



# Argyll and Bute Council

## Terms and Conditions of Employment

### For

## Local Government Employees

This document is Argyll and Bute Council's Terms and Conditions of Employment for Local Government Employees.

It should be read in conjunction with Scottish Joint Council for Local Government Employees National Agreement on Pay and Conditions of Service and Argyll & Bute Council Service Terms and Conditions.

Full details of the terms and conditions referred to above are available on the Council's intranet site.

If you have any queries about the contents of this document, you are welcome to contact HR&OD by emailing [HREmployeerelationsenquiries@argyll-bute.gov.uk](mailto:HREmployeerelationsenquiries@argyll-bute.gov.uk)

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## Introduction

In respect of Argyll and Bute Council terms and conditions of employment, these are:

- (i) Covered by collective agreements negotiated and agreed with specified trade unions recognised by Argyll and Bute Council for collective bargaining for local government employees;
- (ii) Covered by other policies and procedures adopted, or amended from time to time by Argyll and Bute Council after consultation where appropriate with the relevant trade union;
- (iii) The Council reserves the right, following individual or collective consultation / negotiation to make amendments as appropriate.

It should be noted that where the user is directed within the body of the text to a specific policy, guidance document, process or procedure for more detailed information the information in these documents has the same standing as the information in the main document.

## 1. Recruitment

### 1.1 Internal Thresholds for advertising vacant posts.

Vacant posts graded LGE 5 - LGE9 are normally to be advertised internally only in the first instance. All other grades may be advertised internally and externally simultaneously in accordance with the recruitment advertising timetable.

In appropriate circumstances, for example departmental or Council wide restructure, posts may be ring fenced to allow a suitably agreed matching in process to take place after consultation with the relevant trade unions.

### 1.2 Disclosure Checking

One of the steps in ensuring that those who work with children or vulnerable adults are not unsuitable is to check for criminal convictions and other information known to the Police. For many types of work this is a legal requirement. Checking is achieved by obtaining an enhanced criminal conviction disclosure certificate.

During recruitment and at other times employees may be asked to apply for an enhanced disclosure certificate. A certificate gives details of any spent and unspent convictions, intelligence deemed relevant by the police, and whether the individual is named on any relevant list disqualifying him or her from the work. Disclosure certificates are obtained from Disclosure Scotland. A copy is sent to the Council.

Full details are available from the Council's [Disclosure Policy](#).

### 1.3 Criminal Convictions/ Rehabilitation of Offenders.

All job applicants who are invited to interview must complete a Criminal Convictions Declaration Form. In terms of the Rehabilitation of Offenders Act 1974, applicants for the majority of posts need not reveal any criminal convictions which are “spent” as defined in the Act. However certain posts within the Council are covered by the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2009 as amended and the terms of the Act therefore do not apply to these posts. These exceptions are listed in the Orders made by a relevant government minister and relate in particular to matters of national security, the care of those who are considered to be vulnerable and to the administration of justice.

Details of excepted posts are available on the Council's [intranet](#).

## **1.4 References**

### *(i) Obtaining references*

Both telephone and written references are acceptable, the decision as to which is more appropriate should be based on the seniority and nature of the post.

### *(ii) Providing references*

All data given in a reference should be based on fact or capable of independent verification. All references should be fair, accurate and not give a misleading overall impression of the employee.

References should avoid giving any subjective opinion about an individual's performance, conduct or suitability, unless it can be substantiated with factual evidence.

The employee's consent should be requested before supplying a written or telephone reference.

## **1.5 Canvassing of Members or Employees of the Council**

Canvassing of members or employees of Argyll and Bute Council directly or indirectly in connection with any Council appointment will disqualify the applicant.

## **1.6 Disclosure of Relationship by a Member of the Recruitment Panel**

A member of a recruitment/appointments panel should consider whether they have a conflict of interest and to make a judgement as to whether such an interest prevents them from participating.

This rule is intended to produce transparency in regard to interest that might influence, or be thought to influence, the action of a panel member.

Further information is available in the [Argyll and Bute Council Employee Code of Conduct](#)

## **1.7 Expenses of Candidates for Appointment**

Actual travelling and subsistence expenses reasonably incurred will be reimbursed. (Local Authority subsistence rates should be taken as a guide). Expenses will be limited to journeys within Great Britain and will not be reimbursed for return journeys of 100 miles or less. Claims will not be paid until the outcome of the interview is known. Refusal of the offer of employment on grounds which the Council deem to be inadequate will result in non-payment of interview expenses.

## 1.8 Medical Requirements

The successful candidate is required to complete a pre-employment medical questionnaire. For further information please see the [Managers Guide to Recruitment](#) which is available on the Council's intranet.

## 2. During Employment.

### 2.1 Hours & Overtime

#### 2.1.1 (a) Normal Working Hours

Core working hours will be within the hours of 6:00 a.m. – 10:00 p.m. Monday to Sunday generally worked on a 5 over 7 basis. No enhanced payments will be made for hours worked, as part of the normal working week, within this timescale.

The number of hours worked in a week may exceed the hours of the comparable full-time post at certain periods, provided that the average over a year does not exceed the notional working week for a comparable full time employee, up to a maximum of 37 hours.

There will be a meal break of at least 30 minutes in work days of 4 hours or more duration except where a paid meal break applies.

The pattern of hours to be worked will be detailed in the contract of employment or in accordance with predetermined rosters, or in accordance with any existing work patterns in place. The Council will reserve the right following consultation and reasonable notice to alter alternative working arrangements.

#### 2.1.1 (b) Night Working

Time and a third of the hourly rate will be paid for each hour worked on recognised night shifts between 10pm and 6am.

#### 2.1.2 General and Public Holiday Working

An employee required to work on a fixed general or public holiday as part of normal working will, in addition to the normal pay for the day be paid:

EITHER

At plain time for the time actually worked within normal working hours and will be allowed time off with pay in lieu at a later date on the following basis:

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	The whole of a normal working day

OR

At double time rate for the time actually worked within the normal working hours, with no time off in lieu.

In sum the employee may receive double time for the hours worked plus time off in lieu or triple time with no time off in lieu.

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

### 2.1.3 Changes to Standard Working Pattern

Where, in an emergency, employees are required and agree to change from the normal standard working week of 6:00am – 10:00pm, Monday – Sunday a 30% enhancement to the normal hourly rate will be paid for each hour worked.

### 2.1.4 Overtime

#### (i) General

All overtime in excess of the notional working week for a full time employee must be authorised by the Director or his/her appointed representative and will be paid at a rate of time and a half for hours worked in excess of 37. This includes overtime working on a fixed Public Holiday.

#### (ii) Time off in lieu (TOIL)

In exceptional circumstances where overtime is due but an employee requests that time off in lieu then, with the agreement of the appropriate third tier manager and subject to the exigencies of the service, TOIL will be granted at plain time (Hour for hour) for any hours worked. Subject to (iii) below.

TOIL will be agreed in advance by management and granted at plain time (hour for hour) for employees who have to travel out with flexi time.

