



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Appointments and Conditions of Service Committee

Date: **Wednesday 29 July 2015**

Time: **2.00 pm**

Place: **Committee Room**

For any further information please contact:

Lyndsey Parnell

Senior Elections and Members' Services Officer

0115 9013906

Appointments and Conditions of Service Committee

Membership

Chair Councillor John Clarke

Vice-Chair Councillor Michael Payne

Councillor Michael Adams
Councillor Chris Barnfather
Councillor Bob Collis
Councillor Marje Paling
Councillor Colin Powell

AGENDA

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- 1 Apologies for Absence and Substitutions.**
- 2 To approve, as a correct record, the minutes of the meeting held on 25 March 2015.** 5 - 6
- 3 Declaration of Interests.**
- 4 Christmas Holiday Arrangements** 7 - 24

Report of the Chief Executive, the Service Manager, Organisational Development, and the Service Manager, IT and Customer Services.
- 5 Any other item which the Chair considers urgent.**

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MINUTES APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

Wednesday 25 March 2015

Councillor Michael Payne (Chair)

Councillor Chris Barnfather
Councillor Bob Collis
Councillor Marje Paling

Councillor Colin Powell
Councillor Muriel Weisz

Apologies for absence: Councillor John Clarke

Officers in Attendance: J Robinson, D Archer, H Barrington and A Dubberley

32 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor John Clarke.

33 DECLARATION OF INTERESTS.

None.

34 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 16 JANUARY 2015.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

35 LOCAL PENSION DISCRETIONS

The Service Manager Organisational Development presented a report, which had been previously circulated, making recommendations in relation to local discretions for the Local Government Pension Scheme.

RESOLVED to:

- 1) Support the policy statements proposed in respect to local pension discretions and authorise formal adoption as policy; and
- 2) Support the revised Injury Allowance Policy as proposed and authorise formal adoption as policy

36 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

37 EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

38 PERFORMANCE PAY- CORPORATE DIRECTORS

The Chief Executive reported on the process that he had undertaken to assess the performance of Corporate Directors and sought the views of the Committee in relation to his proposals as to performance related pay.

RESOLVED to:

Support the Chief Executive's proposals in relation to performance related pay for Corporate Directors in 2014/15

The meeting finished at 4.45 pm

Signed by Chair:
Date:



Report to Appointments and Conditions of Service Committee

Subject: Implementation of proposal to change Christmas holiday arrangements

Date: 29 July 2015

Author: Chief Executive
Service Manager; Organisational Development
Service Manager; IT and Customer Services

1. Purpose of the Report

To report back any recommendations made by the Joint Consultative and Safety Committee (JCSC) following the formal consultation exercise that took place at the meeting on 16 June 2015 in order to inform the decisions of this committee in respect to implementation of the change to terms and conditions of employment.

2. Background

2.1 A full report outlining proposals to change the Christmas holiday arrangements applying to employees was taken to the June meeting of the JCSC. This report is shown at Annex 1. Within the report the proposed new arrangements are shown at Appendix 1 and the current arrangements at Appendix 2 (both appendices are written as extracts from the Employee Handbook- proposed and current).

2.2 The report to JCSC made two main proposals. In summary these are that:

- (a) The fixed day concessionary holiday occurring at Christmas be removed from terms and conditions but that an additional contractual day's leave be awarded which could be taken at any time of year subject to the usual managerial approval. This improves the service provided to our customers at a time when demand is likely to exist.
- (b) An additional, non-contractual arrangement to allow all employees time off on Christmas Eve when this falls on a midweek day be applied on an ongoing basis but with the condition that this arrangement may be withdrawn at any time by the Chief Executive with three months' notice. Employees required to work on Christmas Eve or those that would not normally be scheduled to work on that day would be given additional time off at a later date subject to managerial approval. This type of arrangement to allow time off on Christmas Eve has been informally applied for some years as recognition to employees of their valued service at a time when service demand in most areas is exceptionally low.

