

**Derbyshire
Package
Terms &
conditions of
service
Working for us
What you need to
know
2020/21**

This booklet provides information required by Section 1 of the Employment Rights Act 1996 and is correct at the time of printing.

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This booklet will normally be updated in April each year.

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Welcome to Derbyshire County Council

All of us who work for the council are here to improve life for local people. We do that by meeting the needs of citizens, delivering high quality services when and where they're most needed.

Local people expect the very best from us. They expect us to be polite, helpful, open and honest. They also expect to be treated fairly, equally and consistently and to make the best use of their money. As an enterprising council we want to do things in the most effective way, putting value for money at the heart of everything we do and making bold, innovative and commercial decisions which focus on getting the best results for our residents.

We work hard to be an excellent employer too. We all perform our very best and go the extra mile when we are treated fairly and with respect and so it is important we treat all our colleagues how we would like to be treated ourselves. We want our employees to be enterprising, think and do things differently and will support them to embrace change and the new opportunities it brings.

This booklet explains what you can expect as a member of our team. As well as covering our terms and conditions, it tells you about some of the benefits you will get as an employee of Derbyshire County Council.

It doesn't cover every issue affecting every job, but it will give you useful information about the main things you need to know and help you make the most of working for us.

We want to make sure that we keep you up to date with news from around the council, and tell you about the issues that affect you, as well as the things that are important for the council. We have a dedicated employee website called Our Derbyshire which includes our policies, news, updates and lots of other information such as our range of learning and development opportunities and our wellbeing support. All our employees can access it so please visit staff.derbyshire.gov.uk regularly. We also produce a regular Our Derbyshire employee newsletter which rounds up all the latest news, events and issues affecting the council. If you have a work email address then you will automatically get this, but if you don't, you can sign up to receive the newsletter to your personal email address – it's free and easy to do – and we won't use your email address for anything else - just visit staff.derbyshire.gov.uk/signup

We hope you enjoy your new job.

Note: If you do not have internet access at work or at home, any of the documents referred to in this booklet can be posted to you. Please email the HR Services Appointments Team pay.mailbox@derbyshire.gov.uk or telephone 01629 535119 Option 3.

1. Your pay and grade

Every job has a grade which has up to four pay points. These pay grades are subject to review and may change. To check the current pay for your job go to staff.derbyshire.gov.uk/pay-and-benefits/pay-information/salary-scales or email HR Services Appointments Team pay.mailbox@derbyshire.gov.uk or telephone 01629 535119 Option 3.

2020-21 Pay and Grading Structure

Grade	Pay point	Annual Salary	Hourly Rate		Grade	Pay point	Annual Salary	Hourly Rate
1/2	1	£17,840	£9.25		11	24	£32,913	£17.06
3	2	£18,197	£9.43		11	25	£33,994	£17.62
4	3	£18,561	£9.62		11	26	£35,074	£18.18
5	4	£18,933	£9.81		11	27	£36,155	£18.74
5	5	£19,311	£10.01		12	28	£37,263	£19.31
6	6	£19,696	£10.21		12	29	£38,371	£19.89
6	7	£20,145	£10.44		12	30	£39,481	£20.46
7	8	£20,745	£10.75		12	31	£40,589	£21.04
7	9	£21,373	£11.08		13	32	£41,782	£21.66
7	10	£21,999	£11.40		13	33	£42,975	£22.27
7	11	£22,625	£11.73		13	34	£44,168	£22.89
8	12	£23,250	£12.05		13	35	£45,362	£23.51
8	13	£23,876	£12.38		14	36	£47,181	£24.45
8	14	£24,503	£12.70		14	37	£48,999	£25.40
8	15	£25,128	£13.02		14	38	£50,819	£26.34
9	16	£25,753	£13.35		14	39	£52,640	£27.28
9	17	£26,379	£13.67		15	40	£54,456	£28.23
9	18	£27,005	£14.00		15	41	£56,276	£29.17
9	19	£27,629	£14.32		15	42	£58,096	£30.11
10	20	£28,682	£14.87		15	43	£59,914	£31.05
10	21	£29,731	£15.41		16	44	£61,791	£32.03
10	22	£30,781	£15.95		16	45	£63,668	£33.00
10	23	£31,832	£16.50		16	46	£65,543	£33.97
					16	47	£67,419	£34.94

Should your grade have more than one pay point, you will move up one pay point when you have worked for us for 12 months and every 12 months after that until you reach the top of your grade. These pay increases are called increments.

For example, if you start a job at grade 7 on pay point 8, you will move up to pay point

9 on the first anniversary of your starting date. A year later your pay will rise to pay point 10 and a year later to point 11. You will then stay on point 11 while you are in the same job because it is the top point of grade 7.

Some jobs have different arrangements for pay increases and if your job is one of those, we will tell you in writing.

All our employees are paid monthly on the 25th of the month, or the nearest working day prior to the 25th where the 25th falls on a weekend or bank holiday. Any pay awards, for example for a cost of living increase, will normally be added to all pay points from 1 April each year.

These pay scales apply to Local Government Service employees including schools' employees. However, they do not apply to schools' employees appointed by the Governing Body, centrally employed teachers and some employees who are paid on Soulbury pay grades.

2. Travel and expenses

Travel

We will reimburse you if you use your own car for your job. The current rates are:

Total of miles travelled	Rate per Mile
Per mile first 10,000	45p
Per mile after 10,000	25p
Per mile per approved passenger	5p

You cannot claim mileage to and from your home.

If you do not have a fixed work base and are required to work at various locations, claims from home to your first point of call and from your last point of call to home are limited to the following: -

- Time in excess of 30 minutes in a single journey
- Mileage in excess of 5 miles in a single journey

It is your responsibility to make sure your vehicle insurance covers you for business use, including the carrying of passengers, that you hold the appropriate driving licence and MOT certificate where appropriate and that your car has up to date car tax. Claims must be submitted monthly and no later than 3 calendar months of undertaking the journey. You must obtain a valid VAT fuel receipt for all mileage claimed for work journeys and keep it for 6 years after the tax year to which the claim relates.

An approved passenger is any elected member or person employed by the Council, or an agency employee, or volunteer, while working with and on behalf of the Council, who is travelling in a vehicle owned and driven by a Council employee. The driver must be authorised to travel as part of their role and journeys must be for work purposes only. For the purpose of claiming mileage allowance for any approved passenger, the claimant must declare the name of the passenger as part of their mileage claim. Service users and employees from partner organisations, contractors and other bodies are not approved passengers; therefore, the additional 5p per mile cannot be claimed.

Expenses

As a general rule, we do not pay meal costs whether you are at your normal workplace or working away. There are some exceptions and, where these apply, you will need prior approval from your Executive Director. If you are required to stay overnight, you will also need prior approval from your manager for the cost of accommodation, meals and any other expenses.

Excess travel

If we need to change your work base to somewhere more than five miles away from your current one and which is further from home, we will pay an excess travel time allowance and travel expenses for up to three years.

Excess travel expenses will be paid for all additional miles if the five mile radius criterion is met. Time allowances are shown below. If you are part time they are reduced according to the number of hours you work ('pro rata' to 37 per week).

Time allowances are:

Excess travel time per day	Annual allowance
Up to half an hour	Nil
Over half an hour up to 1 hour	£413
Over 1 hour up to 1½ hours	£569
Over 1½ hours	£711

For more detailed information about travel and expenses see [Appendix A](#).

3. Overtime and allowances

Each contract you hold is considered separately with regard to the application of the relevant terms and conditions of employment. Working requirements are not combined in determining the relevant pay provisions whether enhancements or allowances. The following allowances – except for bank holiday and sleep-in duties – only apply if you are on grade 13 or below.

Overtime

If you work for more than 37 hours per week in one contract you will be paid at time and a third, or double time for bank holidays, for each additional hour in full and complete recompense. There are different arrangements if you work banked or average hours. All overtime working must be agreed in advance with your manager.

Weekend work and enhanced hours

Payment at an enhanced rate is made as follows:

If you normally work Monday to Friday (or a proportion if you are part-time):

- Monday to Friday – 7pm to 7am – plain time plus one-third
- Saturday and Sunday – all hours – plain time plus one-third

If you normally work Monday – Sunday (or a proportion if you are part-time):

- Monday to Sunday – 7pm to 7am – plain time plus one-third

Rest day payments for shift workers

If you work extra hours on your rest day(s) (having already worked 5 days that week) you will get plain time plus one-third for each additional hour. This applies whichever day of the week you work.

All the leave allowances outlined in the booklet and policies are based on a full-time working week of 37 hours. If you are part-time or relief your leave allowance will be reduced proportionately according to the hours you work ('pro rata').

Bank Holidays

There are eight statutory bank holidays: New Year's Day, Good Friday, Easter Monday, Early May Bank Holiday Monday, Spring Bank Holiday Monday, August Bank Holiday Monday, Christmas Day, Boxing Day. If you are a part-time employee, or relief worker, you will receive a pro-rata bank holiday entitlement based on the number of hours you work.

If you work on a bank holiday you will be paid double time (additional plain time payment for hours actually worked if you were already in receipt of contracted hours for that day) unless you choose to have time off in lieu (TOIL). If you opt for TOIL instead of payment you will not receive any additional pay for attending work on the bank holiday.

Sometimes statutory bank holidays fall on weekends. If this is the case, normally the following Monday or Tuesday becomes a 'designated bank holiday' for Monday to Friday workers. If you work 5 in 7 days (or a proportion if you are part time) and you work on both the statutory bank holiday and the designated holiday both days will qualify for bank holiday payments as set out in this section.

If a bank holiday falls on a working day for you but you do not actually attend work you will be paid the usual rate for the hours you would normally do on that day, for example hours normally worked after 7pm will be paid at time and a third.

If a bank holiday falls on your rest day, you should speak to your line manager to ensure you access your entitlement to time off should you be owed hours over the year.

If a bank holiday falls on your rest day, the following payment options may apply:

- If you do not attend work on the bank holiday you will not receive any additional pay.
- If you work on the bank holiday you will be paid either:
 - Double time for the hours you worked and, if chosen, unpaid leave as an alternative rest day or
 - Plain time for the hours you worked and TOIL

You must agree bank holiday working arrangements in advance with your manager.

Standby duty

If your job means that you have to be available for contact or response outside normal hours you will be paid a set amount, currently £27.02 for each standby period to a maximum of 9 per week. Any additional time worked, excluding travel, as a result of being on standby duty will be paid at the appropriate rate for the day/time of day. You may be eligible for two standby payments if you are on standby duty on a Saturday, Sunday or Bank Holiday. Liaise with your manager for more details.

Compensatory rest resulting from additional hours worked as a consequence of duty will be paid at the appropriate rate for the day/time of day for all contract hours not worked. Any compensatory rest should be agreed in advance and in accordance with the rules and criteria applicable to your service.

Recall to work

If you are called into work more than half an hour after finishing work, you will be paid a set amount (£27.02) which includes the first half hour of work. Any extra hours will be paid at the appropriate rate. When outside normal contract hours, such working time commences at the point you leave home and ends when you arrive back home.

Sleep-in duty

If your job means you have to sleep in, you will be paid a set amount (£27.02). Any additional time worked as a result of being called to work when sleeping in will be paid at the appropriate rate. If you are on grade 14 or above, any extra hours will be paid at plain time rates or taken as time off in lieu.

Waking duty

All disturbed time will be paid at the appropriate rate including overtime/bank holiday rates for time you work above 37 hours.

Lettings (school caretakers)

If you are a caretaker who opens or closes school property for lettings you will be paid for a minimum of 1.5 hours at plain time rates between 7am and 7pm, and time and a third between 7pm and 7am. Hours worked on bank holidays will be paid at double time. If you are only required to open up and close up, you will be paid for a minimum of 1.5 hours. Where the letting commences before 7pm, the first 45 minutes will be paid at plain time and the remainder at time and a third. If you are required to attend during the letting, you will be paid for the actual hours you work at the appropriate rate.

