

APPENDIX 1 TO MAIN STATEMENT OF TERMS & CONDITIONS

Extract from NJC for Local Authorities' Services (Green Book) and local Conditions of Service

The information provided here is a summary of the main terms and conditions of service applicable to employees of the London Borough of Ealing. The conditions of service referred to are set out **IN FULL** in the documents from which these abstracts are taken and which are referred to at paragraph 9 of the statement of Main Terms and Conditions of Employment (that is: the 'National Joint Council for Local Government Services National Agreement on Pay & Conditions of Service – 'the National Scheme'; the GLPC 'London Agreement' and; the London Borough of Ealing Local Conditions of Service – 'local conditions'). These documents are available for inspection during working hours at HR Employee Relations Department.

1) HOURS OF WORK (National Conditions Part 2 para 6, Local Conditions part 2 para 10.1, part 3 para 10.1)

Employees on full-time contracts will have a basic working week of 35 hours.

Designated managers will determine the pattern of the standard working week to ensure that the needs of the service are met. This will generally be worked over five days over a week between 07.30 and 20.00 hours. In some services a different pattern of work will apply. The pattern of the standard working week is set out in your statement of main terms and conditions. Where the standard working day is not subject to particular business needs requiring late or early working, this period shall be 0800 to 1800 hours. Where the standard working week includes a Saturday and/or Sunday alternative rest and free days shall be specified.

Employees must take an unpaid break the timing of which will be specified by the manager. This must be taken after a maximum of six hours of starting.

Certain protection arrangements set out in part 1 of the local terms and conditions apply to employees in post at 1st September 2001.

2) ANNUAL LEAVE (Local Conditions part 2 para11.1.)

Those employees who commence their employment on or after 1st September 2001 shall have the following entitlement to annual leave with part time employees having a proportionate number of days.

| LESS THAN 5 YEARS CONTINUOUS LOCAL GOVERNEMNT SERVICE | MORE THAN 5 YEARS CONTINUOUS LOCAL SERVICE BUT LESS THAN 10 YEARS | MORE THAN 10 YEARS CONTINUOUS LOCAL GOVERNEMENT SERVICE |
|---|---|---|
| 24 days per annum | 27 days per annum | 30 days per annum |

NOTE:

Employees in post as at 1st September 2001 shall benefit from the higher of either the above entitlement, or their existing entitlement protected on a personal basis.

Entrants to the service shall be entitled to Annual Leave proportionate to the completed months of service during the leave year of entry and your starting entitlement is noted at paragraph 11 of the main statement. Irrespective of length of service, an employee shall be allowed a holiday with a normal day's pay on each of the eight public holidays as they occur, or their equivalent. The scheme allows for up to 5 days leave (more in certain circumstances and with permission) to be transferred from one year to the next all employees should take their full leave entitlement in the leave year unless special arrangements for carry over had been made.

In addition to annual leave employees are entitled to paid public holidays. When an Employee is sick on a public holiday no extra holiday will be granted in lieu.

(i) Christmas leave (local conditions part 2 para 11.2)

- (a) One days extra leave is granted to all employees which shall either be the day before or after the normal Christmas bank holidays. The HR Director will select the day. This shall be treated as an extra statutory holiday within the national agreement on pay and conditions of service and this will be reflected in payments and time off in lieu to employees who have to work on this day.
- (b) Two days extra leave are granted to all employees to cover the normal working days which fall between Christmas and New Year bank holidays. Only high priority services will be operating on a skeleton basis on these two days. Employees who have to work on either one or both of these days will have one or two days added to their normal leave entitlement.

3) SICKNESS PAY SCHEME (extract from paragraph 10 of the National Scheme)

- (i) Subject to the provisions of the Scheme, an employee absent from duty due to sickness (which includes injury* or other disability) shall be entitled to receive an allowance in accordance with the following scale.

| LENGTH OF SERVICE | PERIOD AT FULL PAY | PERIOD AT HALF PAY |
|-----------------------------|--|---------------------------|
| During 1 st year | 1 month (after completing 4 months' service) | 2 months |
| During 2 nd year | 2 months | 2 months |
| During 3 rd year | 4 months | 4 months |
| During 4 th year | 5 months | 5 months |
| During 5 th year | 5 months | 5 months |
| Over 5 years | 6 months | 6 months |

For the purpose of ascertaining the appropriate period of benefit all previous service under any employing local authority (including for this purpose, service with any public authority to which the Superannuation Interchange Rules or The Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 applies) shall be aggregated provided that there was no statutory break in service (other than for maternity reason – see paragraph 14 of National Scheme). Employees who where subject to a TUPE transfer from Ealing to another organisation not covered by the above provision and who subsequently voluntarily transfer back to Ealing may also have continuity rights (see part 2, paragraph 2.5 of the local conditions.)