2.3 In addition to these main proposed changes opportunity has also been taken to update the general wording of the terms and conditions, for example to bring up to date the reference to requirements of the Working Time Directive and to reflect our current structure in respect to decision making relating to the taking of leave.

3. Proposal

It is proposed that ACSC agree that the terms and conditions of employment be amended as laid out in Appendix 1 to Annex 1 with immediate effect specifically in relation to:

- (a) The removal of the fixed concessionary day's leave and the addition of an extra day's annual leave.
- (b) The regular application of a non-contractual day's leave on Christmas Eve when the day falls on a weekday.
- (c) The minor wording changes made to bring the Employee Handbook up to date to reflect current legislation and internal working practices of the Council.

4. Financial Implications

Any costs of applying the informal Christmas Eve arrangements in the past have always been met from existing budgets. It is expected that this arrangement will continue and that there is no need to seek additional funding for this proposal. There are no additional costs anticipated in making the change to the concessionary day arrangements.

5. Consultation

The consultation process through JCSC has not resulted in any recommendation for change to the original proposals. Unison is supportive of the proposal and GMB did not submit comment. As such the original report proposed by this committee can now be considered for implementation.

6. Appendices

Annex 1 – Report to JCSC.

7. Background papers

None identified.

8. Recommendations

THAT:

8.1 the proposals for changed terms and conditions be agreed with immediate effect specifically in relation to:

(a) The removal of the fixed concessionary day's leave and the addition of an extra day's annual leave.

(b) The regular application of a non-contractual day's leave on Christmas Eve when the day falls on a weekday.

(c) The minor wording changes made to bring the Employee Handbook up to date to reflect current legislation and internal working practices of the Council.

8.2 the amended Leave and Time off Work Policy set out at Appendix 1 to Annex 1 be approved.



Report to Joint Consultative and Safety Committee

Subject: Proposal to change Christmas holiday arrangements

Date: 16 June 2015

Author: Chief Executive
Service Manager; Organisational Development
Service Manager; IT and Customer Services

1. Introduction and background

The holiday arrangements applying to the Christmas break have been in place for many years. Although these arrangements have generally worked well, customer expectations of the service that we provide has changed over time and the current arrangements no longer meet these expectations.

In particular, in those years when Christmas Day falls on a Thursday, the current arrangements require that employees attend on Christmas Eve (a day when few customers are likely to demand services) but allow for a day off on the day after New Year's Day (a day likely to be perceived by customers as a normal working day).

Currently, in addition to normal basic leave entitlement, employees receive:

- An additional three days' leave to compensate for concessionary leave days (fixed days at or around certain public holidays) removed in the past
- Nine fixed days of leave which comprise eight public holidays and one concessionary day.

Concessionary leave days are the subject of local determination.

2. Proposal

In order to bring these holiday arrangements in line with service expectations, it is proposed that the current concessionary leave day awarded as part of the Christmas holiday arrangements is removed from all employees but that an equivalent day's leave (pro rata for part time employees) is added to the general leave entitlement so that under local terms, there are four additional days' leave rather than the current three.

In effect this would allow offices to open on days that might better meet public needs and also will improve flexibility for all staff in terms of when they take holiday. Subject to service needs and appropriate cover being provided employees will still be able to take time away from work around Christmas and New Year but under the proposal if they prefer they can take a time away from work at other times of the

year.

In addition to the change to the formal concessionary day arrangements, it is also proposed to allow for all employees, one more day's leave in those years when Christmas Eve falls on a Monday, Tuesday, Wednesday, Thursday or Friday. In these years, for most office-based employees an additional, non-contractual day's leave will be allowed on Christmas Eve. For those employees either required to work on this day, or those that would not normally be scheduled to work, then this additional leave would be taken at another time during the year by agreement with their line manager. Employees required to work when Christmas Eve does fall on these days would be notified at the earliest opportunity by their line manager. This additional leave would be pro rata for part time employees. The arrangement would be reviewable annually by the Chief Executive under whose authority the arrangement could be withdrawn with three months' advance notification.