Telephone

No telephone allowances will be paid unless a mobile signal is not available.

First aid

If you are a designated first aider you will receive £14.08 a month.

Residential accommodation

If you live in a Council building your rent and any other charges are set by the Council's valuer according to size of property, facilities, standard and services. Rent and other charges, for example laundry or meals, will be deducted from your salary and reviewed in line with the Retail Price Index. Your meals will be free if you are required to dine with service users as part of your job.

Please note:

- You can only get allowances and enhancements when you actually do the activity (for example sleeping in) or you work the hours. Allowances and enhancements are not paid if you are off sick or for other absences except for annual leave, bank

holidays and compensatory rest when they are paid at the appropriate rate in accordance with your normal work pattern. If you are on maternity leave, your occupational maternity pay will include an average of allowances and enhancements paid to you in the three months prior to you commencing your leave.

- As a general rule you get only one enhanced rate for the hours you work. We do not pay multiple enhancements for the same hour worked. So, for example, overtime between 7pm and 7am is paid at time and a third, not time and two thirds.

4. Other pay matters

Payment for Additional Duties

Temporary payment may be made for covering part of another job or taking on extra responsibilities. It will be based on a formal job evaluation and has a minimum qualifying period of 28 days. Payment will be backdated to the start date if the arrangement lasts longer than 28 days.

Pay protection

Your basic pay will be protected if it is reduced because of:

- a new pay and grading scheme
- a restructuring
- redeployment where there is a risk of individual redundancy or on ill health grounds.

Pay protection is for a maximum of two years. These parts of your pay are protected:

- basic salary or hourly rate
- basic contractual hours including contractual overtime.

There is no protection for:

- additional hours worked over your minimum contracted hours
- all pay-related allowances (for example stand-by) and enhancements (for example unsocial hours)
- allowances that do not change your pay, for example annual leave
- changes to the hourly rate because of the standardisation of the working week or the number of working weeks per year
- market supplements, acting up payments and payments for additional duties.

Pay protection does not apply:

- if an employee voluntarily moves to another job (unless redeployed, see above)
- where the decrease in pay is because of a fall in hours.

Pay protection will not increase to cover extra hours or increases in contractual hours. Protected pay will be adjusted if an employee chooses to reduce their hours.

Overpayments

In the event of the Council making an overpayment of wages or other expenses to you, we will seek reimbursement of that overpayment. Whilst the error may not be of your making, the Council has a requirement to recover public money. The Council will make reasonable efforts to ensure that you are notified of the reasons for and amount of any recovery arrangements in advance.

For overpayments of £50 or less, the amount of the overpayment will normally be deducted from the next salary payment(s) due to you. For overpayments of more than £50, the HR Services will contact you to discuss and agree the repayment period. Where the overpayment is substantial you will be given the opportunity to request a phased repayment period similar to that over which the overpayment has been made. Such arrangements will be agreed with the HR Services. The £50 threshold is determined on a case by case basis and where this is high, relative to your monthly earnings, a more considered approach will be taken.

Salary Sacrifice Schemes

Salary sacrifice schemes allow you to make savings by reducing part of your gross pay (before tax) in return for a non-cash benefit. Reducing your gross salary under salary sacrifice results in a saving in individual income tax and employee and employer national insurance contributions. Derbyshire County Council currently operates a Cycle to Work scheme administered by Cyclescheme and a Child Care Voucher scheme administered by Busy Bees Benefits Ltd, although this is no longer open to new applicants.

Before entering into a salary sacrifice arrangement, you need to be aware of the following:

- the agreement will vary your terms and conditions of employment for the period of the arrangement by the agreed annual sacrificed salary amount
- the salary sacrifice element is a pensionable emolument and pension contributions will be made on the basis of the notional (pre salary sacrifice) pay rather than reduced actual pay for Child Care Vouchers and the Cycle Scheme
- your basic hourly rate, after salary sacrifice, must be above the National Minimum Wage. If National Minimum Wage requirements are not met, then you will not be eligible to join a scheme
- salary sacrifice can affect entitlement to earnings related benefits such as Maternity Allowance and Additional State Pension, it may also affect contribution based benefits such as Incapacity Benefit
- if there is a change in the law, the Council may need to treat salary sacrifice schemes as a taxable benefit

For more information on specific salary sacrifice schemes go to [Employee Benefits](#), page 17, and associated website links.

You should always carefully read the terms and conditions of each individual agreement before signing up and are advised to seek independent legal advice if you are unsure of any aspect of a salary sacrifice agreement. You should not enter into a finance agreement through salary sacrifice if this may cause you financial hardship.

5. Your pension



When you are employed by Derbyshire County Council you are eligible to join Derbyshire Pension Fund which is part of the Local Government Pension Scheme (LGPS). The LGPS is a national, defined benefit pension scheme for people who work in local government or for other types of employers who participate in the scheme. It is administered locally in England and Wales through 89 local funds or sub-schemes

Full information about the fund is available at www.derbyshirepensionfund.org.uk

Joining the LGPS

In most cases under LGPS rules, you will be brought into the fund automatically as soon as you start work for the Council. This is generally the case unless your contract is for less than three months or is on a casual/relief basis in which case you can ask to join. If you haven't been automatically enrolled and wish to join the fund, you will need to complete the 'Pension option form' which is available under the Forms and Guides section of the fund's website: www.derbyshirepensionfund.org.uk/my-pension/forms-and-guides

You can join the Local Government Pension Scheme (LGPS) any time before your **75th** birthday. It doesn't matter whether you are full time or part time, permanent or temporary, you can join, no matter how long your contract is for.

You can join later if you decide not to join the scheme when you first start working for us, but you won't be able to backdate your entry.

Please be aware that if you choose not to join the scheme or opt out, and then meet the earnings trigger for auto enrolment (which is reviewed by Government each year), and you are aged between 22 and your State Pension age, you will be automatically enrolled into the LGPS. The Council will notify you when this happens.

Your pension contributions

When you pay contributions into Derbyshire Pension Fund, the Council pays too. Your contribution payments and the Council's payments are a percentage of your pay each month. The rate you pay will be shown on your payslip and is determined by how much you earn. Information regarding your contribution level is available at www.derbyshirepensionfund.org.uk/contributions

The LGPS also includes a flexible option which allows members to pay half contributions and receive half benefit. It is called the 50/50 option and enables members to remain in the scheme by paying a smaller contribution. Information regarding the 50/50 option is available at www.derbyshirepensionfund.org.uk/50-50

Membership Form

The Derbyshire Pension Fund will send you a Membership Form which asks for important details about you and any pension scheme(s) you may have contributed to previously.

It is important to complete the form and return it to the fund as soon as possible.

If you have contributed to a different LGPS Fund, or you have paid into a different public sector pension scheme you will only have a limited time to consider your options in respect of seeking a transfer from your previous pension(s) into Derbyshire Pension Fund (usually within 12 months of commencing your new post).

Other Pension Schemes

Employees who are eligible for the NHS Pension Scheme (www.nhsbsa.nhs.uk/nhs-pensions) or Teachers' Pension Scheme (www.teacherspensions.co.uk) should contact HR Services for information on the specific rules and options for the relevant scheme.

6. Flexitime, time off and leave

All the leave allowances shown below are based on a full-time working week of 37 hours. If you are part-time or relief, your leave allowance will be reduced proportionately according to the hours you work ('pro rata').

All leave, including flexi leave, must be approved in advance with your manager.

For more details about leave and time off see [Appendix B](#) or Our Derbyshire at staff.derbyshire.gov.uk/pay-and-benefits/holidays-and-leave/employee-leave-schemes-and-flexible-working

Working week

The standard working week for all full-time employees is 37 hours. The actual hours you work will depend on your contract and how these hours are worked will depend on the needs of your service.

We use an electronic time recording system called Workplace. Everyone who has access to this system must use it to record their working time for each day, such as recording flexi time and leave requests. Full training is available for new employees.

Some other employee groups have different work recording arrangements, however the Council is committed to automating working time and any future changes will be subject to consultation through agreed processes.

Flexitime

Some jobs are suitable for flexitime working and you will be advised if it applies to your job. Flexitime means that you can work your hours between 7am and 7pm. If you work enough hours over a four week period, you may take up to two days or four half days flexi leave.

Please note that the needs of your department always come first, and you should agree the times you work, and any proposed flexi leave with your manager in advance.

For a full guide to flexitime see [Appendix C](#).

Payment during absences

Except for annual leave, bank holidays, compensatory rest and maternity leave, your pay during an absence will be at plain time rates. If you are absent for other reasons, you will not be paid enhancements such as allowances for unsocial hours or a sleep-in duty or standby.

Time off in lieu (TOIL)

TOIL is subject to your manager's approval on an hour-for-hour basis. It is also available to staff on grades 14 and above.

Annual leave

Your annual leave allowance starts on 1 April each year and will be:

- Grades 1 to 9: 25 days rising to 30 after 5 years' continuous service

- Grades 10 to 13: 27 days rising to 32 after 5 years' continuous service
- Grades 14 and above: 34 days with no increase.

If you are on annualised hours, your annual leave entitlement will be specified in your contract. If you are employed on a term time only contract (i.e. you are employed for less than 52 weeks per year) you will not be given an annual leave allowance but you will receive payment for the appropriate proportion of both annual leave and bank holidays. This will be paid to you as part of your salary each month. If you do relief or additional part time hours you will accrue a proportionate entitlement to annual leave and bank holidays on the hours worked.

You may carry over up to 5 days annual leave to the next leave year with the approval of your manager. In exceptional circumstances you may carry forward up to 10 days leave with the permission of your Executive Director.

Sick leave

If you have time off for illness you will be paid at plain time rates, including on bank holidays. Allowances are not included in sick pay. How long you get occupational sick pay depends on your length of service:

Years of service	Duration of occupational sick pay
First year of service:	1 month on full pay and after 4 months service 2 months on half pay.
Second year of service:	2 months on full pay and 2 months on half pay
Third year of service:	4 months on full pay and 4 months on half pay
Fourth and fifth year of service:	5 months on full pay and 5 months on half pay
After five years' service:	6 months on full pay and 6 months on half pay

For more details about the sickness scheme see [Appendix D](#).

Continuity of service for sick pay

If you have less than a six-week break from your last job with Derbyshire County Council, this is counted as continuous service for sick pay calculations.

Industrial Sick Pay

Absence from work as a direct result of having contracted an industrial disease, from an accident, or assault arising while undertaking employment with the Council will be recorded separately from ordinary sickness for sick pay purposes. Paid leave entitlement for both ordinary sick pay and industrial sick pay is based on the length of completed service as outlined in the Council's sickness scheme. Periods of absence in respect of one will not be set off against the other for the purpose of calculating entitlement under the scheme.

If you have a period of industrial absence, you would not be able to access the ordinary sickness scheme without having a break in the absence.

Self-Isolation

Anyone who can't work because of contact with an infectious disease shall be entitled to pay based on contractual hours. The period of absence on this account will not be

reckoned against your entitlement under the Councils sickness scheme. If you become ill as a result of your contact with an infectious disease, this would then be recorded as sickness attracting the normal contractual sick pay entitlement, until you are able to return to work.

Leave Schemes

For more details on the following leave schemes, please see the Employee Leave Schemes and Flexible Working Policy document which is available on Our Derbyshire staff.derbyshire.gov.uk/pay-and-benefits/holidays-and-leave/employee-leave-schemes-and-flexible-working. If you do not have access to a computer, email HR Services Appointments Team pay.mailbox@derbyshire.gov.uk or telephone 01629 535119 Option 3 to request a copy.

- **Special leave**

Up to five days paid and five days unpaid leave (covering bereavement, urgent domestic and dependent leave) is available in a rolling 12-month period. Only the first day's absence will be granted for any urgent domestic and dependent leave and any additional time should be covered by other leave (annual, flexi, TOIL or unpaid leave). Special leave must be authorised by your manager and any additional unpaid leave by your Executive Director.

