



Schedule of Terms and Conditions of Employment
Chief Executive

1. Conditions of Service

Your terms and conditions of employment are in accordance with:

- (a) the collective agreements negotiated from time to time by the Scottish Joint Negotiating Committee (JNC) for Chief Officials of Local Authorities (Scotland) as adopted and amended by South Ayrshire Council;
- (b) certain additional terms and conditions determined by South Ayrshire Council; and
- (c) any special conditions referred to in the covering letter.

Full details of the terms and conditions at (a) and (b) above are available for inspection from Human Resources.

2. Continuous Service

- 2.1 Although for the purpose of Section 1(3) of the Employment Rights Act 1996, the Council does not recognise service with any previous employer(s) as being continuous service with the Council, it does recognise continuous local government service as defined in the Redundancy Payments (Local Government) (Modification) Order 1999 and subsequent Amendment Orders for the purpose of calculating entitlement to redundancy payments, annual leave, sick pay and maternity leave.

3. Public Holidays

- 3.1 In addition to annual leave, employees are granted 10 fixed public holidays per annum, with 3 floating days which will be added to annual leave entitlement.
- 3.2 Public holiday entitlement is proportionate to the number of days worked per week as follows:

<i>No of days worked per week</i>	<i>Pro rata public holiday entitlement</i>
1	2
2	4
3	6
4	8
5	10

Details of the dates of the 10 fixed public holidays will be issued each year by Human Resources, these dates will be prominently displayed on notice boards within the Council and will be available on the [Core](#).

The following public holidays are recognised:

- 1 and 2 January (or the first 2 normal working days of the New Year)
- Good Friday;
- Easter Monday;
- First Monday in May;
- Last Monday in May;
- September Gold Cup Friday and Monday;
- Christmas Day or next working day; and
- Boxing Day or next working day.

3.3 The 3 “floating” annual leave days will facilitate annual leave requirements where Council premises are closed during Christmas and New Year.

3.4 For calculation and conversion purposes only, a day of public holiday equates to 7 hours for a full time 35-hour employee.

4. Annual Leave

4.1 The annual leave year is 1 January to 31 December. All leave must be taken within the period 1 January of the year to which it relates and 31 January of the following year. Any leave not taken by 31 January will be forfeited.

4.2 Annual Leave entitlement is based on completed years of continuous service at the commencement of the leave year as follows:

<i>Years' Service</i>	<i>Annual Leave</i>	<i>Floating Days</i>	<i>Total</i>	<i>Full Time Value for 35-hour employee in hours</i>
1 to 5 years	28 days	3	31 days	217
6 to 10 years	31 days	3	34 days	238
Over 10 years	34 days	3	37 days	259

4.3 For calculation and conversion purposes only, the conversion of annual leave entitlement from days to hours, is based on an average value of 7 hours for a 35-hour employee. When annual leave is requested, a day's leave will be the actual number of hours the employee is scheduled to work that day.

4.4 For continuous service of less than 1 year, or broken service, the entitlement will be calculated in hours on a pro rata basis as follows:

	Full Annual Leave Entitlement		
	28 days	31 days	34 days
	+3	+3	+3
	31 days	34 days	37 days
Completed months of continuous service in current leave year	217 hours	238 hours	259 hours
1	18.08	19.83	21.58
2	36.17	39.67	43.17
3	54.25	59.50	64.75
4	72.33	79.33	86.33
5	90.42	99.17	107.92
6	108.50	119.00	129.50
7	126.58	138.83	151.08
8	144.67	158.67	172.67
9	162.75	178.50	194.25
10	180.83	198.33	215.83
11	198.92	218.17	237.42

- 4.5 A “complete month” means the period between a date in one month and the immediately preceding date in the following month (e.g., 15 February to 14 March inclusive).

As annual leave, including floating days, is calculated in terms of hours worked, employees will be entitled to the leave with pay in proportion to the number of hours worked per week.

- 4.6 Employees leaving the service of the Council, for reasons other than dismissal for misconduct, will be granted, prior to leaving, any proportion of annual leave due, as per the above tables. If, however, at the request of the Council or through unavoidable circumstances such leave cannot be granted, the employee may be paid an allowance in lieu. In cases of dismissal on the grounds of misconduct, employees are not entitled to any payment in lieu of annual leave subject to receiving the statutory minimum for service given to the date of dismissal.

