

PCC Managing Terms of Employment

20.03.2019

1.0 Introduction

1.1 Council should be in a position to manage terms of employment including:

- specifying for new appointments
- reviewing for existing appointments
- managing records to maintain a history and facilitate planning
- using appropriate internal controls

2.0 New Appointments

2.1 Council should consider terms of employment ahead of a new appointment.

2.2 There should be a written contract. Unless there is good reason to choose another option this would be the NALC contract of employment modified as required to reflect specific circumstances. The contract of the existing or previous employee may help identify appropriate changes but should not be used without review as it may not be an up-to-date version, may not reflect current legislation and may have been adapted for different circumstances.

2.3 The NALC contract has been drafted to be part of a package along with NJC pay tables and SLCC guidance on their interpretation so any change to the contract should be considered in the context of this overall package.

2.4 Areas which might need specific attention include homeworking and expenses whether or not they are included in the template contract. Homeworking requires specific safeguards for the employee and reimbursement of expenses should be specified.

2.5 Council will have to give specify details such as hourly rate, hours required, patterns of work and pay scale progression.

2.6 The NJC pay tables benchmark the role of RFO/Clerk in different contexts and SLCC guidance gives an explanation of how to position a job (rather than an individual) on the tables. Historically, credit was given to an individual so that experience, qualifications, etc would be recompensed. Council may consider different methods of determining initial pay but whatever choice is made a record should be made of the decision and why it was considered appropriate. The benchmark scale point and figure should be noted whether it is used or not.

2.7 Council may plan to handle pay increments in different ways:

- set a fixed rate and review every year to criteria of its choosing (including inflation which would not be addressed automatically)
- set to a fixed starting pay point on a recognised scale so that if the pay point is increased (eg for inflation) then pay is automatically increased, whilst moving up the scale is at the discretion of Council
- appoint to a starting pay point with specific criteria for progressing up a scale to a given point

There are advantages and disadvantages of each approach. It should be noted that details in a contract of employment become a long-term commitment and advice should be taken before seeking to change this part of a contract either without the agreement of the post-holder or without insight into the impact a change might have on other parts of the contract.

- 2.8 It is assumed for the NALC contract that any hours up to 37 hours are paid at the standard rate whether or not they are considered overtime. The NALC contract also details holiday allowances including bank holidays and an increase in leave for years served. NJC/SLCC guidance details how they convert between salary and hourly rate for part-time employees.
- 2.9 Council should review the number of hours needed to complete the work outlined in the job specification. Given the cycles of Council work it may be necessary to consider this as monthly work and annual work (to be spread through the year as evenly as possible). It is important to get a fair balance of confirmed hours versus overtime and to determine how to make payment - as 1/12th of annual pay or for hours worked that month. Setting the confirmed hours too high will result in payment for hours not worked, setting it too low may place unfair demands on the post-holder to work unplanned hours on demand.
- 2.10 Council and post-holders should be aware of implied terms (determined by law and case history but not explicitly stated).

3.0 Existing Appointments

- 3.1 For an existing appointment a contract of employment with specific terms should already be in place.
- 3.2 There should be reviews of the contract and terms of employment for the following reasons:
 - a baseline review when no review has been carried out for a significant time - consideration of whether the contracted terms are still relevant or should be revised
 - a review against new legislation or guidance when that change occurs
 - a review for proposed change when either the Council or the post-holder proposes a change to the terms of employment
 - an annual review of specific terms - ie pay and hours
- 3.3 Reviews are required for proper management by Council. They should not be carried out by the post-holder but it would be beneficial if they took into account information supplied by the post-holder including personal preferences.
- 3.4 Reviews have to be carried out in line with data protection. Relevant records have to be available for review but the level of detail reported should be appropriate and any reports will be confidential and discussion at meetings will be carried out in camera.
- 3.5 Council and post-holders should be aware that terms can evolve or change though long practice.

4.0 Records

- 4.1 The records needed to manage terms of employment will be considered within reviews and risk assessment related to employment and internal controls.