

How to use the 2011 Model Contract of employment

Introduction

The 2011 model contract has been jointly prepared by the National Association of Local Councils and the Society of Local Council Clerks. It is intended for new clerks or deputy/assistant clerks. It does not replace existing contracts of employment.

It updates the previous model contract contained in the 2004 National Agreement on Salaries and Conditions of Service of Local Council Clerks in England and Wales that was amended in 2007.

The 2011 model contract is consistent with current employment legislation and contains changes made to the National Agreement on pay and conditions of services (the Green Book) as issued by the National Joint Council for Local Government Services (NJC).

This document:

- 1) describes and explains each clause in the 2011 model contract;
- 2) highlights the information which is specific to the parties;
- 3) signposts sources of other helpful information.

CONTRACT OF EMPLOYMENT:

- For information on the main terms and conditions of any employment contract see the National Training Strategy (NTS) publication “Being a good employer – a guide for parish and town councillors” – p.19.

1. Commencement Date

- The first day of employment.

2. Continuous Service

- Previous service with a public sector employer may count for calculating entitlement to these benefits which increase with service. Further information in respect of continuous service can be accessed from the Local Government Employers' (LGE) website (www.lge.gov.uk) using the following weblink www.lge.gov.uk/lge/core/page.do?pagelId=119733#contents-1

3. Conditions Of Service

- The model contract terms and conditions are based on the National Joint Council for Local Government Services National Agreement on Pay and Conditions (the Green Book). The Green Book is a lengthy document (290 pages). A printed version of the Green Book and any updates are available to councils who are members of LGE. Councils who do not subscribe to LGE may purchase an electronic copy of the Green Book but would not receive any subsequent updates to it. NALC and SLCC provide advice on the Green Book and changes to it. Councils that wish to purchase an electronic copy of the Green Book should contact LGconnect on (020) 7187 7373 or email info@local.gov.uk if they wish to order an electronic copy. This will cost £57.31.

Green Book FAQs can be accessed from the LGE's website using the following weblink <http://www.lge.gov.uk/lge/core/page.do?pagelId=119177#contents-1>

- The model contract forms part of the 2004 National Agreement on Salaries and Conditions of Service of Local Council clerks in England and Wales (the National Agreement). The National Agreement has as its foundation in the Green Book with some specific provisions relevant to local councils. The National Agreement is available from both NALC's and SLCC's websites.

4. Probation

- A probationary period allows the employer and employee to decide at the beginning of employment whether they wish to continue the employment relationship. Accordingly, there is a shorter notice period during probation (see clause 21).

5. Job Title

- For example, clerk, executive officer, chief/head of support services, office manager, town manager, or assistant clerk. This is not an exhaustive list.

6. Job Duties

- The job description should be provided during the recruitment process to all candidates. It should also be attached to the contract of employment. See the NTS publication "Being a good employer – a guide for parish and town councillors" – p.10.
- If the job description changes, the employee should be provided with an amended job description.

7. Declaration of Other Employment

- A full-time employee would not normally be able to undertake other employment. Councils expect employees to avoid other employment which may create conflicts of interest.

8. Place of Work

- 8.1 If working from the Council's premises, the employee's normal place of work is the Council's office. If the venue(s) for Council meetings and meeting the public are different, these addresses should also be listed.

Or

- 8.1 If working from home, the employee's normal place of work is his/her home. The addresses for the venue(s) for Council meetings for meeting the public, should also be listed.

9. Salary

- Salaries are in accordance with the salary point(s) set at in the National Agreement. A 'single point' salary is sometimes referred to as a 'spot salary'. The salary of a part time employee is calculated by reference to the normal 37 hour week (clause 13) applicable to a full time employee.

10. Expenses

- Councils should have a policy for dealing with mileage and other expenses claims.
- Employees who work at home incur additional expenses that should be dealt with in the Council's expenses policy.

11. Working From Home – Insurance

- Irrespective of where an employee works, if the public or others attend for Council business, it is the Council's responsibility to ensure that there is public liability insurance, employer's liability insurance and fidelity insurance cover (under section 114 of the Local Government Act 1972).
- Clause 11 deals with the additional costs which may be incurred by an employee if his/her home is used as an office.
- **Clause 11 is not applicable if an employee is working in Council premises.**

12. Appraisal

- For information on appraisals see the NTS publication "Being a good employer – a guide for parish and town councillors" – ps. 30-31.
- The Advisory, Conciliation and Arbitration Service's (ACAS) website (www.acas.org.uk) has further information. ACAS's publication "How to manage performance" gives guidance about how to prepare for and hold an appraisal. This can be accessed using the following weblink <http://www.acas.org.uk/CHttpHandler.ashx?id=2714&p=0>

13. Hours of Work

- The contract should state total normal weekly hours (maximum 37 hours) and the work pattern – start times, finish times, lunch period. For part time staff, the contract should also state the days worked.