In effect this proposal would lead to all employees gaining an additional day's leave (or pro rata proportion) in five of the years out of a seven-year cycle. There would be no detriment in terms of lost or reduced holiday entitlement.

The proposed revised wording for the Employee Handbook is shown at Appendix 1. These revisions reflect the proposal described and also clarify existing wording that applies to other arrangements that are not proposed for change (for example, in paragraph 2.2 the amount of basic leave entitlement determined by the Working Time Directive has been updated to 28 days from 20 days and the arrangements relating to the carry-forward of leave have been simplified and brought up to date to reflect our changed management structure).

The existing terms and conditions in the Employee Handbook are shown at Appendix 2.

3. Consultation with business partners

The Council shares the Civic Centre with a number of business partners. Whatever arrangements we put into place need to be workable with these partners, particularly the Department of Work and Pensions for which there is a shared reception function in the foyer. Other offices in Arnot Hill House occupied by the Police and Crime Commissioner are less of an issue as they can be opened without substantial impact on Council employees.

The proposal outlined in Section 2 has been put to these key business partners for consultation. This consultation with the Clinical Commissioning Group, Department of Work and Pensions (Jobcentre Plus), Gedling Homes and the Citizens' Advice Bureau took place during May and no comments or suggested amendments to the proposal have been received.

4. Recommendations

It is recommended that the JCSC:

- 3.1 Considers the revised draft policy statement shown at Appendix 1.
- 3.2 Makes recommendations to the Appointments and Conditions of Service Committee which will subsequently consider whether to adopt the policy statement.

2. LEAVE AND TIME OFF WORK

2.1 Holidays And Annual Leave

The minimum annual leave entitlement is prescribed in the relevant National Joint Council Scheme of Conditions of Service. The basic entitlement is 21 days' paid annual leave rising to 25 days' after completing 5 years' continuous Local Government Service.

Locally the Council allows additional leave after completing 10 years' continuous service bringing the total maximum basic annual leave entitlement to 28 days. This entitlement is subject to a pro rata arrangement for part time employees.

The enhanced rates of annual leave are calculated from the first day of the month following the fifth or tenth anniversary of Local Government Service. In the changeover year, leave will be apportioned on a pro-rata basis for the months at the lower and higher levels of entitlement.

In addition to this basic entitlement, there are four extra days' leave to be taken as part of annual leave entitlement. These extra days take the place of holidays which were previously fixed on the Tuesdays at Easter, Spring and Late Summer Bank holidays, and the extra concessionary day over the Christmas period. These days are now part of the normal working arrangements of the Council.

Public holidays are recognised as follows:

- New Year's Day
- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday
- Late Summer Bank Holiday
- Christmas Day
- Boxing Day

The taking of annual leave is subject to the prior approval of a Service Manager or line manager acting on their behalf. Any decision taken by a manager to grant leave will have regard both to the wishes of the employee and the needs of the service. Such approval will not be withheld unreasonably and when a application for leave is not authorised, the full reason will be explained to the employee. Normally, at least 48 hours' notice of a request to take leave is required although this may be waived at the discretion of the manager. More notice may be required for longer blocks of time away from work.

2.2 Carry Over And Pay In Lieu

Although the leave year runs from 1st April to 31st March, all employees, unless specifically excluded from the arrangement, are allowed to carry forward up to 5 days' annual leave entitlement to the next leave period. Service Managers can authorise carry over beyond this number of days in exceptional circumstances.

An employee can "buy-back" annual leave towards the end of a leave year or when the contract of employment is due to terminate. This "buy-back" is limited to a total of five working days and can only operate where there is agreement from both the manager and employee and where the additional cost can be met from existing budgets. The arrangement should only occur towards the end of a leave year or where an employee is to leave the employment of the Authority. This arrangement should be exceptional and under normal circumstances all employees are expected to take their annual leave. No employee should take less than 28 days leave including public holidays (pro rata for part-time employees) in any year under the Working Time Directive.

