



**PERSONNEL COMMITTEE**

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Please also note that under the Openness of Local Government Bodies Regulations 2014 that other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors Miah (Chair), Snartt (Vice-Chair), Bokor, Braker, Hamilton, Haynes and Tillotson (For attention)

All other members of the Council  
(For information)

You are requested to attend the meeting of the Personnel Committee to be held in Committee Room 1, at the Council Offices, Southfields, Loughborough on Tuesday, 13th June 2023 at 6.00 pm for the following business.

Chief Executive

Southfields  
Loughborough

5th June 2023

**AGENDA**

1. APOLOGIES
2. MINUTES OF THE PREVIOUS MEETING 3 - 5

To confirm as a correct record the minutes of the meeting held on 28th March 2023.

3. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS  
 For information, disclosable pecuniary interests and registrable interests relate to entries that are included, or should be included, on a councillor's register of interest. Non-registrable interests relate to any other matters.
4. QUESTIONS UNDER COMMITTEE PROCEDURES 12.8  
 No questions were submitted.
5. JOINT NEGOTIATING AND CONSULTATIVE COMMITTEE (JNCC) - APPOINTMENT OF COUNCILLORS 2023-24 6 - 12  
 A report of the Director of Finance, Governance and Contracts.
6. APPOINTMENTS TO PANELS 2023-24 13 - 16  
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7. PREVENTION OF ILLEGAL WORKING GUIDANCE 17 - 50  
 A report of the Director of Finance, Governance and Contracts.
8. GUIDANCE ON THE RECRUITMENT AND EMPLOYMENT OF CASUAL WORKERS 51 - 86  
 A report of the Director of Finance, Governance and Contracts.

### **FUTURE MEETING DATES**

Please note further meetings of the Committee for 2023-24 are scheduled as follows:

10th October 2023  
 19th December 2023  
 26th March 2024

## PERSONNEL COMMITTEE 28TH MARCH 2023

PRESENT: The Chair (Councillor Morgan)

Councillors Barkley, A. Gray, B. Gray, Poland,  
Shepherd and Snartt

Director Finance, Governance and Contracts  
Charnwood HR Manager  
Senior HR Advisor  
Democratic Services Officer (NC)

APOLOGIES: Councillor Boldrin

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

19. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 20th December 2022 was confirmed as a correct record and signed.

20. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

No disclosures were made.

21. QUESTIONS UNDER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

*Cllr Poland joined the meeting.*

22. GENDER PAY GAP AS AT 31ST MARCH 2022

A report of the Director, Finance, Governance and Contracts was submitted providing details of the Gender Pay Gap as at 31st March 2022 (item 5 on the agenda filed with these minutes).

Members welcomed the attached Action Plan and discussed (in brief) the following:

- quartile pay bands, the proportions of male and females in different quartiles and the reasons why,
- the distortion of the data by outsourcing contracts and that this data would not be easy to access to compare results,
- ways in which the Council were improving recruitment and access to upper pay bands for women.

- aspirations of the Council to improve its gender pay gap, including whether targets were required.

Noted that the data in the report applied to March 2022, and due to steps required for review and access to data it was challenging to present closer to the period it covered, but efforts would be made to expedite the process.

## **RESOLVED**

1. that a report detailing incentives provided by the Council to encourage recruitment from all sectors of society, including methods by which the Council's attractiveness as an employer was highlighted for prospective candidates, be submitted to the Committee at a future meeting;
2. that the Personnel Committee note the details of the Gender Pay Gap report.

## Reasons

1. Members wished to understand in more detail the kinds of incentives the Council provided to encourage recruitment from all sectors of society.
2. To note the information outlined within the Gender Pay Gap report as required under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017. The Act requires public sector employers with 250 or more employees on the snapshot date of 31 March each year to carry out gender pay analysis and reporting.

## 23. MENOPAUSE GUIDANCE – ADVICE AND SUPPORT FOR EMPLOYEES AND MANAGERS UPDATE

A report of the Director, Finance, Governance and Contracts was submitted to agree the proposed amendment to the Menopause Guidance (item 6 on the agenda filed with these minutes).

The Charnwood HR Manager shared the signed Menopause Workplace Pledge with the Committee and noted that this report was formalising an amendment to the guidance document to reflect the Council's commitment. She explained that the Council was hoping to reintroduce a Buddy system and a menopause group.

Members welcomed the signing of the Pledge and stated that more awareness of matters such as menopause, mental health and wellbeing was valuable and necessary in developing an organisational culture of openness. Noted that there had been no changes to the Sick Leave Policy but flexibility was allowed at the discretion of the manager and that training was not currently mandatory for managers but this was under review.

**RESOLVED** that the Personnel Committee agree the proposed amendment to the Menopause Guidance – Advice and Support for Employees and Managers to reflect the Council's commitment to the menopause Workplace Pledge.

## Reason

To accurately reflect the commitments made by the Council in relation to the menopause and ensure this is clearly set out within the relevant council policy.

## NOTES:

1. No reference may be made to these minutes at the next ordinary Council meeting unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Personnel Committee.

## PERSONNEL COMMITTEE - TUESDAY, 13 JUNE 2023

### Report of the Director Finance, Governance and Contracts

#### Part A

#### JOINT NEGOTIATING AND CONSULTATIVE COMMITTEE (JNCC) - APPOINTMENT OF COUNCILLORS 2023-24

##### Purpose of Report

To appoint councillor representatives to the Joint Negotiating and Consultative Committee (JNCC) for 2023-24.

##### Recommendation

That four councillors be appointed as representative on the Joint Neogitating and Consultative Committee for 2023-24

##### Reason

To enable the operation of the Joint Negotiating and Consultative Committee in accordance with its constitution and, therefore, negotiation and consultation to take place between the Council as an employer and its employees.

##### Policy Justification and Previous Decisions

The responsibilities of the Personnel Committee include the making of councillor appointments to the Joint Negotiating and Consultative Committee.

##### Implementation Timetable including Future Decisions

Once decided by the Committee, the appointments for 2023-24 will come into immediate effect.

##### Report Implications

##### ***Financial Implications***

None identified

##### ***Risk Management***

None identified

##### ***Equality and Diversity***

Not applicable

##### **Climate Change and Carbon Impact**

Not applicable

##### ***Crime and Disorder***

Not applicable

**Wards Affected**

Not applicable

**Publicity Arrangements**

Not applicable

**Consultations**

Not applicable

**Links to the Corporate Strategy**

Caring for the Environment	No
Healthy Communities	No
A Thriving Economy	No
Your Council	Yes

Background Papers:                      None

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## **Part B**

### Background

1. The Joint Negotiating and Consultative Committee's functions are set out in its constitution, attached as an appendix to this report. This constitution states that the management side of the Committee shall include 4 councillors, to be confirmed annually.
2. A politically balanced approach would comprise 2 Conservative councillors and either 2 Labour councillors or 1 Labour and 1 Green councillor, although there is no requirement for political balance in this case.
3. For the 2022-23 council year, the representatives appointed were Councillors Barkley, B Gray, Morgan and Poland.
4. The job title for the relevant Director has been updated in Section 7 of the attached appendix - Constitution of the Joint Negotiating and Consultative Committee to align with recent changes to the senior leadership structure.

### Appendices

Constitution of the Joint Negotiating and Consultative Committee.



**CONSTITUTION OF THE JOINT NEGOTIATING AND CONSULTATIVE COMMITTEE**

**1. TITLE**

- 1.1 The Committee shall be known as the Charnwood Borough Council Joint Negotiating and Consultative Committee (JNCC).

**2. OBJECTIVE**

- 2.1 To establish a workable and effective arrangement for good employee relations, for the avoidance of any misunderstanding and for the promotion of joint participation in all matters of common interest and concern on a genuine consultative and negotiating basis at Council level, as outlined in Clauses 7.3 and 7.4 of the Recognition and Procedural Agreement.

**3. MEETINGS**

- 3.1 Meetings of the JNCC shall be held quarterly, or by agreement.
- 3.2 Special meetings may be called by a written request to the Secretary from at least half the members of either side. Such meetings must be convened within 21 days, unless the side requesting the meeting agrees otherwise. Agendas and supporting paperwork should be provided in accordance with the provisions below unless otherwise agreed by the majority of JNCC members.

**4. PRINCIPLES**

- 4.1 The JNCC is authorised to undertake consultation and negotiation on all matters specified in Clauses 7.3 and 7.4 of the Recognition and Procedural Agreement.
- 4.2 JNCC will make recommendations to the appropriate Council body in relation to the terms and conditions and training and development of local government employees.
- 4.3 JNCC will undertake other functions assigned to it from appropriate Council bodies.
- 4.4 No issues in relation to specific individual cases shall be within the scope of JNCC.
- 4.5 Working groups or subcommittees can be constituted by a majority vote of JNCC.
- 4.6 Between meetings JNCC can commission further work from the Chair, Vice-chair or working groups/subcommittees.

## **5. REPRESENTATION**

- 5.1 There shall be a Management Side and a Joint Trade Union Side.
- 5.2 The Management Side shall consist of 4 elected members and up to 4 senior managers of Charnwood Borough Council.
- 5.3 The Union Side shall consist of up to 8 elected representatives of the recognised trade unions who shall also be Council employees or appropriate paid officials. The number from each union shall be determined by the Union Side but shall reflect the approximate numbers of their members. Each recognised union will have a minimum of one seat.
- 5.4 If, for any reason, a particular union does not wish to participate in JNCC for a period, the vacancies may be appropriately taken up by other recognised unions. It will be for the union side to determine who takes up the vacancies.
- 5.5 If a JNCC member ceases to be an employee or paid Trade Union official (as appropriate) the member will no longer be eligible to participate in JNCC. The vacancy will be filled by the appropriate side.
- 5.6 Each side shall confirm the names of its representatives on an annual basis and inform the other immediately of any changes in the interim period.
- 5.7 Each side shall make every effort to ensure that its nominated representatives attend each meeting but substitution will be permitted on both sides where it cannot be avoided.
- 5.8 Both sides will be entitled to have advisors in attendance who will have speaking rights.
- 5.9 Meetings shall be deemed to be quorate if 3 members of each side are present. However, if less members of a side are present, that side may agree that the meeting shall be deemed to be quorate.

## **6. Chair**

- 6.1 A Chair and a Vice-chair shall be appointed by the JNCC at their first meeting of each Council Year.
- 6.2 The Chair and Vice-chair shall be held in alternate years by a member of the management side and the union side unless the Committee agree otherwise.
- 6.3 In the absence of both the Chair and the Vice-chair, a Chair for the meeting will be appointed by the side holding the Chair.

## **7. OFFICERS**

7.1 The Secretary for JNCC will be the Strategic Director of **Finance Governance and Contracts** ~~Environmental and Corporate Services~~ or other appropriate Council Officer.

7.2 Other officers shall attend JNCC as invited.

## **8. ADMINISTRATION**

8.1 The JNCC Secretary will be responsible for arranging the meetings or to delegate this task to an appropriate other Council officer.

8.2 Either side should inform the Secretary of any agenda items and provide any supporting papers at least five working days before the final agenda is issued.

8.3 The JNCC Secretary will be responsible for preparing and issuing the final agenda and any supporting paperwork 10 working days before the meeting.

8.4 If the deadline for agenda items cannot be met, issues can be raised through the standing agenda item AOB (Any Other Business). Issues can be discussed if the majority of JNCC members present are in agreement.

8.5 The JNCC Secretary will ensure that minutes are taken and circulated. Minutes shall be subject to the agreement of the Committee and will be signed by the Chair of the meeting at which they are agreed.

## **9. STATUS OF RESOLUTIONS**

9.1 Subject to section 9.4, agreements of the JNCC shall be binding on both sides so long as they have been the subject of consultation or negotiation and endorsement at a full meeting of the JNCC.

9.2 Agreements should be noted in the minutes of the meeting.

9.3 Where agreements constitute “collective agreements” or “local agreements” separate documents will be drawn up by the Secretary and signed by the Chair of the meeting where the agreement was reached.

9.4 Where required, agreements of the JNCC will not come into effect until ratified by the appropriate Council decision making body (e.g. full Council, Personnel Committee, or Cabinet).

## **10. COMMUNICATIONS**

10.1 Either side can propose communication or consultation with the workforce on any issue raised at JNCC. Where agreement for wider

communication or consultation is reached this should be recorded in the minutes of the meeting.

- 10.2 As appropriate, members of the Trade Union Side shall be afforded reasonable facilities to visit and communicate with all workplaces and staff.
- 10.3 It is expected that as far as possible communication with staff will be by Joint Statements although this does not preclude either side from issuing their own communications.

## **11. DISPUTES**

- 11.1 Where there is a breakdown/deadlock in respect of a matter under negotiation, both viewpoints will be presented to Personnel Committee for consideration.
- 11.2 Disputes should be resolved in line with the provisions set out in clause 9 of the Recognition Agreement.

## PERSONNEL COMMITTEE - TUESDAY, 13 JUNE 2023

### Report of the Director Finance, Governance and Contracts

#### Part A

#### APPOINTMENTS TO PANELS 2023-24

##### Purpose of Report

To consider appointments to Panels for 2023-24.

##### Recommendation

That Panels comprising 5 councillors be appointed for the Council year 2023-24 in respect of the following:

- a) To determine appeals by a JNC Officer against dismissal.
- b) To determine all other employment related appeals for JNC staff which are provided for in the Council's procedures.
- c) To make recommendations to Council on the appointment or dismissal of the Head of Paid Service.
- d) To make recommendations to Council on the appointments to Chief Officer and Statutory Officer posts excluding the Head of Paid Service.
- e) To undertake the Chief Executive's Performance and Development Review.