- * Employees absent due to a recognised injury or illness sustained in the course of their duties are subject to extend periods off sickness benefit.

(ii) Conditions

IN ORDER TO AVOID LOSING ANY SICK PAY YOU MUST COMPLY WITH THE FOLLOWING INSTRUCTIONS

- (a) As early as possible **ON THE FIRST DAY** notify your designated manager that you are unable to work, the reason why and the date you expect to return to duty.
- (b) If you are not able to return within four days you must, on or by the **FOURTH DAY**, further notify your designated manager of the nature and probable duration of your illness and the date you expect to return to work.
- (c) If you are absent more than seven days (all days count not just working days) you must provide to your designated manager with a doctor's statement not later than the **EIGHTH DAY** and continue to submit doctor's statements the same intervals as required for national insurance purposes for as long as you are absent. You may in exceptional circumstances be required by the Council to submit doctor's statements at more frequent intervals.
- (d) If the first statement issued by your doctor covers a period exceeding 14 days, or you find it necessary to submit more than one doctor's statement you must, before returning to work, obtain a final statement from your doctor to say that you are fit to resume your duties.
- (e) When you return to work you must see your designated manager on the day you return. If you have been absent for four days or more you must certify in writing, on a form your supervisor will provide, the reason for your absence.

(iii) Statutory Sick Pay

The qualifying days for statutory Sick Pay are Monday to Saturday inclusive.

4) EQUALITIES

The Council is committed to ensuring equality of opportunity in employment and the provision of services. As a means to achieve this, the Council will strive to ensure that its Policies and procedures work to remove all forms of discrimination and to employ and promote a workforce which broadly represents the community that it serves.

Employees must at all times comply with the current guidance on conduct detailed in the Council's Equality & diversity Policy (and Code of Conduct both in part 4 of the local conditions) which is issued to all staff and revised from time to time. Failure to do so may result in disciplinary proceedings, possibly leading to dismissal.

Employees experiencing, or witnessing, discrimination at work should raise the issue with their designated manager or, if this is difficult, with the next level of management at the earliest opportunity. Employees may use the grievance procedure (Section 8) to seek to resolve issues of discrimination, victimisation or harassment in the workplace. The Council provides guidance on tackling harassment in Part 4.

(5) MATERNITY LEAVE (Para 11 of the National Scheme and Local Conditions of service part 2 para 11.6)

The Scheme provides for maternity leave and maternity pay for women at various levels of benefits dependent upon length of service. There is a further provision for 18 weeks maternity leave without the requirement for any qualifying service.

(6) PARENTAL & MATERNITY SUPPORT LEAVE (National Conditions part 2 para 7.6., Local Conditions part 2 para 11.7, part 3 para 11.8)

Employees who are the partner or 'nominated carer' of an expectant mother are entitled to paid leave. There are two levels of benefit dependent upon length of service.

(7) ADOPTION LEAVE (Local Conditions part 2 para 11.8, part 3 para 11.9)

Employees who formally adopt a child can be allowed time off. The scheme allows for various levels of benefits dependent upon length of service. In addition the principle of the parental leave scheme will apply for eligible employees who are not the principal carer of the adopted child. Further details are available from HR Employee Relations.

(8) GRIEVANCE PROCEDURE – (local conditions par 2 para 14, part 3 para 14)

- (i) The council has a three-stage procedure that follows the ACAS guidelines. The grievance procedure provides a framework for the prompt consideration of all employees' concerns and complaints. It serves the best interests of both the Council and its employees that a constructive approach is taken to investigating complaints or grievances. Designated managers, employees and Trade Unions representatives using this procedure are expected to co-operate in seeking solutions to the problem(s) identified. The procedure can be used equally for groups of employees having a common grievance, as well as individual employees. The grievance procedure shall apply.
 - (a) Where an employee is aggrieved at a management action or decision;
 - (b) Where there is a dispute over the interpretation and/or application of the Local Conditions of Service or other matters relating to the contractual rights of an employee; and these matters remain unresolved after bringing them to the attention of the designated manager.
- (ii) The grievance procedure shall not apply:
 - (a) to matters relating to the grading of an employee's post which should be dealt with through a relevant appeal mechanism;
 - (b) to resolve personal disputes which arise between colleagues;
 - (b) to matters appropriately dealt with under the disciplinary appeals procedure.
- (iii) Where a grievance relates to harassment, the guidelines for dealing with harassment (available from department personnel teams) should be followed.