#### (iii) Conditions Governing Payment

An employee whose basic salary is on or below spinal column point (SCP) 75 is eligible for payment of overtime subject to authorisations and to the conditions set out below.

Overtime payments for employees graded SCP75 and above will only be paid in exceptional circumstances and where prior approval has been obtained.

Overtime payments at enhanced rates will not be paid to employees until they have worked in excess of 37 hours in any one week, or averaged week. Where there is a fixed Public Holiday, it is standard practice for 7hrs to be included within the 37 hour working week.

Extra time of less than half an hour in any one day will not count as overtime. All overtime of half an hour or more will be aggregated for each week and only completed half hours paid.

## 2.2 Payment

### 2.2.1 Pay & Grading Structure

The Council operates Gauge [Job Evaluation Scheme](#). The pay and grading structure will remain the same; pay scales will be revised annually in accordance with the cost of living allowance.

### 2.2.2 Application of Scales

#### (i) *On entry to service*

Placing beyond the minimum point on the scale requires prior approval of Director.

#### (ii) *Trainees*

Trainees' appointments and salary progression will be in accordance with the Council's Trainee Scheme.

#### (iii) *Calculation of a day's salary*

A day's salary can be calculated by multiplying the number of hours worked in any day by the employee's hourly rate.

#### (iv) *Temporary, part time and Job Share employees*

The service conditions and salary scales will apply where appropriate, to a temporary employee, and will apply on a pro rata basis to part time and job share employees.

#### (v) *Pay Frequency*

Pay frequency is monthly. Term time employees will be paid over 52 weeks.

### 2.2.3 Increments

#### (i) *Payment of Increments*

Subject to (a), (b) and (c) below, annual increments shall be granted as from 1<sup>st</sup> April each year until the maximum of the scale is reached, provided the employee has had not less than six months service in the grade.

- (a) Employees with less than six months service in the grade by 1<sup>st</sup> April shall be granted their first increment with effect from the day following the completion of six months service after their appointment, promotion or regrading.
- (b) An increment may be withheld if an employee is reported upon adversely. If an increment is withheld because of unsatisfactory service and the service of the employee subsequently becomes satisfactory, the increment may be reinstated.
- (c) The increments of any employee may be accelerated within the appropriate salary scale on the grounds of special merit or ability, at the discretion of the employee's director.

## 2.2.4 Employees Temporarily Undertaking Higher Duties

An employee who is asked by management to undertake temporarily, duties for which the normal rate of pay is higher than that for the duties upon which ordinarily employed, should after one day in such higher paid post be paid the rate of pay for the higher paid post, so long as the whole duties and the full responsibilities of such higher paid post are carried out.

For further information please see guidance on [Managing Temporary Arrangements](#) on the Council's intranet.

## 2.3. Leave

N.B In line with the Working Time Regulations Statutory leave entitlement may include Public Holidays.

The minimum total leave entitlement for a full time Local Government Employee in Argyll and Bute Council will be 32 days (including fixed Public Holidays). This will increase to 37 days after 5 years and 40 days after 10 years.

Public holidays will be deducted from the total leave entitlement as and when they fall.

Remaining leave will be taken at the employee's disposal, with the approval of their line manager.

Annual Leave entitlement will be pro-rata for part time employees and all amounts referred to in this section will be applied on a pro rata basis.

### 2.3.1 Annual Leave

#### (i) *General*

The minimum paid full annual leave entitlement will be 20 days. An employee who has at least 5 years continuous service at the commencement of the year qualifies for a further five days annual leave. An employee who currently has at least 10 years continuous service at the commencement of the leave year qualifies for a further three days annual leave.

The leave year will be from 1st January to 31st December and all leave must be taken between the period 1st January of the year to which it relates and 31st January of the following year (this is at the discretion of the Executive Director).

Any leave not taken by 31st January of the following year will be forfeited, unless the appropriate service Director allows the extension of the leave year for special reasons associated with the necessary undertaking of Council services. For these exceptional cases, where an extension is granted, this will be confirmed in writing.

Information and advice on [calculating leave entitlements](#) is available on the Council's intranet and may be revised in line with statutory changes to holiday entitlements.

*(ii) Absence through Sickness*

An employee who falls sick during the course of annual leave will be regarded as being on sick leave from the date of a doctor's statement. Please note this must be a medical certificate and not based on self-certification.

Where an employee has been absent through sickness for a period(s), the cumulative total of which exceeds three months during a leave year, the annual leave entitlement will be limited to a proportionate amount equal to the period(s) of actual service given during the leave year(s).

Where an employee has been absent for a continuous period of three months either during one leave year or spanning two leave years, the annual leave entitlement will be limited to a proportionate amount equal to the period of actual service given during the leave year(s). This will be subject to further discussion between the parties on those current employees with 10 years' service where there may be an existing protection clause

Officers with more than 10 years' service will not have their leave entitlement reduced if absent due to sickness. Where absence straddles two leave years the previous year's leave must be taken by 31st January of the following year.

*(iii) Alternative Working Patterns*

The entitlement to annual leave and public holidays as expressed above applies to five days of equal length working patterns.

For working patterns that include working days that vary in length; holiday entitlements will be calculated in hours.

For new starts or temporary employees leave entitlement will be pro rata based on the number of complete months they work during the leave year. When calculating leave entitlement a "complete month" means the period between a date in one month and the immediately preceding date in the next month (for example 15th February- 14th March inclusive)."

(iv) *Rates of Pay*

During annual leave, employees will receive payment in accordance with the terms of their contract of employment.

**Note:** Wherever possible, line managers should ensure that the proportion of annual leave due by the date of termination has been taken by the employee prior to leaving the service. Only in exceptional circumstances will payment in lieu be made.

### 2.3.2 Public Holidays

(i) *General*

12 days Public Holidays for all employees. Arrangements in these 12 days will be 8 fixed days for all employees:-

1. Christmas Day and Boxing Day (or equivalents)
2. New Year's Day and 2nd January (or equivalents)
3. Good Friday and Easter Monday
4. Two other days by agreement. These are the first Monday in May and last Monday in September

3 of the remaining 4 days will be allocated to the 3 working days between Christmas and New Year the other day to be taken as part of the normal leave arrangements.

Once every five years the 4 days will be allocated to the 4 working days between Christmas and New Year.

There are however some workers who will be considered to be essential to work during 3 or 4 days between Christmas and New Year. Your manager will be able to confirm if you are one of these.

(ii) *Part time/part week employees*

Entitlement for part time employees will be the same as that of comparable full time employees, applied on a pro rata basis.

(iii) *Absence through Sickness*

Employees who fall sick during the course of a fixed general or fixed Public Holiday are not entitled to an additional day's leave on their return, regardless of whether or not a medical certificate is submitted.

### 2.3.3 Medical / Sickness

(i) *Medical Treatment etc.*

Employees will be entitled to take such reasonable time off without loss of pay as is required for the purpose of preventative medical examination.

