

## **Part 3**

### **General Terms & Conditions of Employment for all Employees**

#### **1. General**

Your terms and conditions of employment are covered by the employment group to which you belong (stated in part 2 of this document), as well as these general terms and conditions. From time to time Oxfordshire County Council may agree local variations to terms and conditions which will then be incorporated into your contract.

As a condition of your employment you are subject to and required to conform to all relevant Oxfordshire County Council policies and procedures. These are available on the Council's intranet or through your line manager. You should be aware that policies are regularly reviewed and updated.

The Council or Governing Body (as appropriate) undertakes to ensure that you will be informed of any future changes to such agreements within 28 days of the change taking effect through news items on the Council's intranet, e-mail notifications, or via your line manager.

#### **2. Confidentiality**

During and after employment with Oxfordshire County Council, you must maintain the confidentiality and security of any sensitive information you come into contact with during the course of your work. To help protect your confidentiality, if you are aware that you or a close member of your family have received Council services that mean information of a sensitive nature may now be held, please let us know before you start work. This will allow us to look at whether we need to take steps to limit the availability of this information to both you and your work colleagues.

#### **3. Accountabilities and Responsibilities**

In addition to the specific responsibilities of their role, managers in Oxfordshire County Council are required to ensure that employees comply with, and actively promote appropriate legislation, Council policies, the Council Constitution and other requirements of the Council.

Accountabilities and responsibilities for all employees where applicable include:

- engaging with the Council's Service and Resource Planning process, and wider financial management processes, to plan, manage and monitor financial resources and ensure that they deliver the required service outputs and provide value for money;
- ensuring compliance with and actively promoting corporate governance policies; the Council's equalities and diversity policies and strategies;
- ensuring compliance with the requirements of the Corporate Data Protection Policy and Data Protection Manual. In particular you have a duty to ensure that sensitive information, particularly if it is personal data, is handled in accordance with the latest guidance, is kept secure at all times, particularly if taken outside of a County Council site, and that is only shared where it is appropriate to do so.
- ensuring compliance with and actively promoting Health and Safety at work legislation and the Council's Health & Safety and employment policies and procedures. You have a duty to take reasonable care of your own health and safety and that of others who may be affected by what you do; you must co-operate with Oxfordshire County Council on health & safety matters; you must use work equipment correctly and in accordance

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with training or instructions (including personal protective equipment); you should discuss any concerns you have over health & safety with your manager or safety representative at the earliest opportunity];

- compliance with the Council's Code of Conduct, which includes ensuring you are never influenced by personal gain, you do not give anyone reason to question your motives, and you conduct yourself in line with the Council's policies and procedures to declare any conflict of interests which includes the membership of secret clubs and societies and your interest in any contract the Council is entering into.

### **4. Equal Opportunity in Employment**

The Council is opposed to any form of unfair discrimination and is publicly committed to be an equal opportunity employer. The following are examples of factors which the Council has agreed should not be taken into account in employment decisions (except in cases where the nature of the work makes this essential and legislation permits): disability, sex, marital or parental status, age, race, colour, nationality, ethnic or national origin, religious belief, sexual orientation, membership of or activity in a trade union or other organisation, and spent offences (unless you are working with children or vulnerable adults). Copies of the Comprehensive Equality Policy are available on the intranet or from your manager.

### **5. Job Sharing**

A scheme for job sharing is in operation. Details are available from your supervisor/line manager.

### **6. Pre-Employment Checks**

All appointments are subject to the following:

- satisfactory medical assessment;
- proof of ability to work in the United Kingdom - where you have restricted working arrangements you will be required to provide documentary evidence, to your manager on an annual basis, of your legal entitlement to work;
- evidence of both qualifications and any professional registration required for the job;
- satisfactory CRB clearance for posts working with children and vulnerable adults.

### **7. Sickness and Sickness Pay**

Oxfordshire County Council is committed to delivering effective and efficient public services and to achieve this it is essential that all our employees attend work regularly. High levels of sickness absence add substantially to the authority's costs and place additional demands on colleagues who have to cover the work of those who are absent. You therefore have a responsibility, and a contractual obligation, to attend work unless you have a genuine personal health related reason for not doing so.

There are a range of policies to assist you in balancing your home and working lives and dealing with emergencies when they occur, see the central or Schools' HR pages of the intranet for more details or speak to your line manager.

The Council's procedures for monitoring and managing sickness absence add to these by providing a fair and consistent framework for dealing with staff who are unable to attend work because of sickness.

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When you are prevented from attending work owing to illness, disability or some other genuine reason, you must follow the procedure for reporting sick and provide certificates when necessary, in accordance with the sickness reporting procedure.

Failure to follow procedures, abuse of the sickness leave system or unacceptable levels of absences may result in formal action being taken against an employee under the capability or disciplinary procedures.