Following a prolonged absence from work such as maternity leave or long term sickness a Service Manager has discretion to allow the employee to be "paid in lieu" for holidays accrued during the current leave year rather than to accrue unmanageable amounts of leave in the next year.

In all circumstances, with the exception of the above arrangements for carry-over or where legislation requires carry-over or "buy-back" to be made due to long-term sickness absence, where a period of absence spans separate leave years, untaken leave outstanding from the previous year is forfeited.

2.3 Christmas And New Year Arrangements

Christmas and New Year holiday arrangements vary annually on the following basis:

Holiday: Xmas Day falls on:	F	S/ S	M	T	W	T	F	S/ S	M	T	W	T	F
SATURDAY	*		B	X L					N L				
SUNDAY			B	X L					N L				
MONDAY			X	B					N				
TUESDAY			*	X	B					N			
WEDNESDAY				*	X	B					N		
THURSDAY					*	X	B					N	
FRIDAY						*	X		B L				N

Where X = Christmas Day
 B = Boxing Day
 N = New Year's Day
 L = Day in lieu of above

Local variations may be made to this pattern at sites such as leisure centres as determined by the site manager in consultation with the employees concerned.

*** In addition** to the above holidays over the Christmas period, the Council operates an arrangement to allow one more day's leave in those years when Christmas Eve falls on a Monday, Tuesday, Wednesday, Thursday or Friday. In these years, for most office-based employees, an additional, non-contractual day's leave will be allowed on Christmas Eve. For those employees either required to work on this day, or those that would not normally be scheduled to work then this additional leave can be taken at another time during the year by agreement with their line manager. Employees who are required to work when Christmas Eve does fall on these days will be notified at the earliest opportunity by their line manager. This additional leave is pro rata for part time employees. The arrangement is reviewable annually by the Chief Executive under whose authority the arrangement can be withdrawn with three months' advance notification.

2.4 Calculation Of Leave Entitlement

The leave entitlement for employees will normally be expressed as a number of days per annum although for part-time employees with working days of varying lengths, this will best be expressed as a figure of total hours per annum. When a pro-rata entitlement is calculated, the result should be rounded up or down to the nearest half hour or half day.

For part time employees

Each employee will have attributed to them, a “bank” of holiday entitlement running from the period April to March each year. This “bank” will comprise annual leave entitlement, public holidays and the four extra days explained in paragraph 2.1. The “bank” of holidays is calculated on a pro-rata basis for part-time employees. Examples of how to calculate this holiday total are given in the matrix on the following page.

In the previous examples of how to calculate holiday entitlements, the cases are based on employees working for an average of 5 days during any week.

For employees starting or finishing employment during a leave year, entitlement can be calculated as follows:

New Starter	$\text{Pro rata adjustment} * X \text{ (No. fixed days remaining in leave year + (complete months remaining } X \text{ Annual leave))}$ 12
Leaver	$\text{Pro rata adjustment} * X \text{ (No. fixed days already occurred + (completed months } X \text{ Annual leave))}$ 12

For part-time employees, when a “fixed day” holiday occurs on a day that would otherwise normally be worked by an employee, a day (or the number of hours usually worked on that day if leave is calculated in hours) must be deducted from the total holiday “bank” entitlement.

For employees working in a job-share arrangement, calculation of total leave entitlement is usually based on the same calculation method as described above.

General

When an employee starts or leaves the service of Gedling Borough Council, annual leave is apportioned on a monthly basis, based on fully completed calendar months (e.g. all of June).

To be eligible for entitlement for a particular month, the full calendar month should be worked with Gedling Borough Council.

An employee leaving the service of the Authority before the end of the holiday year shall be required to make the appropriate refund of salary or wage in respect of any holidays taken beyond the number earned pro-rata during the holiday year. Any holiday outstanding will normally be expected to be taken before the end of employment. It may be possible for untaken leave to be carried forward to the new employer but this is solely a matter for the employee and their new employer. Exceptionally a Service Manager may authorise payment of outstanding leave. In the case of employees forced to leave the service of the Authority due to ill-health or when a notice period is shortened due to redundancy, payment for outstanding holiday entitlement accrued, but not taken, for the current leave year will always be made.