*(ii) GP, dental appointments etc.*

Appointments for routine medical consultations such as dental appointments, General Practitioner consultation and optician appointments should be arranged in the employee's own time by using their unpaid leave or flexi credit.

*(iii) Time off to receive Physiotherapy and similar treatments*

Paid time off should be granted to all employees to attend for treatment (e.g. physiotherapy, counselling, CBT etc.) provided the employee has an appointment card and the treatment has been recommended by either the employee's doctor or the Council's Occupational Health Physician.

*(iv) Hospital Appointments*

Employees will be granted authorised absence with pay to attend hospital appointments on production of their appointment card/other evidence of their appointment. This is irrespective of the number of appointments an employee may require to attend.

Employees who wish to accompany a person who is attending a hospital appointment should use flexi time or annual leave.

## **2.3.4 Family Leave**

*(i) Maternity Provisions*

All pregnant employees, irrespective of length of service with the Council are entitled to maternity leave for up to 52 weeks. Their length of service will, however, determine what pay they may be entitled to. The most up to date [information on maternity provisions](#) is available from the Council's intranet.

*(ii) Adoption Provisions*

Where a couple jointly adopt a child, the couple must choose one person to take leave (the adopter). Their partner may be entitled to adoption support leave and/or paternity leave. Where more than one child is placed as part of the same adoption arrangement, only one period of leave will be granted.

Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children. An employee who becomes a parent through an arrangement with a surrogate mother is not usually entitled to Statutory Adoption Leave or Pay. However, on becoming a parent employees may take parental leave (if they qualify) and/or annual leave or unpaid leave at the discretion of their Director. [More information is available](#) on the Council's intranet.

*(iii) Maternity Support Leave & Paternity Leave*

5 days with full pay will be granted to child's father or partner or nominated carer of an expectant mother at or around the time of birth.

Fathers or partners of an expectant mother who have worked for the council for 26 continuous weeks at the start of the 15th week before the baby is due are entitled to two week's statutory paternity leave. Statutory paternity leave must be taken within 56 days of the actual birth of the child. If the child is born early leave must be taken within the period from the actual date of birth up to 56 days after the expected week of birth.

PLEASE NOTE: Only one week's statutory paternity leave can be taken in addition to maternity support leave.

*(iv) IVF Treatment*

IVF Treatment will be classed as authorised absence, with pay, if covered by a doctor's certificate.

*(v) Parental Leave*

Employees with one year's continuous service may take up to 18 weeks unpaid leave in total for each child under the age of 18. Parental leave must be taken in blocks of one week, unless the child is disabled in which case the leave can be taken as individual days up to the child's 18th Birthday. Please note that parental leave is unpaid.

Employees must notify their line manager of their request 21 days before the leave is due to start. A maximum of 4 weeks leave can be taken in respect of any individual child. Therefore an employee with twins could take up to eight weeks in any one year.

For more information on parental leave please refer to the Council's [parental leave procedures](#) on the Council's Intranet

*(vi) Time off to deal with domestic emergencies*

Allows employees to take a short amount of unpaid leave (usually one or two days) during working hours, when it is reasonable for them to do so, in order to deal with "Domestic Incidents"

The type of circumstances covered include:

- To make arrangements for care when a dependent falls ill
- Where childcare arrangements break down
- Dealing with severe damage to property (fire, flood, theft etc.)

N.B This leave is designated for employees to be able to make arrangements to deal with incidents at home, not to allow them to take an unspecified period of leave to deal wholly with incidents/emergencies themselves. For example if their child falls ill, it is to make arrangements for a carer to look after them, not to care for the child themselves. [Further information is available](#) on the Council's intranet.

(vii) *Parental Bereavement Leave*

Employees who are the birth parents or have parental responsibilities including, legal guardians, adoptive parents or employees fostering to adopt, (emergency foster parents may not be included) are entitled to two weeks Parental Bereavement Leave (per child) if they lose a child under the age of 18 or if the baby is still born from the 24<sup>th</sup> week of pregnancy. This entitlement is not dependent on continuous service and can be taken in 1 block of 2 weeks or 2 separate blocks of 1 week during the 56 weeks following the child's death.

Employees who have 26 weeks continuous service and a weekly average earnings over the lower earnings limit will also be entitlement to Statutory Parental Bereavement Pay. Please contact the HR Employee Relations Team for the most up to date rates for the lower earnings limit and statutory pay.

For more information on parental bereavement leave please refer to the Council's [parental leave guidance](#) on the Council's Intranet.

### 2.3.5 Other / Special Leave

(i) *Bereavements*

Other than in Parental Bereavement Leave circumstances outlined above, up to 5 days paid leave may be granted after the death of a close relative. The definition of a close relative will be updated in accordance with guidance from the Department of Business Enterprise and Regulatory Reform.

The current definition of a close relative is as follows: spouse, civil or cohabiting partner, parents (including adoptive parents), children (including adopted children), siblings, uncles, aunts, nephews, nieces or grandparents and step-relative and in-law relationships of the foregoing.

Please see section 2.3.4 Family Leave above for guidance on Parental Bereavement leave which allows an extended provision for parents who are bereaved

(ii) *Critical Illness or Injury of a Close Relative*

Up to 5 working days per year paid leave in the event of a critical illness or injury of a close relative.

The definition of a close relative is as follows: spouse, civil or cohabiting partner, parents (including adoptive parents), children (including adopted children), siblings, uncles, aunts, nephews, nieces or grandparents and step-relative and in-law relationships of the foregoing.

A critical illness or injury is defined as an illness or injury which is potentially life threatening. The employee should inform their manager of the need to take critical illness or injury of close relative leave as soon as reasonably practicable or, at the latest, on the first day on which they are absent.

The leave is additional to the employees normal annual leave entitlement and may be taken as individual days or as a block as required by individual circumstances.

This leave is in addition to the employee's statutory right to take time off for dependents or parental bereavement leave

The leave provision will be pro rata for part time employees.

*(iii) Illness of a Relative / Partner*

A short amount (usually one or two days) of unpaid leave may be granted to employees in order to deal with domestic emergencies (please see family leave above).

*(iv) Premature Birth*

*Mother*

An additional 5 days of paid leave for the mother for every week of hospitalisation of a baby born prematurely until the baby has reached the 37th week of gestation based on the original due date up to a maximum of 20 days.

The leave provision will be pro rata for part time employees

The NHS definition of premature babies as those born before 37 weeks gestation will be used.

The 37th week of gestation, rather than the original due date, is used to calculate the amount of leave due to give parity to mothers who give birth between 37 weeks gestation and the original due date and who would not be eligible to receive the leave.

The leave is available to the mother per pregnancy rather than per baby and no additional provision will be made in the case of multiple births.

Maternity leave automatically begins the day after a baby is born. Therefore the extended premature baby leave would be given to the mother at the end of their period of maternity leave to enable them to spend quality time with her baby

*Father/Partner*

Up to 5 days paid leave may be granted to the father/ partner of the expectant mother following a premature birth (using the definition above).