- **Parental Bereavement Leave**

Parental Bereavement Leave is payable for a maximum of two weeks, at full basic pay, regardless of service and earnings, this is additional to other leave entitlements.

- **Parental leave**

If you have one or more years' service and are the parent, or adoptive parent, of a child under the age of 18 you are entitled to take up to 4 weeks unpaid leave per year up to a maximum of 18 weeks unpaid leave up to their 18th birthday.

- **Adoption leave**

If you adopt a child, subject to some conditions, you are entitled to up to 52 weeks adoption leave.

- **Pre-Adoption leave**

If you are being assessed to adopt a child, you are entitled to up to 5 days paid and 5 days unpaid leave to participate in assessment and training sessions.

- **Leave for Foster Carers**

If you are registered with Derbyshire County Council as a foster carer, you are entitled to up to 5 days paid and 5 days unpaid leave in any rolling 12 month period to engage in fostering support activities such as training, introductory meetings, promotional events etc. This amount is not per child.

- **Maternity leave**

Maternity leave rights and pay are covered in detail in the Employee Leave Schemes

and Flexible Working Policy document.

- **Paternity leave**

Paternity leave rights and pay are covered in detail in the Employee Leave Schemes and Flexible Working Policy document.

- **Shared Parental Leave**

Shared Parental Leave rights and pay are covered in detail in the Employee Leave Schemes and Flexible Working Policy document.

- **Leave for public duties**

The Council encourages you to play an active part in the life of your community. Paid time off for public service is available in certain circumstances. See [Appendix B](#) for further details.

- **Jury service and attendance at court**

If you are called for jury service, you are allowed unpaid time off. You will receive details from the court of how to claim for the pay you lose. If you are a witness or subpoenaed, any loss of earnings can be claimed from the court. You should code your leave as jury service.

- **Time off to attend interviews**

If you are attending an interview for a job within the Council, you get time off with pay. For all other interviews you must take annual leave or flexi leave.

If you are at risk of redundancy or your pay is protected, there are special arrangements. Please speak to your manager.

- **Medical appointments**

You should take all medical appointments in your own time. Where employees have hospital appointments (not GP/Dentist appointments) which cannot be arranged in their non-working time, they are allowed paid time off to attend.

The only exceptions for which you are entitled to paid time off are appointments for occupational health, antenatal and conditions covered by the Equality Act. You are also allowed paid time off for health screening (for cervical screening, breast screening and well man/woman screening), immunisation (for work related hepatitis B and influenza) and donor activities up to a maximum of 5 working days in any leave year. For these you are entitled to paid time off which, together with any hours worked, should not exceed your standard day.

- **Trade union time off**

The Council has arrangements for paid time off for trade union duties and unpaid release for certain trade union activities for accredited trade union representatives. A copy of the Trade Union Time Off and Facilities Agreement is available from Our Derbyshire at staff.derbyshire.gov.uk/trade-union-time-off-revised-agreement or the HR Services Appointments Team email pay.mailbox@derbyshire.gov.uk or telephone 01629 535119

Option 3.

7. Our working relationship

We have written policies and procedures which help us to make sure that all our staff are treated fairly, consistently and equally. The policies mentioned below are available in full on Our Derbyshire staff.derbyshire.gov.uk/working-here or from HR Services Appointments Team on email pay.mailbox@derbyshire.gov.uk 01629 535119 Option 3 unless stated otherwise.

- **Notice**

If you want to leave your job you must give us the following notice:

Grade	Notice
1 to 9	1 month
10 to 13	2 months
14 & above	3 months

If the Council gives you notice, the minimum period of notice you are entitled to receive is as detailed above or one week for each year of continuous service, up to a maximum of 12 weeks, whichever is the greater.

If your employment is terminated because of gross misconduct this would normally result in dismissal without notice.

- **Disciplinary**

If your conduct should ever fall below the standards we expect, it may be necessary for the disciplinary procedure to be used. This ensures that matters are dealt with fairly, consistently and systematically. A copy of our disciplinary procedure is at [Appendix E](#).

- **Grievance**

If you have concerns about your job, usually they can be resolved quickly by talking to your manager. Where this is not the case, the formal grievance procedure can be used. A copy of our grievance procedure is at [Appendix F](#).

- **Harassment and Bullying**

Harassment, victimisation or bullying is wrong, and the Council is committed to eliminating it. We have a procedure for dealing with complaints fairly and quickly.

- **Attendance**

We aim to deliver the best possible service to local people. To do this it is essential that all our staff maintain high levels of attendance.

We have policies to help employees to manage their home and working lives, for example part time and reduced hours, flexible working, term-time contracts and annualised (or term-time) hours which may be available to you depending on the needs of your service.

We have attendance management procedures which provide a fair and consistent

way of managing employee sickness absence.

- **Adverse Weather**

Our adverse weather policy gives details of what to do when the weather is bad and might prevent you from attending your normal work place.

- **Capability**

Where an employee fails consistently to carry out his or her responsibilities to an acceptable standard (either because of performance or attendance issues) the capability procedures may be used.

This is a fair and consistent way of taking action to assist an employee to improve their performance or attendance. There are several stages which are all designed to give an employee the appropriate support they need to improve. On occasion, where improvement is not possible, dismissal may follow.

- **Equality and Diversity**

We are committed to advancing equality of opportunity and providing fair access and treatment in employment. All our policies aim to ensure that no member of the public, employee or job applicant receives less favourable treatment because of their age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief or sexual orientation.

- **Development and training**

We want to ensure that all our employees reach their full potential and receive the development they need to provide the best service to local people. Your manager will agree with you what's expected of you in your role. This is recorded in "My Plan" and reviewed regularly. These expectations then inform the development and training you need, which will also be reviewed at regular intervals under the My Plan process. Ask your manager about My Plan and how it can support your personal development.

If this development includes a formal qualification, we may allow time off for approved qualification courses/training and study leave and you can apply for funding for certain course fees and expenses.

The Council now pays the apprenticeship levy which can be utilised to fund the use of apprenticeships to meet the personal development requirements of all our employees. Council funding should not be approved to undertake a non-apprenticeship pathway to achieve a qualification where a suitable apprenticeship standard or framework exists.

Part time employees on training courses outside their normal hours will be paid on the same basis as full time employees or given time off in lieu.

If the Council pays for an approved qualification training course, you may be required to repay fees and expenses if you leave within two years, or three years in some circumstances. This will be made clear to you before you commit to any approved qualification training course. This commitment does not apply where an apprenticeship pathway funded from the apprenticeship levy is undertaken.

There are a variety of options to support your development, including eLearning, shadowing, coaching, research, etc. Talk to your manager to find out what is available

and what type of development best suits your needs.

See our website for information about learning and development, careers and our job families.

- **Health and safety**

We aim for the highest standards of health and safety for our employees, service users, contractors and members of the public. To do this we review our health and safety policies and procedures regularly and seek to involve all our staff in the promotion of a safe and healthy working environment. We expect everyone to work to the highest safety standards and you have a duty to follow procedures put in place to ensure your health and safety and that of others who may be affected by what you do. You also have a duty to report any health and safety concerns or issues arising in connection with your work so that they can be investigated, and corrective action taken where appropriate. More information on Health & Safety is available on Our Derbyshire at staff.derbyshire.gov.uk/your-wellbeing/health-and-safety

- **No strike clause**

Anyone appointed to a job at Grade 14 or above will have a clause in their contract which requires them not to partake in industrial action.

- **Confidentiality and Information Security**

If you are given, collect or hold personal or confidential information it is your responsibility to protect it. Don't give it out to others unless they are authorised to receive it. You should make yourself aware of our policies on information security, especially the Safe Haven Guidance, the ICT Security Policy, the Internet and Email Acceptable Use Policy and the Acceptable Use of Social Media Policy. These can be found at staff.derbyshire.gov.uk/information-security/information-security-at-work

- **Code of Conduct**

The Code of Conduct for employees sets out the standards of conduct required of employees in carrying out their work. You should make sure you are familiar with the code of conduct and its appendices which are available on Our Derbyshire staff.derbyshire.gov.uk/working-here/conduct-and-performance/code-of-conduct. The Code of Conduct covers the following:

- How you act and behave at work
- Disclosure of information
- Your relationships and interests
- Employment additional to your work with the council
- Using council resources
- Corruption, gifts and hospitality
- Sponsorship and contact with the media
- Political Restriction

An additional Code of Conduct sets out the standards required for Adult Social Care employees who have a direct working relationship with clients. This is available at staff.derbyshire.gov.uk/working-here/conduct-and-performance/code-of-conduct and should be read in conjunction with the corporate Code of Conduct.

- **Whistleblowing & Confidential Reporting Code**

This code is intended to enable individuals or organisations to disclose information about malpractice internally and to provide them with protection from subsequent victimisation, discrimination or disadvantage and is available on our website at derbyshire.gov.uk/council/policies-plans/corporate-governance/confidential-reporting-code

- **General Data Protection Regulation**

The Data Protection Act 1998 has been replaced by the Data Protection Act 2018, it reflects new European legislation called the General Data Protection Regulation (GDPR). You will be required to adhere to the Council's data security policies and undertake and complete relevant training. For further information relating to GDPR and the Council's Corporate Data Protection Policy is available on our website at derbyshire.gov.uk/council/gdpr/general-data-protection-regulation-gdpr

- **Environmental Policy**

The Council has adopted an Environment Policy which you will be expected to observe and actively pursue for further information please go to the Council's Website derbyshire.gov.uk/council/policies-plans/environment-policy

- **Gifts and hospitality**

You should not accept gifts from suppliers or clients – it could be seen as a bribe. You can keep promotional gifts that are worth less than £50 such as calendars or diaries but you must tell your manager. Gifts over £50 cannot be accepted and you must report the offer to your Executive Director.

You can accept a meal if it is part of a formal meeting but invitations to social, sporting or leisure events, unconnected to your work, cannot be accepted.

- **Buying goods or services**

If your job involves buying goods or ordering services you will need to know our financial rules and systems. For most goods or services you will have to get three quotes and/or use an approved supplier. You may need to get cabinet member or cabinet approval before you buy them.

You should tell your manager about any personal relationship you have with a current or potential supplier. You must not give your friends or family any special information or favours.

Find out more about our financial regulations at staff.derbyshire.gov.uk/working-here/finance-and-audit. Always ask your manager if you are unsure.

- **Political restriction**

No employee of the Council may stand for office as a County Councillor for this authority. This is a restriction under the Local Government Act 1972.

Some jobs in local government are politically restricted which means the job holders are

not allowed to have any active political role. If your job is politically restricted you cannot stand for election, canvas or address political meetings either at work or outside the workplace.

Political restriction mainly applies to jobs which involve giving advice to councillors or committees or speaking on behalf of the authority to journalists. If your job is politically restricted this will be in your contract of employment, including details of how to appeal the Council's decision to include your appointment as a politically restricted post.

- **Secondary Employment/Conflict of interest**

You should not take another job, paid or unpaid, if you think it could put you in an awkward position or compromise the European Working Time Directive (i.e. you should not work more than 48 hours a week in total). A second job may cause a conflict of interest if it:

- overlaps with your work at the Council
- uses material or information to which you have access at the Council
- weakens public confidence in the Council.

If you are considering taking on secondary employment you should always tell your manager and if this could increase your working hours to more than 37 hours per week, you must gain the prior approval of your manager. You may also be required to seek the agreement of your Executive Director.

Even if you are not seeking a second job, be careful that your own interests do not conflict with your job. You must not use your job or the information you gain from it for your own advantage.

- **Personal use of Derbyshire County Council facilities and equipment**

You cannot use Council-owned property or vehicles for your own personal use, unless it is agreed in advance. You can use the internet for personal use at work but only in your own time. Be careful – you are responsible for the websites you visit. You may not use your Derbyshire email address for personal use. For more information see the Internet and Email Use Policy including use of social networks available on our website or from your manager.

