



**TORBAY COUNCIL
STATEMENT OF WRITTEN TERMS AND CONDITIONS OF EMPLOYMENT
FOR CHIEF OFFICERS**

In accordance with the Employment Rights Act 1996

This document can be made available in other languages, on tape, in Braille, large print and in other formats. For more information please contact 01803 207366

Employer:

Employee:

Job Title:

Commissioning Function:

Place of Work:

Note: You may be required to be based at or work from any location within the Council's boundaries. If you are required to change your work base there will be no recompense available to you. Similarly, you may be redeployed to work in an alternative job role commensurate with your current grade and level of skill/experience elsewhere within the organisation. This may be temporarily to provide service cover or as a permanent variation (as an alternative to redundancy).

Date of commencement in this job

Date Written Particulars issued:

1. PAY

Hay Know How Score

Annual Spot Salary

2. CONTINUOUS SERVICE

2 (i) Continuous Service for Employment Rights

Date of commencement of continuous service with Torbay Council (for statutory employment rights):

[This date includes any service transferred by Statutory Transfer Order or Transfer of Undertakings (Protection of Employment) Regulations to Torbay Council].

2 (ii) Continuous Local Government Service for Other Purposes

Previous service with an organisation covered by the Redundancy Payments (Continuity of Employment in Local government, etc)(Modification) Order 1999 which includes local authorities and certain other public bodies, can count in calculating any entitlement to a redundancy payment and for certain contractual purposes including sickness allowances, annual leave and maternity leave.

Date of commencement of continuous local government service:

Note: If you have more than one contract of employment with Torbay Council, the dates of commencement shown above apply to this job only. Dates of commencement of continuous service as they apply to other contracts will be shown on the statement of terms and conditions relevant to each job.

3. HOURS OF WORK

The standard weekly hours for full (whole) time working, excluding meals and other breaks, are 37.

You will be expected to carry out your duties during such hours as may reasonably be necessary in order to meet the needs of the Council's business, which may require you to work reasonable additional hours in excess of the normal working week from time to time. However, where possible, you should ensure that your working week does not exceed an average of 48 hours.

3 (i) Working Pattern

Your employment is:

The normal days and hours in the week which you are initially contracted to work are indicated below. These may be varied in the future after discussion with the Chief Executive:

Monday; Tuesday; Wednesday; Thursday; Friday;

4. HOLIDAYS

4 (i) Annual Leave

Basic annual leave entitlement for employees is based upon the permanent full time equivalent of 37 hours per week. For employees who work part time or for part of the year, the annual leave entitlement is the pro-rata equivalent of the full-time entitlement; full details will be given on joining the Council.

A further one day's leave is given after 10 years continuous local government service and this accrues at the start of the leave year in which your 10th year of service occurs.

Your annual leave entitlement is 33 days.

The annual leave year runs from 1st April to 31st March. Up to 4 days annual leave may be carried forward from one leave year to the next. Any leave carried forward should be taken by 31st May. The Chief Executive may approve the carrying forward of more than 4 days' leave in exceptional circumstances.

Employees starting or leaving the employment of Torbay Council are entitled to leave proportionate to the number of completed days of service during the current leave year. On leaving the Council, it is advisable for any outstanding annual leave to be taken where possible within the notice period, however, payment will be made in lieu for any outstanding leave which has not been taken upon termination of employment. At the end of your employment with Torbay Council, payment is deducted for leave taken in excess of entitlement. In the event that your employment is terminated for gross misconduct reasons, you will be entitled to payment of accrued but untaken annual leave in accordance with the statutory annual leave provision, prescribed under the Working Time Regulations 1998.

4 (ii) Public Holidays

In addition to your contractual leave, you are also entitled to paid public holiday entitlement.

Part-time employees will have a pro-rata entitlement which is calculated on the basis of one-fifth of their weekly contract hours.

If you are required to work on a public holiday, you will be entitled to time off in lieu in accordance with the local arrangements for your employee group.