The leave provision will be pro rata for part time employees.

The leave is in addition to paternity leave and must be taken within 56 days of the actual birth of the child. The leave can be taken either as a block or as separate days depending on individual circumstances.

The leave is available per pregnancy rather than per baby and no additional provision will be made in the case of multiple births.

*(v) Foster Carer and Kinship Care Order*

We recognise that employees who are registered Foster Carers or Kinship Carers, and who are caring for a child or young person who is looked after and accommodated, have specific obligations towards the child/children in accordance with their arrangement with the local authority or by virtue of a legal order, statute and regulation.

Employees with two years' continuous service and who are registered Foster Carers or Kinship Carers and caring for a looked after and accommodated child or young person, may take up to 2 days paid leave per year to attend to matters relating to fostering/ kinship care duties such as attending training courses, meetings with professionals, to attend hearings of the Children's Panel or attend statutory reviews.

The leave is for matters relating to specific obligations in accordance with their arrangement with the local authority and cannot be used as a means of seeking time off to attend to an ill child, to attend routine medical or school appointments or because care has not been arranged in advance.

The leave is linked to the fact that the employee has fostering/kinship carer duties and is limited to 2 days per year, regardless of the number of looked after and accommodated children or young people being cared for by the employee.

The leave is additional to the employees normal annual leave entitlement and may be taken as individual days or up to 4 half days as required by individual circumstances.

The leave provision will be pro rata for part time employees.

*(vi) Guardianship / Enacted Power of Attorney (POA)*

For the purpose of this leave guardianship is defined as:

Holding a legally recognised guardianship order/ enacted power of attorney (POA) to make decisions on behalf of another individual who lack capacity about their finance and property and/ or health and personal welfare which has been registered with the Office of the Public Guardian and activated by due legal process.

Employees with two years' continuous service and who hold guardianship/enacted POA for an adult who lacks capacity may take up to 2 days paid leave per year to attend to matters where the employee has the legal duty to make decisions on behalf of the individual about their finance and property and/ or health and personal welfare. For example attending social work care review meetings, meeting with professionals regarding legal or financial matters, attending statutory reviews and so on.

The leave is for matters relating to specific obligations in accordance with the guardianship order/POA and cannot be used as a means of seeking time off for social visits or the provision of care.

The leave is limited to 2 days per year, regardless of the number of guardianships /POAs held by the employee

The leave is additional to the employees normal annual leave entitlement and may be taken as individual days or up to 4 half days as required by individual circumstances.

The leave provision will be pro rata for part time employees.

*(vii) Safe Leave for victims of domestic abuse*

Up to 10 working days per year paid safe leave in the event of an employee seeking a period of leave to seek help, support or safe alternative accommodation as a result of domestic abuse, which may be necessary at very short notice.

The Council has a duty of care for ensuring, so far as is reasonably practicable, the health, safety and welfare of its employees at work, and for creating an environment in which employees feel safe to disclose their experience of domestic abuse in order to access support and increase safety for themselves and others.

The UK government's definition of domestic abuse is 'any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to psychological, physical, sexual, financial or emotional'.

An employee needing to take Safe Leave due to domestic abuse should inform their manager of the need to take a period of leave as soon as reasonably practicable or, at the latest, on the first day on which they are absent.

Each case will be viewed sympathetically and the amount of Safe Leave granted will depend on the employee's circumstances, up to a maximum of 10 days (paid).

This leave is in addition to the employees' normal annual leave entitlement and may be taken as individual days or as a block, as required by individual circumstances.

The leave provision will be pro rata for part time employees.

*(viii) Removal of Home*

Leave required in connection with an employee moving home will normally be set against the employee's annual leave entitlement, except in cases where in the opinion of the Council it is necessary for the employee to move home as a direct result of a transfer or on entry to the Council's service. (Relocation Allowance/ Transferred Officers Allowance).

*(ix) Examinations*

Leave with pay will only be granted on the day(s) of the examination(s) on the basis of half day or full day as appropriate. Study time of four hours per month during working hours for Council supported courses plus 2 days study leave prior to a diet of exams.

*(x) Interviews*

Time off with pay will normally be granted for interviews within Argyll and Bute Council. Unpaid leave may be granted for interviews with other Local Authorities.

*(xi) Trade Union facilities*

Time off, with pay will be granted to Trade Union Officials for duties related to employee relations matters directly affecting the Council as undernoted:-

- To attend meetings of the Employee Joint Consultative Committee (EJCC) & departmental Joint Consultative Committee including pre-meeting of staff side.
- Acting on behalf of members in Disciplinary or Grievance hearings at local or area levels, and Employment Tribunals.
- Meetings with management outwith EJCC, for collective bargaining or employee relations matters affecting members.
- Consequential meetings with members to obtain or relay information for, or on, collective bargaining or employee relations meetings or matters.
- Meetings with full time union officers, or lay officials, concerning employee relations between the Council and its employees, who are the officials' members.
- To make initial contacts with new employees to explain the role of the union(s) in the work place and the employee relations structure.
- Attendance at meetings of the Scottish Joint Council or Committees of the SJC including national negotiating bodies.
- To attend approved shop stewards training courses.
- Involvement in employee relations duties affecting other Local Authorities requiring attendance at meetings outside the Council.

Time off without pay will be given to Trade Union Officials to take part in trade union activities as undernoted:

- Annual Conferences of Trade Unions
- Other specifically convened conferences or meetings of the policy making body of the union which do not directly concern the Council.
- Branch or District meetings of the trade union convened during normal working hours but not dealing predominantly with Local Authority matters.

All reasonable requests for time off will be granted subject to the exigencies of the service provided all requests are submitted timeously in advance and are accompanied by satisfactory supporting documentation- these provisions should be read in conjunction with the ACAS Code of Practice.

Provision/access to office accommodation, telephone facilities etc. (including access to Council email address) to be subject to local/departmental determination.

(xii) *Jury and Witness Service*

An employee receiving a summons to serve on a jury must report the fact to the Head of Service and will be granted leave with pay to attend, unless exemption is secured. Pay will be subject to the deduction of any allowances.

Where an employee is cited to attend as a witness, leave of absence will be granted as follows:

In cases of professional witnesses, leave with pay, on the understanding that witness fees received (excluding travelling and subsistence expenses) are paid to the Council;

The employee must produce the citation for signing by their line manager and a copy must be kept in the Personnel file and a copy sent to payroll. If the employee receives payment from the court in lieu of their pay; a copy of the cheque may be sent to payroll. Alternatively the employee may wish to get the cheque made payable to the Council. Otherwise leave without pay, it being left to the employee to claim from the person citing them an allowance in respect of loss of remuneration.

Employees who are required to attend an Employment Tribunal relating to their employment with the Council may be given reasonable leave of absence with pay. This covers employees who are called as witnesses, including those who are required to attend in relation to submissions that they have made against the Council, e.g. claims of discrimination, claims under the Wages Act etc.