(9) OFFICIAL CONDUCT (part 2 Paragraph 2 of the National Scheme, local conditions part 2 para 3 and local Code of Conduct).

Employees must maintain conduct of the highest standard so that public confidence in their integrity is maintained. Employees must comply with the guidance on conduct detailed in the 'Ealing Council Code of Conduct for Employees' that is issued to all staff and revised from time to time. Failure to do so may lead to disciplinary action possibly leading to dismissal.

As condition of employment employees must sign a declaration that they have received the Code of Conduct. Managers will ensure that the meaning and purpose of the Code of Conduct is covered fully within the first week of the induction programme for all new employees. Employees who still do not understand any part of the Code of Conduct must refer to their designated manager, or HR consultant with Employee Relations, for an explanation within the first month of taking up the post. At the end of the first month in post the employee will be required to sign a further declaration that they have read and understood the Code of Conduct.

(10) DISCIPLINARY AND WORK REVIEW PROCEDURE – (local conditions part 2 para 15, part 3 para 15).

The council has a disciplinary procedure in line with ACAS guidelines to deal with work and/or conduct which falls below acceptable. The procedure has two stages plus an appeal stage. The purpose of the procedure is to ensure that employees are treated fairly, reasonably and in the appropriate way whenever action is required to deal with such a problem.

(11) PROCEDURE FOR PROBATION/PERFORMANCE REVIEW OF NEW APPOINTMENTS (Local conditions part 2 para 2.3, part 3 para 2.3)

This procedure does not apply to employees who have been assimilated or redeployed into a new post within the Council. These are subject to different process described within the Assimilation and Redeployment schemes.

All new appointments to posts with the Council (regardless of previous local government Service) are subject to a minimum six-month probationary period, which must be satisfactorily completed before an employee can be confirmed in a post.

Existing Council employees who voluntarily obtain a new post within the Council will be expected to meet the full performance requirements within six months of taking up the new post. Such appointments will be subject to the same induction process as probationers and will follow this procedure up to and including paragraph 2.4.9. At this stage (ie. six months after appointment at the latest) the employee will either be confirmed in the new post if she/he meets the required standards or formal work review proceedings will commence directly at stage 2 of that procedure (paragraph 15.6).

For the purpose of this procedure: new appointees to the Council will be referred to as "probationer(s)" serving a "probation period" and; existing employees in the first six months in a new post with the Council will be referred to as "inductee(s)" going through a "performance review period".

The Council is committed to giving all new appointees the fullest possible assistance in achieving a satisfactory level of performance during their probation/performance review period to assist them in demonstrating their suitability to undertake the full duties of their new post in order to be confirmed in the post.

Designated managers will ensure that the Recruitment Team are kept informed of all stages of the new appointee's progress during the probation/performance review period. Copies of all documentation related to the process must be placed on the probationer's/inductee's personal file.

Guidance for managers on probation/performance reviews, formal hearings and appeals will be issued from time to time and will be followed. In all cases any requirements of the Disability Discrimination Act must be fully observed as appropriate.

(12) HEALTH, SAFETY & WELFARE – (Local conditions part 2 para 5 & part 3 para 5)

Health & Safety Policy

Employees must comply with the guidance on conduct detailed in the Council's General and Department Health & Safety Policies, which are issued to all staff. Failure to do so may result in disciplinary action.

The Council is responsible for the provision of a safe working environment for all its employees, and to this end will ensure that its health and safety policies, procedures and practices are carried out.

(13) INDUCTION, TRAINING AND DEVELOPMENT – (Local conditions part 3 para 4).

The Council's commitment to employee training and development aids effective recruitment, induction and retention of staff. for the purpose of cost effectiveness and high quality service.

All employees, whether full or part time, can be supported in a number of ways, including free Council career development loans and study leave. It is recognised that all employees have entitlement to some form of training. Details of conditions and support available to employees are outlined in part 3, paragraphs 4.1 – 4.4.

The induction programme must include those matters relating to the Council's Code of Conduct and Health & Safety prescribed in paragraphs 3.2 and 5.1.3 respectively.

(14) DATA PROTECTION PRINCIPLES

DATA PROTECTION ACTS 1984 and 1998

The London Borough of Ealing is bound by the Acts, as are all its employees individually. It is necessary therefore for all employees to be aware and to have an understanding of the principles of the Act. These are set out for your information in this section and further details of Training Facilities are available from your Department Supervisor.

At all times the eight data protection principles set out in the Data Protection Act will be followed:

1. The Personal data information shall be obtained and processed, fairly and lawfully;