

CONTINUOUS SERVICE IN LOCAL GOVERNMENT AND RELATED EMPLOYMENT

1. INTRODUCTION

1.1 The criteria for recognising previous service is summarised below:-

For the purposes of determining:-

- Under the Employment Rights Act 1996 (ERA), an employee can count service with an 'associated employer' towards the service requirement for a redundancy payment (i.e. two years) and, if appropriate, for calculating that payment.
- The period of notice required to terminate employment;
- Annual Leave entitlement;
- Sickness payment entitlement; and
- Maternity Leave.

1.2 Service with any Authority to which the Redundancy Payments Modifications Order 1999 applies (see Appendix A) will be added to service with Barnet Council.

1.3 Officers are advised that breaks in service for reasons of redundancy and unpaid leave of absence for maternity purposes will be discounted when determining length of service. Thus, the revised Conditions of Service are as follows:-

2. REDUNDANCY

An officer who is made redundant by an organisation covered by appendix A, who subsequently returns to the Local Government Service within **two** years, will be entitled to have **all** previous continuous service taken into account. This applies regardless of whether or not other paid employment has intervened during the two year period.

3. MATERNITY LEAVE

Any officer, from an organisation covered by appendix A, who has a break in service for reasons of maternity and who subsequently returns to Local Government Service within **eight** years, will be entitled to have all previous continuous service taken into account, **providing no paid full time (30 hours per week) employment** has intervened during this period. The only exception to this provision is Annual Leave where a break in service of any length is ignored and all previous continuous service is taken into account providing that no full time (30 hours per week) paid employment has intervened.

4. ANNUAL LEAVE, SICKNESS PAY ENTITLEMENT, PERIOD OF NOTICE TO TERMINATE EMPLOYMENT

Where an officer has a break of more than one week and for other than because of redundancy and/or maternity absence, previous service will NOT count in determining annual leave entitlement, sickness payment and period of notice.

Chief Officers, however can use their discretion in referring special cases to the appropriate committee.

5. TRANSFER OF UNDERTAKINGS (TUPE)

Where an employee is transferred under TUPE and returns voluntarily to local government within five years, continuity of service for contractual purposes is preserved.

If an employee transfers to an outside contractor under TUPE (which is not on the Order) and then voluntarily resigns and returns to a local authority (or other Modification Order body) within the statutory week there will be no continuity of service for redundancy purposes.

APPENDIX A

MAIN EMPLOYERS COVERED BY THE REDUNDANCY PAYMENTS CONTINUITY OF EMPLOYMENT IN LOCAL GOVERNMENT, ETC.) (MODIFICATION) ORDER 1999 (THE MODIFICATION ORDER)

Existing local authorities in England, Wales and Scotland;
Residuary bodies;
Bodies advising local authorities (e.g. local authority associations; provincial councils);
The Commission for the New Towns;
The Housing Corporations and Housing Action Trusts;
Arms Length Management Organisations (ALMO);
Development Corporations and Development Agencies;
Local authority passenger transport executives;
Probation committees;
Police authorities;
Combined fire authorities;
Schools with defined statutory relationships to local authorities;
City Technology Colleges;
Sports Councils;
Universities that were formerly Polytechnics;
Assisted or grant aided further education establishments;
Certain Scottish education bodies;
Local rating valuation panels;
Care Trusts set up under s45 of the Health and Social Care Act 2001;
For details of the full list please visit
www.lg-employers.gov.uk/pensions/modification.html