(xiii) *Community Emergency Services*

Employees who participate in community emergency services e.g. special constables, retained fire fighters, lifeboat crew, coastguard, mountain rescue and community first responders will be granted leave of absence with pay to attend emergencies which occur during working hours, provided they leave their place of work in a safe and secure state and have notified their line manager or another appropriate contact

(xiv) *Service in Non-Regular Forces*

An employee who is a member of the non-regular forces and attends an annual training camp for a period of not less than one week will be granted special leave with pay equal to the period which the employee actually attends the training camp, but not exceeding a period of 15 days and subject to the deduction of service pay and allowances received in respect of the period of special leave.

(xv) *Election Duties*

Employees, who participate in Elections such as Polling Clerks or Presiding Officers, will be granted leave with pay at the discretion of their director.

(xvi) *Parliamentary Candidates*

Unpaid leave for a period not exceeding four weeks may be granted to employees who are parliamentary candidates at the discretion of their director, at the time of the election.

(xvii) *Parliamentary Election agents*

Unpaid leave for a period not exceeding four weeks at the time of the election may be granted to employees who are parliamentary election agents at the discretion of their director.

(xviii) *Council Candidates*

One day's unpaid leave may be granted to employees who stand for Council elections. This will be on the day of the election and will be at the discretion of the employee's director.

(xix) *Career Break*

Argyll and Bute Council defines a Career Break as a period of unpaid leave that lasts from between a minimum period of 6 months and a maximum period of 2 years.

An employee wishing to take an extended period of leave of up to 6 months should apply under the special leave category: Other Leave.

An employee wishing to take leave of up to one month should apply to use their annual leave entitlement using the usual authorisation process.

In offering the opportunity to take a Career Break, the Council recognises the importance of employees' work-life balance and personal development, whether that be via life-long learning, charity work, leisure activities, travel or other interests. On balance, we also recognise that staffing levels must at all times remain in line with the demands of the business.

Each application will be considered on a case by case basis. The decision as to whether or not to grant the Career Break will be entirely at the Council's discretion.

(xx) *Public Duties*

Unpaid leave of absence, with the approval of the Director, will be granted to employees serving on public bodies or undertaking public duties. Examples of duties for which an employee may request such leave include:

- A Justice of the Peace
- A member of a Police Authority
- A member of a statutory tribunal (e.g. member of Children's Panel, Employment Tribunal)
- A Member of a relevant Health Board

- A member of a relevant Education Body (e.g. school Board or managing or governing Body of an Educational establishment)
- A member of an independent monitoring board for a prison or a prison visiting committee
- A member of the Scottish Water Consultation Panel
- A member of the Scottish Environment Protection

(xxi) *Special Purposes*

Leave with pay will be granted to allow duties or services of an honorary, charitable, philanthropic and civic character, to be undertaken. Normally this leave will not exceed one day

(xxii) *Other Purposes*

Unpaid leave at the discretion of the Director.

### **Group Life Cover**

Employees who request sabbatical, compassionate leave or any other unpaid leave due to reason of ill health, maternity, paternity, adoption, parental or other than ill health for more than one month will need to advise HR to ensure they are covered under the Group Life Assurance.

Employees should provide details of their leave as follows:

- Length of leave
- Where the employee is going to
- What activities they are likely to be participating in

The information provided will be forwarded onto the Assurance provider and HR will notify the employee if they will be covered during their leave.

## **2.4 Allowances / Expenses**

### **2.4.1 Sickness Allowances**

Sickness allowances are complementary to the statute based payments which an employee may receive and are subject to a range of conditions, many of which are additional to those applying to the statutory payments.

(i) *Notification and Entitlements*

In accordance with the Council's Supporting Attendance at Work Policy & Procedure, an employee is not entitled to receive sick pay under the scheme unless:

- Notification is made immediately to the person identified for this purpose by the Council
- Further notification is made as required by the Council
- A doctor's statement is submitted to the Council not later than the eighth calendar day of absence

- Subsequent doctor's statements are submitted as necessary
- On return to work the employee signs a statement detailing the reasons for absence for all absences up to and including seven days.
- Where for the purpose of qualifying for sick pay under the scheme, the Council requires a doctor's statement from an employee, the Council will, with the exception of bullet points 3-4 above, reimburse the employee the costs of such a statement on the provision of a receipt
- An employee who falls sick during the course of annual leave will be regarded as being on sick leave from the date of a doctor's statement

Where an employee is receiving sick pay under the scheme, sick pay will continue if a Public Holiday falls during such sickness absence.

No substitute public or extra statutory holiday will be given. Where an employee has exhausted sickness allowance entitlement, no payment should be made in respect of a public holiday occurring during the period of absence

(ii) *Exclusion from entitlement*

There is no entitlement to sickness allowance if an employee:

- Has less than 26 weeks service
- Goes sick during a stoppage of work at the place of employment due to a trade dispute, unless the employee has not taken part in the trade dispute and has no direct interest in it
- On the first day of sickness has already exhausted or subsequently exhausts sickness allowance entitlement
- On the first day of sickness is in legal custody or is subsequently taken into legal custody
- Fails to satisfy or to continue to satisfy the notification or certification requirements
- Is absent on maternity leave
- Terminates or has their contract of employment terminated
- Sick pay may be suspended if an employee abuses the sickness scheme or is absent on account of:
  - Sickness due or attributable to deliberate conduct prejudicial to recovery
  - The employee's own misconduct or neglect.
  - Active participation in professional sport.
  - Injury while working in the employee's own time on their own account for private gain or for another employer.

The Council will advise the employee of the ground for suspension and the employee will have a right of appeal to the appropriate committee of the Council.

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

Repeated abuse of the sickness scheme should be dealt with under the disciplinary procedure.

An employee who is paid any damages as the result of an accident will be required to repay any sickness allowance, either in total or the proportion thereof represented in the amount of damages received.

Any period of absence in such a case where a refund of the advance is made in full, will not be treated as sickness absence.

If no payment is received, the record remains as is and all absence is treated as sick absence.

*(iii) Payment and Period of entitlement*

An employee's entitlement to sickness allowance will depend on length of continuous service as follows:

<b>Service at commencement of absence from duty</b>	<b>Full Allowance for</b>	<b>Half allowance for</b>
Less than 26 weeks	Nil	Nil
26 weeks or more but less than 1 year	5 weeks	5 weeks
1 year but less than 2 years	9 weeks	9 weeks
2 years but less than 3 years	18 weeks	18 weeks
3 years but less than 5 years	22 weeks	22 weeks
5 years and over	26 weeks	26 weeks

In exceptional circumstances there will be local discretion to extend the period of full allowance or half allowance provided for above. In practice this discretion has been allocated to the Chief Executive.

\* Where an employee has been absent through illness for a period exceeding three months the Council will have discretion to limit the annual leave to an amount equal to the period of actual service given during the leave year. Employees with more than 10 years' service will not have their holiday entitlement reduced if they are absent through sickness. Where illness straddles two leave years, leave entitlement must be taken by 31<sup>st</sup> January the following year. PLEASE NOTE leave entitlement should not be abated below the statutory minimum.