##### Reason

Section 5.5 (e) of the Council's Constitution (Roles of decision taking Committees) states that the Personnel Committee will appoint Panels comprising 5 councillors (with a quorum of 3) for these functions. Appointing Panels to undertake these functions at the beginning of the Council year will prevent the need for a meeting of the Committee for the sole purpose of appointing a Panel and enable the functions to be dealt with in a timely manner.

##### Policy Justification and Previous Decisions

The responsibilities of the Personnel Committee include the appointment of Panels for the purposes set out.

##### Implementation Timetable including Future Decisions

Once decided by the Committee, the appointments will come into immediate effect for 2023-24.

##### Report Implications

##### ***Financial Implications***

None identified

***Risk Management***

None identified

***Equality and Diversity***

None identified

**Climate Change and Carbon Impact**

None identified

***Crime and Disorder***

None identified

**Wards Affected**

Not applicable

**Publicity Arrangements**

Not applicable

***Consultations***

Not applicable

**Links to the Corporate Strategy**

Caring for the Environment	No
Healthy Communities	No
A Thriving Economy	No
Your Council	<b>Yes</b>

Background Papers: None

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## Part B

### Background

1. Section 5.5 (e ) of the Council's constitution states that the Personnel Committee will appoint panels for the following functions:

*To determine appeals by a JNC Officer against dismissal.*

*To determine all other employment related appeals for JNC staff which are provided for in the Council's procedures.*

*To make recommendations to Council on the appointment or dismissal of the Head of Paid Service.*

*To make recommendations to Council on the appointments to Chief Officer and Statutory Officer posts excluding the Head of Paid Service.*

*To undertake the Chief Executive's Performance and Development Review.*

2. In 2014/15, the Committee decided to appoint a single Panel for all of the functions as set out above but was also given the opportunity each year to consider if it might wish to appoint Panels for some or all of the functions stated, only as they are needed in each year.

In 2022/23 the Committee determined to appoint a single Panel for the functions a, b, c, e only as set out in the Council's Constitution and to appoint a separate Panel for function d, (*To make appointments to Chief Officer and Statutory Officer posts excluding the Head of Paid Service*) due to an ongoing Senior Leadership Review.

Note: *changes to the Constitution which came into effect on 1st May 2023 have clarified function d as follows: To make ... recommendations to Council on the ... appointments to Chief Officer and Statutory Officer posts.*

3. A 5 Member Panel which reflects the political balance of the Council, will comprise 2 Conservative councillors, 2 Labour councillors and 1 Green Councillor.
4. In 2022-23 the Committee resolved to appoint Barkley, Boldrin, Morgan Poland and Shepherd for a Panel in respect of the functions a, b, c, e as set out in Section 5.5 (e) of the Council's Constitution (Roles of decision taking Committees). The Committee also resolved to appoint Barkley, Boldrin, Morgan, Poland and Snartt be appointed for the Council year 2022-23 to form a Chief Officer Appointment Panel (function d, as set out in Section 5.5 (e) of the Council's Constitution) based on political balance requirements.
5. When the Committee appoints the Panel members, there is no requirement that Panel membership be drawn solely from that of the Personnel Committee but it is usual for this to be the case.

6. The Council's Constitution states that councillors should not participate in Personnel Committee and Panel meetings unless they have attended appropriate training on relevant personnel matters prescribed by the Head of Governance and HR.



## PERSONNEL COMMITTEE - TUESDAY, 13 JUNE 2023

### Report of the Director Finance, Governance and Contracts

#### Part A

#### PREVENTION OF ILLEGAL WORKING GUIDANCE

##### Purpose of Report

Personnel Committee to agree the proposed amendments to the Prevention of Illegal Working Guidance.

##### Recommendation

That Personnel Committee agree the proposed amendment to the Prevention of Illegal Working Guidance to reflect necessary legislative changes.

##### Reason

To accurately reflect the necessary legislative updates required as part of the Council's right to work checks.

##### Policy Justification and Previous Decisions

The Prevention of Illegal Working Guidance was last updated with those amendments agreed at Personnel Committee on 5th October 2021. The proposed amendments to the policy have been agreed at SLT and JMTUM, prior to submission to Personnel Committee.

##### Implementation Timetable including Future Decisions

The decision will come into effect immediately following agreement at Personnel Committee and be published on the Council's intranet.

##### Report Implications

##### ***Financial Implications***

There are no financial implications associated with this decision.

##### ***Risk Management***

There are no specific risks associated with this decision.

##### ***Equality and Diversity***

None identified.

##### **Climate Change and Carbon Impact**

None identified.

**Crime and Disorder**

None identified.

**Wards Affected**

None identified.

**Publicity Arrangements**

Not applicable.

**Consultations**

Not applicable.

**Links to the Corporate Strategy**

Caring for the Environment	No
Healthy Communities	No
A Thriving Economy	No
Your Council	No

Key Decision: No

Background Papers: Prevention of Illegal Working Guidance

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## Part B

### Background

The UK's withdrawal from the EU and the gradual lifting of the lockdown restrictions have led to additional changes in the right to work legislation. These changes have been reflected in the guidance provided within Annex A.

### Current HR Policies or Procedures

The current Prevention of Illegal Working Guidance makes references to a number of checks that are no longer regarded as valid or compliant; as a result, any references to these checks or documents have been updated or deleted as necessary.

### Background

Please find below an overview of the major revisions to the proposed guidance.

- A Biometric Residence Permit (BRP) – physical copies can no longer be accepted as proof of right to work;
- A Biometric Residence Card (BRC) – physical copies can no longer be accepted as proof of right to work;
- Status issued under the EU Settlement Scheme – since 1st July 2021 EU passport or ID can no longer be accepted as proof of right to work; or
- An eVisa – individuals issued with an electronic visa can only use the online service as proof of right to work.
- Frontier Workers Permit (FWP) – physical copies can no longer be accepted as proof of right to work;
- Online check share codes now are valid for 90 days instead of 30 days.
- The guidance has been updated to advise recruiting managers that they no longer have to see physical documents when carrying out online checks.
- Examples illustrated through images of online checks have been updated as a point of reference for recruiting managers.
- The Settled Status or Pre-Settled Status section of the guidance has been renamed EU Settlement Scheme (EUSS), and it now includes details about what will be applicable if an EU citizen applies for a job after 30th June 2021 but has not yet submitted an EUSS application by the 30th June 2021 deadline.
- For recruiting managers, a new section “Employment of Ukrainian Nationals” has been added to the updated Guidance.
- To reflect the changes in acceptable documents for determining statutory right to work in the UK, Appendix A and B of the guidance have been updated.

## Annexes

Annex A – Prevention of Illegal Working Guidance.

# Prevention of Illegal Working Guidance Notes for Managers and Employees

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## Purpose

This guidance has been produced to assist managers in preventing the employment of individuals who do not have the right to work in the UK. It also provides information to employees regarding the importance of maintaining their right to work in the UK and the potential consequences of failing to provide, when requested, confirmation of this entitlement.

## Scope

This guidance applies to any employee or worker, or prospective employee or worker, of Charnwood Borough Council. This includes casuals who work on an ad hoc/as and when basis.

The principles of this guidance also apply to individuals who are engaged by the Council (including contractors and consultants). Relevant checks should therefore be made by the manager to ensure they are entitled to work in the UK.

In the case of volunteers, managers should ensure before engaging an individual that they have no restrictions on them volunteering with the Council.

If an individual is employed through an agency (e.g. employment agency) or another company (e.g. consultancy), it is the responsibility of that agency/company to check and confirm the individual's right to work in the UK. Managers should however confirm the relevant checks detailed in this guidance have taken place and be properly satisfied of that person's entitlement to work in the UK.

Managers must understand their responsibilities and comply with this guidance to ensure all employees or workers within the Council have the right to work in the UK.

## Penalties for failing to undertake the relevant checks

Failing to undertake relevant checks before engaging an employee or worker can give rise to significant penalties. The potential financial penalty the Council could face if it was found to be employing an illegal worker depends upon a number of factors. However, the maximum penalty is £20,000 per illegal worker. There is also a significant risk of damage to the Council's reputation which should not be underestimated.

Individuals who knowingly employ or have reasonable cause to believe they are employing an illegal worker may also face criminal sanctions which could include imprisonment for up to 5 years and/or an unlimited fine.

It is therefore imperative that managers carry out the necessary checks in accordance with this guidance to avoid any possible sanction on the Council or themselves.

## How to check whether someone is eligible to work in the UK

Once a provisional offer has been made, the manager should check the individual has the right to work in the UK. There are two types of right to work checks; a manual check and an online check.

All relevant documents must be checked and copied/saved **prior** to the commencement of employment. Failure to do so could lead to the penalties described in the section titled; 'Penalties for failing to undertake the relevant checks'

Any offer of employment made before these checks have been completed must be made subject to confirmation of an individual's right to work in the UK. **A contract will not be issued, nor the individual set up on the payroll system until this information has been received by Human Resources.**

## **Conducting an online right to work check**

In order to use the online right to work check the individual must have an immigration status that can be checked online.

Currently, the online checking service supports checks in respect of those who hold:

- a Biometric Residence Permit (BRP) – physical copies can no longer be accepted as proof of right to work;
- a Biometric Residence Card (BRC) – physical copies can no longer be accepted as proof of right to work;
- status issued under the EU Settlement Scheme – since 1<sup>st</sup> July 2021 EU passport or ID can no longer be accepted as proof of right to work; or
- an eVisa – individuals issued with an electronic visa can only use the online service as proof of right to work.
- Frontier Workers Permit (FWP) – physical copies can no longer be accepted as proof of right to work;

In circumstances in which an online check is not possible (i.e. the individual does not have an immigration status supported by the online checking system) manual check should be conducted.

## **How the service works**

Managers can complete an online check by using the online service, entitled '[View a job applicant's right to work details](#)' on gov.uk.

Prior to this the individual must first view their own Home Office right to work record by accessing the website '[Prove your right to work to an employer](#)'. If they wish to, they can then share this information with the manager by providing the manager with a 'share code'. When entered along with the individual's date of birth, this enables the manager to access the information. The share code will be valid for 90 days, after which a new code will be required in order to conduct an online check.

Since 10<sup>th</sup> January 2022, all share codes begin with a letter indicating the purpose they can be used for. To check the right to work of a prospective or existing employee, only a share code beginning with the letter 'W' can be used.

Managers **must** access the employer part of the service (['View a job applicant's right to work details'](#)) in order to obtain a statutory excuse. It is not sufficient for the manager to view the information via the migrant part of the Home Office online right to work checking service (the 'Prove your right to work to an employer' website). The Home Office has an audit record of online checks conducted by employers using the service. Managers **will not** establish a statutory excuse by viewing the migrant part of the service.

The managers do not have to see physical documents for the online check, as the right to work information is provided in real time directly from the Home Office system.

There are 3 steps to conducting an online right to work check.

### **Step 1 - Use the Home Office online right to work checking service**

The individual will provide the manager with a share code directly or, they may choose to send this via the service. In which case the manager will receive an email from; [right.to.work.service@notifications.service.gov.uk](mailto:right.to.work.service@notifications.service.gov.uk).

Example of an email providing the share code:



The manager will then have 90 days to use the share code and access the employer part of the online right to work checking service ['View a job applicant's right to work details'](#).



Example of the start page of the employer part of the online right to work checking service:

The screenshot shows the GOV.UK website interface. At the top, there is a navigation bar with the GOV.UK logo and a 'Topics' dropdown menu. Below the navigation bar, there is a breadcrumb trail: 'Home > Employing people > Recruiting and hiring'. The main heading is 'View a job applicant's right to work details'. Below the heading, there is a sub-heading: 'Check details of a job applicant's right to work in the UK, including:'. This is followed by a bulleted list: 'the types of work they're allowed to do' and 'how long they can work in the UK for, if there's a time limit'. Below the list, there is a sub-heading: 'You'll need the job applicant's:'. This is followed by another bulleted list: 'date of birth' and 'right to work share code'. Below the list, there is a paragraph: 'You can also [check someone's original documents](#) instead - for example if you do not have a share code.' At the bottom of the screenshot, there is a green button with the text 'Start now >' and a link below it: 'on the right to work service'.

To view the individual's right to work details, the manager will need to type in the share code and the individual's date of birth.

## **Step 2 - Check**

The Manager must check that the photograph on the online right to work check is of the individual presenting themselves for work (i.e. the information provided by the check relates to the individual and they are not an imposter).

An individual can only be employed, or continue to be employed (if conducting a follow-up check), if the online check confirms they have the right to work and are not subject to a condition preventing them from doing the work in question.

Managers must seek advice from Human Resources as soon as possible if the online right to work check indicates;

- the individual does not have the right to work in the UK;
- or it is reasonably apparent from the photograph that the individual the manager wishes to employ or continue to employ is not the individual to whom the information provided in the check relates.

An example of an on-line check response (continuous right to work);

The screenshot shows the GOV.UK interface for checking a job applicant's right to work. The header includes the GOV.UK logo and the title 'View a job applicant's right to work'. A 'BETA' notice states: 'This is a new service - your feedback will help us to improve it.' The main content area is titled 'Right to work' and features the name 'Erika Mustermann'. Below the name, it states: 'They have permission to work in the UK from 19 October 2021. They can work in the UK until 19 November 2023.' A 'Details' section follows, stating: 'They can work in any job.' To the right of the text is a portrait photo of a man with a 'Rotate' button below it.