Keep your personal phone calls to a minimum, both incoming and outgoing, and use your own mobile phone when you need to make them.

- **Contact with the media**

If you have an enquiry from the media you must refer them to the Council's communications team on 01629 538205 or email news@derbyshire.gov.uk. Don't agree to interviews, answer questions or write books, articles or letters about work-related issues unless you have prior approval. The Council's Media Contact Policy can be accessed on staff.derbyshire.gov.uk/working-here/marketing-guidance/media/dealing-with-the-media.

8. Wellbeing Strategy and Employee Benefits

The Council has a Workplace Wellbeing Strategy and recognises the importance of the promotion and maintenance of the physical and mental health, safety and wellbeing of

its entire workforce, and commits to providing a range of support and opportunities to enable employees to maintain their health, wellbeing and safety at work. For more information on workplace wellbeing visit Our Derbyshire at staff.derbyshire.gov.uk/your-wellbeing/wellbeing-strategy-and-action-plan.

The Council is a great place to work and there are many benefits you can enjoy throughout your career. This is a list of current benefits in addition to your pay and pension. If you would like more information about any of these, please speak to your manager or visit derbyshire.gov.uk/working_for_us

- **Occupational health services**

We have an occupational health service which can provide support and advice to help staff cope with difficult times. If an employee becomes ill or disabled affecting their long-term ability to do their job, we will do our best to ensure the person can return to or remain in their job or a suitable alternative role.

- **Counselling service**

We also provide a counselling service which offers confidential help and support to employees in times of work or personal difficulties. This may be because of relationship difficulties, bereavement or other trauma, stress, anxiety or depression, redundancy, retirement or other difficult circumstances. Up to six free counselling sessions are available.

- **Physiotherapy**

We offer a physiotherapy service that gives employees access to a certain number of sessions with a trained physiotherapist.

- **Eye tests**

If you regularly use a computer or other display screen equipment then we will provide on request a free eye test and, where appropriate, free glasses under the Health and Safety Display Screen Equipment (DSE) Regulations.

- **Protective Eyeware**

If you have corrective vision spectacles and carry out a job which requires you to wear goggles or safety glasses you are eligible for ones fitted with prescription lenses. Speak to your line manager who will guide you through the process to obtain them.

- **Removal and relocation expenses**

If you are entitled to this benefit, which offers help with moving home to take a job with us, it will have been stated in the job advertisement.

- **Car parking**

Free car parking, where available, is provided at several work locations throughout Derbyshire. Some sites require to you display a DCC parking permit – speak to your line manager to confirm if you need one for the areas you park/visit.

- **Salary Sacrifice Cycle to Work Scheme**

Derbyshire County Council operates a Cycle to Work scheme for employees on permanent contracts and fixed term contracts with a minimum 12 month term. You can sign up to our Cycle to Work scheme and get yourself a brand new bike and safety equipment up to the value of £3,000. Repayments are taken directly from your salary each month so you save between 25% to 40% on income tax and National Insurance.

Entering into a salary sacrifice agreement is an amendment to your contract and you should be aware that where gross pay is reduced for a salary sacrifice arrangement, this may affect entitlements to some state benefits. More information on 'salary sacrifice' schemes is available on page 7.

For more information on our cycle to work scheme go to Our Derbyshire staff.derbyshire.gov.uk/pay-and-benefits/pay-information/travelling-to-work/cycle-to-work-scheme

- **Long service awards**

Our long service award scheme, which recognises achievement at 25 and 40 years' service with Derbyshire County Council, is designed to express appreciation for loyalty and long service.

- **Give as you Earn Scheme**

The Give as you Earn Scheme allows you to make regular payments to charity directly from your pay before it is taxed. More details are available on Our Derbyshire at staff.derbyshire.gov.uk/pay-and-benefits/pay-information/give-as-you-earn or from the HR Services Appointments Team email pay.mailbox@derbyshire.gov.uk or telephone 01629 535119 Option 3.

Appendix A Travel and subsistence payments

1. Introduction

All travel should be approved in advance and employees have a responsibility to ensure that the cost to the Council is kept to a minimum, co-ordinating travel, where possible, to keep the number of separate car journeys to a minimum.

Information on alternative and sustainable ways to travel is available on our website at: derbyshire.gov.uk/working-for-us/smarter-travel

Employees must only submit claims for their own travel expenses and payment will only be made for journeys actually undertaken. Abuse of travel allowances will be dealt with under the disciplinary procedure. Payment of travel expenses will be made with salary.

2. Business Travel by Car

If an employee uses their own car for official journeys, they must ensure that their motor insurance policy covers them for 'business use' and indemnifies the Council (as employer) against third party claims or policy excess charges. It should be noted that the whole of an employee's motor insurance cover would be invalidated if using the vehicle on Council business when only covered for social and domestic purposes.

Employees using their cars on official business must also be in possession of a current full valid driving licence for the vehicle they are driving and ensure that the vehicle is in a roadworthy condition prior to the commencement of and during the journey. Where required the vehicle should have a current MOT certificate. Any reasonable parking fees etc, incurred during the journey will be reimbursed. Receipts should be retained in support of any claim. Further information on using your own vehicle is available on Our Derbyshire at staff.derbyshire.gov.uk/pay-and-benefits/pay-information/travelling-to-work

Fixed penalty parking fines, etc, are the sole responsibility of the employee.

On at least an annual basis, the employee will be required to produce their current driving licence, motor insurance policy, and evidence of their MOT for their manager to check and confirm validity.

If an employee wishes to suggest a reasonable alternative to providing a car for business use, this must be discussed with their line manager.

Mileage allowances for business fall into two categories:

(a) Journeys of less than 110 miles round trip

Authorised journeys which are less than 110 miles in total can be undertaken by the employee using their personal vehicle. However, alternatives to using their car (e.g. public transport/pool cars) should be investigated to ensure travel in the most cost and time efficient way.

(b) More than 110 miles round trip

Where it is anticipated that a journey will be in excess of 110 miles, the employee should assess the most cost and time effective mode of travel (own car, train, hire car). Comparing the cost of mileage, hiring a car (including the cost of delivery) and train tickets will show you the most cost effective mode of travel for

your journey.

Arrange car hire via the designated office and claim for any fuel purchased or travel by standard class rail, if appropriate. On occasions mileage may be reimbursed for journeys over 110 miles on the proviso that reasonable effort has been made to keep the mileage under 110 miles and car hire/other methods of transport have been considered.

3. Mileage Claims

3.1 Travel from home to work

The Council is not responsible for the cost incurred in travelling from home to work, except for excess travel where an employee has been relocated, or for journeys which take place outside contracted working hours.

3.2 Travel from work and returning to work

Where the journey starts and ends at work on the same day, the actual mileage incurred should be claimed.

3.3 Travel from and return to home

Where an employee travels directly from home to a place of duty and returns home directly without going to the normal place of work, the mileage to be claimed is the lower of:

Home to duty to home
Base to duty to base

Example:

Home is Derby, base is Matlock, duty is Alfreton

Derby to Matlock is 20 miles
Matlock to Alfreton is 9 miles
Derby to Alfreton is 15 miles

Therefore, home to duty to home, i.e. Derby to Alfreton to Derby is 30 miles whereas base to duty to base, i.e. Matlock to Alfreton to Matlock is 18 miles

The lesser value of 18 miles can be claimed.

3.4 Travel on route to or from work

If an employee travels directly from home to a place of duty and then to the work base, the mileage to be claimed is the lower of:

Home to duty to base
Base to duty to base

The same principle applies where a journey is made from base to a place of duty and then directly to home.

Example:

Home is Derby, base is Matlock, duty is Alfreton

Home to duty to base, i.e. Derby to Alfreton to Matlock is 24 miles whereas base to duty to base, i.e. Matlock to Alfreton to Matlock is 18 miles.

The lesser value of 18 miles can be claimed.

3.5 Travel from home outside normal working hours

Where a journey in the course of duty starts and ends at home because of work outside of normal contractual hours, or there is a requirement to return to work after a normal days work, the mileage to be claimed is the actual mileage from and return to home. This mileage is taxable and must be recorded separately. Employees with no fixed work base should check the arrangements with their line manager.

4. Calculation of mileage

Mileage claimed must be calculated based on the most reasonable route for the journey. The following are some useful website links to help you plan your journey:

Travel Line East Midlands: travelineeastmidlands.co.uk/em

RAC Route Planner: rac.co.uk/route-planner/

East Midlands Trains: buytickets.eastmidlandstrains.co.uk/

Northern Rail: northernrail.org/journey/planner

5. Excess mileage

If your base is changed by the Council and you are relocated to a new place of work which falls outside of a five mile radius of your current base, you may claim the difference in mileage. This is the difference in travel from home to the new place of work less the mileage of home to the former place of work. Excess mileage is taxable and can be claimed for a maximum of 3 years. Once the 5 mile radius is exceeded all excess miles may be claimed including the first 5 miles.

Please ensure excess travel is claimed as taxable rather than business mileage on WorkPlace – speak to HR Services for further advice.

Whilst it is not a Council requirement for an employee to have ‘business use’ on their motor insurance policy to claim ‘excess mileage’ due to a change of base, the employee should check with their own motor insurance company prior to their relocation to a new place of work.

5.1 Excess travel time allowance

An excess travel time allowance is also payable for a period not exceeding 3 years, provided that the additional daily travelling time exceeds half an hour. The rates set out below are increased annually in line with the retail price index and are paid on a pro-rata basis for part time employees:

- up to half hour a day - nil
- up to 1 hour per day - £413 per year
- over 1 hour to 1½ hours per day - £569 per year
- over 1½ hours per day - £711 per year.

Employees must ensure that they notify the employer of any change in circumstances e.g. home address, which occurs within the 3 year period.

6. Travel time for employees with no fixed base

If an employee does not have a fixed work base and is required to work at various locations, claims from home to their first point of call and from their last point of call to home are limited to the following:

- Time in excess of 30 minutes in a single journey
- Mileage in excess of 5 miles in a single journey

If an employee only travels from home to their first point of call and then returns home without doing any additional trips, then it is not a Council requirement for an employee to have 'business use' on their motor insurance policy. However, the employee should check with their own motor insurance company prior to making the trip.

If an employee does additional miles to another place of work during the day then it is a Council requirement for an employee to have 'business use' on their motor insurance policy, and that they have told their insurers that they use the vehicle for work and how they do so. This should ensure that in the event of an accident which occurs during these additional journeys, their insurer will deal with the claim rather than turning it down because they did not know the vehicle was being used for work.

7. How and when to make a mileage claim

All claims for car mileage should be submitted via WorkPlace at the end of each calendar month and authorised as appropriate. Claims must be submitted within three calendar months of undertaking the journey. A late claim will not be paid except in exceptional circumstances and with Executive Director approval. A guide on how to record travel claims on WorkPlace is available on Our Derbyshire under WorkPlace E-Learning.

Employees who do not have access to WorkPlace should claim mileage by submitting the 'Employee Mileage Claim Form' (CO6(a) signed by their manager to HR Services (original forms are required – available at staff.derbyshire.gov.uk/pay-and-benefits/pay-information/travelling-to-work). For those employees who submit their mileage on a 'craft timesheet' please ensure that you complete the latest version of the form and provide to your line manager for authorisation

All claims submitted either via WorkPlace or by completion of the mileage form must record accurate vehicle details which include engine size and fuel type. If an employee changes their car then they will need to complete the 'Notification of a Change of Vehicle' form (available on Our Derbyshire staff.derbyshire.gov.uk/pay-and-benefits/pay-information/travelling-to-work) and email to HR Services at pay@derbyshire.gov.uk to update their record. In the meantime, if an employee makes a claim on WorkPlace prior to the vehicle details being updated by HR Services the employee must manually adjust the vehicle details.

