of a similar general nature to their ordinary employment and will be expected to comply with reasonable requests to be temporarily redeployed on a short-term basis (up to 5 days in any one period of emergency) to undertake other duties, e.g., Council drivers (with appropriate licences) driving hired vehicles to assist with emergency snow clearing.

Any employee transfer will be subject to appropriate health and safety risk assessments being undertaken and any additional hours worked will be subject to the commitments in the Working Time Regulations.

**Appendix 1**

**35-hour Table**

Completed months of continuous service in current leave year	Full Annual Leave Entitlement including Floating Hours																			
	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
1	12.25	12.83	13.42	14.00	14.58	15.17	15.75	16.33	16.92	17.50	18.08	18.67	19.25	19.83	20.42	21.00	21.58	22.17	22.75	23.33
2	24.50	25.67	26.83	28.00	29.17	30.33	31.50	32.67	33.83	35.00	36.17	37.33	38.50	39.67	40.83	42.00	43.17	44.33	45.50	46.67
3	36.75	38.50	40.25	42.00	43.75	45.50	47.25	49.00	50.75	52.50	54.25	56.00	57.75	59.50	61.25	63.00	64.75	66.50	68.25	70.00
4	49.00	51.33	53.67	56.00	58.33	60.67	63.00	65.33	67.67	70.00	72.33	74.67	77.00	79.33	81.67	84.00	86.33	88.67	91.00	93.33
5	61.25	64.17	67.08	70.00	72.92	75.83	78.75	81.67	84.58	87.50	90.42	93.33	96.25	99.17	102.08	105.00	107.92	110.83	113.75	116.67
6	73.50	77.00	80.50	84.00	87.50	91.00	94.50	98.00	101.50	105.00	108.50	112.00	115.50	119.00	122.50	126.00	129.50	133.00	136.50	140.00
7	85.75	89.83	93.92	98.00	102.08	106.17	110.25	114.33	118.42	122.50	126.58	130.67	134.75	138.83	142.92	147.00	151.08	155.17	159.25	163.33
8	98.00	102.67	107.33	112.00	116.67	121.33	126.00	130.67	135.33	140.00	144.67	149.33	154.00	158.67	163.33	168.00	172.67	177.33	182.00	186.67
9	110.25	115.50	120.75	126.00	131.25	136.50	141.75	147.00	152.25	157.50	162.75	168.00	173.25	178.50	183.75	189.00	194.25	199.50	204.75	210.00
10	122.50	128.33	134.17	140.00	145.83	151.67	157.50	163.33	169.17	175.00	180.83	186.67	192.50	198.33	204.17	210.00	215.83	221.67	227.50	233.33
11	134.75	141.17	147.58	154.00	160.42	166.83	173.25	179.67	186.08	192.50	198.92	205.33	211.75	218.17	224.58	231.00	237.42	243.83	250.25	256.67

**37-hour Table**

	Full Annual Leave Entitlement including Floating Hours																			
Completed months of continuous service in current leave year	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
1	12.95	13.57	14.18	14.80	15.42	16.03	16.65	17.27	17.88	18.50	19.12	19.73	20.35	20.97	21.58	22.20	22.82	23.43	24.05	24.67
2	25.90	27.13	28.37	29.60	30.83	32.07	33.30	34.53	35.77	37.00	38.23	39.47	40.70	41.93	43.17	44.40	45.63	46.87	48.10	49.33
3	38.85	40.70	42.55	44.40	46.25	48.10	49.95	51.80	53.65	55.50	57.35	59.20	61.05	62.90	64.75	66.60	68.45	70.30	72.15	74.00
4	51.80	54.27	56.73	59.20	61.67	64.13	66.60	69.07	71.53	74.00	76.47	78.93	81.40	83.87	86.33	88.80	91.27	93.73	96.20	98.67
5	64.75	67.83	70.92	74.00	77.08	80.17	83.25	86.33	89.42	92.50	95.58	98.67	101.75	104.83	107.92	111.00	114.08	117.17	120.25	123.33
6	77.70	81.40	85.10	88.80	92.50	96.20	99.90	103.60	107.30	111.00	114.70	118.40	122.10	125.80	129.50	133.20	136.90	140.60	144.30	148.00
7	90.65	94.97	99.28	103.60	107.92	112.23	116.55	120.87	125.18	129.50	133.82	138.13	142.45	146.77	151.08	155.40	159.72	164.03	168.35	172.67
8	103.60	108.53	113.47	118.40	123.33	128.27	133.20	138.13	143.07	148.00	152.93	157.87	162.80	167.73	172.67	177.60	182.53	187.47	192.40	197.33
9	116.55	122.10	127.65	133.20	138.75	144.30	149.85	155.40	160.95	166.50	172.05	177.60	183.15	188.70	194.25	199.80	205.35	210.90	216.45	222.00
10	129.50	135.67	141.83	148.00	154.17	160.33	166.50	172.67	178.83	185.00	191.17	197.33	203.50	209.67	215.83	222.00	228.17	234.33	240.50	246.67
11	142.45	149.23	156.02	162.80	169.58	176.37	183.15	189.93	196.72	203.50	210.28	217.07	223.85	230.63	237.42	244.20	250.98	257.77	264.55	271.33

## Constitution of first tier Joint Consultative Committee

### 1. Title

- 1.1 The Committee shall be called "The South Ayrshire Council Joint Consultative Committee" (hereinafter referred to as "J.C.C.").