An example of an on-line check response (restricted and time limited);

The screenshot shows the GOV.UK interface for checking a job applicant's right to work. The header includes the GOV.UK logo and the title 'View a job applicant's right to work'. A 'BETA' notice states: 'This is a new service - your feedback will help us to improve it.' The main content area is titled 'Right to work' and features the name 'Erika Mustermann'. Below the name, it states: 'They can work in the UK until 19 November 2023.' A 'Details' section follows, stating: 'They can work:' followed by a bulleted list: 'up to 10 hours a week during term time' and 'full-time during the holidays'. Below this, it states: 'They must share proof of their term dates with their employer.' Further down, it states: 'They can also work on a placement which is part of the course their student visa is based on. The work placement must be:' followed by a bulleted list: 'a compulsory part of their course' and 'assessed as part of their course'. A link is provided: 'Read more about [volunteering, working for a student union and other types of work.](#)' A 'Conditions' section follows, stating: 'They cannot:' followed by a bulleted list: 'work as a doctor or dentist in training - except on a Health Education England foundation programme', 'work as an entertainer', 'work as a professional sportsperson or coach', and 'run a business or be self-employed - unless they have applied for a start-up visa'. To the right of the text is a portrait photo of a man with a 'Rotate' button below it.

### **Step 3 Retain evidence of the online check**

Evidence of the online right to work check must be retained. For online checks, this should be the 'profile' page confirming the individual's right to work. This is the page that includes the individual's photo and date on which the check was conducted.

Managers will have the option of printing the profile (the response provided by the Home Office online right to work checking service), or saving it as a PDF or HTML file.

Managers should save a copy of the profile page. This should then be provided to Human Resources along with the other appointment paperwork.

### **Conducting a manual right to work check**

A manual check can be completed for UK and Irish citizens who can use their passport as proof of right to work. It will also need to be completed for individuals who are not able to share their right to work information online.

Once a provisional offer has been made, the recruitment manager should ask the successful candidate to bring in copies of **original documents** confirming their entitlement to work in the UK. It will be helpful to use this [government checking tool](#) whilst doing so.

Acceptable documents for proving this entitlement are split into two lists:

- **List A** - These documents demonstrate the individual has a permanent right to work in the UK. If an applicant provides a single document or combination of documents specified in this list, then they are entitled to work for the Council for an indefinite period. There is no requirement to undertake any repeat checks of their documentation;
- **List B** - These documents demonstrate the individual has been granted a temporary right to work in the UK and/or has restrictions on their right to work. It is vital that any time limits or restrictions upon their right to work are noted and adhered to. There is also a requirement for repeat document checks to be undertaken during the individual's employment with the Council. Further information regarding the frequency and content of these rechecks can be found in the section titled '[Continuation of employment - undertaking repeat checks](#)'.

In order to establish whether the successful candidate has the right to work in the UK the manager should undertake the following three step check:

#### **Step one - Obtain**

Managers must obtain original documents (either a single document or specified combination of documents) from [List A](#) or [List B](#). It is **not acceptable** for the individual to provide **photocopies or scanned copies of documents**.

Some of the documents detailed in [List B](#) require verification by the Home Office Employer Checking Service. Where this is specified, the recruiting manager should inform the individual that this check is required and seek their permission before submitting an application. Details of how to make the application and the information required are available on the [Home Office website](#). Support is available from Human Resources if required.

Copies of the documents relating to this check and the **Positive Verification Notice** received from the Employer Checking Service **must** be provided to Human Resources along with the other appointment paperwork.

If a **Negative Verification Notice** is received from the Employer Checking Service, it **will not** be possible to progress the individual's appointment as this notice confirms they do not have permission to do the work in question. In these situations, advice should be sought from Human Resources on the action that will need to be taken to withdraw the provisional offer of employment.

### **Step two - Check**

In the presence of the individual, the manager must confirm the validity of each original document. Inspection of a document via a video link is not acceptable nor is checking a faxed or scanned copy of the document.

The Manager must check that:

- Any photographs are consistent across documents and with the appearance of the individual;
- Any dates of birth listed are consistent across documents and correspond with the appearance of the individual;
- The expiry dates of any limited leave to enter or remain in the UK have not passed;
- Any work restrictions found on UK government endorsements such as stamps, stickers, visas, etc. do not restrict the individual from undertaking the type of work being offered;
- The documents appear to be genuine (i.e. no typographical errors, etc.), have not been tampered with and belong to the individual.

If the individual provides two documents that have different names, the manager should ask for a further document to explain the reason for this. The further document could be, for example, a marriage certificate, a divorce decree absolute, a deed poll, or statutory declaration. A copy of these documents must also be provided to Human Resources along with the other appointment paperwork.

If there is any suspicion that a document provided is not genuine or legitimate, then advice should be sought from Human Resources as soon as possible as it may be necessary to make further enquiries or to report the individual to the Home Office.

### **Step three - Copy**

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Take a **clear** photocopy of each document.

Managers must copy and retain:

### 1. Passports

- Any page containing the individual's personal details including their nationality, photograph, date of birth, signature, or biometric details;
- Any page with the document expiry date, and/or leave to remain expiry date;
- Any page containing information indicating that the individual has permission to enter or remain in the UK (e.g. a visa or entry stamp) and can undertake the work in question.

The front cover no longer has to be copied.

### 2. All other documents

- The document in full, including both sides of an Immigration Status Document and Application Registration Card.

**Each photocopy** must be signed and dated by the manager using the following statement: **'This right to work check was made on [insert date].** This is to confirm the original document has been checked. Simply writing a date on the copy document does not confirm that this is the actual date when the check is undertaken. The photocopies should then be returned to Human Resources along with the completed Personal File-Appointee's Checklist.

Human Resources will ensure that details of any List B documents are recorded on i-Trent so that expiry dates and restrictions can be monitored.

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## Who can work in the UK without restriction

The following groups of people can be employed in the UK without any restrictions. However, the document checks detailed in the section titled '[How to check whether someone is eligible to work in the UK](#)' **must still be** undertaken before the individual starts work:

- British citizens;
- Commonwealth citizens with the right of abode;
- Nationals from the Common Travel Area (i.e. the UK, the Channel Islands, the Isle of Man and Ireland);

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## Sponsoring workers from outside of the UK and Ireland

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In order to employ a worker from outside of the [UK and Ireland](#) the Council will need to act as their sponsor unless they have settled status, pre-settled status, indefinite leave to remain/settlement in the UK or can work in the UK via an unsponsored route. There are various routes under which an individual can apply to work in the UK. The Council does not currently hold a sponsorship licence to be able to do this. Further advice must be sought from Human Resources.

## Unsponsored Routes

The following headings detail visas which do not require sponsorship (e.g. fees).

## EU Settlement Scheme (EUSS)

EU Citizens who arrived in the UK on, or before 31 December 2020 must have applied for, and been granted Settled Status or Pre-Settled Status on, or before 30 June 2021 in order to retain their unsponsored right to work in the UK. Applicants who can evidence that they meet the criteria will not need to be sponsored by the Council.

If an EU citizen applies for a job after 30 June 2021 but has not applied to the EUSS by the 30 June 2021 deadline and has no alternative immigration status in the UK (such as a visa under the points-based immigration system), then they will not be able to pass a right to work check.

EU citizens not eligible for status under the EUSS will need to obtain an immigration status under the points-based system in the same way as other foreign nationals, for example the skilled worker visa.

## Employing students from outside of the UK and Ireland

International Students can work in the UK providing their conditions of entry allow this. Those who have [Student visa](#) can work in the UK, subject to certain restrictions but, will not need to be sponsored by the Council.

A student who is able to work will have a clear endorsement in their passport, eVisa or Biometric Residence Permit. This will state they are permitted to work and the number of hours they can work during term-time. This is up to a maximum of 10 or 20 hours per week (with a week considered to be Monday to Sunday). Any work undertaken for the Council must not exceed this limit.

They are also permitted to work full-time during vacations and undertake fulltime work both before their course commences and after their course finishes, as long as they have leave to remain in the UK and are following or have completed the required course of study.

If a student's passport, eVisa or Biometric Residence Permit does not contain information about their right to work, they are **not** permitted to work in the UK.

There are strict conditions on the type of work students can undertake. They must not:

- Work on a self-employed basis; or
- Seek to pursue their career by filling a permanent full-time vacancy.

Those studying in the UK on a 'Short-term Student' visa are not permitted to undertake paid or unpaid employment, work experience or work placement as part of their course.

Managers should follow the three step checking process set out in the '[How to check whether someone is eligible to work in the UK](#)' section prior to the individual commencing their employment.

Where the documents provided indicate the student has a limited right to work in the UK, the student **must** also provide evidence of their academic term and vacation dates for the duration of their studies in the UK for which they will be employed by the Council. This evidence should originate from the education institution which is sponsoring the student and may include:

- A printout from the student's education institution's website or other material published by the institution setting out its timetable for the student's course of study (managers should check the website to confirm the link is genuine); or
- A copy of a letter or email addressed to the student from their education institution confirming term time dates for the student's course; or
- A letter addressed to the Council from the education institution confirming term time dates for the student's course.

A copy of the evidence provided should be provided to Human Resources along with the other appointment paperwork.

Any offer of employment made prior to these checks being completed must be made subject to the receipt of the appropriate documentation to confirm an individual's right to work in the UK. **A contract will not be issued nor the individual set up on the payroll system until this information has been received by Human Resources.**

Managers must contact Human Resources immediately if there is a change in the student's circumstances and they have:

- Changed or are in the process of changing their education sponsor; or
- Changed their course (even if it is with the same education sponsor); or
- Stopped studying; or
- Finished their course early; or

- Been informed that their education sponsor has had their licence revoked or ceased trading.

The above circumstances may impact upon their right to work in the UK and in some cases could mean they are no longer able to work.

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## Employing asylum seekers, refugees and those granted humanitarian protection

An asylum seeker is an individual who has made an application to be recognised as a refugee under the Geneva Convention or has otherwise made an application for international protection. They do not normally have the right to work in the UK and can only be lawfully employed if these restrictions have been lifted.

If an asylum seeker is allowed to work they will hold a Home Office issued Application Registration Card which states either work is permitted or work is permitted with restrictions. For example:

- Work Permitted;
- Work Permitted - SOL (i.e. [Shortage Occupation List](#));
- Work Permitted - Student; or
- Work Permitted - Other.

If an asylum seeker's Application Registration Card states that work is permitted with restrictions, the manager should ensure their employment does not breach these restrictions.

In addition to checking and taking copies of the card stating that work is allowed, the manager will need to make an application to the Home Office Employer Checking Service for verification. The individual should be advised that this check is required and their permission sought before submitting the application. Details of how to complete this check and the information required are available on the [Home Office website](#). Support is available from Human Resources if required.

If a **Positive Verification Notice** is received from the Employer Checking Service, it **must** be provided to Human Resources along with the other appointment paperwork.

If a **negative verification notice** is received from the Employer Checking Service, it **will not** be possible to progress the individual's appointment as this notice confirms they do not have permission to do the work in question. In these situations, advice should be sought from Human Resources on the action that will need to be taken to withdraw the provisional offer of employment.



An asylum seeker whose claim is successful is granted refugee status. Where a person does not qualify for protection under the Geneva Convention, they may be granted humanitarian protection instead. Refugees and those recognised as requiring humanitarian protection have no restrictions on the type of work they can do in the UK, as long as they continue to hold this qualifying status. A refugee will normally be able to provide proof of their status and their right to work in the UK with a combination of documents set out at [List B](#) or through the Home Office online service (if they have a BRP). Managers should follow the three step checking process set out in the '[How to check whether someone is eligible to work in the UK](#)' section.

Checks on an asylum seeker's or refugee's documentation **must** be carried out prior to the individual commencing their role and during their employment. The frequency of the follow up checks will depend on the documents provided as proof of right to work. Please refer to the section titled '[Continuation of employment - undertaking repeat checks](#)' for further information.

Any offer of employment made prior to these checks being completed must be made subject to the receipt of the appropriate documentation to confirm an individual's right to work in the UK. **A contract will not be issued nor the individual set up on the payroll system until this information has been received by Human Resources.**

The Council does not need to sponsor an asylum seeker, refugee or individual with humanitarian protection (providing they have the right to work in the UK) in order to employ them.

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## The use of volunteers

The following groups of people are permitted to volunteer in the UK without any restrictions:

- Individuals with refugee status or those recognised as requiring humanitarian protection;

Citizens from other countries will need to confirm their entitlement to volunteer in the UK, and this will depend on their immigration status. More information can be found [here](#).

It is the individual's responsibility to contact UK Visas and Immigration to check their visa or entry clearance conditions. Before accepting a volunteer, managers are advised to obtain confirmation of their entitlement to volunteer from the individual. This falls under the [temporary charity worker visa](#) category.

Asylum seekers are only allowed to volunteer with public sector organisations, registered charities, voluntary organisations or bodies that raise funds for either.

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## Graduate Route

The Graduate Visa enables international students to remain in the UK and work, or look for work, at any skill level for two years after they have completed their studies. International students who complete a PhD can remain in the UK for three years. This is an unsponsored route.

Graduate visa holders are able to work flexibly, switch jobs and develop their career as required. They cannot extend their visa, however they can switch to a different visa, for example a Skilled Worker visa, once they have found a suitable job.

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## Employment of Ukrainian Nationals

In response to the evolving conflict in Ukraine, the Home Office has introduced visa schemes to support Ukrainian nationals, and their family members, to come to the UK – [Ukraine Family Scheme](#) and [Homes for Ukraine Scheme](#).

Those who are granted a visa under these schemes are able to work, rent a home, and access public services, such as medical treatment and education.

### Ukrainians with a valid Ukrainian Passport

On arrival, Border Force will stamp the passport with permission to enter the UK, valid for 6 months with no restrictions on taking employment – Leave Outside the Rules (LOTR). During the 6-month period, the individual will need to obtain a Biometric Residence Permit (BRP), which will be endorsed with up to 36-month permission to stay.

Those individuals with a stamp or a visa in their valid Ukrainian passport under the Ukrainian Schemes, have a time-limited right to work. Manual check should be conducted, and the acceptable document is included in List B (Group 1). A follow up check will need to be carried out shortly before the permission comes to an end.

All Ukrainian nationals arriving under the Schemes should obtain a BRP and holders will need to use the Home Office online checking service to prove their right to work.