If you submit a paper mileage claim form and change your vehicle please tick the appropriate box on the mileage claim form and record the date of change.

Claims made electronically will be processed and paid with the next available salary payment. Claims submitted on paper forms will be processed and paid as soon as possible and no later than with the salary for the month following the submission of the form.

Current mileage rates detailed below are based on HMRC rates and are not liable for tax and national insurance:

- 45p per mile for the first 10,000 miles
- 25p per mile after the first 10,000 miles

An extra 5p per mile can be claimed for carrying each approved passenger. An approved passenger is any elected member, a person employed by the Council, an agency employee or volunteer who is working with and on behalf of the Council and is travelling in a vehicle owned and driven by a Council employee. The driver must be authorised to travel as part of their role and journeys must be for work purposes only.

For the purpose of claiming mileage allowance for approved passengers, the claimant must declare the name of each passenger as part of their mileage claim.

Service users and employees from partner organisations, contractors and other bodies are not approved passengers; therefore, the additional 5p per mile cannot be claimed.

You may be able to claim tax relief for business mileage that is less than the approved mileage rate, find out more at [gov.uk/guidance/claim-income-tax-relief-for-your-employment-expenses-p87](https://www.gov.uk/guidance/claim-income-tax-relief-for-your-employment-expenses-p87)

7.1 VAT Receipts

A VAT receipt for fuel used on work journeys **must** be obtained and kept by the employee in an orderly fashion for a period of six years after the end of the tax year to which they relate. Receipts must be available for inspection during this period.

7.2 Qualification Courses/training

If you travel to an approved qualification course or exam, you can claim travel expenses for any miles travelled over and above your normal journey to work paid at public transport mileage rate. The current rate is available at staff.derbyshire.gov.uk/pay-and-benefits/pay-information/travelling-to-work

Employees can claim back other reasonable costs subject to the provisions of the Qualification Training Conditions of Assistance. For the purposes of this document the payment of course fees are separate.

8. Public Transport

The same principles identified above apply to employees who incur travel fares in the course of undertaking their duties.

Where alternative means of public transport exist (e.g. bus or rail) the most suitable in terms of cost and time should be used and claimed accordingly. Cheap rate fares should be used where possible.

This is the rate that accredited trade union stewards are eligible to claim from the Council in respect of trade union duties undertaken.

8.1 Rail Travel

All employees will travel standard class unless specifically agreed by their Executive Director. Where possible, tickets should be purchased in advance. If travelling 'locally' i.e. from Matlock to Derby, buy your ticket at the station and reclaim through WorkPlace – this saves the £1.50 printing and booking charge.

8.2 Taxi Fares

The cost of hiring a taxi will only be reimbursed where it is absolutely necessary and in the interests of the Council, or where it is otherwise reasonable e.g. if public transport is not available. Receipts are required.

9. Subsistence

No subsistence will be paid, except in exceptional circumstances, where you must have Executive Director approval beforehand.

As a general guide, you can claim if you are attending an isolated training venue or have emergency duties where food is not provided.

Expenses involving overnight accommodation can only be claimed when it is clear every effort has been made to make the booking arrangements through the Council. Receipts must be kept for your claim.

10. Removal and relocation

This is to help if you face costs moving home when taking up a new job with us. However, it only applies if you have been appointed to a role where the advertisement and/or your information pack confirms you will be entitled to help with relocation. You must move to live within 20 miles of your place of work to be eligible.

Appendix B Leave and time off

Introduction

These guidelines set out the leave and time off arrangements available to employees. They should be read alongside the leave arrangements in the Employee Leave Schemes and Flexible Working policy. **All of the leave allowances shown below are based on full-time work of 37 hours a week. If you are part-time or relief, your leave allowance will be reduced according to the hours you work ('pro rata').**

We are committed to helping you balance work and home life and believe it is important for all employees to be aware of and receive their full leave entitlement. We recognise the importance of leave for employees' health and safety, as set out in the Working Time Regulations.

Requests for annual leave

Annual leave should be requested as far as possible in advance of when you want to take it and approved by your manager. When considering requests for leave, your manager will ensure that staffing is balanced and that there will be no adverse effect on service.

Annual Leave period/carry over

The annual leave year runs from 1 April to 31 March. All annual leave must be taken within this period except where a carry-over is agreed.

Carry-over of up to five days may be authorised by your manager. In exceptional circumstances you may carry forward up to 10 days leave with the approval of your Executive Director.

Requests to bring leave forward from the following leave year can only be approved by managers in exceptional circumstances.

Employees may take annual leave during disciplinary suspension provided the leave is requested and authorised.

Annual leave/sickness absence

When you are unable to take annual leave because of long-term sickness absence, separate calculations of statutory and contractual leave entitlements will be made, and whichever is the more beneficial will be carried forward to the next leave year. Annual leave carry forward of more than 5 days requires Director approval.

Further guidance on calculation of entitlement is available on Our Derbyshire staff.derbyshire.gov.uk/site-elements/documents/working-here/absence/calculation-of-annual-leave-entitlement or from HR Services.

Any contract hours which you do not work within a phased return arrangement will be treated as continual sickness unless you request annual leave, and this is not contrary to the medical advice provided.

Managers will ensure HR Services are aware of any leave taken while an employee is on sickness absence.

If you become sick while on annual or flexi leave, you may request your absence to be treated as sickness absence and may need to produce a fit note. You should still report your absence on the first day it occurs with your manager.

Leave entitlement

Employee group	Annual leave entitlement	Annual leave entitlement
	Basic	After 5 years' continuous service
Grades 1 to 9	25	30
Grades 10 - 13	27	32
Grades 14 and above	34	34

- Annual leave for part-time staff will be calculated on a pro rata basis and expressed in hours.
- Additional leave entitlement for 5 years' service is based on continuous service with any public authority covered by the Redundancy Payments Modification Order.
- The additional leave entitlement becomes effective at the start of the next leave year following five year qualification.

New employees

Entitlement starts on your first day and annual leave is proportionate to completed service during the year.

No. of complete calendar months worked	Annual leave entitlement (full time)				
	25	27	30	32	34
1	2.5	2.5	2.5	3	3
2	4.5	4.5	5	5.5	6
3	6.5	7	7.5	8	8.5
4	8.5	9	10	11	11.5
5	10.5	11.5	12.5	13.5	14.5
6	12.5	13.5	15	16	17
7	15	16	17.5	19	20
8	17	18	20	21.5	23
9	19	20.5	22.5	24	25.5
10	21	22.5	25	27	28.5
11	23	25	27.5	29.5	31.5

Leavers

If when you leave the Council you have taken above your annual leave entitlement an appropriate deduction will be made from your final pay.

Accrued leave

Accrued leave is payable to all Single Status part time employees (who work additional hours) and relief employees (when they work). This is calculated automatically through

SAP. To work out your entitlement to accrued leave you can use the table below. For example, if you have under 5 years' service and are paid between Single Status grades 1 to 9 you will receive 0.1061 hours for every hour you work.

Grades	Under 5 years' continuous service	Over 5 years' continuous service
Grades 1 to 9	0.1061	0.1300
Grades 10 to 13	0.1155	0.1399
Grades 14 and above	0.1499	0.1499

Relief workers

Relief employees' accrual occurs on a monthly basis.

- Relief employees who work term time only will receive a payment in their pay shown as 'Accrued Leave' on a monthly basis at the same time as the hours are paid.
- Relief employees who can work throughout the year build their leave entitlement in a quota stored on the employee record. This will be monitored by your line manager to generate a payment when you wish to be paid for a period of absence.

Relief employees should seek to use their entitlement of accrued annual leave up within the financial year in which it was accrued. However, 37 hours of leave can be carried forward.

Accrued leave for part time employees

Part time employees accrue annual leave when they work additional hours up to a maximum of 37 hours in a week. This is paid on a monthly basis and shown as 'Accrued Leave' on the employee's payslip one month in arrears.

Accrued bank holiday entitlement for relief employees

When a relief employee works up to a maximum of 37 hours in a week, they accrue an entitlement to bank holidays within the year.

- Relief employees who work term time will receive a payment on a monthly basis when they work
- Relief employees who can work throughout the year will build entitlement in a quota stored on the employee record. Employees use up entitlement by working on a bank holiday or by taking time off. This will be monitored by your line manager to generate a payment when you wish to use bank holiday entitlement for a period of absence.

Relief employees should seek to use their entitlement of accrued bank holiday up within the financial year in which it was accrued. However, 7.4 hours of bank holiday entitlement can be carried forward.

Accrued bank holiday entitlement for part-time employees

Part-time employees have an entitlement to bank holidays based on their contracted hours. Part-time employees can accrue additional bank holiday entitlement when they work additional hours up to 37 hours in a week for which part-time employees on the flexi time scheme or term time employees will receive a payment on a monthly basis.

All other part-time employees who work additional hours up to 37 hours in a week will accrue additional bank holiday entitlement which is stored in a quota on their employee record which is accessible by their line manager, together with the entitlement based on contracted hours. Employees use up entitlement by working on a bank holiday or by taking time off either on the bank holiday, if it falls on a working day, or elsewhere in the year. Negative quota balances should be addressed by employees working back the negative hours for which no payment will be made.

Payment during annual leave and additional normal holiday pay

Employees should receive normal pay during periods of annual leave proportionate to their usual work pattern. In months when you take annual leave, you will receive your basic pay for that period. Any payments not made on a regular basis are paid through the Council's Normal Holiday Pay Framework. This provides an additional annual leave value that reflects all additional regular earnings over and above basic pay, including overtime, enhancements and specified allowances. Under this joint agreement the additional annual leave and bank holiday value of those elements of pay included, will be calculated for the current year on the basis of the actual earnings from the previous year. If you have relevant earnings in the previous year, a schedule setting out the annual calculation will be sent to you in June each year prior to commencement of the payments. For more details about the Council's Normal Holiday Pay Framework, please see [Appendix G](#).

Maternity leave - annual leave

Employees returning from maternity leave are entitled to all the annual leave and bank holidays built up during the period of maternity leave.

Bank holidays

Employees are entitled to 8 bank holidays per year.

- New Year's Day
- Good Friday
- Easter Monday
- Early May Bank Holiday Monday
- Spring Bank Holiday Monday
- Late Summer Bank Holiday Monday
- Christmas Day
- Boxing Day

Guidance on working out pro rata bank holiday entitlement for part-time staff is available from HR Services.

Time off for public duties

The Council encourages you to play an active part in the life of your community.

If you are an elected member of another local authority you are allowed a maximum of 208 hours paid time off a year to carry out your public duties.

Paid leave of absence of up to 18 days/36 half days per year will be granted to employees undertaking public duties for the following:

- Magistrates/Justices of the Peace
- statutory tribunal, public committee or similar
- police authority or Serious Organised Crime Agency
- board of prison visitors or prison visiting committee
- probation boards
- member of court boards
- health authority
- education body – school/college Chair of Governors
- The Environment Agency
- youth offending panels

School/college governors (other than the Chair – see above) may have a maximum of 7 days paid leave and 7 days unpaid leave per annum for their duties.

If the body you work for will reimburse your salary, any leave granted to you by the Council will be without pay.

Volunteer members of the non-regular armed forces who attend summer camp are entitled to up to two weeks paid leave in addition to their normal leave entitlement. We will also consider time off for training which cannot be done outside working hours.

If you are an employee who has public duties you must agree in advance the amount of time off with your manager. The leave you are allowed will depend on the needs of your service or department. If you work flexitime or have annualised hours you will be expected to use these arrangements as much as possible.

Further reasonable unpaid time off for public duties may be granted at the discretion of your manager.

Unpaid leave

The unpaid leave scheme provides an opportunity for you to have an extended period away from work.

Although Executive Directors retain discretion over the granting of unpaid leave, it will normally be taken for such activities as:

- Caring responsibilities
- Extended foreign travel
- Personal development - education or training
- Voluntary/community work.