2. LEAVE AND TIME OFF WORK

2.1 Holidays And Annual Leave

The minimum annual leave entitlement is prescribed in the relevant National Joint Council Scheme of Conditions of Service.

The basic entitlement is 21 days' paid annual leave rising to 25 days' after completing 5 years' continuous Local Government Service. This rises to 28 days after completing 10 years continuous service. The enhanced rates of annual leave are calculated from the first day of the month following the fifth or tenth anniversary of Local Government Service. In the changeover year, leave will be apportioned on a pro-rata basis for the months at the lower and higher levels of entitlement.

In addition to this basic entitlement, there are three extra days leave to be taken where appropriate as part of annual leave entitlement. These extra days take the place of holidays which were previously fixed on the Tuesdays at Easter, Spring and Late Summer Bank holidays, but which are now part of the normal working arrangements of the Council. Currently, some long serving Leisure Centre employees may have different working arrangements to this.

Public and Concessionary holidays are recognised as follows:

Public Holidays:-

New Year's Day

Good Friday

Easter Monday

May Day

Spring Bank Holiday

Late Summer Bank Holiday

Christmas Day

Boxing Day

Concessionary:- Christmas Holiday (date determined annually)

The taking of annual leave is subject to the prior approval of the Head of Service having regard to the wishes of the employee and the needs of the service. Such approval will not be withheld unreasonably and, in circumstances where an application for leave is not so authorised, the full reason will be explained to the employee as appropriate. Normally, at least 48 hours' notice will be required although this may be waived at the discretion of the manager. More notice may be required for longer blocks of time away from work.

2.2 Carry Over And Pay In Lieu

Although the leave year runs from 1st April to 31st March, all employees, unless specifically excluded from the arrangement, are allowed to carry forward up to 5 days annual leave entitlement to the next leave period. Normally this carry over should be taken before the end of May in the following year. Heads of Service, following consultation with the Head of Personnel and Management Support, can authorise carry over beyond this number of days. Heads of Service may agree carry-over leave to be taken later than the end of May where this is agreeable to both parties.

An employee can “buy-back” annual leave towards the end of a leave year or when the contract of employment is due to terminate. This “buy-back” is limited to a total of five working days and can only operate where there is agreement from both the manager and employee and where the additional cost can be met from existing budgets. The arrangement should only occur towards the end of a leave year or where an employee is to leave the employment of the Authority. This arrangement should be exceptional and under normal circumstances, all employees are expected to take their annual leave. No employee should take less than 20 days leave (pro rata for part-time employees) in any year under the Working Time Directive.

In certain circumstances, following a prolonged absence from work such as maternity leave or long term sickness, the Director, or Head of Service where authorised has discretion to allow the employee to be paid in lieu for holidays accrued during the current leave year.

In all circumstances, with the exception of the above arrangements for carry-over or where legislation requires carry-over or “buy-back” to be made due to long-term sickness absence, where a period of absence spans separate leave years, untaken leave outstanding from the previous year is forfeited.

2.3 Christmas And New Year Arrangements

Christmas and New Year holiday arrangements vary annually on the following basis:

Holiday: Xmas Day falls on:	M	T	W	T	F	S	S	M	T	W	T	F
SATURDAY	B	X L	C					N L				
SUNDAY	B	X L	C					N L				
MONDAY	X	B	C					N				
TUESDAY	C	X	B						N			
WEDNESDAY			X	B	C					N		
THURSDAY				X	B						N	C
FRIDAY				C	X			B L				N

Where X = Christmas Day
B = Boxing Day
N = New Year's Day
C = Concessionary Day
L = Day in lieu of above

Local variations may be made to this pattern at sites such as Leisure Centres and sheltered housing schemes as determined by the site manager in consultation with the employees concerned.