Full details of sickness provisions are available from the Council's Employee Relations Section.

## **2.4.2. Indemnification of Employees**

*(i) Indemnification*

The Council shall make payments to an employee in the event of permanent disablement arising from a violent criminal assault suffered in the course of duty, or as a consequence of their employment. In the event of death, payment will be made to the dependents of the employee, in accordance with the conditions set out in the Scottish Joint Council for Local Government Employees' National Agreement on Pay and Conditions of Service (Red Book).

*(ii) 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/ Departmental 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 Head of Service immediately that he/she becomes aware of legal action being taken. On receipt of this notification the Head of Service will arrange for the employee to be interviewed to determine whether or not the conditions of this scheme have been met. Where the Head of Service supports the claim the matter should be immediately referred to the Chief Executive in order that agreement can be made given to meeting reasonable expenses in arranging legal representation etc.

Where the Head of Service 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 he/ she may pursue the matter under the Council's Grievance Procedures.

### **2.4.3 Medical Examination**

An employee will, 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. Any costs associated with the examination will be met by the Council.

### **2.4.4 Infectious Diseases**

An employee who is prevented from attending work because of contact with an infectious disease will advise their Head of Service immediately and will be entitled to receive normal pay. The period of absence on this account will not be reckoned against the employee's entitlements under sickness allowances.

This refers to an infectious disease as defined by the Council's Occupational Health Physician and advice should be sought from HR regarding what constitutes an infectious disease.

### **2.4.5. Travelling Expenses and Subsistence Allowance**

*(i) Basic Principles and Definitions*

The fundamental purpose of the scheme is to reimburse employees for additional expenditure reasonably incurred whilst undertaking official duties as part of their employment with the Council.

Where travel is unavoidable pool cars should be used where possible in line with the [Pool Car Protocol](#).

The use of bicycles for business travel is subject to management discretion for individual journeys. The bicycle journey must be practical, be under 10 miles and not during adverse weather conditions. Where authorisation is not given on the use of a bicycle for business travel, the most appropriate alternative mode of transport should be used.

Employees are not able to claim payment for home to work commutes.

(ii) *Car, Motor Cycle and Bicycle Allowance*

Employees will be reimbursed at the current recommended Inland Revenue rates.

The amounts will be amended as changes occur and copies of the most up to date rates are available in the [Travel Claim and Subsistence Guide for Employees](#).

Peripatetic Employees and employees who travel between sites should refer to [Travel Claim and Subsistence Guide for Employees](#) for further information

Trainees travelling to Council sponsored courses should refer to the Trainees Scheme for further information.

(iii) *Car Leasing Scheme*

The Council operates a Car Leasing scheme. Full details are available from Fleet Management.

(iv) *Driving Licence and Vehicle Insurance Checks*

The Council reserves the right to inspect the driving licence of employees who require to drive Council vehicles or who are participating in the Car Leasing Scheme. 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. Departments will institute regular checks of the driving licence and Motor Insurance Certificate of appropriate employees within their department. In respect of new appointments the checks should be carried out at interview.

(v) *Expenses*

Any advance in payment for expenses will only be granted in cases of exceptional hardship and must be authorised by the appropriate officer.

## 2.4.6 Travel Rates

(i) *Rail, Air, Bus or Ferry*

Travel by rail, air, bus or ferry shall be at the cheapest available rate, at the time of travel, although on overnight journeys sleeping berths may be used.

(i) *Taxi or Hired Car*

For authorised travel by taxi or hired car, the actual expenditure reasonably incurred shall be reimbursed.

- (ii) *Bridge Tolls, Ferry Charges, Parking Fees*  
An employee who is authorised to travel by their own car or Council Pool Car may claim for bridge tolls and ferry charges and for parking fees actually incurred because the car is used on official business. Reimbursement will not extend to fines or excess penalties.
- (iii) *Journey Routes*  
An employee shall take the shortest route for each journey having regard to time saving and to the necessity for making any intermediate point of call which must be detailed when claiming payment.

## 2.4.7 Travelling and Disturbance Allowances

(i) *Excess Travelling Expenses*

An employee whose place of employment is changed as a result of re-organisation or is transferred by the Authority will qualify for payment.

The Council will reimburse for a period of one year, any excess travelling expenses incurred by an employee not forced to move home but whose place of work is changed.

Excess travelling expenses are only payable where the difference between the cost of travelling the return journey from home to the new place of employment and from home to the old place of employment is greater than the equivalent cost of a 10 mile journey reimbursed at HMRC Business User rates per week. This amount is subject to periodic review.

Note: No claim is due when employees do not incur excess mileage, e.g. public holidays, annual leave or sick leave.

(ii) *Reimbursement of Expenditure*

<b>Meal</b>	<b>Maximum Expenditure</b>	<b>Timeframe</b>
Breakfast	£5	Leave home before 07:00
Lunch	£6	Out of office between 12.00 pm and 2.00pm
Dinner	£15	Do not return home until after 7.00 pm

All claims must be accompanied by receipts and approved by the appropriate manager. Claims will be paid out for either the actual costs incurred or capped at the amount for meal detailed above whichever is the lower amount.

These amounts will be subject to periodic review.

You may not claim subsistence where meals are provided free of charge as part of hospitality or conference provision

(iii) *Overnight Expenses*

Applies where there is a requirement to leave home before 7am. Accommodation should normally be pre booked by the Council and invoiced direct to the Council. Where employees book accommodation themselves this will be for a maximum amount of £50 for bed and breakfast, *or increased at the discretion of the appropriate officer*. These payments should not be viewed as an allowance which may be claimed without receipt.

*N.B. This is payment in respect of an expense incurred and is not an allowance.*

(iv) *Stranded/Emergency Situation Payment*

The purpose is to reimburse an employee who has incurred additional costs not covered by subsistence or overnight expenses as a result of an unexpected disruption to travel or an emergency situation which occurred during the course of their normal duties. Each claim will be assessed individually and must be approved by the employee's budget holder. Payment is based on actual costs and payable on submission of receipts.

(v) *Advance payment of expenses*

Any advance in payment for expenses will only be granted in cases of exceptional hardship and must be authorised by the appropriate officer.

## 2.4.8 Relocation Expenses

A relocation package may be offered in certain circumstances and entirely at the discretion of the Council. Please refer to the [relocation package guidance](#) on the Council's intranet for further information.

## 2.4.9 Disturbance and Call Out

Employees not undertaking standby duty (whose posts are graded SCP67 or below) but who are contacted or called out will be paid on the following basis:

- (i) for each occasion on which the employee is contacted and which results in the exercise of skills for which the standby duty is required, either at the employee's home or elsewhere, a payment at [the Scottish Joint Council Circular call out rate](#); an employee will, however, only be entitled to one such payment within each period of two hours, commencing with the start of a notional standby session; and
- (ii) where an employee becomes entitled to a payment in the above paragraph and, where that or subsequent disturbance or call out is in excess of one hour, the employee will be entitled to further payment for the whole of the disturbance or call out at the appropriate overtime rates.