Unpaid leave will not be granted for employees:

- To take up other paid employment
- Where a temporary or permanent reduction in contractual hours would be more appropriate
- Where other time-off schemes apply e.g. time off to undertake public duties.

When deciding whether to support unpaid leave requests managers will consider:

- the possible effects on service delivery and team workloads
- any likely difficulties in cost-effectively temporarily replacing an employee on

unpaid leave.

Applications for unpaid leave should be made at least 3 months before the proposed start date. The maximum duration of unpaid leave will be 12 months.

Depending on individual circumstances, employees on unpaid leave will be invited to attend regular 'catch up' meetings and should plan regular contact with their manager.

When an employee returns to work the manager will ensure that the employee is suitably inducted back into the workplace. Developments and changes that have occurred during the period of absence will be discussed.

- **Unpaid leave and the LGPS**

If you have a period of unpaid leave (such as industrial action, authorised unpaid leave or additional child related leave), you won't automatically pay towards to your pension. There's a difference on how you can buy back your lost pension. This depends whether your unpaid leave was authorised or unauthorised:

- If your absence is authorised by the Unpaid Leave Scheme, you can choose to buy back the pension you've lost by paying Shared Cost Additional Pension Contributions (SCAPCs). If you apply within 30 days of returning to work, you'll pay one-third of the cost, and the Council will pay two-thirds of the cost. SCAPCs can be paid as a one-off lump sum or by spreading the payment over a number of months.
- If your absence is unauthorised, or you apply after the 30 day deadline, you'll be responsible for the full cost of buying your lost pension. This is called an Additional Pension Contribution (APC).

For both SCAPCs and APCs, you'll need to complete the application form available on the LGPS member website and submit to pay@derbyshire.gov.uk. Further details are available at www.derbyshirepensionfund.org.uk/unpaidabsences

If you pay into the NHS Pension Scheme or Teachers' Pension Scheme you should contact HR Services for information on the specific rules and options for the relevant scheme.

- **Continuity of local government service**

Periods of agreed unpaid time-off will be counted as continuous service with the Council.

- **Statutory sick pay**

To receive statutory sick pay you must have received average weekly earnings above the current National Insurance lower earnings limit for the eight weeks immediately before taking a period of sick leave. If you take unpaid leave, your average pay would be reduced. So, if you are on a low salary this may result in you not being entitled to statutory sick pay.

The National Insurance minimum earnings limit is revised in April each year. Current rates are available from HR Services. Occupational sick pay is not payable in a period of unpaid leave.

- **Statutory maternity pay**

For the same reason given for statutory sick pay above, your entitlement to Statutory Maternity Pay could be affected if a period of unpaid leave is taken in the eight weeks immediately before the qualifying week. The qualifying week is the 15th week before the expected date of childbirth.

- **National Insurance related benefits**

A period of unpaid leave could lead to a loss of benefits. You are advised to contact your local benefits office for further advice before making a request for unpaid time off.

- **Annual leave entitlement**

For periods of unpaid time-off of less than one month in total, your annual leave entitlement will not be affected.

Where unpaid time-off extends beyond one month in total, your annual entitlement will be proportionately reduced i.e. for each complete month taken, your leave will be reduced by one twelfth.

- **Calculation of deductions**

The basis for calculating deductions is contract hours lost per week/month multiplied by the hourly rate.

- **Entitlement to statutory holidays**

Where periods of unpaid leave exceed one month, there will be no entitlement to statutory holidays should they occur during a period of unpaid time off.

Training

If the Council supports you to take qualifications and you leave within 2 years of receiving your qualifications, you must pay back the amount the Council spent on your training. In some circumstances this is extended to 3 years following qualification. If you take an extensive period of unpaid time off, the 2 or 3 year period will be proportionately extended to take this into account.

Medical appointments

You should take all medical appointments in your own time. Where employees have hospital appointments (not GP/Dentist appointments) which cannot be arranged in their non-working time, they are allowed paid time off to attend. You are entitled to paid time off for appointments for occupational health, antenatal and conditions covered by the Equality Act. You are also allowed paid time off for health screening (for cervical screening, breast screening and well man/woman screening), immunisation (for work related hepatitis B and influenza) and donor activities up to a maximum of 5 working days in any leave year. For these you are entitled to paid time off which, together with any hours worked, should not exceed your standard day.

Special leave

You may apply for a maximum of five days paid and five days unpaid leave covering bereavement, urgent domestic and dependent leave in a rolling 12 month period. Only the first day's absence will be granted for any urgent domestic and dependent leave and any additional time should be covered by other leave (annual, flexi, TOIL or unpaid

leave. Additional unpaid leave may be authorised by your Executive Director in certain circumstances.

You may be allowed paid time off under the special leave arrangements for sporting or cultural events (e.g. national representation), graduation following a Council sponsored degree, and house moves (as part of a relocation package). Your Executive Director's approval is required for this special leave.

Parental Bereavement Leave

Employees who are primary carers for a deceased child under the age of 18 are entitled to parental bereavement leave. This is a day one right and is payable for a maximum of two weeks, at full basic pay, regardless of service and earnings. For further details please refer to the Councils Leave Scheme and Flexible working Policy

Leave for Foster Carers

You are allowed up to 5 days leave with pay and 5 days leave without pay (in any rolling 12 month period if you are registered with Derbyshire County Council as a foster carer to engage in fostering support activities such as training, introductory meetings, promotional events etc. This leave provision is additional to the Council's special leave provisions and is a total allowance that is not applied separately to different children.

Study leave

For approved courses of study, you are entitled to the following, up to a maximum of 3 days:

- If you are not on day release you will receive 1 days paid leave for final revision for each ½ day of examination.
- If you are on day release you will receive ½ day paid leave for each ½ day of examination.

Open University

You are entitled to up to five days with pay for attending an approved Open University summer school course.

Jury service

If you are called for jury service you are allowed unpaid time off. You will receive details from the court of how to claim for the pay you lose. If you are a witness or subpoenaed, any loss of earnings can be claimed from the court. You should code your leave as jury service.

Appendix C Flexi time

Please note: where hours or other amounts are shown below, if you are part time these will be reduced according to the hours you work ('pro rata').

Introduction

We operate a flexi-time scheme and encourage all employees to take part as far as they are able. However, the needs of the service always come first. The main limitation of the scheme is that it should not impact on the needs of the job and that when you take time off there is adequate cover for your absence. Flexi working hours should have no adverse effect on efficiency and service provision.

Certain employees because of the nature of their job may not be able to operate with full flexibility within the scheme. Others, for example shift workers, may have to be excluded altogether. However, it is the spirit and intention of the scheme that flexi working hours should be available to as many staff as possible.

The Council has a variety of time recording mechanisms and it intends to extend the use of automatic recording equipment, the introduction of which would be the subject of consultation with the trade unions.

If your job is appropriate for flexi working hours, you are contracted as such and you are obliged to record your time.

Bandwidth

The earliest starting time is 7am and the latest finishing time is 7pm Monday to Friday.

Hours worked outside this should be recorded under the flexi-time scheme but will not be counted under the scheme. Where employees are contracted to work on the basis of five working days (including Saturdays and/or Sundays) the core principles of the scheme should still be applied.

Office opening hours

As a general rule, offices available to the public should be open from 8am to 6pm and organised so there is sufficient cover during this time.

Flexi-time

Subject to satisfactory cover, you can start and finish work at any time in the working day between 7am and 7pm. You must agree your normal regular working patterns with your manager.

You must work a minimum of four hours a day (or pro-rata for part time employees). There is no designated 'core' time. You may have as many breaks during the day as you like for lunch, medical appointments etc. providing these have been agreed in advance with your manager. All breaks must be recorded.

Lunch break

You must take a minimum of 30 minutes break if you work longer than six hours.

Standard week/settlement period

The standard week for all full time employees is 37 hours.

The settlement period is four working weeks (148 hours). You must work the required number of hours in each settlement period subject to the debit and credit rules below.

Debit

A debit means hours worked below the required number in a four week settlement period. Up to four debit hours may be carried forward from one settlement period to the next. Annual leave may not be used to cancel out debit hours built up.

Credit

A credit means hours worked on top of the required number in a four week settlement period. Up to 15 credit hours may be carried forward from one settlement period to the next.

Credit hours may be used, subject to approval, to take flexi-leave of up to two days, or combinations of that in multiples of half days and/or to supplement hours in the next settlement period.

Flexi-leave is based on credit hours carried forward from the previous settlement period. You cannot anticipate credit hours in the current settlement period in order to take flexi-leave. A minimum of four hours credit must have been carried forward before one day's flexi-leave can be requested (two hours credit in respect of one half day's flexi-leave) and eight hours for two days flexi-leave.

You cannot carry more than 15 hours over to the next settlement period. Credit hours over 15 at the end of a settlement period will be lost.

Absence recording

A full or half day's absence is to be credited as follows:

Length of Day	148 hour settlement period (all employees)
Full Day	7 hours 24 minutes
Half Day	3 hours 42 minutes

The figures for half-day absences are not exact. Any shortfall at the end of the settlement period due solely to such absences should be disregarded.

These figures are to be used for all absences including leave, sickness, public holidays and day release (including post entry training). They should also be used for work carried out away from your normal base, including conferences, unless approval has been given to record additional time worked within the bandwidth on that day.

Where a manager requests an employee to attend a course or conference that involves excessive travelling time, the actual hours involved up to a maximum of 11 hours 30 minutes (based on the maximum bandwidth times of 7am to 7pm less a 30 minute lunchbreak) can be approved by the manager.

Overtime

Any overtime you do must have been authorised in advance and should not be recorded under the scheme of flexible working hours. No overtime will normally be allowed during the 7am to 7pm bandwidth hours.

Time taken in lieu of authorised overtime should be recorded under the scheme as an authorised absence and the appropriate number of hours credited.

Medical appointments

You should take all medical appointments in your own time. Where employees have hospital appointments (not GP/Dentist appointments) which cannot be arranged in their

non-working time, they are allowed paid time off to attend. You are entitled to paid time off for appointments for occupational health, antenatal and conditions covered by the Equality Act which, together with any hours worked, should not exceed your standard day up to a maximum of 7.4 hours. You are also allowed paid time off for health screening (for cervical screening, breast screening and well man/woman screening), immunisation (for work related hepatitis B and influenza) and donor activities up to a maximum of 5 working days in any leave year. For these you are entitled to paid time off which, together with any hours worked, should not exceed your standard day up to a maximum of 7.4 hours.

If you fall sick after starting work on a particular day you should record the number of hours you actually worked and the rest of the time for that day should be recorded as sick leave, up to a maximum of 7.4 hours, or less depending on your normal working pattern.

Recording/monitoring

You are responsible for recording your starting and finishing times (including breaks) on a daily basis. If you have a Derbyshire e-mail address, the WorkPlace system should be used for time recording for which there is separate guidance.

In recording your hours you should abide by the following:

- Times recorded should be when you actually start or finish work
- Subject to agreement with your manager, outside visits at the beginning or end of the day should be recorded as follows:
 - If you travel directly from your home to a place of duty which is nearer to your home than your work base, your start time will be your time of arrival.
 - If your travel is longer than the time it normally takes you to get to your work base, you can record your excess travelling time.
- Where flexi-leave is taken this should be entered on the record as an authorised absence, but the hours taken should not be credited. The total hours shown for the day should be those actually worked.
- Except for annual leave and TOIL – when recording an authorised absence and flexi attendance on the same day the combined hours should not exceed your standard day up to a maximum of 7.4 hours.
- Managers have a responsibility for ensuring that time recording is accurately completed and may carry out random spot-checks and all members of staff are expected to co-operate.

Transferred staff - travelling time

In the case of transferred employees who are entitled to a daily travelling time allowance, this should continue to be claimed separately. The times recorded should be those you actually start and finish work.