5. **Sickness Allowances**

- 5.1 On satisfying the Council's medical requirements, employees who have accrued 26 weeks continuous service are entitled to sickness allowance dependent on length of continuous service as detailed in paragraph 2 is as follows:

Continuous service at date absence begins	Full allowance	Half allowance
Less than 26 weeks	Nil	Nil
26 weeks or more but less than 1 year	5 weeks	5 weeks
1 year but less than 2 years	9 weeks	9 weeks
2 years but less than 3 years	18 weeks	18 weeks
3 years but less than 5 years	22 weeks	22 weeks

5 years and over	26 weeks	26 weeks
------------------	----------	----------

- 5.2 In order to qualify for payment of sickness allowances, an employee must notify the CEX Admin Support Unit of any absence, on the 1st, 4th and 7th day of absence, including the reason and duration, as soon as possible, and not later than 1 hour after the normal commencement of work. Employee's must also record the start and finish of sickness absence using the self - service functionalities on Oracle FUSION. Reference guides on how to make these changes are available on the Council's intranet – the [Core](#).

5.3 **Managing Absence and Maximising Attendance**

The Council's policy requires the Council, managers and employees to take a proactive approach to attendance at work. The objective of the policy is to deliver quality cost-effective services by maximising and motivating employee attendance, and, by doing so, this will have a benefit to the Council, its employees and its customers.

- 5.4 The Council reserves the right to require any employee to undergo a full medical examination, and/ or x-ray examination, either pre-entry or during service, where it is considered appropriate.
- 5.5 Full details of the Sickness Allowances Scheme and Framework for Maximising Attendance at Work are available from Human Resources.

6. **Hours of Duty**

- 6.1 Your normal hours of duty will be 35 per week, as outlined in your Offer of Appointment, to be worked as the exigencies of the service require.

7. **Flexible Working**

- 7.1 In locations operating a Flexible Working Hours Scheme, details of the scheme will be issued along with a card to be used for electronic recording purposes. Flexible working hours is a facility and not a Condition of Service. Details of the Flexible Working Hours scheme are available from Human Resources.

8. **Work Location**

- 8.1 Your work location will be as intimated to you in your Offer of Appointment. However, you may be required to transfer from that place of work to such other place of work in the Council's service as may be considered reasonable after consultation with you and, if necessary, your Trade Union.

9. **Notice Requirements**

9.1 **Statutory Notice**

The minimum periods of statutory notice to be given by the Council are governed by the Employment Rights Act 1996 as follows:

<i>Period of Continuous Service</i>	<i>Period of Notice</i>
4 weeks or more but less than 2 years	1 week
2 years or more but less than 12 years	1 week for each year of continuous employment
12 years or more	12 weeks

9.2 **Contractual Notice**

Subject to the provisions referred to above, and unless stated otherwise in the offer of appointment, your employment may be terminated by a minimum of 13 weeks' notice in writing on either side.

- 9.3 These arrangements shall not prevent the Council or an employee from giving or agreeing to give a longer period of notice than the minimum.

10. **Pay Frequency**

- 10.1 You will be paid monthly by credit transfer.

11. **Calculation of Earnings**

- 11.1 The basic hourly rate of pay for each employee will be a point on the relevant salary level for the post held. Weekly contractual earnings will be determined by applying the respective hourly rate to the contractual hours of the post. Annual contractual earnings are determined by multiplying the weekly figure by 52.1428.

- 11.2 Calculation of a day's pay:

A day's pay can be calculated in one of two ways:

- a) Where the actual hours to be worked in a particular day are known, the calculation of a day's pay will be the hourly rate multiplied by the hours to be worked. This will apply for example when an employee requests unpaid leave or is taking strike action; or
- b) Where the actual hours to be worked in a particular day are not known e.g. a payment in lieu of annual leave. In those circumstances the calculation of a day's pay will be the hourly rate x the average number of hours worked each day calculated over a normal work cycle.

12. **Pay Adjustments**

- 12.1 Notification of pay and any pay changes will be contained in your payslip, which can be viewed using the self-service functionality on Oracle FUSION.

- 12.2 In the unlikely event of any overpayments being made to you due to any error, these will be recovered directly from your pay after consultation with you, and if necessary, your Trade Union. Similarly, repayment of any underpayments will be made directly into your pay. It is essential to notify payroll immediately if you suspect any error in payment whether this is an under or overpayment.

13. **Pension Scheme**

- 13.1 The Council is a member of the Strathclyde Pension Fund which operates in accordance with the Local Government Pension Scheme (Scotland) Regulations 2014. Employees with a contract of employment for 13 weeks or more are automatically included in the Scheme unless they decide to opt out. Other employees have the right to opt in to the pension scheme should they choose to do so. Further information is available by emailing Pensions@south-ayrshire.gov.uk

Should you require further information on the Scheme or information on opting out of the Scheme, please contact the Strathclyde Pension Fund Office, P.O. Box 27001, Glasgow G2 9EW or visit www.spfo.org.uk

14. Retirement

South Ayrshire Council does not operate a set retirement age. Accordingly, if you wish to retire, you are required to give a minimum period of contractual notice as set out in section 9 above. If you are a member of the Local Government Pension Scheme, you are able to access your pension benefits from age 55 and you are required to give a minimum of 4 months' notice to ensure that retirement arrangements are in place at your date of retirement.