### Ukrainians who do not have a valid Ukrainian passport

If an individual does not have a valid Ukrainian passport, they will be required to provide their biometric information at a Visa Application Centre and will then be provided with an entry clearance vignette attached to a 'Form for Affixing the Visa' (FAV).

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Shortly after arrival, a BRP is available for collection, and this can be used to access the Home Office online checking service to prove a right to work.

Where necessary, individuals can use their FAV document as proof of their right to work, in conjunction with a **Positive Verification Notice** the Home Office Employer Checking Service. The manager should advise the individual that this check is required and seek their permission before submitting the application. Details of how to complete this check and the information required are available on the [Home Office website](#). Support is available from Human Resources if required.

If a **Negative Verification Notice** is received from the Employer Checking Service, it **will not** be possible to progress the individual's appointment as this notice confirms they do not have permission to do the work in question. In these situations, advice should be sought from Human Resources.

Once the individual has collected their BRP employers are not required to make a check with the Employer Checking Service. Where the Home Office systems show that the individual has a BRP available, employers will receive a response from the Employer Checking Service directing them to advise the individual to collect their BRP and prove their right to work using the Home Office online checking service.

### Ukraine Extension Scheme

Ukrainian national are able to apply under the Ukraine Extension Scheme if they had permission to stay in the UK on or before 18th March 2002, or if their permission expired on or after 1st January 2022. Under the Ukraine Extension Scheme, individuals will get three years leave to remain in the UK and will have the right to work, study and access public funds.

While the application is pending, a **Positive Verification Notice** will have to be obtained from the Home Office Employer Checking Service. The manager should advise the individual that this check is required and seek their permission before submitting the application. Details of how to complete this check and the information required are available on the [Home Office website](#). Support is available from Human Resources if required.

If a **Negative Verification Notice** is received from the Employer Checking Service, it **will not** be possible to progress the individual's appointment as this notice confirms they do not have permission to do the work in question. In these situations, advice should be sought from Human Resources.

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## Withdrawing an offer of employment

If the successful candidate fails to provide appropriate evidence within a specified timescale (**which must be before they start in the role AND before a contract of employment or contract for services is issued**) it may be justifiable to withdraw the offer of employment. Advice should be sought from Human Resources before withdrawing an offer of employment for this reason.

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## Continuation of employment - undertaking repeat checks

Where documents only grant temporary permission to work in the UK, once employed, the Council is required to check that the individual's right to work in the UK continues during the whole period of their employment.

The required frequency of these repeat checks is as follows:

- Documents from List B (Group One) - a follow up check must be undertaken shortly before permission (as set out in the document checked) expires;
- Documents from List B (Group Two) - a follow up check must be undertaken six months after the Positive Verification Notice was received;
- Online right to work check which indicates the individual's right to work is time limited - a follow-up check must be undertaken shortly before permission (as set out in the online check) expires.

Follow-up checks, may be completed by the manager using either the manual right to work check or the online right to work check (where applicable) as described in the earlier section '[How to check whether someone is eligible to work in the UK](#)'. Either check can be used irrespective of the type of check conducted originally, before employment commenced.

Copies of the documents demonstrating the employee's continued right to work in the UK should be forwarded to Human Resources.

Some of the documents detailed in [List B](#) require verification by the [Home Office Employer Checking Service](#). The manager should advise the individual that this check is required and seek their permission before submitting the application. Details of how to complete this check and the information required are available on the [Home Office website](#). Support is available from Human Resources if required. Copies of the documents relating to this check and the **Positive Verification Notice** received from the Employer Checking Service must be forwarded to the Human Resources department and kept on the employee's personal file.

If, during the rechecking process, the employee provides a single document or combination of documents specified in List A then there is no requirement to undertake any further checks for the remaining duration of their employment with the Council.

If at the time of checking the employee is unable to provide evidence of their right to work due to an outstanding application with the Home Office or an appeal to extend their leave in the UK, Human Resources will contact the [Home Office Employer Checking Service](#).

This service will confirm whether the individual has the right to continue to work in the UK. If a **Negative Verification Notice** is received from the Employer Checking Service then the procedure set out in the '[Failure to Maintain Right to Work](#)' section will be followed.

Failure to undertake these checks may result in the Council being liable to a penalty if the employee is found to be working illegally or potentially criminal sanctions being imposed.

Where the line management of an individual transfers to another manager, the original manager should detail in writing to the new manager the status of the individual's permission to work in the UK and their responsibilities in reference to this guidance. They should also set out any dates where such permission to work in the UK is due to expire and any restrictions that are in place (e.g. maximum working hours, etc.).

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## Failure to maintain right to work

If the manager or Human Resources becomes aware, either as part of the recheck process or from another source (e.g. UK Visas and Immigration), that an employee may no longer have the right to work in the UK then the following process should be followed.

- The manager should meet with the employee as soon as possible to ascertain whether they have the required documentation to evidence their continued right to work in the UK (see [Appendix A](#) and [Appendix B](#) for a list of acceptable documents).
- The employee should be given 48 hours to provide the required (original) documentary evidence.
- If the employee provides the required evidence, the manager, with support from Human Resources, should complete the repeat check and return it to the Human Resources with a copy of the relevant document(s).
- If the employee fails to provide the required evidence, the reasons for this should be fully discussed with the employee. The manager should consider whether suspension is necessary. This should be discussed with a representative from Human Resources and approved by a Strategic Director.
- If approved, a meeting should be held with the employee and the employee informed that they will be suspended from work, without pay, pending confirmation of their entitlement to work in the UK. The manager should confirm the reason for the suspension in writing to the employee as soon as possible (usually the next working day at the latest). A template letter is attached at [Appendix D](#).
- Periods of suspension will be kept as short as possible and managers are expected to undertake a weekly review of the case.

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- During the process, the employee may advise that their case is currently being dealt with by the Home Office. In such cases the manager should make contact with the [Home Office Employer Checking Service](#) in order to verify this information.
- If the employee is subsequently able to provide evidence of their right to work in the UK, the suspension should be lifted and the employee's salary reinstated from the date of suspension. In some circumstances (e.g. repeated failure to provide relevant documents on request) it may be necessary to consider whether disciplinary action is appropriate.
- If the employee is unable to provide evidence of their right to work in the UK and enquiries with other agencies (e.g. the Home Office) do not confirm their entitlement, then a meeting should be arranged to consider the employee's continued employment. The employee should be advised in writing of the reason for the meeting and that a potential outcome is termination of their employment without notice. It must also include details of the employee's right to be accompanied at the meeting by a work colleague or Trade Union representative. Where this is the case, the manager should also contact Human Resources to discuss informing the Home Office of the situation.

Where it is necessary to consider the termination of an employee's employment then the following process should be followed. The outcomes of such a meeting will usually be that the employee's employment should be terminated without notice or payment in lieu of notice, that it should not be terminated, or that the employee should be given a further period to demonstrate that they have the right to work in the UK.

### **The Meeting**

- The meeting should be held with the employee's line manager (or their line manager).
- A representative from Human Resources should be present.
- The employee has a right to be accompanied by a work colleague or Trade Union representative.
- The employee must take all reasonable steps to attend the meeting. If the employee fails to attend the meeting, the manager should make enquiries as to the reason for their non-attendance. If the employee was unable to attend for a valid reason, then the manager should rearrange the meeting. If the employee fails to provide an acceptable reason or fails to attend the rearranged meeting, the meeting will go ahead in the employee's absence.
- The employee should be given the opportunity to present any evidence to prove their continued right to work in the UK.
- Notes should be taken of the meeting and a copy provided to the employee.
- At the end of the meeting the employee will be informed of the decision. This should be confirmed in writing within 5 working days.
- The employee has the right to appeal the decision.

## Appeal

- The appeal must be submitted to the manager who made the original decision within 7 working days of receiving written notification of the outcome and set out the reasons for the appeal in full.
- The appeal will be heard by an appropriately designated manager from the employing department and a representative from Human Resources.
- The employee has a right to be accompanied by a work colleague or Trade Union representative.
- The employee must take all reasonable steps to attend the meeting. If the employee fails to attend the meeting, the manager should make enquiries as to the reason for their non-attendance. If the employee was unable to attend for a valid reason, then the manager should rearrange the meeting. If the employee fails to provide an acceptable reason or fails to attend the rearranged meeting, the meeting will go ahead in the employee's absence.
- The employee should be given the opportunity to present any evidence to prove their continued right to work in the UK.
- Notes should be taken of the meeting and a copy provided to the employee.
- After the meeting the employee must be informed of the final decision. This should be confirmed in writing within 5 working days.

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## Transfer of Undertakings

Right to work checks for employees who are TUPE transferred into the Council must be completed within 60 days of the transfer taking place. Managers should follow the checking process set out in the '[How to check whether someone is eligible to work in the UK](#)' section.

Human Resources should be contacted immediately if an employee who is due to be TUPE transferred or has been TUPE transferred either into or out from the Council is working in the UK under the points based sponsorship system (i.e. with a Skilled Worker Visa).

## Appendix A - List A: Acceptable documents to establish a continuous statutory right to work in the UK

- A passport (current or expired) showing that the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK;
- A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen;
- A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules;
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK;
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer;
- A birth or adoption certificate issued in the UK **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer (definition includes a full birth certificate issued by UK diplomatic mission – British Embassy or British High Commission);
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer;
- A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

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## Appendix B - List B: Documents which satisfy the right to work in the UK for a time-limited period

### Group One - Documents where a time-limited statutory excuse lasts until the expiry date of leave to enter or remain in the UK

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

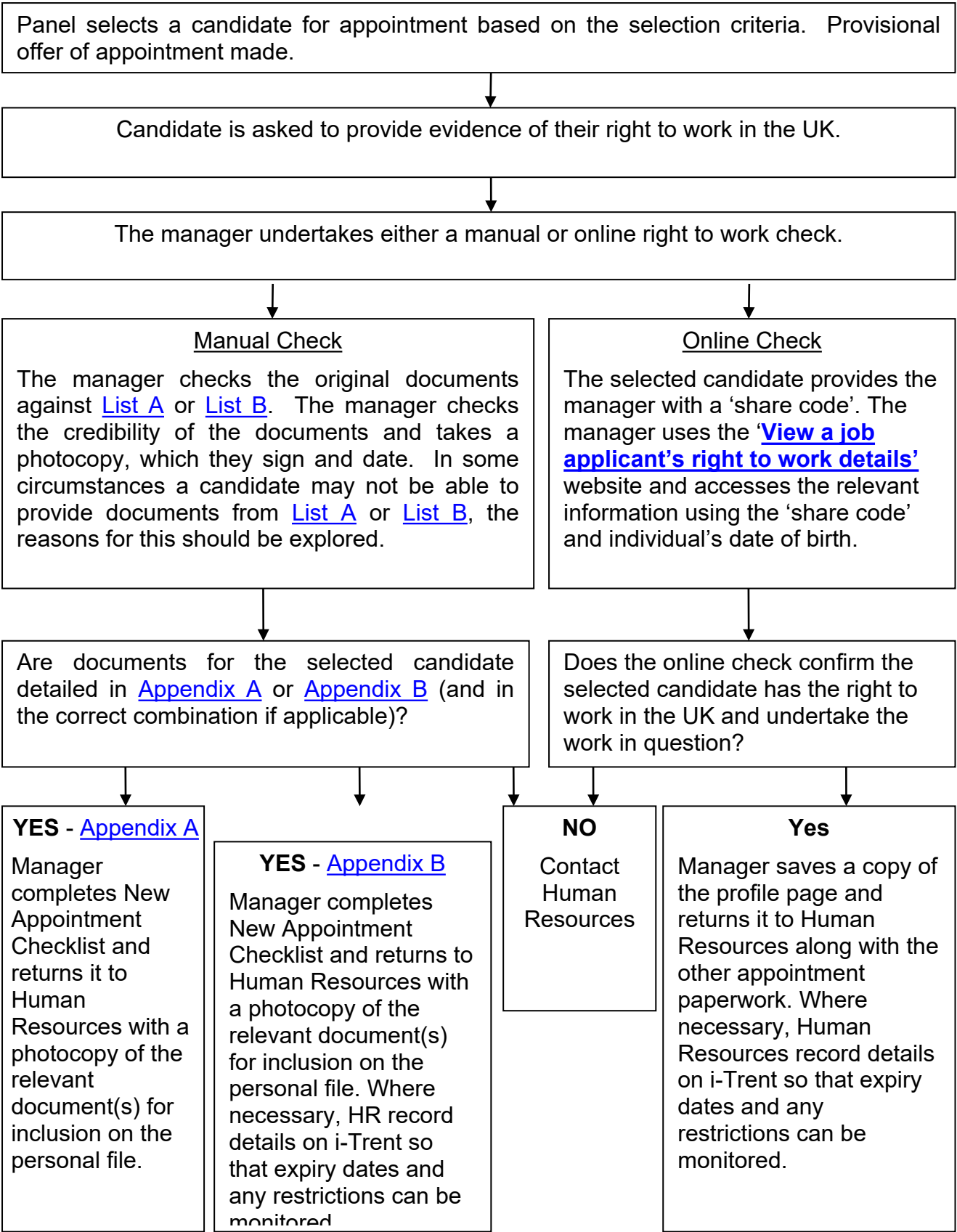
### Group Two - Documents where a time-limited statutory excuse lasts for 6 months

- A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
- A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with Positive Verification Notice from the Home Office Employer Checking Service.
- A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man immigration rules together with a Positive Verification Notice from the Home Office Employer Checking Service.

- An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
- A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

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## Appendix C - Checking right to work in UK flowchart



## Appendix D - Letter confirming employee's suspension

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of our meeting on [date] during which you were advised that, as you have failed to provide evidence of your continued right to work in the UK, you were being suspended from work, without pay, with immediate effect.