Part-time employees

As with full-time staff, the intention is that the scheme should be available to as many part time employees as possible on a pro rata basis.

Abuse of the scheme

Any abuse will be dealt with under the disciplinary procedure.

Leavers

If you are leaving our employment, all debit hours must be cleared before you leave. You cannot be paid for outstanding credit hours.

Appendix D Sickness scheme

The Council's sickness scheme supplements Statutory Sick Pay and Incapacity Benefit to help to maintain your pay during an absence caused by sickness, disease, accident or assault.

Sickness Reporting

You have a responsibility to report your sickness absence as follows

- Day 1: You report absence to your manager
- Day 4: You update your manager on nature/duration of absence
- Day 8: If still absent you must provide a medical certificate

Absence for any reason relating to ordinary sickness and industrial sickness must be reported to your line manager. You will be required to follow the Council's attendance management procedure which applies to both. Pay entitlement for ordinary sickness and industrial sickness will be treated separately in line with the Council's policy.

Length and rate of sick pay

You are entitled to sick pay for the following periods:

Length of Service	Length of sick pay
During the 1st year of service	1 month's full pay. After completing 4 months service - 2 months half pay
During the 2nd year of service	2 months full pay and 2 months half pay
During the 3rd year of service	4 months full pay and 4 months half pay
During the 4th and 5th year of service	5 months full pay and 5 months half pay
After 5 years' service	6 months full pay and 6 months half pay

Executive Directors will have discretion to extend the period of sick pay in exceptional cases in consultation with the Director of Organisation Development and Policy. The period for which sick pay will be paid and the rate of sick pay will be calculated by deducting on the first day of sickness the amount of paid absence during the twelve months immediately preceding the first day of absence.

In the case of full pay periods:

When you add your sick pay to the Statutory Sick Pay and Incapacity Benefit it will give you the equivalent of your pay based on contractual hours.

In the case of half pay periods:

Sick pay will be an amount equal to half earnings based on contractual hours plus an amount equivalent to the Statutory Sick Pay and Incapacity Benefit you receive. This is so long as the total sum does not exceed contractual hours pay.

Contractual hours pay includes all earnings that would be paid during a period of normal working but excluding pay enhancements and allowances.

The welfare benefits to be taken into account for the calculation of sick pay are those to which you are entitled on the basis that you have satisfied so far as it is possible:

- The conditions for the reporting of sickness as required by the Council
- The claiming of benefits
- The obligation to declare any entitlements to benefits and any subsequent

changes in circumstances affecting such entitlement.

Suspension of sick pay

Sick pay may be suspended if you:

- Abuse the sickness scheme or are absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery.
- Are absent on account of your own misconduct or neglect.
- Are absent as a result of active participation in professional sport.
- Are injured while working in your own time, on your own account, for private gain or for another employer.

The Council will advise you of the grounds for suspension and you will have a right of appeal. If it is decided that the grounds were justified, then you will forfeit the right to any further payment in respect of that period of absence. Repeated abuse of the sickness scheme may be dealt with under the disciplinary procedure.

Claiming sick pay

You will not be entitled to claim sick pay under the scheme unless:

- Notification is made immediately to your line manager.
- Further notification is made as required by the Council.
- A doctor's statement is submitted to the Council not later than the eighth calendar day of absence. Subsequent doctor's statements are submitted as necessary
- In cases where the doctor's statement covers a period of more than 14 days or where more than one statement is necessary, the employee must, before returning to work, submit to the Council a final statement as to fitness to resume work.
- On return to work the employee signs a statement detailing the reasons for absence for all absences up to and including seven days.

You will, if required by the Council at any time, submit to a medical examination by a medical practitioner nominated by the Council, subject to the provisions to the Access to Medical Reports Act 1988 where applicable. Any costs associated with the examination will be met by the Council. Where it is necessary to obtain a second medical opinion, it will be provided by an independent medical referee.

Where, for the purpose of qualifying for sick pay under the scheme, the Council requires a doctor's statement from you, the Council will reimburse you the cost of such a statement on the provision of a receipt.

Sickness during leave

If you fall sick during annual or flexi leave you may need a fit note in order to have the leave recorded as sickness absence. If you have pre-booked leave and are on self-certified sickness absence either side of this leave, you may need a doctor's certificate to have the leave counted as sickness absence. If you get sick pay under the scheme, sick pay will continue if a public holiday falls during such sickness absence. No substitute public holiday will be given.

Sick leave and the LGPS

If you are off work because of sickness or injury the amount of pension you build up is not affected.

When you are absent for a short period and remain on full pay your pension builds up as normal. If your absence becomes long term and you move to reduced or no pay, you still pay a percentage of what you receive, but the Council will continue to pay its normal full contribution.

This means that your pension builds as if you are still on full pay. Further information is available from the fund's website at derbyshirepensionfund.org.uk/absences

Employees who are eligible for the NHS Pension Scheme or Teachers' Pension Scheme should contact HR Services for information on the specific rules and options for the relevant scheme.

Appendix E Disciplinary Procedure

1. Purpose

The purpose of the formal disciplinary procedure is to provide a fair and consistent means of addressing and improving an employee's conduct where this fails to meet the Council's expectations.

2. Scope

This policy applies to all employees, except those employed in schools where the Governing Body performs the function of the employer and those employed under JNC Chief Officer or JNC Chief Executive conditions, where other arrangements apply.

3. Key Principles

This procedure has been developed in line with ACAS guidance and the Code of Practice on Disciplinary and Grievance Procedures.

- Informal action will be considered where appropriate to resolve problems.
- Employers and employees should deal with issues promptly and not delay meetings, decisions or confirmation of those decisions.
- An employee will be advised of the nature of the complaint against him/her and will be given an opportunity to state his or her case before any decision is made.
- No disciplinary action will be taken against an employee until the case has been appropriately investigated by someone at least one management tier senior to that of the employee being investigated. The most junior level of management would not normally be expected to conduct an investigation.
- Employees will be provided with written copies of relevant evidence and relevant witness statements in advance of a disciplinary hearing in a format accessible to them
- The employee has a right to be accompanied at formal meetings by a colleague, trade union representative, or an official employed by the trade union.
- An employee will have the right to appeal against disciplinary action taken.
- Neither party is allowed to electronically record meetings held as part of this procedure. The use of recording equipment by either party without consent may constitute a further disciplinary matter.

4. Use of the Disciplinary Procedure

The formal disciplinary procedure should be used if:

- An employee's conduct fails to meet expectations after previous management action and/or,
- Following a specific allegation of misconduct and after a thorough investigation of the circumstances, an Investigating Officer believes there is substance to the allegation.

5. Roles and Responsibilities

Managers are responsible for implementing the disciplinary policy and procedures and for ensuring that their responsibilities under the Equality Act 2010 are carried out. This responsibility includes consideration of reasonable adjustments for disabled employees.

HR will provide support and guidance to managers in complex cases. Manager guidance supplements the Disciplinary Procedure.

6. Suspension

In certain circumstances it may be necessary to suspend an employee on normal* pay whilst an investigation takes place into alleged misconduct. Suspension on normal pay does not form part of the formal disciplinary procedure. Suspension or alternative work arrangements will be for as short a time as possible and will be reviewed on a monthly basis.

*Normal pay is based on contracted hours and will include enhanced rates of pay for unsociable hours in accordance with the employee's work schedule. It will not include any incidental or ad hoc payments, such as for additional hours but will include allowances such as standby and sleep in if the employee is normally included on a rota.

7. Action against Trade Union Representatives

Where disciplinary action is being considered against an employee who is a trade union representative, the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union after obtaining the employee's agreement.

8. Examples of Misconduct

Appendix 1 identifies some examples of misconduct. The list is not intended to be exhaustive.

9. The Disciplinary Hearing

The formal disciplinary procedure starts when an employee is notified that they are required to attend a disciplinary hearing. There should be a period of not less than 14 calendar days between the employee receiving written notice of the hearing and the date of the hearing. The employee should be provided with details of the alleged misconduct and be provided with copies of all relevant documents, 14 calendar days prior to the hearing. The statement of case should not include recommendations for action by the Hearing Officer.

At the hearing the Investigating Officer will explain the complaint and go through the evidence, calling witnesses as appropriate. The employee will be asked to set out their case and answer the allegations which have been made, presenting evidence and calling witnesses as appropriate.

The employee must take all reasonable steps to attend the disciplinary hearing. Should their colleague/trade union representative not be available, an employee may propose an alternative time which must be within 7 calendar days following the day of the proposed hearing.

Notes will be taken at the Hearing and will be made available to any future Appeal Hearing Officer and any future Employment Tribunal.

10. Disciplinary Penalties

The senior officer chairing the hearing (The Hearing Officer) will determine what level of sanction, if any, is appropriate. The Hearing Officer must be independent and not have been involved in the investigation. The seriousness of the allegation will determine the level of sanction imposed.

10.1 Written warning

This is given for cases of misconduct.

10.2 Final Written Warning

If the offence is sufficiently serious or there is further misconduct during the currency of a prior warning, a final written warning will be given. This will warn that dismissal may result if there are further acts of misconduct.

10.3 Dismissal

If the employee commits an act of gross misconduct or a further act of misconduct following a previous warning, dismissal may result.

For cases of gross misconduct, the dismissal may be regarded as summary and there will be no entitlement to notice. In the case of other misconduct, appropriate notice will be given. Where appropriate the employee may be offered pay in lieu of notice or may not be required to attend work during the notice period.

11. Disciplinary Measures as an Alternative to Dismissal

Depending upon the circumstances, the Hearing Officer may recommend that alternative measures to dismissal may be applied (e.g. removal of incremental progression, redeployment, demotion to a lower graded post) with the consent of the employee. These may be combined with a warning. Where the employee rejects the offered alternatives, dismissal will normally apply.

12. Confirmation of Disciplinary Action

The Disciplining Officer's decision will be confirmed in writing to the employee within 7 calendar days of the hearing, and include:

- the reasons for the decision.
- the disciplinary sanctions and reasons for those sanctions.
- a warning of the consequences if there is no satisfactory improvement, or further misconduct.
- the expiry date of any warning.
- the employee's right of appeal.
- the termination date of the contract in cases of dismissal.

The employee's representative/colleague should receive a copy for information, and a copy should be kept on the employee's personal file and a record of the outcome on the departmental record of Disciplinary Action.

13. Expiry of Disciplinary Action

All formal warnings shall normally expire after a period of satisfactory conduct and

performance of 12 months (written and final written). In exceptional circumstances the Hearing Officer may consider that the disciplinary warning period should exceed this.

Details of spent warnings shall remain on personal files but shall be disregarded for the purposes of any future disciplinary proceedings, except in exceptional circumstances e.g. where they demonstrate patterns of behaviour which give rise for concern.

14. Appeals

The employee has a right of appeal:

- Appeals against dismissal are to Executive Directors and must be registered in a letter to the Director of Organisation Development & Policy within 7 calendar days of receipt of the written notification of the hearing decision.
- An appeal against any other disciplinary action must be registered in a letter to the appellant's Executive Director within the same timescales.

Appeals will be heard by an Executive Director, or a member of their Senior Management Team, normally from a different Department to that in which the original hearing was held.

The employee will receive a reply to the appeal letter within 7 calendar days, acknowledging the registering of the appeal which will take place as soon as practicable. There will be a minimum of 7 calendar days' notice of the appeal date.

Normally the appeal hearing will be a review of the investigation and of the Hearing Officer's conclusions rather than a full rehearing.

Any evidence or statements of case upon which either management or the employee wish to rely, will be provided to the Appeal Hearing Officer and other party at least 7 calendar days prior to the appeal.

A legal adviser and an HR adviser will be present at any appeal against dismissal to advise on the law and procedure.

The employee has a right to be accompanied at the appeal by a colleague or trade union representative or an official employed by the trade union.

The employee will be informed of the outcome of the appeal in writing within 7 calendar days. That outcome is the final stage within the Council's procedures.