5. ABSENCE FROM WORK

The Council has a policy on absence from work, but in summary, employees are required to notify their line manager/supervisor of absence due to sickness or injury at the earliest opportunity and to declare the reason for non-attendance at work on a self-certification form. If the absence continues beyond seven consecutive days, the employee must submit a medical certificate from their doctor. Further medical certificates must be submitted at intervals thereafter covering the period of absence.

6. SICKNESS ALLOWANCE

[For employees without continuous LG service only] During your six month probationary period, you will be eligible to receive SSP (Statutory Sick Pay) only. SSP is not paid for the first 3 days of any absence. Following successful completion of your probation and provided you comply with the policy on sickness absence reporting, you will be covered by the Sickness Scheme set out in the National Agreement, below.

[For employees with continuous LG service only] Provided you comply with the policy on sickness absence reporting, you will be covered by the Sickness Scheme set out in the National Agreement, below.

Sickness allowances are as follows:

Length of Continuous Local Government Service	Allowance at Full Pay can be up to:	Allowance at Half Pay can be up to:
During 1st year	1 month	2 months
During 2nd year	2 months	2 months
During 3rd year	4 months	4 months
During 4th year	5 months	5 months
During 5th year	5 months	5 months
After 5 years	6 months	6 months

Where there is medical evidence that an employee is no longer capable of fulfilling the requirements of the job, Torbay Council reserves the right to terminate employment before sickness allowances have been exhausted.

An employee shall, if required by the Council at any time, submit to a medical examination by a medical practitioner nominated by the Council, subject to the provisions of the Access to Medical Reports Act 1988 where applicable.

Third Party Negligence

If the absence of an employee is occasioned by the actionable negligence of a third party in respect of which damages are recoverable, the employee shall advise the Council forthwith and it shall be open to the Council to require the employee to refund a sum equal to the aggregate of sick pay paid to them during the period of absence or such part thereof as is deemed appropriate, but not exceeding the amount of the damages recovered. In the event of the claim for damages being settled on a proportionate basis, the Council will require full details and will determine the actual proportion of sick pay to be refunded.

7. NOTICE PERIOD

During any period of probation, you will be eligible to statutory notice, i.e. 1 weeks' notice, should the Council terminate your employment. Following notification of successfully completing your probation, if you wish to terminate your contract of employment, you will be required to give the Council **3 calendar months** notice. Similarly, if the Council wishes to terminate your employment, it will provide you with 3 calendar months notice.

Notice by either side must always be confirmed in writing. If you are summarily dismissed for gross misconduct, you will not be entitled to notice or pay in lieu of notice. Payment in lieu of accrued but untaken statutory annual leave only will be made to the employee (and where appropriate a deduction

will be made from salary) in the event of termination of employment for gross misconduct reasons. Statutory annual leave is that provided for under the Working Time Regulations 1998.

Torbay Council reserves the right to make a payment in lieu of notice for all or any part of your notice period upon the termination of your employment (rather than you working out your notice period). This provision, which is at the Council's discretion, applies whether notice to terminate the contract is given by you or by the Council.

PAYMENT OF NOTICE FOR DISMISSAL ON GROUNDS OF MEDICAL INCAPABILITY AND RETIREMENT ON GROUNDS OF PERMANENT ILL HEALTH

During the notice period, employees whose contractual notice period is the same or less than the statutory notice by 1 week, are entitled to be paid full pay during their notice period. Employees whose contractual notice is greater than the statutory notice, are not entitled to full pay during their notice pay and will receive SSP (or if they have exhausted SSP, they will not be entitled to any pay).

The managing attendance policy should be referred to for a more detailed summary of these entitlements.

8. GENERAL CONDITIONS OF SERVICE

During your employment with the Council your terms and conditions of employment will be in accordance with:

- 8 (i)** The Collective Agreement which is negotiated from time to time by the national employers and the trade unions known as the Joint Negotiating Committee for Chief Officers of Local Authorities. The National Agreement is set out in a handbook known as the 'Chief Officer's Handbook'. Copies are available in Human Resources.