15. Grievance Procedures

- 15.1 If you have any grievances regarding your employment at any time, you should submit your grievance to the Chief HR Officer who will arrange for your grievance to be considered by the Appeals Panel. Subsequent steps are explained in the Grievance procedures, a copy of which is available as outlined in paragraph 1 of this Schedule.

16. Disciplinary Procedures

- 16.1 The Disciplinary Procedures applicable to your employment, including rights of appeal, are available as outlined in paragraph 1 of this Schedule.

17. Equalities

- 17.1 The Council's Equality at Work policy aims to tackle all forms of discrimination and remove any barriers that affect the way disadvantaged groups and individuals get access to opportunities. We want to ensure that all parts of Council policy, from the way we deliver services to the way we employ people, meet legal requirements and best practice standards.

We are committed to tackling all forms of unfair discrimination, including age, disability, gender reassignment, race, sex, pregnancy and maternity, religion or belief, sexual orientation, marriage and civil partnership. We will regularly monitor and report on the effectiveness of our policy, and review services to ensure that we meet our objectives.

Full details of the policy are available on the [Core](#).

18. Duties of Post

- 18.1 You will be responsible for the efficient management of your service through Elected Members' Panels, as appropriate. The duties applicable to your post will be prescribed in your Job Description. You will be expected to devote whole time service to the work of the authority and shall not engage in any other business or take up any additional paid employment without the express consent of the authority.

If the circumstances so require, you may be employed on other duties, appropriate to your grade, in your own or another department, after consultation with you and, if necessary, your Trade Union.

- 18.2 The responsibilities of your post also require that you are familiar with the following Council documents:

18.2.1 The Council's Scheme of Delegation, and, in particular, any specific authorities delegated to your post under the Council's Scheme of Delegation.

18.2.2 The Council's Standing Orders.

18.2.3 The Council's Financial Regulations.

Copies of these documents are available on the [Core](#). It is essential that you remain familiar with these documents, as they may change from time to time.

18.3 The Chief Executive is Head of the Council's paid service, and has authority over all other officers for the efficient management and execution of the Council's functions except where:

- (i) A Chief Officer is executing statutory duties; and
- (ii) The professional discretion or judgement of the Chief Officer is involved.

19. Collective Bargaining

19.1 The Council, as your employer, supports the system of collective bargaining in every way, and believes in the principle of solving industrial relations problems by discussion and agreement. For practical purposes, this can only be conducted by representatives of the employers and of the employees. If collective bargaining of this kind is to continue and improve for the benefit of both, it is essential that the employees' organisations should be fully representative. The Council is, in association with other local authorities, represented on Scottish negotiating bodies dealing with local authorities' services. It is equally sensible for you, too, to be in membership of a Trade Union representing you on the appropriate negotiating body, and you are encouraged so to do.

Details of the Trade Unions on the appropriate negotiating body are available for reference from Human Resources.

20. Changes to Terms and Conditions

20.1 Future changes in the terms and conditions of employment given in the Scheme and other documents referred to in paragraph 1 of this Schedule will be recorded in these documents within one month of the date they occur. Your terms and conditions will be deemed to have changed accordingly.

Notification of such changes will be either in writing directly to you, through your payslip, the Council's Intranet or by such other method as deemed appropriate.

Any queries on your terms and conditions of employment should be raised with the Chief HR Officer, in the first instance.

21. Political Restriction

21.1 In accordance with the Local Government and Housing Act 1989 the post of Chief Executive is designated as politically restricted. Details of the political restriction will be detailed in your Offer of Appointment.

22. Travel and Subsistence

22.1 Travelling and subsistence expenses incurred while on official duty are reimbursed in accordance with the Council's Travelling Expenses and Subsistence Allowances Scheme.

Full details are available on the [Core](#).

23. No Smoking in the Workplace

23.1 The Council, in recognition of the health risks associated with smoking, not only for smokers but also for passive smokers, operates a no smoking policy. This policy applies to all workplaces, public buildings and Council vehicles. Full details of the policy are available from Human Resources.

24. Change of Home Address/ Telephone Number

- 24.1 In the event of a change of home address or telephone number, employees are required to apply these changes using the self-service functionalities on Oracle Fusion. This information will also be sent onto HMRC.

Reference guides on how to make these changes are available on the [Core](#).