NOTE: Call out rates are set by the relevant Scottish Joint Council Circulars. A copy of the current [Scottish Joint Council Circular](#) can be found on the Council's intranet

#### **2.4.10 Standby Duty Allowances**

The operation of a system of standby duty at an employee's home will be a matter of determination by the Council. Where there is no contractual requirement to participate in a standby system, employees should be consulted on proposed arrangements to secure their voluntary participation.

An employee paid under these arrangements will undertake when on standby duty, after completion of the normal day's work, to be available for call out for duty, if and when required at any time.

An employee performing standby duty, including the exercise of their skill if contacted by telephone, will be paid for each week of standby duty actually performed, plus a payment for each fixed Public Holiday in that week. Employees on standby duty on a fixed Public Holiday will receive a day's time of in lieu regardless of whether they are called out.

Employees will also be paid for broken periods of standby. From Monday to Friday they will receive a payment per night; Saturday they will receive a payment for 24 hours and Sunday/fixed public holidays they will receive a payment for 24 hours.

Each 24 hour period of standby is to commence at the beginning of the working day (or at the same hour on non-working days).

An employee required to leave their home to respond to a call out will be paid at the appropriate overtime rate for all hours worked. Allowances paid under these arrangements will not be taken into account in calculating payment for annual leave or sickness allowances.

The standby rates are set by the relevant Scottish Joint Circulars. [A copy of the current SJC Circular with standby rates](#) can be found on the Council's intranet

#### **2.4.11 Distant Islands Allowances**

An annual allowance shall be paid to employees employed by Island Councils and those based on Tiree, Coll and Colonsay. This allowance will be revised in accordance with relevant [Scottish Joint Council Circulars](#).

#### **2.4.12 First Aid Allowance**

An allowance shall be paid to employees who are required by their Council to hold a current certificate in First Aid. This allowance will be revised in accordance with relevant [Scottish Joint Council Circulars](#).

#### **2.4.13 Payment of Professional Fees**

Where registration with a professional association is stipulated as a requirement of the post, the Council will pay membership fees on behalf of employees. This shall be limited to one membership only.

## 2.5. General Conditions of Employment

### 2.5.1 Official Conduct

The Guidelines- Conduct of Employees brings together guidance and instructions for all employees on acceptable standards of conduct whilst in employment with the Council. A copy of [the full Code](#) is available on the Council's intranet.

### 2.5.2 Politically Restricted posts

Politically Restricted Posts are those posts where the post holder must not announce himself or herself, or allow themselves to be announced by another, as a candidate for election as a member of

- The House of Commons
- The Scottish Parliament
- The European Parliament
- Any Local Authority

Further guidance on [Politically Restricted Posts](#) is available on the Council's intranet.

### 2.5.3 Continuous Service

Continuous Service will include continuous previous service with any public authority to which The Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999, as amended applies.

Where an employee returns to Local Government service following a break in service 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. For the purpose of the calculation of entitlement to annual leave the eight years' time limit does not apply provided that no paid employment has intervened.

Argyll and Bute Council recognises NHS continuous employment as continuous for service related entitlements such as annual leave and occupational sick pay, but not for statutory employment rights or for recognition of long service.

### 2.5.4 Indemnification under Health and Safety at Work etc. Act 1974.

The Council shall indemnify employees who are prosecuted as a result of acting within the scope of their employment in the following circumstances:

(i) *Offence Alleged Against Employee*

Offences alleged to have been committed under the Health and Safety at Work etc. Act 1974:

- Section 7 – General duties of employees at work.

- Section 8 – Duty not to interfere with or misuse things provided pursuant to certain providers.
- Section 37 – Offences by bodies Corporate

(ii) *Payment of Expenses*

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 Head of Service or designated Officer before instructing a Solicitor to act on their behalf.

(iii) *Penalty Imposed*

In a case where any employee is convicted of an offence under the Act and a penalty is imposed, the Council shall consider the case on its merits and, if satisfied that the employee acted in the course of their employment, with due regard to the Council's safety policy and in good faith, shall reimburse the employee the amount of any fine imposed.

(vi) *Grievance by Employee*

Where an employee is aggrieved by the decision of the Council in respect of any of the above matters the employee shall have the right of appeal, in accordance with the Council's [Grievance Procedure](#)

(v) *Legal Action*

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

### **2.5.5 Grievance Procedure**

The Council operates a [Grievance Procedure](#), details of which are available on the Council's intranet. Advice and guidance is available from the Council's Employee Relations Section.

### **2.5.6 Disciplinary Procedures**

The Council operates a [Disciplinary Procedures and Code of Practice](#), details of which are available on the Council's intranet. Advice and guidance is available from the Council's Employee Relations Section.

### **2.5.7 Joint Consultation**

Joint consultative facilities are provided via the Joint Consultative Committees, details of which are available from Customer Services. The Employee Joint Consultative Committee meets biannually. In addition there are alternating departmental Joint Consultative Committees.

### **2.5.8 Welfare**

#### *(i) Counselling*

##### **Employee Counselling Service**

The Council has an [Employee Assistance Programme](#) for the provision of confidential support for employees of the Council. The service is completely confidential, the only feedback received relates to the number of employees making contact and the number of counselling sessions provided. They also offer advice and support to managers who are dealing with difficult or sensitive issues in the workplace. For further information on the services available see separate leaflet and the Council's intranet. Further advice and guidance is available from the Council's Employee Relations Section.

#### *(ii) Addiction*

The Council operates [an Addiction policy](#) which is available on the Council's intranet. Advice and Guidance on the application of the policy can be obtained from the Council's Employee Relations Section.

### **2.5.9 Group Life Assurance**

A non-contributory Group Life Assurance Scheme is in operation which provides a benefit of one year's salary to the estate of employees who die while in service. A proportionate amount will be paid to part-time/job-share employees. Entry to the scheme is dependent on holding a permanent or temporary appointment and being aged below 75 years.

### **2.5.10 Flexible Working**

#### *(i) Alternative Ways of Working*

Employees have a right to request flexible working. The Council provides a range of flexible working options to ensure employees can enjoy the best work life balance.

The main policy which covers the flexible working options is the [Alternative Ways of Working Policy](#) which can be found on the Council's intranet. Employees wishing to job share should also refer to the Alternative Ways of Working Policy.

Where an application is rejected reasons will be given and the employee may appeal, in writing, to the Head of Service (or other nominated senior officer).

#### *(ii) Flexi time*

The Council operates a flexi time scheme, which aims to allow both employee and employer to enter into an agreement over the choice of working hours each day.

All Local Government Employees will participate in the scheme other than in circumstances where the Chief Executive or a Director deems participation will be detrimental to the provision of an effective service or impracticable in relation to the service provided.

Please refer to the [Flexi Scheme](#) information on the council's intranet for further information.

*(iii) Statutory Right to Request Flexible Working*

Employees are afforded the right to request flexible working arrangements, which their line manager must consider. Refusal of any request must be justified by business reasons.