### 2. Objectives

The objectives of the J.C.C. process can be summarised as follows:

- 2.1 To provide a Council-wide forum and procedure for Council Members, Trades Associations, which are affiliated to the Trade Union Congress, to meet on a regular and constructive basis to exchange information and resolve issues of mutual concern through recommendations to the appropriate Committee of the Council.
- 2.2 To promote and develop good relations between the Council, Management, Employees, their Trade Unions and Staff Associations.

### 3. Membership

- 3.1 The J.C.C. shall consist of five Members of the Council and fifteen Employee Representatives from the Trades Unions and Staff Associations representing the Manual Workers and Crafts; Building and Civil Engineer, Engineering Craft groups, APT & C Staff and Teaching Staff.
- 3.2 The employee representatives shall retire annually at 31 December and may be re-appointed by their Trades Unions or Staff Association provided they remain eligible for membership.
- 3.3 If a Member of the J.C.C. ceases to be a Member of the Council, they shall cease to be a member of the J.C.C. Any vacancy thus created shall be filled by the Council, and the Member so appointed shall hold membership for the remainder of the period afforded to the preceding Member. Similar arrangements will apply to Trades Unions and Staff Association representatives on the J.C.C.
- 3.4 Full-time officials of the Trade Unions and officers of the Council may attend meetings of the J.C.C. in an ex officio capacity. In addition, it may be necessary to have specialist representatives who will attend in an advisory capacity.
- 3.5 Both sides may appoint a substitute where they would not otherwise be represented in a meeting of the J.C.C.

### 4. Convener

- 4.1 The J.C.C. shall appoint from amongst its members a Convener and Vice-Convener who shall retire annually. When the Convener is elected from one side of the J.C.C., the Vice-Convener will be elected from the other.

### 5. Joint Secretaries

- 5.1 The Committee shall appoint annually Joint Secretaries, one to be nominated by the Council and one to be nominated by the Trades Unions. The Joint Secretaries may or may not be members of the Committee.

### 6. Officers

- 6.1 The Chief Executive (or nominee) shall be Clerk to the J.C.C. and shall keep Minutes of Meetings. Minutes, when approved, shall be circulated to all J.C.C. members, all Members of the Council and all Directorates for the information of staff.
- 6.2 The Chief HR Adviser (or nominee) shall attend all meetings of the J.C.C. in an advisory capacity.

### 7. Functions

The functions of the J.C.C. shall be:

- 7.1 To establish regular methods of consultation between the Council and employees on service conditions which are not specifically determined at national level and other areas of mutual interest. The J.C.C. is not a forum to consider individual grievances, disciplinary matters, disputes or pay related issues except when consulting on the policy aspects of these matters;
- 7.2 to secure the greatest possible measure of joint action between the Council and its employees for the development and improvements of its services;
- 7.3 to monitor progress on the implementation of training and development of Council employees;
- 7.4 to consider measures for safeguarding the health and welfare of Council employees;
- 7.5 to consider references from the Council, Trades Unions or Staff Associations and make recommendations to the appropriate Council Committee;
- 7.6 to refer, as appropriate, any issue for consideration by and advice of the appropriate national negotiating body;
- 7.7 to inform the Council of any J.C.C. recommendations which appears to be of more than local interest, always provided that such a recommendation shall be approved by the Council prior to its submission to the appropriate national negotiating body.

## **8. Meetings**

- 8.1 The J.C.C. shall meet as and when required but not less than twice per year.
- 8.2 The matters to be discussed at any meeting of the J.C.C. shall be stated upon the notice calling the meeting, provided that any other emergency business may be considered if accepted by general consensus at the meeting.
- 8.3 The Joint Secretaries of the J.C.C. will advise J.C.C. members of the intention to convene a meeting. Items for the agenda must be submitted to the Joint Secretaries no later than fourteen days prior to the meeting.
- 8.4 A special meeting shall be called within seven days with the agreement of the Joint Secretaries.
- 8.5 The minutes of the J.C.C. meetings shall be reported to the Corporate and Community Planning Standing Scrutiny Panel, but before submission, the minutes shall be signed by the Convener or Vice-Convener or, failing one or other, a representative Member of Council or a Trades Union representative, as appropriate, who was present.  
The minutes shall be further distributed in accordance with para 6.1 above.
- 8.6 The J.C.C. shall not make any recommendations which conflict with the policy of the appropriate national negotiating body.
- 8.7 The Council shall afford the necessary facilities for the employee representatives of the J.C.C. to prepare items for the Agenda and to attend the meeting.

## **9. Quorum**

- 9.1 The quorum of the J.C.C. shall be 40 per cent of the representatives of each side.

## **10. Recommendations**

- 10.1 Recommendations from the J.C.C. shall be submitted to the Audit and Governance Panel or other relevant Panel, for consideration.

## **11. Alteration to Constitution**

- 11.1 The Constitution of the J.C.C. may be altered by mutual agreement of the Council, the Trade Unions and Staff Association represented.