Oxfordshire County Council reserves the right to terminate the contract of any employee absent through sickness or injury at any time. In all cases, management will follow agreed processes, obtain a full medical report and discuss the position with the employee concerned. Redeployment to suitable alternative employment will normally be considered prior to any decision to terminate the contract.

Details of the sick pay entitlement applicable to you can be found in part 2 of this document.

#### **8. Accidents – ‘On duty’**

The Council has a personal accident scheme which covers employees who are incapacitated as a result of an injury from an accident whilst on duty, or a physical assault arising from their employment with the Council.

#### **9. Accident – ‘Third Party Claim’**

An employee who is absent as a result of an accident is not entitled to be paid for sick leave if damages are recoverable from a third party. The County Council may, however, advance a sum equal to the sickness pay payable under the scheme subject to the employee undertaking to refund the total amount of such allowance in the event of a successful claim for damages. In the event of only part settlement of a claim the Council will decide the amount to be refunded.

#### **10. Maternity, Adoption and Paternity Provisions**

Maternity leave of up to 63 weeks is available to all employees; and maternity pay is available to those who have completed 26 weeks continuous local government service at the beginning of the eleventh week before the week in which their baby is due.

Adoption leave of up to 52 weeks is available to all employees; and adoption pay is available to all employees who have completed 26 weeks continuous local government service leading into the week in which they are notified of being matched with a child for adoption.

Up to 45 weeks unpaid leave and two weeks’ paid paternity leave is available to fathers who have completed 26 weeks continuous local government service by the end of the 15<sup>th</sup> week before the week in which the baby is due. One week’s paid paternity leave is available to those who have not completed 26 weeks service.

Details of these schemes are available from the directorate or School’s HR pages of the intranet or from the Pay & Employment Information Team if access to the intranet is not available. See Part 2 for details of the scheme applicable to you.

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#### **11. Parental Leave**

All employees with at least one year's continuous local government service who have responsibility for a child aged under five are entitled to 13 weeks unpaid parental leave for each child. Up to four weeks parental leave can be taken in any one year.

#### **12. National Insurance**

National Insurance at the appropriate rate will be deducted from salary. Anyone over the state retirement age should send in a Certificate of Age Exemption where appropriate for the National Insurance exemption to be made.

When a divorce is granted, female employees must notify the Pay & Employment Information team in writing immediately to ensure that the correct rate of national insurance is deducted.

#### **13. Medical**

Employees have to be fit to perform their duties and appointments are subject to satisfactory health clearance. The Council may at any time require officers who are unable to perform their duties as a consequence of illness to submit to an examination by a medical practitioner nominated by the Council which will normally be the County's Occupational Health team.

#### **14. Political Restriction**

If your post is determined by the Council to be 'politically sensitive', you are politically restricted under the Local Government and Housing Act 1989. This places restrictions on the political activities which some local authority employees could undertake. Further information can be found at <http://www.lge.gov.uk/lge/core/page.do?pagelid=119739>

Employees are not eligible to stand for office as a member of the County Council but may participate in District, Borough, Unitary or Parish Council activities, provided that any resulting conflict of interest is declared.

#### **15. Salary Payment**

Salary is paid in arrears by bank credit transfer on the last working day of each month, except those who are paid on a 4 weekly basis. Employees are expected to provide details of an appropriate bank or building society account before or very soon after starting employment. The salary for staff employed for term-time only is calculated as a whole year salary and paid in twelve monthly payments inclusive of holiday pay.

If you have been previously employed you must forward your Income Tax Form P45 immediately to the Pay & Employment Information Team. Failure to do so could lead to incorrect deductions of tax being made. Do not send your P45 directly to the tax office.

If this is your first employment or you have no P45 you must complete and return the enclosed form P46 in order for a temporary tax code to be operated.

It is your responsibility to carefully check your payslip each month for accuracy and to report any errors /omissions in your pay to the Pay and Employment Information Team as soon as possible. Where you receive a payment that you are not entitled to and fail to report it, paragraph 16 will apply and disciplinary action could be taken.

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#### **16. Overpayment of Salary**

In the event of an overpayment of salary, recovery of the overpayment will be made in accordance with the Council's Procedure for the Recovery of Overpaid Salary. In accepting your contract of employment, you are deemed to agree to a recovery of overpaid salary in accordance with the procedure.

Where it is clear that an overpayment has been made, you must contact your line manager or the Pay and Employment Information Team immediately to notify them. Failure to do so could result in disciplinary procedures.

#### **17. Place of Work**

All staff may be required to work from a different base or in a different location at some point in the future in line with any Council or school needs. Such changes will be made after proper consultation and shall be deemed to be reasonable after taking into account any personal requirements.

#### **18. No Smoking Policy**

The County Council has a no smoking policy at work and there are areas where smoking is not allowed at all, including in County Council vehicles. A copy of the policy is available at your place of work.