14. Additional Hours

- Employees up to salary point 28 have an entitlement either to be paid for approved additional hours or to take agreed time off in lieu; grades above salary point 28 may take agreed time off in lieu at the discretion of the Council.

15. Annual Leave

- If employees have previous service that counts for calculating annual leave in accordance with clause 2.2, they become entitled to additional leave under clause 15.3 before they have 5 years' continuous service with the Council.

16. Sickness Absence

- Councils should have a sickness absence policy.
- ACAS's publication "Managing absence and employee turnover" includes a sample sickness policy. This can be accessed using the following weblink <http://www.acas.org.uk/index.aspx?articleid=1183>

17. Sick Pay

- There is no need to pay Statutory Sick Pay (SSP) in addition to these payments. Additional information on SSP is available from HMRC's website using the following weblink <http://www.hmrc.gov.uk/helpsheets/e14.pdf>

18. Maternity /paternity /adoption leave

- Employees have statutory entitlements to maternity, paternity and adoption leave. For information see the NTS publication "Being a good employer – a guide for parish and town councillors" – ps. 21-22

19. Injury or Assault

- The employee or his or her dependants can receive up to 5 year's gross pay or £35,000 whichever is the greater.

20. Pensions

- At present, the only pension scheme that local councils can make contributions to is the Local Government Scheme (LGPS). Unlike principal authorities, participation is discretionary for parish and community councils. From October 2012, local councils will be able to join other contributory schemes when a statutory requirement to enrol employees in schemes that provide a minimum pension entitlement is phased in. From 2015, when the Pensions Act 2008 and other legislation come into effect, local councils will have a duty to automatically enrol their eligible workers in a suitable pension scheme which will include LGPS. More information about other contributory pension schemes is available from the Department of Work and Pensions (DWP) and can be accessed using the following weblink: www.dwp.gov.uk/docs/auto-enrol-and-wpr-the-facts.pdf
- The model contract no longer refers to gratuities. The coalition Government plans to revoke the Local Government (Discretionary Payments) Regulations 1996 (“the 1996 regulations”) so that local councils will no longer have the discretion to pay a retirement gratuity. If they are revoked in 2012 as planned, no employee starting work now can acquire sufficient service to receive a retirement gratuity.

21. Notice of Termination of Employment

- After completion of the probationary period, the minimum notice that the employee must give is one month; this is also the minimum notice that the Council must give during the first four years of employment.
- After five years of employment, the notice that the Council is required to give rises by one week per year to 12 weeks’ notice after 12 or more years’ service.

22. Dispute Resolution

- For information on dispute resolution see the NTS Publication “Being a good employer – a guide for parish and town councillors” – ps. 43-47. Any procedures should comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures. This can be accessed using the following weblink: [http://www.acas.org.uk/media/pdf/h/m/Acas Code of Practice 1 on disciplinary and grievance procedures.pdf](http://www.acas.org.uk/media/pdf/h/m/Acas_Code_of_Practice_1_on_disciplinary_and_grievance_procedures.pdf)

23. Health and Safety

- The Health and Safety Executive’s (HSE) website (www.hse.gov.uk) has further information. A template health and safety policy is available using the following weblink: <http://www.hse.gov.uk/simple-health-safety/write.htm>.

24. Equal Opportunity policies

- The Equality and Human Rights Commission (EHCR) has good practice guidance for employers and service providers. This can be accessed using the following weblink: <http://www.equalityhumanrights.com/publications/guidance-and-good-practice-publications/>
- Acas’s advisory booklet Delivering Equality & Diversity includes a sample equality policy for the workplace. This can be accessed using the following weblink: <http://www.acas.org.uk/index.aspx?articleid=818>

25. Training and Development

- For information on training and development see the NTS publication “Being a good employer – a guide for parish and town councillors” – ps. 35-40

26. Indemnity

- Councils may arrange insurance for the purpose of indemnifying employees.