2.5 Calculation Of Leave Entitlement

The leave entitlement for employees will normally be expressed as a number of days per annum although for part-time employees with working days of varying lengths, this will best be expressed as a figure of total hours per annum. When a pro-rata entitlement is calculated, the result should be rounded up or down to the nearest half hour or half day.

FOR PART-TIME EMPLOYEES

Each employee will have attributed to them, a "bank" of holiday entitlement running from the period April to March each year. This "bank" will comprise annual leave entitlement, Public and concessionary days and the three extra days explained in paragraph 2.1. The "bank" of holidays is calculated on a pro-rata basis for part-time employees. Examples of how to calculate this holiday total are given in the matrix on the following page.

A	B	C	D			E	F	G	H	I	J	K			
*Pro rata adjuster															
Eg. No.	Working Pattern	Yrs. Cont. Svs.	Example Cases Hours per Day					Ave Hrs Per Day (hrs per Wk /5)	Ave. No. Days Per Week / 5	Annual Leave	“Total Entitlement Form” =	Total Holiday “Bank” per Annum			
			M	T	W	T	F	S	S	Ave Hrs Wk					
1	F/T employee	<5	7.5	7.5	7.5	7.5	7.0	37	N/a	1	21+3	9	da ys	G+ H	33 da
2	F/T employee	5-9	7.5	7.5	7.5	7.5	7.0	37	N/a	1	25+3	9	da ys	G+ H	37 da
3	F/T employee	10+	7.5	7.5	7.5	7.5	7.0	37	N/a	1	28+3	9	da ys	G+ H	40 da
4	P/T employee- equal hours per day	<5	4	4	4	4	4	20	N/a	1	21+3	9	da ys	F x(33 da
5	P/T employee- equal hours per day	5-9	3.5	3.5	3.5	3.5	10.5	15	N/a	0.6	25+3	9	Da ys	F x(22 da
6	P/T employee- equal hours per day	10+	7.5	7.5				15	N/a	0.4	28+3	9	da ys	F x(16 da
7	P/T employee- variable hours per day	<5	7.5	7.5	4		4	4	27	N/a	21+3	9	hou rs	E x(17 8h
8	P/T employee- variable hours per day	5-9	7.5	7.5	3.5		3.5	22	4.4	N/a	25+3	9	hou rs	E x(16 3h
9	P/T employee- variable hours per day	10+	7.5	7.5	3.5		18.5		3.7	N/a	28+3	9	hou rs	E x(14 8h

In the previous examples of how to calculate holiday entitlements, the cases are based on employees working for an average of 5 days during any week.

For employees starting or finishing employment during a leave year, entitlement can be calculated as follows:

New Starter	$\text{Pro rata adjustment} * X \text{ (No. fixed days remaining in leave year + (complete months remaining } X \text{ Annual leave))}$ 12
Leaver	$\text{Pro rata adjustment} * X \text{ (No. fixed days already occurred + (completed months } X \text{ Annual leave))}$ 12

When a “fixed day” holiday occurs where the normal business base is closed on a day that would otherwise normally be worked by an employee, a day or the number of hours usually worked on that day must be deducted from the holiday “bank” for that day.

For employees working in a job-share arrangement, calculation of total leave entitlement is usually based on the same calculation method as described above.

GENERAL

When an employee starts or leaves the service of Gedling Borough Council, annual leave is apportioned on a monthly basis, based on fully completed calendar months (e.g. all of June).

To be eligible for entitlement for a particular month, the full calendar month should be worked with Gedling Borough Council.

An employee leaving the service of the Authority before the end of the holiday year, shall be required to make the appropriate refund of salary or wage in respect of any holidays taken beyond the number earned pro-rata during the holiday year. Any holiday outstanding will normally be expected to be taken, or credited where the employee joins another Local Authority and the new Authority agrees to recognise the outstanding entitlement. Where this does not happen, by agreement with the relevant Head of Service, employees will receive automatically, payment for outstanding leave in the current leave year. In the case of employees forced to leave the service of the Authority due to ill-health or redundancy, payment for outstanding holiday entitlement accrued, but not taken, for the current leave year will always be made.