Whilst on suspension you must be contactable at all times during your normal working hours and you will be required to make yourself available for meetings as appropriate. You have the right to be accompanied at any such meetings and this can be a work colleague or a Trade Union representative.

Please note that if you are unable to provide evidence of your right to work in the UK by [date] and enquiries with other agencies do not confirm your entitlement, then a meeting will be arranged to consider your continued employment with the Council.

If you are able to provide evidence of your right to work in the UK, the suspension will be lifted and your salary reinstated from the date of suspension. In some circumstances (e.g. repeated failure to provide relevant documents on request) it may be necessary to consider whether disciplinary action is appropriate.

During your suspension I will contact you on a weekly basis to confirm progress however in the meantime if you have any updates then please contact me immediately on [telephone number].

I appreciate that this is a concerning time for you and would like to remind you that the services of AMICA Telephone Counselling Service are available to you on 0116 2544388.

A copy of the Prevention of Illegal Working Guidance is enclosed for your information.

If you have any questions regarding the contents of this letter, then please do not hesitate to contact me on [telephone number].

Yours sincerely,

[Name of manager]

[Job Title]

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Date agreed: 5<sup>th</sup> October 2021  
Review date:

## Appendix E - Letter lifting employee's suspension

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to advise that following my letter dated [date of suspension letter] I have reviewed your suspension.

As I am now in receipt of confirmation of your entitlement to work in the UK it has been decided that your suspension from work is to be lifted with effect from [date] and your salary reinstated from [date].

In order to assist you with your return to work, I would be grateful if you would attend a meeting with me at [time] on [date] in [location] to discuss how this could be best facilitated.

Please do not hesitate to contact me on [telephone number] if you have any questions regarding the contents of this letter.

Yours sincerely,

[Name of manager]

[Job Title]

## Appendix F - Letter inviting employee to meeting

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

Further to my letter dated [date] confirming your suspension from work, I am now writing to invite you to attend a meeting at [time] on [date] in [location]. Also in attendance will be [name] from Human Resources and [name] to take notes. On arrival you should report to [location] and ask for [name].

The purpose of the meeting is to consider whether you are still entitled to work in the UK and therefore if your employment with the Council should continue. You may, if you wish, be accompanied at the meeting by a work colleague or Trade Union representative.

Please note that if you are unable to provide copies of the relevant documents confirming your entitlement to work in the UK then your employment with the Council will be terminated with immediate effect.

Enclosed is a copy of the documents that will be considered at the meeting. During the course of the meeting you will have the right to hear and question all of the evidence presented. You will also have the opportunity to present your case and to provide any evidence which confirms your entitlement to work in the UK.

I would be grateful if you would please confirm that you are able to attend the meeting. Please note that failure to attend without an acceptable reason may result in the meeting going ahead in your absence.

If you, or your representative, require any special arrangements in order to attend the meeting, please contact me as soon as possible so that I can facilitate these for you.

A copy of the Prevention of Illegal Working Guidance is enclosed for your information. Please do not hesitate to contact me if you have any questions regarding the contents of this letter.

Yours sincerely,

[Name of manager]

[Job Title]

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## Appendix G - Letter confirming outcome of meeting

**STRICTLY PRIVATE AND CONFIDENTIAL**

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of our meeting on [date] which I conducted with support from [name] in Human Resources. Also present were [name] as your representative and [name] as note-taker.

The purpose of the meeting was to consider your eligibility to still work in the UK and therefore if your employment with the Council should continue.

### Option One

*As you were able to provide copies of the required documentation showing your entitlement to work in the UK, I can confirm that your employment with the Council will continue as per your contract of employment.*

*Your suspension from work will be lifted with effect from [date] and your salary reinstated from [date].*

*It is a condition of your employment that you continue to maintain your entitlement to work in the UK throughout your employment with the Council and produce, when requested, copies of any original documentation confirming this entitlement or the information required to conduct an online right to work check. You must also notify the Council immediately if your entitlement ceases at any time during your employment.*

### Option Two

*As you failed to provide copies of the required documentation showing your entitlement to work in the UK, I have no other option but to terminate your employment with the Council with immediate effect. Your P45 will be forwarded to you shortly.*

*Please note that I will also be contacting the Home Office to make them aware of this decision.*

*You are required to return any property which is still in your possession and [name] will be in contact with you to arrange this.*

*You have the right to appeal against this decision and should submit this to me within 7 working days of receiving this letter, setting out the reasons for your appeal in full. Should*

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*you decide to appeal; the effect of the dismissal will still stand pending the outcome of the appeal meeting.*

A copy of the notes taken at the meeting is enclosed for your information.

Yours sincerely,

[Name of manager who held the meeting]

[Job Title]



## Appendix H - Invitation to Appeal Meeting

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

Following receipt of your appeal against the decision to terminate your employment for failing to provide confirmation of your continued right to work in the UK, I am writing to invite you to attend an appeal meeting.

Your appeal will be heard by [name, job title] with support from [name] in Human Resources at [time] on [date] in [location]. [Name] will also be in attendance to take notes. On arrival you should report to [location] and ask for [name]. You may, if you wish, be accompanied at the meeting by a work colleague or Trade Union representative.

Enclosed for your attention is a copy of management's response to your appeal statement, along with supporting documents. I will be in attendance at the meeting to present the management case.

The outcome of the appeal hearing will be to either:

- Uphold the original decision taken (i.e. your dismissal will still stand);
- Overturn the original decision and reinstate your employment.

Please be advised that the decision of the appeal hearing will be final and there is no further right of appeal.

I would be grateful if you would please confirm that you are able to attend the meeting. Please note that failure to attend without an acceptable reason may result in the meeting going ahead in your absence.

If you, or your representative, require any special arrangements in order to attend the meeting, please contact me as soon as possible so that I can facilitate these for you.

If you have any questions regarding the contents of this letter, please do not hesitate to contact me on [telephone number].

Yours sincerely,

[Name of manager]

[Job Title]

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## Appendix I - Outcome of Appeal Hearing

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the appeal meeting held on [date] which was heard by me with support from [name] in Human Resources. Also present was [name] as your representative and [name] as note-taker.

You appealed against the decision to terminate your employment as a result of your failure to provide confirmation of your continued right to work in the UK. The reason for your appeal was [reason].

Having considered the evidence provided at the hearing, I have decided to [uphold the original decision to terminate your employment as you have still not provided the required documentation to confirm your entitlement to work in the UK] or [overturn the original decision to terminate your employment as you have now provided the required documentation to confirm your entitlement to work in the UK]. Include details of any additional actions/ recommendations and reasons for decision.]

The decision of the appeal hearing is final and there is no further right of appeal.

A copy of the notes taken at the meeting is enclosed for your information.

Yours sincerely,

[Name of manager hearing appeal]

[Job Title]

## PERSONNEL COMMITTEE - TUESDAY, 13 JUNE 2023

### Report of the Director Finance, Governance and Contracts

#### Part A

#### GUIDANCE ON THE RECRUITMENT AND EMPLOYMENT OF CASUAL WORKERS AND LEAVE ARRANGEMENTS POLICY

##### Purpose of Report

Personnel Committee to agree to the proposed amendments to the Guidance on the Recruitment and Employment of Casuals Workers. In addition relevant changes are proposed to Leave Arrangements Policy in relation to casual workers and an update to annual leave allowances.

##### Recommendations

1. That Personnel Committee agree to the proposed amendments to the Guidance on the Recruitment and Employment of Casual Workers.
2. That Personnel Committee agree to the alteration to the Leave Arrangements Policy in relation to casual workers.
3. That the update to the Leave Arrangements policy to reflect new annual leave entitlements for NJC employees in the 2023/24 leave year is agreed by Personnel Committee.

##### Reasons

1. To reflect the Council's approach to annual leave provisions for casual workers following legislative changes in the Guidance on the Recruitment and Employment of Casual Workers.
2. To ensure the Leave Arrangements policy is amended to enable employees to obtain information on leave provisions for casual workers.
3. To accurately reflect the one day (pro-rata) annual leave entitlement increase for NJC employees in the 2023/24 leave year.

##### Policy Justification and Previous Decisions

The Guidance on the Recruitment and Employment of Casual Workers was last updated on 5th October 2021 and the Leave Arrangements Policy was last updated on 30th March 2021. SLT and JMTUM have agreed the proposed amendments to policy prior to submission to Personnel Committee.

##### Implementation Timetable including Future Decisions

The decision will come into effect immediately following agreement at Personnel Committee and be published on the Council's intranet.

## Report Implications

### ***Financial Implications***

There are no financial implications.

### ***Risk Management***

There are no specific risks associated with this decision.

### ***Equality and Diversity***

None identified.

### **Climate Change and Carbon Impact**

None identified.

### ***Crime and Disorder***

None identified.

### **Wards Affected**

None identified.

### **Publicity Arrangements**

None identified.

### ***Consultations***

Trade Unions have been consulted.

### **Links to the Corporate Strategy**

Caring for the Environment	No
Healthy Communities	No
A Thriving Economy	No
Your Council	No

Background Papers: none

Officer to contact:

Sally Dobrowolska  
Senior HR Advisor  
Tel: 0116 3058355  
sally.dobrowolska@leics.gov.uk

## Part B

### Background

1. Following consideration of the Brazel case, it was determined at SLT that all casuals within the Council are put onto contracts of up to 11 weeks and terminated from the payroll and the establishment after each assignment. The reason for this decision is connected to contractual employment law implications and the Brazel case ruling on holiday pay. The Brazel case *states that holiday pay for staff who only work part of the year, such as term time workers, should get the full 5.6 weeks annual leave a year based on an average week pay. Employers should no longer rely on applying 12.07% to pro-rata the leave for hours worked.*

### Current HR Policies or Procedures and Proposed Amendments

2. The current and proposed wording within the Guidance on the Recruitment and Employment of Casual Workers is outlined within this section to reflect the changes outlined above.
3. The current Guidance on the Recruitment and Employment of Casual Workers states:

*Casual workers are entitled to the statutory amount of annual leave, which is pro-rated equivalent to a full-time entitlement of 28 days per year. Due to the nature of the work, it is difficult for casual workers to take their leave, therefore, casual workers will automatically receive an appropriate uplift rate for the hours worked.*

*Casual workers' payslips identify the payment made for the hours worked and a separate amount showing holiday pay entitlement for those hours.*

*Managers must be aware that employment law allows casual workers the right to take leave during any period they have agreed to work. It is recognised that this is not always practical, but as it is a legal requirement it is necessary to permit this if requested by the casual worker. On the rare occasion that a casual worker does request to take annual leave, managers must ensure that the leave booked correlates with the hours the casual worker would have been booked in to work.*

4. Key change to the wording above:

*Casual workers are entitled to the statutory minimum holiday, currently 28 days (FTE equivalent), which includes bank and public holidays per calendar year.*

*The Council's holiday year runs between 1<sup>st</sup> June and 31<sup>st</sup> May.*

*Due to the nature of casual work, it is recognised that it can be difficult for casual workers to take their leave, therefore, casual workers will automatically be paid any leave owing to them at the end of each assignment / contract.*

The following wording is removed:

5. *On the rare occasion that a casual worker does request to take annual leave, managers must ensure that the leave booked correlates with the hours the casual worker would have been booked in to work.*
6. The above paragraph has been removed as holiday pay is based on average earnings and not the hours a casual worker would have been expected to have worked on that particular day.

Further additions to the guidance:

7. *A casual worker will be made a leaver at the end of each assignment unless management, under exceptional circumstances, extend the casual assignment / contract.*
8. The above paragraph has been added to the Guidance on the Recruitment and Employment of Casual Workers to support SLT's view that Casual Contracts should be for a period of up to 11 weeks only.
9. Other minor amendments have been made around wording which have been provided as tracked for reference.

Leave Arrangements Policy

10. The Leave Arrangements Policy has been updated to enable employees to obtain information on leave provisions for casual workers.
11. Furthermore, amendments have been made to accurately reflect the one day (pro-rata) annual leave entitlement increase for NJC employees in the 2023/24 leave year.

Annexes

- Annex A – Guidance on the Recruitment and Employment of Casuals Workers  
Annex B – Leave Arrangements Policy



## Guidance on the Recruitment and Employment of Casual Workers

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### Purpose

The purpose of this guidance is to provide recruiting officers and managers with advice and guidance on the use of casual workers within the Council and the circumstances when the contract for services should be used.

### Casual Workers: Contract for Services

This type of contract is based on the understanding that:

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 Date Agreed: xxx

- The Council is under no obligation to provide any work and is able to withdraw any work offered at any time and without notice.
- The Worker is under no obligation to accept any work offered and is able to withdraw from any work previously accepted at any time and without notice.
- The Council will endeavour to provide reasonable notice when agreed shifts are cancelled.
- “At any time and without notice” includes during an agreed assignment. The Council will be required to pay the casual worker only for the hours actually worked, regardless of who withdrew from the assignment or when it occurred.

Managers must ensure that casual workers who exercise their right to refuse or withdraw from work are not subjected to detriment as a result of doing so.

It is recommended that casual workers should only be used when there is a need to cover ad-hoc periods for events, or short-term occasional absence, and where the work undertaken as part of their assignment is not critical to service delivery.

Managers should regularly review casual worker arrangements to check whether it would be more appropriate to seek approval to recruit an employee on either a permanent or fixed term basis.

Casual workers should only be used when there is a need to cover ad hoc periods or a one-off absence/event up to a maximum of 11 weeks'. For example:

- To cover the first or second day of sickness absence of an existing employee for a period that initially is indeterminate. When it is known how long the sickness absence will be e.g. 12 weeks or more, a fixed term contract should then be used.
- To cover a short period of other absence e.g. less than 11 weeks. Longer periods of absence, e.g. 12 weeks or more, should be covered by a fixed term contract.

Crucially with this type of contract both parties can withdraw from it at any time without notice.