The 'Chief Officer's Handbook' National Agreement has no effect on existing local agreements which were previously locally determined, such agreements will continue to be reviewed and amended through the local negotiating arrangements.

- 8 (ii)** Collective agreements negotiated and agreed with trade unions recognised by the Council.
- 8 (iii)** From time to time, other general terms and conditions determined by decisions of Torbay Council.
- 8 (iv)** From time to time, other variations in terms and conditions of employment resulting from negotiation, agreement and/or consultation with a specified union or unions.
- 8 (v)** Employment Policies and Procedures available on the Human Resources intranet site.

Contract Variation

Changes to terms and conditions of employment may be varied without your consent if such terms are imposed by statute and/or where changes have been agreed with the relevant trade unions, as above. Any other proposed changes will be notified to you and a reasonable period of consultation entered into or otherwise incorporated in documents to which reference can be made. We reserve the right to vary the contract of employment thereafter if the changes are deemed reasonable and necessary for an operational or other substantial reason. The full range of Employment Policies and Procedures are available on the Council's Human Resources Intranet site.

Overpayments

The Council reserves the right to require you to repay, either by deduction from salary or any other method acceptable to the Council:

- Any amounts of remuneration, expenses or any other payments (statutory, discretionary, etc) which are overpaid to you whether made by mistake or through any misrepresentation or otherwise;
- (on termination of employment) any holiday pay paid to you in respect of holiday granted in excess of your accrued entitlement; and
- any other sums owed to the Council by you, including, but not limited to, outstanding loans or advances, any associated training/course fees or relocation expenses.

9. PAY ARRANGEMENTS

9 (i) Spot Salary

You are on a spot salary which has been determined by the Hay Evaluation process. Your spot salary corresponds to the Know-How score for your post.

9 (ii) Annual Pay Review

Pay arrangements are reviewed each year as part of the Chief Officers National Negotiating process and will take effect annually at 1st April.

9 (iii) Overtime

This is not applicable to your employee group.

10. MATERNITY / ADOPTION / MATERNITY SUPPORT PROVISIONS

Provisions for Maternity, Adoption or Maternity Support for employees are set out in the 'Chief Officer's Handbook' and within the employment policies and procedures contained on the Human Resources intranet site.

11. PENSION

You have the right to join the Local Government Pension Scheme. Information on the Scheme is provided on appointment. A certificate is in force for the Local Government Pension Scheme to be contracted out of the State Earnings Related Pension Scheme.

12. RETIREMENT

12.1 The normal retirement age for all employees is 65.

12.2 The Council will notify you of your proposed retirement at least 6 months and no more than 12 months before that date. You will be fully informed of your rights and entitlements at that time, including the right to request to continue working beyond this date.

13. DISCIPLINARY, CAPABILITY AND GRIEVANCE PROCEDURES

Details of the Disciplinary, Capability and Grievance Procedures, which are applicable to you, are contained on the Council's HR Intranet site. You should familiarise yourself with these procedures on joining the Council.

14. REDUNDANCY PAYMENTS

Entitlement to a redundancy payment is calculated in accordance with the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 with reference to the Employment Rights Act 1996. Any additional redundancy compensation payments which may be payable are governed by regulations laid down in Acts of Parliament current at the time.

15. CONDUCT, BEHAVIOUR AND APPEARANCE

As a Local Government employee you are expected to demonstrate the highest level of integrity and professionalism. You will be expected to maintain conduct of the highest standard, such that public confidence in your integrity is sustained.

When communicating with the public, whether direct or by telephone, a high standard of personal behaviour is essential. You must remember that to any member of the public, you represent Torbay Council, and accordingly you must exercise impeccable standards of courtesy at all times.

Your standard of dress must also be in keeping with the proper conduct of business and present a tidy, efficient appearance to the public. You should remain aware that standards of dress can affect people's impression of the Council's performance. You are expected to wear any uniform supplied whilst at work and to maintain high standards of personal cleanliness and hygiene.