#### **19. Membership of a Trade Union**

This authority, as your employer, supports the system of collective bargaining in every way 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 the employees. If collective bargaining of this kind is to continue and improve for the benefits of both, it is essential that the employees' organisations should be fully representative. The County Council is associated with other local authorities represented on national and provincial councils dealing with local authorities' services. Similarly, you are entitled to be in membership of a trade union representing you on the appropriate negotiating body and to take part in its lawful activities.

#### **20. Grievances**

If you have a grievance relating to your employment you have a right to express it. Employees who have a grievance should raise it with their immediate manager.

Grievances are best resolved closest to where they arise and regular communication between management and employees lessens the need to use the formal stages of the procedure. It is intended that employees should discuss all matters with their immediate manager as they occur, openly and without fear of sanctions. If the complaint is about the employee's immediate manager then they may take the grievance to the next higher level of management. Details of the procedure relating to your employment group can be found in Part 2 of this document. These procedures do not form part of your contract of employment.

#### **21. Discipline and Capability**

The authority has informal and formal procedures for dealing with disciplinary matters and where employees do not perform to required standards due to capability. At all stages of formal action the employee has a right to be accompanied by a trade union representative or work colleague and a right of appeal against the action being taken. Details of the procedure relating to your employment group can be found in Part 2 of this document. These procedures do not form part of your contract of employment.

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### **22. Induction and Probation**

All employees are subject to induction and probation. For details of the arrangements relating to your employment group see Part 2 of this document.

### **23. Registration with professional bodies**

If registration to a professional body is an essential requirement for your post failure to maintain registration may mean that you are unable to practice.

### **24. Council Property/Equipment/Rent/Annual Leave or Money Owed**

Any files/documents (electronic and paper), and other property belonging to the Council or School must be kept securely and returned to your manager on or before your last working day. You will be required to reimburse the Council or School for the replacement cost of any equipment which you are unable to return. In addition, you agree that any money owed by you to the Council or School for rent, excess annual leave taken, training expenses, relocation expenses or any other money owed will be recovered from your final salary or any other monies due to you.

### **25. Travel**

All employees are responsible for travel to work including any expenses incurred for parking if they use a car. If you are an authorised car user and go out on OCC business and subsequently incur parking costs, they will be reimbursed. If you use your car for business purposes, it is your responsibility to make certain your motor insurance provides adequate cover for business use.

### **26. Continuous Service**

For the calculation of maternity leave, maternity pay and any redundancy payment, all continuous service with any local authority (or one of its constituent authorities under the Local Government Act 1972) which runs up to the date on which you started work with Oxfordshire County Council will be included in the calculation. For the purpose of calculating entitlement to holiday and sickness allowance, the calculation of service to count shall be in accordance with the terms and conditions under which you are employed (see Part 2 of this document). For redundancy purposes, a break of continuous service will occur where there is a break between jobs of one week or more. In limited specified circumstances, some breaks of service are disregarded in accordance with the relevant conditions of service. The date for continuous service stated in this contract will be carefully checked when applicable which may then result in a revised date when it is incorrect.

### **27. Retirement**

Employees are no longer subject to a general retirement date (effective from 1<sup>st</sup> October 2011). Employment will therefore continue until it is ended by either the employee giving notice or action by the employer for a specified reason such as redundancy or dismissal for conduct or capability reasons.

### **28. Secondary Employment**

If you already have, or wish to take up other employment in addition to this appointment you must inform your line manager. This is so that we can meet our obligations under the Working Time Regulations 1998 and take account of your health and safety. Employees should not work more than 48 hours per week, normally averaged over 17 weeks.

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#### **29. Data Protection**

All personal information provided by you will be dealt with in accordance with the Data Protection Act 1984, amended 1998. This information may be computerised and used for administrative purposes within Oxfordshire County Council. On leaving the employment of Oxfordshire County Council, personal files will be retained for 25 years in order to address any subsequent employment queries, including pension and health and safety queries etc.

Oxfordshire County Council has a duty to protect the public funds it administers and may use the information you provide for the prevention and detection of fraud within this authority. It may also share your information with other bodies.

#### **30. Benefits**

The Council operates a range of different benefit schemes, details of which can be found on the intranet at

[http://intranet.oxfordshire.gov.uk/wps/portal/insite/aboutus?WCM\\_GLOBAL\\_CONTEXT=http://apps.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/About+Us/Discounts+and+benefits/](http://intranet.oxfordshire.gov.uk/wps/portal/insite/aboutus?WCM_GLOBAL_CONTEXT=http://apps.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/About+Us/Discounts+and+benefits/)

#### **31. Statement of Particulars**

This document and associated links constitute the statement of written particulars required by the Employment Rights Act 1996.

Head of Human Resources

Date: November 2012

<p><b>Alternative formats of this publication can be made available on request. These include other languages, large print, Braille, audio cassette, computer disk or email. Please contact 01865 815399.</b></p>
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