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## Advertising

Managers must obtain prior permission from their relevant Head of Service to appoint a casual worker using the [Recruitment Approval Request Form](#).

It is recommended that in circumstances where managers use casual workers on a regular basis that they periodically advertise and appoint casual workers they can call upon as and when required.

Where managers require a number of casual workers to carry out a specific piece of work, it is recommended for the post(s) to be advertised.

In circumstances where managers only require an occasional casual worker, it may not always be necessary to advertise. Managers may seek to arrange this locally or approach Job Centres to identify any suitable candidates.

### Additional Factors

These will need to be identified in the role profile and advert, as appropriate. The manager should establish whether:

- The post is politically restricted.
- A Disclosure and Barring Service check will be required.
- The post will fall within the scope of the public sector English fluency duty.

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## Recruitment

The general principles contained in the [Recruitment and Selection Guidance](#) must be followed when recruiting a casual worker. The manager must decide dependent on the length of time the casual worker is required (up to a maximum of 11 weeks'), the nature of the post and any other risk factors, to what degree the recruitment process is followed.

Managers are advised to interview the individual(s) to assess that they have necessary skills and experience and are competent to carry out the role. This should include checking whether there have been any gaps in their employment history. If any gaps are identified, the reasons for these should be established. It is also important to assess whether they have an understanding of the role being offered and that they are suitable for the role.

If an applicant has previously worked within the advertised role then it may not be necessary to go through all of the above, the manager will however need to ensure

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they are satisfied that the applicant is able to perform the role to the required standard.

In order to comply with safer recruitment requirements, individuals appointed to be engaged in casual roles that are designated as a '[regulated activity](#)' and/or falling within the scope of the public sector English frequency duty must be interviewed prior to their appointment to ensure that they meet the essential requirements of, and are suitable to undertake the duties of, the role.

Managers should refer to the [Recruitment and Selection Guidance](#) for further information.

Managers must follow the steps below:

### **For new casual workers**

Managers must consider whether it is appropriate to use a casual worker by referring to this guidance. If the work to be undertaken constitutes [casual work](#), the manager should complete the [Recruitment](#) Approval Request Form and submit this to their Head of Service for approval. If approval is granted, the manager should determine the recruitment process to be followed. When an appointment has been made, the manager should complete the new starter e-form and forward this to HR, who will then issue a contract for services to the casual worker.

### **Former casual workers**

Manager wishing to use a former casual worker will need to ensure that a [casual contract](#) is the most appropriate in line with this guidance. If the work available does constitute a [casual contract](#) they will need to complete the new starter e-form as a contract for services needs to be issued to ensure that all former casual workers have received the correct contract.

### **For new and former casual workers**

- 1) Casual workers (new and former) will receive one contract for services for each role that they work on a casual basis. For example, if an individual works as a Sports Coach and a Clerical Assistant on a casual basis, they should receive a separate contract for services for both of these roles.
- 2) When managers engage the casual worker again for the same role, they are required to complete another new starter e-form.
- 3) If the work undertaken is in a role designated as a '[regulated activity](#)' managers must ensure that if the worker has not been used within the last 3 months a new DBS check is carried out.

- 4) The manager is responsible for advising the worker of the hourly rate of the assignment that they will be undertaking prior to the start of the assignment.
- 5) Casual workers are required to complete the casual workers monthly claim form, which must be approved by their line manager before being submitted for payment. Hours worked must be correctly entered in the plain time column, the timesheet is fully completed with the payroll reference number and then submitted to Payroll by the payroll deadline calendar.

If after reading this guidance, it is felt that a temporary/fixed term or permanent contract would be more appropriate then managers must obtain permission from their Head of Service through the Recruitment Approval Request Form. If approval is granted, the manager should determine the recruitment process to be followed. When an appointment has been made, the manager should complete the new starter e-form and forward this to HR, who will then issue a contract to the employee.

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## Pre-Engagement Checks

The manager must ensure that the necessary pre-engagement checks are completed for each casual worker. Managers MUST ensure that the [New Appointment Checklist](#) is completed and all the required documentation (including the checklist) are collated before being sent to HR.

Casual workers must not be offered any work unless the necessary pre-engagement checks have been satisfactorily completed. In particular, it is a criminal offence to employ or engage someone who does not have the right to work in the UK – if a casual worker cannot fully demonstrate they have this right, they must not be engaged.

The minimum pre-engagement checks for casual workers reflect those which apply to newly-appointed employees, specifically:

- Eligibility to Work in the UK ([Prevention of Illegal Working Guidance](#))
- Proof of Identity / Qualifications / Professional Registrations
- Two Satisfactory Written References (one from current or most recent employer)
- Disclosure and Barring Service Check (if applicable)
- Childcare Disqualification Declaration Form (if applicable).

Where a casual worker has not undertaken any assignments for the council for at least 3 months, and is to be engaged in a role which is designated as ['regulated](#)

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[activity](#) a further Disclosure and Barring Service Check must be carried out before any further work can be offered to them. Depending upon the circumstances, it may also be necessary to carry out some of the pre-engagement checks again, e.g., if the casual worker has not completed any assignments for an extended period of time or has been employed or engaged by another organisation in the intervening period.

## Termination of a Casual Contract

Once the casual worker completes an assignment they will be treated as a leaver. Their payroll record will be closed, and they may be issued with a P45. Payroll / HR can also make a casual worker a leaver if requested by the casual worker or the service manager. The service manager will be required to complete a leavers e-form for this to be implemented.

If the casual worker is subsequently re-engaged, they must be considered to be a new casual worker and a new contract for services will be issued once the necessary pre-engagement checks have been completed again.

Please refer to appendix A for pre-engagement checks that are required to be carried out for a casual worker who is subsequently re-engaged.

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## Annual Leave

Casual workers are entitled to the statutory minimum holiday, currently 28 days (FTE equivalent), which includes bank and public holidays per calendar year.

The Council's holiday year runs between 1<sup>st</sup> June and 31<sup>st</sup> May.

Due to the nature of casual work, it is recognised that it can be difficult for casual workers to take their leave, therefore, casual workers will automatically be paid any leave owing to them at the end of each assignment / contract.

Managers must be aware that employment law allows casual workers the right to take leave during any period they have agreed to work. It is recognised that this is not always practical, but as it is a legal requirement it is necessary to permit this if requested by the casual worker.

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## Pay

The rate of pay for casual workers should be the same as the minimum of the scale for the job they are carrying out.

The worker will not be entitled to incremental progression but will receive increases to their hourly rate based upon any nationally agreed increases to the spinal column point.

Casual workers with the exception of Bank Holidays will receive plain time for all hours worked including Saturday and Sunday.

For hours worked on a bank holiday a casual worker will receive double time.

## Pension

Casual workers may join the Local Government Pension Scheme and will be automatically enrolled if their assignment is extended and therefore continues for longer than three months, and the employee is under 75 years of age.

Pension auto enrolment legislation requires that employees who meet certain criteria are automatically enrolled into an employers pension scheme, for this position this will be the Local Government Pension Scheme (LGPS). As casual workers will initially be offered an assignment for a maximum duration of 11 weeks, we are making the decision, as this legislation allows, to postpone a casual workers enrolment into the LGPS.

Casual workers who do not wish to continue to be members of the Local Government Pension Scheme may opt out at any time by following the instructions on the Leicestershire County Council Pension Fund website.

However, a casual worker has the right to opt to join the Local Government Pension Scheme from the commencement of their contract and should notify payroll services if they wish to take this option.

## Sickness

Casual workers are not entitled to occupational sick pay. However, where a casual worker falls ill on a day when they were due to work, this must not be recorded as sickness absence and the manager must ensure the casual worker does not claim for any hours not worked.

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## Continuous Service

Each offer of work by the Council shall be treated as an entirely separate and severable engagement (an assignment). There shall be no relationship between the parties after the end of one assignment and before the start of any subsequent assignment.

Undertaking more than one assignment should not be regarded as establishing an entitlement to regular work or confirming continuity of employment.

## Record Retention

The manager is responsible for collating all of the appropriate documentation and sending to HR, together with the completed New Appointment Checklist.

The manager must also record the start and end dates of a casual worker assignment so that the length of time between assignments can be determined to identify whether any additional checks are required before a casual worker can be offered further assignments / contracts.

For posts designated as a '[regulated activity](#)', the manager must retain evidence of the DBS Disclosure number and the date the certificate was issued, but must not retain the original certificate or make a copy of it. Managers should refer to the Guidance on the Retention of DBS Disclosure Certificate Information for more information.

To ensure that a contract is issued and payment is made to the employee a copy of the [New Appointment Checklist](#) must be sent to HR.

A casual worker will be made a leaver at the end of each assignment unless management under exceptional circumstances extend the casual assignment / contract.. If after this period a previously used worker is re-engaged, they will be

treated as a new casual worker meaning that the necessary [pre-employment checks](#) detailed in appendix A below must be adhered to.

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## Appendix A – Recruiting Casual Staff (Non-Regulated Activity)

### Recruiting New Casual Worker

- Obtain a permission to recruit form signed by the Head of Service.
- Complete advert request e-form.
- Individual has to complete online application form.
- Manager to shortlist and follow interview process.
- Complete interview selection e-form.
- Complete selection outcome e-form following verbal offer to successful candidate(s).
- Send for 2 x references.
- Obtain ID and RTW (Right to Work) documents (you must see the originals)  
Eg: Passport and recent utility bill/bank statement detailing current address.
- Complete Appointee checklist and forward to HR with references and ID/RTW copies signed and verified that original documents were seen.
- Pre-medical questionnaire (if applicable).
- Then complete the new starter e-form.

HR will then obtain fit for work approval if applicable, issue contract, send bank form etc and input to i-Trent.

### Recruiting Former Casual Worker (within 6 months after leaving CBC)

- Obtain a permission to recruit form signed by the Head of Service.
- Individual has to forward a copy their CV.
- RTW (Right to Work) documents (you must see the originals).
- Complete Appointee checklist and forward to HR RTW document copies signed and verified that original documents were seen.
- Then complete the new starter e-form.

HR will then obtain fit for work approval if applicable, issue contract, send bank form etc and input to Trent.



**Leave Arrangements  
(Annual, Public Holidays and Other Leave Entitlements) Policy**

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## Scope

This policy applies to all employees of Charnwood Borough Council employed under the following conditions of service:

- Joint Negotiating Committee for Local Government Services (JNC);
- National Joint Council for Local Government Services (NJC);
- Joint Negotiating Committee for Local Authority Craft and Associated Employees (Craft).

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## Principles

- The Council is committed to ensuring the health and wellbeing of its employees and, in addition to promoting health and wellbeing initiatives, will ensure that employees use their leave entitlement to take regular breaks from work.
- The arrangements described below apply to employees who are contracted to work on any of the 7 days of the week, including those required to work on a public/extra statutory or concessionary day.
- Paid leave can only be granted subject to service demands.

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## Roles and Responsibilities

<b>Line managers</b>	<ul style="list-style-type: none"><li>• To ensure that all requests for leave are appropriately considered and dealt with fairly and managed accordingly.</li><li>• To notify payroll when unpaid leave is taken to ensure that the appropriate amount is deducted from the employee's salary.</li></ul>
<b>Employees</b>	<ul style="list-style-type: none"><li>• To make leave requests as soon as possible in advance to their line manager.</li><li>• Liaising with their line manager about the requirement either to make up time lost or take annual or unpaid leave (i.e. severe weather).</li><li>• To record leave requested and taken. Employees with access to Trent self service are required to use Trent to submit leave requests for agreement. Employees without access to Trent self service will have a designated annual leave administrator to input annual leave on to the Trent</li></ul>

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	self service system.
<b>HR Services</b>	<ul style="list-style-type: none"> <li>To advise and support managers in the application of the Policy and Procedure.</li> </ul>
<b>Payroll Services</b>	<ul style="list-style-type: none"> <li>To advise and support managers on any relevant payroll issues.</li> </ul>

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## Employees with more than one contract

Where an employee has more than one part-time contract of employment, each contract stands alone and the employee will receive separate annual leave entitlement and public holiday entitlements under each contract.

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## Annual Leave Entitlement - Full and Part Time Permanent and Fixed Term Contract Employees

The annual leave year for all NJC and JNC employees runs from 1<sup>st</sup> June to 31<sup>st</sup> May inclusive. Some groups of employees, including Craft and Associated Employees have different leave years outlined within their contracts which either fall from 1<sup>st</sup> April to 31<sup>st</sup> March or 1<sup>st</sup> January to 31<sup>st</sup> December.

If an employee commences employment part way through a leave year, pro-rata entitlement will be calculated on each day of completed service based on a full years' annual entitlement rounded down to the nearest half hour for part time employees.

For full time employees (those who work 37 hours per week) annual leave is calculated in days.

For part time employees and employees whose contracted hours are more than 37 hours per week annual leave entitlement is calculated in hours.

The number of days' annual leave entitlement is as follows:

<b>Grade</b>	<b>Below 5 years' service</b>	<b>*Above 5 years' service</b>
Grades 1 to PO4 (including Skills Group 1 – 4)	23	28
JNC	27	32
*Employees completing 5 years' service will receive their additional pro rata entitlement in the leave year in which they attain the requisite service.		

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Part-time employees are entitled to annual leave pro rata to hours worked.

### **Protected Annual Leave**

Some employees who worked for Charnwood Borough Council prior to January 2000 have their annual leave entitlement protected at 28 days for NJC employees and 33 days for JNC employees as those employees will have over 5 years service. Part time employees who fall into this category will receive a pro rata entitlement based on the protected entitlement.

Employees on older contracts will continue to receive annual leave and public, extra statutory, and locally agreed days in accordance with their contracts, where entitlements specified are different to the current procedure.

### **Annualised Hours (including term-time working) only**

For employees on annualised hours (including term-time) contracts, their holiday entitlement (public holidays and annual leave), is based on the contractual holiday entitlement for Council full time employees and is accrued throughout the contractual year. Further guidance is available on the intranet by following this link [click here](#).