It is a condition of your employment in this post that you must disclose any pending criminal proceedings for which you have been formally charged, any criminal conviction, caution, reprimand, bind-over or final warning received during the course of your employment. Failure to do so may result in disciplinary action being taken against you, as may the nature of the offence (depending upon its impact on your work) and this may result in your dismissal from Torbay Council's employment.

You should never put yourself into a situation where your private interests conflict with your official duty as a Local Government employee. Where there may be conflict, you must notify your line manager. If at any time you are considering taking-up additional paid employment, express consent should first be sought from your Chief Executive. This is to ensure that your official Local Government duties are not compromised in any way and also to ensure that your working hours are in accordance with the Working Time Regulations (1998) weekly working hours limit, i.e. 48 hours per week.

15 (i) Code of Conduct

The Council has adopted a Code of Conduct. A Guide to the Code and other related documents is available from the Human Resources intranet page. Failure to comply with the Code may lead to disciplinary action.

The Code of Conduct outlines rules concerning:

- (a) Behaviour and respect for others
- (b) Confidentiality
- (c) Abuse of power
- (d) Disclosure of 'Personal Interests', 'Personal Prejudicial Interests' and 'Pecuniary' (Financial) Interests that may affect decisions
- (e) Prohibition of Fees or Rewards
- (f) Limitations on the Acceptance of Gifts and Hospitality and
- (g) Registration of Interests by Employees Holding Politically Restricted Posts and by Employees who negotiate and/or let Council Contracts

All employees must observe the Code of Conduct whenever they:

- (a) Act on behalf of, or in the name of, Torbay Council
- (b) Perform their work as an employee of the Council, or
- (c) Act as a representative of the Council

All employees must observe the Code of Conduct and familiarise themselves with it on joining the Council.

16. POLITICALLY RESTRICTED POSTS

Your post is designated as 'Politically Restricted' under the Local Government and Housing Act 1989 (part one) if you are:

- (a) regularly giving advice to Councillors in formal meetings; or
- (b) regularly speaking to the press or other news media on behalf of the Council; or
- (c) a Group Assistant supporting a political group.

Under the Act, the restriction prevents any occupier of such a post from:

- (a) becoming a member of a County or District Council, the House of Commons or the European Parliament
- (b) holding office in a political party
- (c) canvassing on behalf of a political party
- (d) speaking or writing publicly on matters of party political controversy.

16 (i) Registration of Interests

If you are in a politically restricted post or you negotiate and/or let contracts on behalf of the Council you will be required to register in writing to the Chief Executive your financial and other interests. You will not be required to disclose "sensitive personal data". **You will have included in your letter of appointment a copy of the Guide to the Code of Conduct for Employees and a Register of Employee's Financial and Other Interests Form which must be completed and returned within 28 days.**

17. MEMBERSHIP OF A TRADE UNION

Torbay Council supports the principle of collective bargaining. In this way, good employee relations are established and maintained; problems avoided and resolved, and pay arrangements and conditions of service negotiated. Employees are therefore encouraged to join any trade union represented on the National Council for their employee group to ensure that the employees' organisations are fully representative.

18. HEALTH AND SAFETY

The Council places great importance on the health, safety and welfare of its employees at work. You must therefore read the Health and Safety Policy which is contained in the Health and Safety Manual, available from the Council's Intranet.

You should also familiarise yourself with the following Council policies which contain important information relating to Health and Safety and your personal responsibilities:- Misuse of Drugs and

Alcohol, Smokefree Environment, Induction, Driver's Handbook and the Code of Conduct. These policies are available from the Human Resources intranet page or via your manager, all employees are expected to comply. You must also complete the on-line Health and Safety course, which is a mandatory part of your Induction and any ongoing Health and Safety training required as part of your job role.

If you use your own vehicle for council business you must ensure that your insurance policy covers you for business use. You should also have a valid vehicle licence in place for inspection.