The Head of Service may, having given reasonable notice, require any employee to work, on a temporary basis, a standard working day (9.00 a.m. – 5.00 p.m., 1 hour for lunch) to cover the needs of the service

*(iv) Flexible Retirement*

Employees, who are members of the Local Government Pension Scheme, may request to retire with access to their pension benefits while continuing to work for the Council. Details of the Council's [Flexible Retirement Procedure](#) are available on the Council's intranet.

### **2.5.11 Attendance in Adverse Weather Conditions**

The onus for attendance at work rests with the individual. Employees must not assume that payment will be made automatically for days on which they are unable to attend for work. In the event of being prevented from attending work employees must contact their supervisor to advise of the reasons for nonattendance. Such notification must be made as early as possible in the working day and thereafter on a daily basis if the situation continues.

Please refer to the [Attendance in Adverse Weather Conditions](#) policy for further information.

### **2.5.12 Attendance during technical outages**

A technical outage is defined as follows:

If for any reason you are unable to use your council provided IT equipment such as laptop phone or mobile device for the purpose for which it has been provided.

This may be within the council's control e.g. a technical issue with the network or the device or outwith the council's control e.g. a power failure or interruption to broadband service.

In the event of being prevented from carrying out some of their duties due to technical outages, breakdowns and similar situations, employees must contact their supervisor or line manager to advise of the technical failure and the reason why they are unable to carry out these duties.

The employee will then continue to carry out duties which are not affected by the technical outage.

Having been contacted by an employee, the supervisor or line manager will note the employee's circumstances and implement the agreed service level policies and procedures as required.

### **2.5.13 Trade Union Membership**

Argyll and Bute Council supports the system of collective bargaining and believes in the principle of solving industrial relations problems by discussion and agreement.

For practical purposes, this can only be conducted by representatives of the employers and of the employees. If collective bargaining of this kind is to continue and improve the benefit of both, it is essential that the employees' organisations should be fully representative. Argyll and Bute Council is associated with other Local Authorities represented on the national councils dealing with Local Authorities' services. It is equally sensible for employees to be in membership of a trade union representing them on the appropriate negotiating body, and employees are encouraged to do so.

Employees have the right to join a trade union and to take part in its activities. Details of the [specified trade unions](#) on the appropriate negotiating body are available from on the Council's intranet.

### **2.5.14 Smoking in the Workplace**

A total ban on smoking to all Council properties. This includes:

- a) All work places and vehicles under the control of the Council (including hired premises/vehicles).
- b) All common areas, reception/waiting areas, lifts, corridors, canteens, toilets, meeting and conference rooms.
- c) No Smoking notices will be displayed at all recognised entry doors to Council premises to ensure that employees, members of the public and others are aware of the No Smoking requirements.
- d) No Smoking Notices will be displayed in all Council owned/hired vehicles to ensure that employees and others who use these vehicles are aware of the No Smoking requirements.

The Council's full Policy on [Smoking in the Workplace](#) is available on the Council's intranet.

### **2.5.15 Working Alone**

Argyll and Bute Council ensures, in so far as is reasonably practicable, that all employees who are required as part of their duties to work alone, are provided with safe systems of work. The Council's full policy on [Working Alone](#) is available on the Council's intranet.

### **2.5.16 Equal Opportunities**

The Council is an [Equal Opportunities](#) employer and its policy in this respect aims to ensure that no job applicant or employee receives less favourable treatment than any other on any grounds including race, colour, nationality or ethnic or national origins, religion, gender, sexuality, marital status, age or disability, or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.

As part of its commitment to ensuring that all employees are given equal opportunities in employment, the [Employee Equality Forum](#) will be consulted on the development of new employment policies and changes to existing ones to ensure that they do not inadvertently have an adverse impact on particular groups especially in relation to age, gender, race, religion or belief, sexual orientation or disability. It is also an opportunity for employees to meet and talk about any concerns they might have in relation to equalities and diversity in employment.

### 2.5.17 Changes to Personal Details

Any alteration to personal circumstances e.g. home address, telephone number, marital status, banking details, etc must be notified to the HR Section of the employee's Service as soon as possible in order that only accurate information is held by Payroll and HR

### 2.5.18 Recognition of Long Service

Argyll and Bute Council will recognise employees who reach 25 and 40 years' continuous service with the Council.

The long service will be recognised by a personal letter of thanks for their service from their departmental Director and vouchers in the month the milestone is reached.

If it is felt that this is not appropriate for some reason, the letter and vouchers may be withheld at the discretion of the Director.

Continuous service is defined as being all unbroken service with Argyll and Bute Council and that with one of its predecessor authorities (Argyll and Bute District Council, Dumbarton District Council and Strathclyde Regional Council).

## 3. Termination of Employment

### 3.1 Period of Notice

For employees the period of notice to be given will be linked to agreed pay cycles. If the employee fails to give the prescribed period of notice, the Council will off-set against any amount due to them (including accrued holiday entitlement, subject to the [Working Time Regulations](#) 1998) a sum for the period of notice not served.

Should the Council wish to terminate an employee's employment the minimum periods of notice to which they are entitled are as follows:

Period of Continuous Service with Argyll and Bute Council	Minimum Notice
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One month or more, but less than two years	1 week
2 years or more but less than 12 years	1 week for every year of employment
12 years or more	12 weeks

### 3.2 Leave entitlement

The leave granted at the normal holiday period should be reckoned on the assumption that an employee will remain in the service until the end of the leave year, but if the employee leaves the service before that date, any necessary adjustment should be made in balance of salary payable at the date of leaving.

An employee leaving the service of the Council should be granted, before leaving, any proportion of annual leave due. If at the request of the Council or through unavoidable circumstances, such leave cannot be granted, the employee will be paid an allowance in lieu at the appropriate rates.

The personal representatives of an employee who dies in service will be paid an allowance in lieu of any holidays which had accrued to the deceased employee at the date of death, at the appropriate rates, subject to terms of the Council's Death in Service Arrangements.

### 3.3 "Reckonable" Service

Reckonable service will include all previous service with any authority listed in the Redundancy Payments (Local Government) (Modification) Order 1999 and subsequent Amendment Orders thereto, and any other public authority to which the Superannuation (Interchange) Regulations 1991 apply

(i) *Retirement Procedure*

The Council's [Retirement Procedure](#) is available on the intranet and advice and guidance on its application is available from HR.

Group Life Cover

A non-contributory Group Life Assurance Scheme is in operation, which provides a benefit of one year's salary to the estate of employees who die whilst in the service of the authority before the age of 75.

(ii) *Retirement on the Grounds of Ill Health*

If an employee, who is a member of the Local Government Pension Scheme is deemed unfit to undertake any employment they may be retired on the grounds of ill health following assessment by OHP.

### 3.4 Redundancy

Where employment is terminated due to [redundancy](#), the terms of the Employment Rights Act 1996, Part xi will apply, if appropriate.