The pattern of an employee's working and non-working periods will be agreed with the employee and then confirmed in writing by their line manager.

Annual leave for full and part time employees who wish to work annualised hours will be divided into hours, including annual leave and bank holiday entitlement, as detailed in the authority's leave policy. Actual working hours will be deducted on each working day for leave.

An employee may, from time to time, be required to work on any public holiday. If they are required to work on a public holiday, the employee will be reimbursed in accordance with the relevant conditions of service.

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## **Part Time Employees Annual Leave and Public Holidays**

For part time employees the annual leave and bank holiday entitlements are added together to give a total leave entitlement (in hours) for the year. When employees take annual leave they must deduct from their entitlement the hours they would normally work on the day or days they are absent from work due to annual leave. If a public holiday, extra statutory or locally agreed day falls on a day when they should be at work then they must also deduct from their entitlement the hours they would have worked on that day.

Part time employees who work the same number of hours each day can convert their leave entitlement to days by dividing their number of hours leave entitlement by the number of hours per day that they work.

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Employees whose contractual hours of work are at the beginning of the week may find that they have to utilise annual leave to cover time taken for bank holidays. In such cases employees may wish to negotiate with their manager to recover this time by working on a day they would not normally work. Both parties must mutually agree this agreement.

For example an employee who normally works on a Monday, Tuesday and Wednesday may agree to work on a Tuesday, Wednesday and Thursday where the Monday is a Bank Holiday, they would therefore not need to deduct any time from their leave entitlement.

Part time employees who receive their annual leave entitlement in hours may take any odd hours they have left after taking their annual leave in full or half days as they wish. To make any surplus hours left after taking full or half days, part time employees can add any accrued additional hours to the remaining annual leave hours.

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## Annual Leave Entitlement - Casual Workers

Please refer to the [Guidance on the Recruitment and Employment of Casual Workers](#) for further information on the annual leave entitlement of casual workers.

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## Taking of Annual Leave

Annual leave may be taken by mutual agreement between the manager and the employee, other than in those services where employees are required to take holidays at particular times. Annual leave must be taken in periods of not less than half a day.

**All requests for annual leave must be approved in advance.**

Employees must not present their manager with a 'fait accompli' by booking a holiday and then requesting leave as this may lead to disappointment if the leave cannot be granted.

Other team members may also wish to take leave at the same time or may already have approved leave arrangements. Managers must ensure fairness and be able to maintain adequate staffing cover (and appropriate skills) so it may not always be possible for managers to grant leave requests in line with an employees request.

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It is appreciated that it may not always be possible to give advance notice in the case of short term, unexpected events, and managers need to be sensitive to individual circumstances. For further information, go to the Unplanned Leave section in this policy by [Unplanned Leave](#).

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## Public Holidays

In addition to the 8 bank holidays, 2 extra statutory and 2 locally agreed days are granted each year, to be taken as follows:

<b>Christmas and New Year</b>	
Christmas Day	25 December (Public Holiday)
Boxing Day	26 December (Public Holiday)
New Year's Day	1 January (Public Holiday)
One Extra Statutory and Two Locally Agreed Days to allow for closure of office between Christmas and New Year	Variable dates
<b>Easter</b>	
Good Friday	Variable date (Public Holiday)
Easter Monday	Variable date (Public Holiday)
<i>NB Easter Sunday is not a public holiday; it is classed as a normal working day</i>	
<b>Other</b>	
May Day	First Monday in May (Public Holiday)
Spring Bank Holiday	Last Monday in May (Public Holiday)
Summer Bank Holiday	Last Monday in August and Tuesday (Extra Statutory Day) after August Bank Holiday Monday
<b>TOTAL NUMBER OF PUBLIC, EXTRA STATUTORY AND LOCALLY AGREED DAYS = 12</b>	

The locally agreed days are to enable a week's closedown over the Christmas and New Year period. Employees required to work on these days will be paid at the appropriate rate and granted time off in lieu in full recompense.

The date of the Christmas extra statutory and two locally agreed days may vary each year according to how the Christmas dates fall. The date of the concessionary day is determined each year by the Chief Executive.

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## Employees who are rostered to work on a Public Holiday

Employees required to work on a rota basis will be given an entitlement to annual leave and bank holiday allowance in hours.

If an employee is rostered to work on a public holiday, they will be paid in accordance with the relevant conditions of service.

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## Day off Coinciding with a Public Holiday

Where seven-day working operates, during which the employee will work on a rota a public holiday may coincide with an employee's scheduled day off. In order to compensate for the public holiday the entitlement will have been given to the employee along with the annual leave entitlement.

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## Pay arrangements for employees who are called into work on a Public Holiday

Pay arrangements for employees who are called into work on a public holiday are set out in the Pay Arrangements policy.

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## Requesting Leave

Leave must not be taken without prior approval. Any alterations to leave arrangements must also be approved by the employee's line manager.

Employees who have access to Trent self service should use this for requesting and booking annual leave.

Employees without access to Trent will have a designated annual leave administrator to input leave on to the Trent self service system.

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## Annual Leave Calculator (excluding casual workers and employees on annualised hour's contracts (including term time only))

Annual leave for employees commencing or leaving part way through the leave year should be apportioned.

Leave should not be granted in excess of an employee's entitlement, where it is known that the employee is leaving.

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The [annual leave calculator](#) works out annual leave for part time staff for the full year, part time staff for part of the year, part time staff with a change of hours, full time staff for the full year and full time staff for part of the year.

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## Carry Over of Annual Leave

Employees may carry forward up to a maximum of 5 working days\* of their contracted weekly working hours from one leave year to the next.

In exceptional circumstances, the Head of Service may at their discretion approve a further 5 working days\* paid leave to be carried over. \*(Pro-rata for part time employees).

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## Request to bring forward annual leave from the next leave year

A request may be made by an employee to use some of their leave entitlement from the next year's annual leave entitlement as they have insufficient leave remaining in the current leave year to accommodate a commitment they wish to fulfil e.g. extended holiday. Where a request is granted managers should ensure the employee will have an entitlement remaining in the following leave year that allows at least the entitlement to statutory leave.

There is no general entitlement to bring forward annual leave from the next leave year into the current leave year and other options should be explored in the first instance such as unpaid leave. Following advice from HR, managers and the Head of Service, may approve individual requests in exceptional circumstances.

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## Untaken Leave - At the End of the Leave Year

There is no entitlement to be paid for any annual leave that remains untaken at the end of the leave year. Where such leave cannot be carried forward, as per previous section, an employee will lose the entitlement to that leave.

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## Untaken Leave - Notice of Termination of Employment

### Where notice is worked

The line manager will notify the employee of the proportionate amount of leave to which they are entitled up to the date of leaving. This amount will include any leave remaining from the previous leave year if applicable (up to 5 days) and any leave

accrued up to the last day of employment, but not taken for the leave year in which the termination of employment takes place.

Employees are required to take any outstanding annual leave before leaving. If it is not possible to take the outstanding leave before leaving for operational reasons, or if the case is deemed one of special hardship by the Strategic Director, payment will be made for the amount of leave remaining.

### **Where Notice is Not Worked - Ill Health Retirement and Other Terminations of Employment**

The line manager must inform HR Services of any annual leave adjustments via the [leavers' checklist e-form](#).

The amount of contractual leave accrued but not taken for the leave year in which employment terminates will be calculated and paid in lieu. This will include any annual leave which has been carried forward from a previous leave year.

### **Leave Taken in Excess of Entitlement**

Employees who are leaving the service of the Council and have taken leave in excess of their entitlement will have the appropriate amount deducted from their final salary payment.

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## **Accrual of Annual Leave during a Period of Unpaid Leave**

In accordance with the Working Time Regulations employees' should accrue 28 days annual leave (pro rata for part time employees) per leave year. Paid public holidays can be included as part of this statutory leave entitlement. The contractual leave entitlement given to an employee is in excess of the statutory leave entitlement.

An employee would not ordinarily accrue annual leave during a period of unpaid leave. However, where an employee will be having an extended period of unpaid leave, the manager will need to ensure the employee receives the minimum statutory leave entitlement for that leave year. Managers will need to take into account any leave already taken during the leave year as this will count towards the statutory leave entitlement. Where the employee is unable to take the minimum statutory leave entitlement, managers can arrange payment in lieu.

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## **Planned Leave (pre-arranged appointments)**

With the exception of ante-natal and disability related appointments, employees should make every effort to book medical appointments and other absences for personal/domestic matters outside of their normal working arrangements.

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There are separate provisions in the [Maternity Leave and Pay Policy and Procedure](#) and [Special Leave for Disability-Related Absence](#) documents.

However, it is recognised that this is not always practicable and employees may need time off from work to accommodate this. The employee should discuss this with their manager at the earliest opportunity so that agreement can be made on the best arrangements to be put in place to ensure service provision is not affected.

Should it not be possible to find an alternative arrangement that enables the employee to be absent then the absence may be taken as annual leave. If the employee has insufficient leave remaining, or prefers, the absence should be treated as unpaid leave.

### Leave for Carers

Employees who need to attend a medical appointment of a person they are providing care support for, should request appropriate leave arrangements with their manager. This can include using; making up the hours at another time, swapping a working day with a colleague, taking annual leave or unpaid leave.

### Unpaid Leave for Carers

Employees can request unpaid leave to undertake a caring responsibility for a period of up to one month. Any request for leave in excess of one month should be requested in line with the Career Breaks policy.

The cost of unpaid leave will be calculated as follows:

**Hours taken as unpaid leave X hourly rate of pay**

Example

A full time employee on Scale 6 - pay point 26 (£22221 per annum)

$\text{£}22221 / 52 / 5 = \text{£}85.46\text{p}$  for the day's leave

**Please Note** that the employees' pension contribution will be deducted from the normal monthly salary.

## Medical Appointments

It is expected that employees will take reasonable steps to ensure that absences for medical appointments of any kind are kept to a minimum, and that every effort is made to minimise service disruption. Employees may be asked to provide supporting evidence of their appointments.

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## **Routine Appointments**

Wherever possible, arrangements to attend appointments in connection with routine or minor medical matters should take place in the employee's own time. This includes, but is not limited to GP, dentist or opticians' appointments. Where appointments cannot be made outside the employee's normal working pattern, the Planned Leave provisions of the Leave Arrangements Policy will apply.

## **Specialist Appointments**

Where an employee is required to attend a specialist medical appointment which cannot be made outside their normal working pattern, the employee will receive a reasonable amount of paid time off to attend the appointment. Managers and employees will agree the arrangements in advance, and this may incorporate elements of the Planned Leave provisions of the Leave Arrangements Policy, as appropriate. Where paid leave is granted, this should be submitted via iTrent.

Specialist medical appointments may take place at a hospital or other medical establishment or facility (e.g. GP Practice) as required, and may include:

- • Provision of treatment or therapy;
- • Surgical procedures;
- • X-rays or scans;
- • Medical tests;
- • Other investigative procedures.

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## **Unplanned/Compassionate Leave**

Most employees are likely to experience an event or events when their immediate attention is required. The employee should discuss this with their manager at the earliest opportunity so that agreement can be made on the best arrangements to be put in place to ensure service provision is not affected. Where it is not practicable to accommodate all or part of the time taken in this way, the time lost must be taken as annual or unpaid leave. The exception to this is in relation to leave required to deal with bereavement leave and the emergency hospitalisation, emergency situation or the breakdown in care arrangements of a dependant.

### **Bereavement Leave, Emergency Hospitalisation, Emergency Situation or the Breakdown in Care of a Dependent**

A maximum of 10 days' paid leave (pro-rata for part-time) may be granted in any 12 month rolling period for the purpose of dealing with bereavement and the emergency hospitalisation, emergency situation or the breakdown in care arrangements of a dependant. The provisions for each of these specific circumstances are set out

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below however when combined should not exceed a maximum of 10 days' paid leave (pro-rata for part-time) in any 12 month rolling period. This period commences on the first day when compassionate leave is granted. Ordinarily where an employee has already been granted the maximum number of days available managers should seek to accommodate requests using the provisions of the Planned Leave Section ([see above](#)). In exceptional circumstances a manager may agree a period in excess of 10 days' paid leave (pro-rata) in any 12 month rolling period.

### **Bereavement Leave**

A maximum of 5 days' paid leave may be granted in the event of the death of a family member or close friend. The definition of a family member or close friend ([see below](#)) is not exhaustive as it is recognised that the nature of relationships is complex. Therefore, when determining the number of days to authorise, managers will need to consider the individual circumstances facing the employee including:

- Taking account of the circumstances surrounding the bereavement;
- Being sensitive to cultural and religious observances which may affect the obligations placed upon the employee within the family unit. The Religious Observance section within this policy gives further guidance ([click here](#));
- Taking account of whether the employee has responsibility for making arrangements for the funeral;
- Whether the employee has a practical role to play afterwards (e.g. executor to the estate).

In exceptional and unusual circumstances (e.g. if the child of an employee passes away) it may be appropriate to grant up to a further 5 days paid leave.

### ***Definition of a family member or close friend***

For the purpose of Bereavement Leave, a family member or close friend is defined as:

- Own child/step child;
- Partner (including same-sex partner);
- Parents/step parents;
- Siblings/siblings of partner;
- Grandparents or In-laws;
- Next-of-kin or nominated next-of-kin;
- Other family members living long term in the employee's household (not temporary visitors or lodgers, etc);
- Other dependents where an employee has provided care;
- Where an employee has a close personal relationship which may include having responsibility for making any necessary arrangements.

Managers must consider each case on its own basis. Approval for paid time off for bereavement under this scheme is subject to the closeness of the relative/dependent that has passed away. It is therefore necessary for the employee to indicate their relationship with the deceased, if they were the sole carer, the date of the death and

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the location of the funeral to ensure that the Manager is able to authorise leave as appropriate.