19. DATA PROTECTION

Torbay Council must hold and process personal data relating to its employees in order to fulfill its various statutory reporting and other obligations as an employer. It may also hold employee data for various other purposes such as, but not limited to, training and development; management planning and monitoring of, for example, absence records, ethnicity, gender and disability.

The following are types of information that the Council holds about its employees, both during and after employment:

- (a) photographs
- (b) work contact details such as telephone number, email address
- (c) financial information relating to pay and pensions
- (d) information relating to qualifications and/ or previous employment
- (e) information relating to employment at the Council, such as disciplinary, grievance, appraisal records
- (f) information on ethnic origin, gender, and disability of individuals
- (g) information relating to criminal convictions

Please note, that unless there is good reason to the contrary, Torbay Council may wish to put employee work contact and professional details on the Internet so that, for example, members of the public can contact a named individual where necessary for the provision of services.

Torbay Council will ensure it complies with the provisions of the UK Data Protection Act, 1998 in respect of processing all 'personal data', including that relating to its employees. This means that any personal data and/ or information – whether in paper or electronic formats – will:

- (a) only be processed in accordance with the Council's Data Protection Notification, and in accordance with applicable law
- (b) only be processed (including collected and shared) as necessary and for a particular purpose/s
- (c) be kept up to date and accurate
- (d) be made accessible to the individual the personal data relates to (with some limited exemptions)

Torbay Council will, where necessary and/ or required by legislation:

- (a) inform the individuals that processing of their personal data is taking place at the point of collection of the data, or as soon as possible after collection
- (b) explain clearly and in a timely manner the reasons for that processing
- (c) take into consideration the request from an individual to stop processing and/ or destroy his/her personal data

Torbay Council employee records will be kept for as long as necessary to fulfill the Council's statutory obligations and/ or operational requirements, and in accordance with the Council's Records Retention Schedule.

Every employee has a duty to ensure that s/he complies with the provisions of the UK Data Protection Act, 1998, other applicable legislation and any internal specific and related policies and procedures, for example those relating to Data Quality. Details are available on the Council's Intranet site, or from your line manager.

It is a condition of your employment with Torbay Council that you will treat any personal data to which you have access to in accordance with the legislation and any relevant Council policies and procedures. In particular, you will not use, copy or disclose any such data other than in connection with, and to the extent necessary for, the purposes of your period of employment with Torbay Council. Any infringement of this may result in the Council's Disciplinary policy being invoked against you.

20. INTELLECTUAL PROPERTY RIGHTS

Intellectual property rights refers to patents, copyright, database rights, registered and unregistered design rights, trademarks, utility models, plant variety rights and other intellectual property rights throughout the world, applications for registration of any of the same, confidential information and know how, whether in all cases registered or unregistered.

You may make or create intellectual property rights in the course of your employment and as such, you have a special obligation to further the interest of the Council's business in this respect.

Where you make or create any intellectual property rights that may be of benefit to the Council, you shall inform your Chief Executive in writing and such rights shall be owned absolutely by the Council so far as the law allows. You shall enter into all documents and do all things necessary to ensure such ownership. You will waive all moral rights therein (i.e. you will not have the right to be identified as the "author" of the piece of work).

21. COMPUTER SECURITY POLICY

The Council has adopted a computer security policy relating to the general use of IT; email and internet facilities provided for employees. This policy is available on the Intranet and you must familiarise yourself with the arrangements set out in this policy. You are required to comply with the provisions of this policy as a condition of your employment. Your usage of the Council's IT facilities may be monitored in accordance with the arrangements set out in the policy.

Breaches of the Computer Security Policy may lead to disciplinary action being taken.

22. NO SMOKING

The Council operates a Smoke-Free Policy and employees are prohibited from smoking in any of the Council's buildings (including Council owned and Council leased buildings, but excluding designated areas in residential schemes), enclosed spaces within the curtilage of buildings, and Council vehicles. Staff will not be released for a break that is specifically for smoking.