25. Use of Personal Information

25.1 DATA MATCHING

The Council has a duty to protect the public funds it administers and to assist in protecting the funds administered by other public bodies. This involves the use of computerised techniques to compare information about individuals held by different public bodies. The Council will therefore use and share information it holds, including payroll information, for the prevention and detection of fraud and for the recovery of debt. Fraud is considered an act of gross misconduct and will be dealt with under the Council's Disciplinary policy. Where fraudulent activity has resulted in financial loss to the Council, the Council will pursue the employee for recovery.

Further detail is available from Human Resources.

25.2 DATA PROTECTION

The Data Protection Act 1998 and the General Data Protection Regulations ensure the protection of individuals whose personal data is held or processed by the Council. As an employee of the Council, you may have access to personal information in the course of your duties. In terms of the Act, you are bound to process all personal information fairly and lawfully, and in accordance with the statutory rights of the individual. You must ensure that no personal information is disclosed unless a legitimate right of access exists. If you are unsure as to the correct method of dealing with a request for personal information, you should seek the advice of the Chief HR Officer. Under no circumstances should you disclose personal information unless you are satisfied that a legitimate right of access exists.

26. Flexible Working Policies

- 26.1 The Council recognises the difficulties that many employees have in balancing work requirements with personal, including family, commitments. As a result, the Council has introduced a range of policies that assist and offer choices to employees when faced with balancing "work-life" issues. A list of these policies is detailed below although further information can be obtained from Human Resources.

- Family Leave
- Flexible Working
- Special Leave
- Carers Leave
- Remote Working

27. Health and Safety

- 27.1 The Council recognises its responsibility to guarantee, as far as is reasonably possible, the health, safety and welfare of all its employees. In order to achieve the aims of the policy on health and safety, we will set targets and performance standards, undertake risk assessments, assess training needs, provide training and ensure that the necessary resources are available for health and safety. In addition, we will regularly monitor and

report on health and safety issues to ensure that we meet our targets and standards. Health and Safety Policies and Standards are available on the Council's intranet the [Core](#).

28. Employee Wellbeing

28.1 The Council offers a wide range of employee wellbeing and support initiatives through its Be Well Live Well strategy, with the aim of preventing stress, improving employee engagement, organisational performance and creating an environment where all employees can thrive. Employees also have a responsibility to look after their own health and wellbeing and are encouraged to participate in the initiatives on offer. There are also a number of policies and procedures available from Human Resources dealing with, for example, Stress at Work, Respect and Work, Remote Working, and Personal Safety. Further information on the Council's Be Well Live Well strategy is available on the Council's intranet the [Core](#).

29. Code of Conduct

29.1 The Council has adopted a Code of Conduct which sets out the minimum standards expected of all employees. A copy of this document is available on the [Core](#), and it is essential that you remain familiar with these documents, as they may change from time to time. It is a condition of employment that you comply with the Code, however, should you have any difficulties in meeting the standards of the Code, you should approach the Chief HR Officer for advice and assistance.

29.2 The Council has also adopted other codes of practice for specific activities which are issued to employees as appropriate and expected to comply with.

29.3 Social Media Use

The Council has a list of restricted websites and prevents access to these sites from Council computers. The restricted list includes social networking sites, and employees should not attempt to access these from Council computers. The Council recognises that employees have the right to express themselves freely when using social media out with working hours. However, if an employee identifies themselves as a Council employee, they are expected to act in a manner which does not bring the Council into disrepute and act in a way that is consistent with the Council's values. Employees should be aware that the posting of certain information or comments, even in their own time and using their own equipment, may be in breach of the Council's Code of Conduct. This could result in disciplinary action up to and including dismissal in accordance with the Disciplinary policy and procedure.

30. ICT Acceptable Use

30.1 The Council provides access to ICT facilities which are vital for delivery of services and has developed a series of policies, procedures and guidance to ensure appropriate and effective use of these facilities. The ICT Acceptable User Policy or AUP is provided for employees and covers all aspects of acceptable computer use, including email, internet use and computing equipment. A series of procedures is available on the [Core](#) in support this policy. Anyone using the Council's equipment or network services is required to understand and comply with the ICT Acceptable Use Policy set by the Council.

31. Name Badge

31.1 You are required to wear your ID badge at all times during working hours, you must not damage, deface or alter it and you must not present your badge as proof of ID when not at work. Where appropriate, the Council may use the ID badge photo for internal

communication and identification purposes – for example Skype and the [Core](#).
(Please Note –The photo will never be released out-with South Ayrshire Council and will never be used for purposes other than internal communication and identification).

On leaving employment with the Council, your ID must be returned, or an amount equivalent to the value of the item will be deducted from your salary.

The above summary of your terms and conditions of service is prepared for guidance only and should not be interpreted to supersede the Council's full terms and conditions as referred to in paragraph 1 of this Schedule.