### **Sickness following bereavement**

Where the employee is not well enough to attend work following the bereavement, or other difficult situation that has occurred, due to the effects of stress, anxiety, and reactive depression etc. normal sickness reporting and certification procedures will apply.

### **Emergency Hospitalisation, Emergency Situation or the Breakdown in Care of a Dependent**

In the event of the emergency hospitalisation of a dependent where an employee is required to provide care, or in circumstances where care arrangements for a dependent break down or an emergency situation occurs, up to 2 days' paid leave in any one (rolling) year may be granted to enable the employee to make alternative arrangements and manage immediate domestic affairs. It may be applicable in some circumstances (e.g. a life threatening condition) to allow up to a further five days' leave with pay. Ordinarily additional time off will be subject of the provision of the planned leave section above.

The Council interprets the term emergency to mean an unexpected and serious situation requiring immediate attention, affecting him/herself or a close relative or dependant. The time required to address the emergency will be for a finite period. Once the need for immediate action has been addressed, the emergency will be considered to be over.

Managers must consider each case on its own basis. Compassionate leave does not cover minor or common health problems within the family, for instance childhood ailments or planned surgery. In such cases appropriate arrangements should be discussed and agreed with the manager which may include making up the within a set timescale, using annual leave or unpaid leave until such time as arrangement for care can be made. Leave granted under these arrangements is not intended for long term family or domestic needs where other arrangements must be made by the employee. For example, a relative's routine medical appointment or arrangements related to domestic issues.

### **Requesting Compassionate Leave**

To request compassionate leave employees' must apply to their line manager and complete the Application for Compassionate Leave e-form, which will then need to be authorised by their manager. It is accepted that for emergencies and unforeseen circumstances the form can be completed after the leave has been taken, provided that prior agreement to the leave has been received from the manager. In addition to completing the e-form, employees must also request the leave through i-Trent employee self service.

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## Severe Weather Conditions

The Council recognises that adverse weather conditions will, from time to time, make travel to and from work difficult. However, employees are expected to make all reasonable efforts to reach their workplace to help fulfil the stated objectives. If it is not possible to reach the workplace, requests for working from home will be considered by the manager.

In circumstances where an employee fails to attend work, or where the employee arrives late and the manager is not satisfied that the arrival time is reasonable, the time lost will be made up by the employee making up the time taken within a set period of time. Where it is not practicable to accommodate all or part of the time taken in this way, the time lost must be taken as annual or unpaid leave. Casual employees who fail to attend work will not be paid for the day(s) in question.

Where employees arrive late and the Manager is satisfied that their arrival time is reasonable the employee will not lose pay and will be credited with their normal contracted hours for that day. The Manager must take account of the following factors when reaching their decision:

- The distance they live from their workplace, and
- The prevailing weather conditions.

Casual employees will be paid for the actual hours of attendance at work.

If weather conditions are particularly severe and employees request to leave work early, the Manager may allow those who are not required to provide essential cover to do so taking account of:

- The distance the employee(s) lives from their workplace; and
- The prevailing weather conditions.

Employees will generally continue working until their normal finishing time.

Permanent and temporary employees granted permission to leave early under managerial discretion will not lose pay and will be credited with their normal contracted hours for that day.

Where the Council is unable to provide employment at the employee's normal workplace, e.g. due to heating breakdown, full closure of an establishment etc, and/or a suitable alternative work location cannot be provided, including working at home, the employee will receive normal pay for any time lost up to a maximum of the employee's normal contracted hours for that day.

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There is no statutory entitlement to time off for IVF treatment. However, the Council recognises the potential emotional pressure employees may experience during the process. By way of alleviating some of the associated anxiety the Council has agreed that time off to attend appointments and treatment will be subject to the planned leave provisions of this policy [click here](#). Time off due to any side effects of the treatment will be dealt with under the Attendance Management policy. Sickness absence associated with the treatment will not be classed as pregnancy related absence.

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## Religious Observance

The Council recognises the diversity of its workforce. Any requests for time off for the purpose of religious observance including religious festivals should be granted unless there are exceptional circumstances which make it impossible for the employee to be released.

Employees may wish to offer prayers whilst at work in accordance with their religious customs. Where religious observance needs to take place during working hour's line management approval must be sought in advance and the time must be made up by the employee.

Leave requests may be:

- Met from the employee's annual leave or unpaid leave
- Accomodated through agile working arrangements where possible, or approved accrued additional hours

Further guidance on [Religion and Religious Beliefs](#) is available.

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## Blood and Platelet Donors

Paid time off will normally be granted to employees who wish to donate blood or platelets. Employees donating blood are expected to visit the mobile transfusion unit when it is in their work locality. It is recognised that donation of platelets can only be done at a hospital and where it is not possible to arrange the appointment outside of working hours, reasonable time off may be allowed, with the agreement of the manager, to attend the appointment subject to service needs.

## Examination Leave

For post entry training where financial assistance and paid release has been granted by the council, in accordance with the [scheme for financial support assistance policy](#), examination leave will be granted as paid leave (first attempt only). Sufficient notice

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of examinations must be given. Leave may also be granted for revision on the basis of ½ day per examination (final examinations only). Other revision time should be taken using annual leave or making up the hours within a set timescale, as agreed with the manager. When a course of study and/or examinations have been completed a copy of the results achieved should be sent to the Learning and Development Division.

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## Job Interviews

For employees who are eligible for [redeployment](#), the provisions for time off are explained in the Council's [Organisational Change Policy](#).

Managers will grant paid leave to employees attending interviews for posts with other local authorities and public sector organisations only.

No paid leave for interviews at other employers will be allowed. Time off for an employee attending an interview, other than in the above circumstances, will be subject to the planned leave provisions of this policy [click here](#).

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## Lectures etc

Employees who are invited to give lectures, presentations and radio talks etc as part of their normal duties may do so within their contractual hours, subject to prior line management approval.

Employees must ensure that any fees received from the organising body are paid directly to the Council.

Employees who participate in such activities outside their normal working hours will not be compensated by the Council for the time spent or any travel or subsistence attached to the event.

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## Professional Bodies – Attendance at Meetings

### Office Holders

Employees who serve on a committee or council of a professional body may be granted paid leave to attend such meetings in working hours, where operational needs permit at the discretion of the manager. Managers may approve travel and subsistence expenses where these are not met by the professional body concerned.

## General

Where employees are not serving members of committees or councils of professional bodies, but it is considered of some benefit to the Council to attend meetings, managers may approve paid time to attend in addition to travel and subsistence, where appropriate.

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## Public Service Leave

Subject to operational needs up to 15 days' leave with pay per year may be granted to employees who are members or officials of the public bodies listed below or to attend meetings concerned with National or Provincial Council affairs:

- local authority
- statutory tribunal (e.g. employment tribunal)
- police authority
- service authority for the National Criminal Intelligence Service
- service authority for the National Crime Squad
- board of prison visitors or prison visiting committee
- probation boards
- members of court boards
- relevant health authority
- relevant education body (i.e. school/college governors)
- Environment Agency
- Youth Offending Panels
- Justices of the Peace
- School/College Governors.

Where applicable, employees should claim the financial loss allowance directly and this will be deducted from full pay. An employee must provide evidence to their manager and payroll.

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## Jury Service and Court Attendance as a Witness

Paid leave will be granted to employees undertaking jury service or required to attend Court, or a Tribunal, as a witness on behalf of the Crown, Police or Defence, or for either side in a civil case. Employees must claim the attendance allowance for loss of earnings paid by the Court. The amount received for such allowance will be deducted from the employee's pay. The employee must provide confirmation of the amount received to their manager and payroll.

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## Cadet Corps (Army, Air Force and Sea Cadets)

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### **Cadet level**

Membership of the army, air force or sea cadets is purely voluntary and activities normally take place in the evenings and at weekends, i.e. in the employee's own time.

However, employees may be granted up to 5 days' paid leave from their Council employment to attend an annual training camp.

The maximum age limit for cadets is normally 18. They have an opportunity to participate in activities such as the Duke of Edinburgh Award Scheme or undertake a BTEC qualification and other activities designed to release and enhance their physical, intellectual and social potential. They often gain skills therefore that assist them in their day to day work activities.

### **Adult Instructors/Adult Cadet Forces Leaders**

Once the maximum age limit for cadet level has been reached some may decide to continue as adult instructors.

Adult instructors/adult cadet forces leaders are also voluntary roles which are undertaken in the employee's own time. They normally participate in activities for a minimum of one or two evenings per week and attend approximately four weekend training events per year.

Adult instructors/adult cadet forces leaders receive payment for attendance at training courses and the annual training camp for which paid leave from their Council employment will not be granted. Employees who are adult instructors/adult cadet forces leaders may request up to 5 days unpaid leave per annum to attend training/voluntary opportunities. Any request for time off in addition to this should be considered as planned leave.

## **Employee Volunteering Provision**

### **Purpose**

The Council recognises the positive contribution that volunteers can make to communities and is keen to encourage its employees to engage in voluntary service. Supporting employees to volunteer helps the Council to build stronger links between the authority, employees and the local community and contributes to meeting local community needs and the Council's corporate objectives.

### **Types of Volunteering Supported**

For the purposes of this provision, four different categories of volunteering are recognised:

- A) Role specific development opportunities;
- B) Team volunteering;
- C) One-off corporate events and activities;

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#### D) General volunteering.

Activities relating to health, regeneration, education, conservation, environment, heritage, arts and media, animal welfare, people with protected characteristics, young or older people, refugees or tackling alcohol and substance misuse, social exclusion and homelessness are likely to be supported by the Council.

There is no automatic entitlement for employees to be granted time off to undertake voluntary work. All requests will be considered on a case-by-case basis, taking into account service needs.

Whilst undertaking voluntary work, employees are required to adhere to the standards of conduct set out in the [Code of Conduct](#).

#### A) Role specific development opportunities

An employee (or manager) may identify a one-off volunteering opportunity which supports the development requirements discussed during supervision/one-to-one meetings (e.g. improving presentation skills by delivering a talk to a local community initiative). As with other training and development opportunities, managers may grant employees paid time off, where necessary, to undertake the activity. A post volunteering discussion should take place, as part of the normal supervision/one-to-one process, to evaluate the success of the activity.

#### B) Team volunteering

Managers may wish to consider using a one-off volunteering project as a team building exercise. To identify an appropriate activity, managers could contact [Voluntary Action LeicesterShire](#). Activities should last for a maximum of one day and must be suitable for all team members to participate in (e.g. employees with disabilities or medical conditions, etc.). As with other team building activities, paid time off during work time may be granted, where necessary.

#### C) One-off corporate events and activities

On occasion, the Council may invite employees to volunteer at local events (e.g. the annual fair, town twinning events etc.). In these circumstances, separate application processes will apply and employees may be granted paid leave or time off in lieu (TOIL).

#### D) General volunteering

An employee may request to undertake up to 2 days (pro rata for part time staff) paid leave per calendar year. This can be taken on an hourly basis or in daily blocks of time. The arrangement should be reviewed on an annual basis.

Agreement to this leave, or continuation of this leave, is entirely at management discretion, subject to the needs of the service.

### Application Process

a), b), and c) above

Will be treated as a Learning and Development opportunity and employees will receive their normal terms and conditions of employment in line with attending any other training event.

d)

Employees who are interested in undertaking general volunteering, should discuss their request with their manager to ensure that the opportunity is appropriate, no conflict of interest exists and whether the service can support this additional leave. Following this discussion, employees should submit a short written submission on the form attached as Appendix A below.

Where possible, employees should match the paid time taken with an equal period of volunteering in their own time.

Employees must also follow the declaration process set out in the Appointments and Other Employment of the Code of Conduct, when applying to undertake any volunteering opportunity. The employee will need to confirm:

- Details of the host organisation;
- The nature of the activity that the employee will be undertaking;
- The times/dates that the employee is proposing to volunteer;
- Any risks related to the activity and details of any risk assessments that will be undertaken by the host organisation;
- Whether a change in their working pattern is being requested (and if so, the details of the change).

The employee's manager will use this information to assess whether the request can be accommodated and to ensure that no conflict of interest exists. Proof of the volunteering activity may be required.

Employees must obtain management approval to undertake voluntary work, irrespective of whether or not it is during their normal working hours, prior to committing to the volunteering activity.

### **Approval Process**

Managers should only approve a volunteering activity where no conflict of interest exists. Any requests for time off during working hours will take into account the needs of the service. Managers should ensure that any lost working hours are recorded on I Trent.

### **Disclosure and Barring Service (DBS) Checks**

Where a DBS check is required for a voluntary role, it is the responsibility of the host organisation to conduct this check.

### **Expenses**

Any expenses incurred whilst volunteering are the responsibility of the host organisation. Employees are advised to confirm any reimbursement provisions with the host organisation prior to commencing a placement.

### **Health and Safety**

The Council will not be liable for any damages or injuries that occur whilst volunteering for another organisation. Employees must abide by the health and safety procedures for that organisation.

Employees who are injured during the course of their volunteering duties and are therefore unable to attend their regular Council job will still be entitled to occupational sick pay. The Council may however wish to reclaim these payments from the host organisation where liabilities exist.

## Appendix A - Application to take paid leave to undertake voluntary work

Name	
Job Role	
Working Hours	

Details of the voluntary role, including organisation, location, tasks, risks, skills required and any learning outcomes if applicable

Benefits that the volunteering activity will bring to the borough

Name role and contact details of the person/people managing the voluntary activity

Time and dates of paid leave requested

Time and dates when you will be volunteering in your own time

Employee signature: .....

Date: .....

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## Other Types of Leave

For Family Leave (including Maternity, Adoption and Shared Parental Leave) - [click here](#).

For Parental Leave [click here](#).

For Reserve Forces Leave [click here](#)