15. Disciplinary Records

Any actions relating to individual employee discipline should be recorded and maintained on relevant logs within Departments and on personal files. Records will be treated as confidential and kept in accordance with the Data Protection Act [2018] and the General Data Protection Regulation which gives individuals the right to request and have access to certain personal data.

Monitoring of disciplinary action will be undertaken by the responsible Director and reported to the Executive Director of Commissioning, Communities and Policy on a regular basis.

Appendix 1 of Disciplinary Procedure- Examples of Misconduct

The following are examples of misconduct. It is not intended to be an exhaustive list. Some offences are serious enough to be deemed as gross misconduct and thereby destroy the contract between the employer and employee making any further working relationship impossible. Where this is proven to be the case, those offences could lead to dismissal without notice. The ACAS Code of Practice provides examples of acts that may be regarded as gross misconduct. These examples include theft, fraud, physical violence, gross negligence and serious insubordination. However, the seriousness of the offence and the circumstances in which it was committed will determine which offences constitute gross misconduct.

Abuse of the Council's ICT policies and procedures in respect of computer, e-mail, internet, etc, e.g. accessing, downloading or distributing pornographic, obscene, offensive or illegal material.

Abuse of position - using an official position for private advantage or for the private advantage of some other person. Misuse of the Council's property or name.

Abuse of a service user

Behaviour - conduct which is not in accordance with the principles of mutual trust, respect and courtesy, in particular, violent, offensive, abusive, indecent or otherwise inappropriate behaviour, in any form.

Bringing the Council into disrepute

Bullying, intimidation, victimisation or other forms of harassment

Criminal Offences - where the offence/alleged offence has employment implications.

Damage to Property - deliberate damage, misuse, or use without authority of the property of the Council or fellow employees.

Disclosure of information, including disclosure to a third party, without authority, of personal or confidential information acquired during the course of Council employment or breach of information security which contravenes the Council's policies, codes or guidance.

Discrimination - against a member of the public or colleagues on grounds of sex, sexual orientation, marriage and civil partnership, age, race, gender reassignment, pregnancy or maternity, religion or belief or disability.

Dishonesty

Employees whose posts are subject to Criminal Records Checks/Other Clearance - failure to notify line management of any activity likely to result in subsequent criminal investigation, conviction or police caution being served.

Falsification of Records - including the deliberate falsification of qualifications or records e.g. working time, expenses, client records or similar documents.

Fraud

Incapability through alcohol or being under the influence of illegal drugs other than where the case would be more appropriately dealt with under separate procedures

Insubordination – failure to comply with the reasonable and lawful instructions of management.

Negligence, which causes or might cause unacceptable loss, damage or injury

Physical violence

Registration requirements – failure to meet the registration requirements of a statutory body

Rules - failure to observe the provisions of the Council's Standing Orders, Financial Regulations, Policies, Code of Conduct and other applicable rules.

Safety - failure to act in accordance with applicable Health and Safety Policies; any act or omission on the part of the employee which endangers the health or safety of themselves, other employees, service users or members of the public.

Theft

Time Keeping/Attendance - failure to attend work regularly and punctually during agreed working hours; failure to report inability to attend work due to illness or for any other reason, promptly, and in accordance with the Council's procedures; prolonging absence by neglecting to act on medical advice.

Appendix F Grievance Procedure

1. Purpose

A grievance is a concern, problem or complaint which is raised by an employee if they feel unhappy about an aspect of their work or treatment they have received.

The purpose of this procedure is to set out a process to address an employee's grievance as quickly and fairly as possible.

2. Scope

The procedure applies to all employees of the Council except those employed in schools where the Governing Body performs the function of the employer.

3. Key Principles

This procedure has been developed in line with ACAS guidance and the Code of Practice on Disciplinary and Grievance Procedures.

- The Council believes that all employees should be treated fairly and with respect.
- High performance and productivity are dependent on effective working relationships and the fair and reasonable handling of grievances is an important element in creating and maintaining those relationships.
- Managers and employees should approach grievances constructively, deal with issues promptly and not delay meetings, decisions or confirmation of those decisions.
- The prime focus of managers and employees raising a grievance should be on resolving the issue informally, without the need for reference to the formal procedure.
- Employees should be allowed full opportunity to explain their grievance and be provided with feedback at all stages.
- The employee can be accompanied by a colleague or trade union representative throughout the process.
- If an employee raises a grievance during disciplinary proceedings, both issues can be dealt with concurrently. Where a grievance is raised which is separate and wholly unrelated to the matter in hand, consideration can be given to dealing with the grievance separately at the conclusion of the disciplinary process.
- Mediation should be considered where appropriate at every stage of the procedure including after an appeal has been lodged.
- Neither party is allowed to electronically record meetings held as part of his procedure. The use of recording equipment by with party without consent may constitute a disciplinary matter.

4. Exclusions

This grievance procedure will not apply:

- Where there are separate, specific Council procedures to address an issue e.g. Harassment Procedure, Confidential Reporting Code, Recruitment and Selection Procedure.
- To issues which are the subject of collective negotiation or consultation with the trade unions or to collective disputes. This does not preclude a group of employees raising a collective grievance.
- Where the complaint is considered to be trivial, frivolous, vexatious or repetitive.
- Where there is an attempt to use the grievance procedure for potentially false or malicious accusations. This may be treated as misconduct and may lead to disciplinary action.
- In relation to the grading of a post.

- To complaints about allegations of misconduct by another employee; these will be investigated under the disciplinary procedure.
- To complaints about disciplinary action taken against an employee; these should be dealt with as an appeal under the disciplinary procedure.
- In relation to an incident which happened more than 3 months previously. However, complaints may be considered which are out of time where there are extenuating circumstances.

5. Roles and Responsibilities

Managers and employees are responsible for attempting to resolve grievances.

HR will provide support and guidance to managers on the operation of the procedure and offer access to the Council's mediation process if required. Manager guidance supplements this procedure.

Employees may be accompanied if they choose throughout the process by a colleague or a trade union representative.

6. Addressing a Grievance

Informal Stage

Employees and their managers must aim to settle a grievance by discussing it informally before proceeding to formal, written grievance statements. The majority of concerns, problems and complaints should be settled in this way. If the complaint is about the employee's manager, a more senior manager should be involved. Employees can take advice from departmental HR on who to approach.

Formal Stage 1 – Meeting

Employee

If the employee considers that their grievance has not been resolved to their satisfaction by informal discussion, they have a right to submit the grounds of their grievance in writing to a more senior manager. This must include:

- Full name, employee number, job title and department.
- A summary of the facts of the grievance.
- Dates and times of any incidents, in order.
- Details of any witnesses or supporting evidence.
- Details of what efforts the employee and others have made to resolve the complaint.
- The reason(s) why the employee remains dissatisfied with the outcome of the informal stage of the procedure.
- Details of who will accompany the employee to the grievance meeting.
- Details of what resolution/outcome the employee would like to redress their grievance.

Manager

- The working arrangements in place immediately prior to the grievance being lodged will remain for the duration of the grievance, unless the manager considers that one or more of the following override that principle:
 - relevant legislation e.g. health and safety,
 - safeguarding requirements,
 - professional accountability,
 - the safety of service users and staff
 - the efficiency of the service

- The manager will reply to the grievance letter within 7 calendar days, inviting the employee to attend a meeting to discuss the grievance. The manager may need to gather information before or after the meeting, whichever is most applicable to the case.

Meeting

- The meeting will take place as soon as practicable after the letter has been received.
- There is a right to be accompanied at the meeting. This would normally be by a colleague or a trade union representative.
- The purpose of the meeting is to give the employee opportunity to explain their grievance and to seek a way to resolve it, taking into account the Council's policies, procedures and rules and the need for consistency and fairness.
- The employee should go to the meeting prepared to fully explain their case and to make clear what action they are seeking to resolve the grievance.
- The employee should be given the option of accessing the Council's mediation process. This would entail pausing the grievance process whilst mediation is explored.

Outcome

- The manager will normally inform the employee of the decision made on the grievance at the end of the meeting. In some cases an adjournment will be necessary to consider the case or to investigate it further.
- After the meeting the employee will be informed in writing within 7 calendar days of the manager's decision on the grievance. The letter will inform the employee of the action the manager proposes to take in response to the grievance or that no action can be taken.
- The employee will be informed of the right of appeal.
- The employee should discuss the proposed outcome with their line manager, where appropriate.

Formal Stage 2 – Appeal

- If the employee is not satisfied with the outcome of the grievance meeting, there is a right of appeal to the employee's Executive Director, which must be registered in a letter to the Director of Organisation Development & Policy within 7 calendar days of receipt of the written notification of the meeting decision.
- The appeal will focus on the parts of the decision the employee is not satisfied with.
- The grounds of appeal should be set out in the appeal letter and the employee or their representative will use those grounds to establish their case at the beginning of the appeal.
- The Director will reply to the appeal letter within 7 calendar days, acknowledging the registering of the appeal, the hearing of which will take place as soon as practicable. There will be a minimum of 7 calendar days' notice of the appeal date.
- Any statements of case or evidence on which either management or the employee seeks to rely, will be provided to the Appeals Hearing Officer and other party at least 7 calendar days prior to the hearing.
- The employee has a right to be accompanied at the appeal, by a colleague or trade union representative.
- The employee will be informed of the outcome in writing within 7 calendar days. That outcome is the final stage within the Council's procedures.

Appendix G Normal Holiday Pay Framework Guidance

Scope of Agreement

The agreement provides for all elements of regular pay over and above basic pay, including overtime, enhancements and specified allowances to be taken into account in calculating your holiday pay entitlement.

The framework applies to your statutory leave entitlement which equates to 28 days for full time employees. This comprises 20 days annual leave (derived from Regulation 12 of the Working Time Regulations) out of your total occupational annual leave entitlement (between 25 and 34 days depending upon your continuous local government service and grade) plus an additional 8 bank holidays. This allowance is pro-rated for those who do not work full time. All additional hours worked over minimum contract hours up to full time equivalent (37 in any week) are excluded from the calculation on the basis that these are paid through the separate accrued annual leave provisions.

The additional annual leave value of those elements of pay included will be calculated for the current year on the basis of your actual earnings for the previous financial year, so for 2020/21 the calculation is based on all relevant actual earnings for 2019/20.

Timing of Payments

The value of the additional normal annual holiday pay entitlement will be calculated in June each year to allow for inputting of overtime, enhancements and allowances up to the previous March. Those employees whose annual payment exceeds £25 will receive the first three instalments in June, these will cover the period April to June the remainder being included in monthly pay up to the following March. Any annual payments of £25 or less will be paid in full in June each year.

If you have joined the organisation during the period 1st April to 31st March your payments will be calculated on the basis of your gross earnings during the part of the year you worked, but will be factored up to calculate a representative full years entitlement. The retrospective payment will then be pro-rated to the part year actually worked, so for example, if you commenced on 1st October you would receive 6 months entitlement (half the annual value).

A schedule setting out the annual calculation will be sent to you every year after the May pay day and prior to commencement of the payments.

Opting out of the Framework

You may choose to opt out of the annual calculation and elect for a payment based on the 52 weeks statutory formula contained within the Employment Rights Act 1996, which may result in a lower or greater value than the amount payable to you under the jointly agreed annual arrangement. For employees opting out of the annual framework agreement holiday pay would be calculated on all relevant earnings in the 52 week period worked immediately prior to the leave actually being taken. These arrangements would apply to the first 20 days annual leave taken in the year, as this is what is provided under the statutory provisions, but payment for bank holidays would remain as current.

If you chose to opt out of the scheme, you will not be able to opt back in for the remainder of the leave year and opportunity to change your preference will not occur until notification

of next year's additional normal annual holiday pay value, which it is intended will take place after the May pay day each year.

Should you wish to opt out you are advised to discuss the matter in the first instance with your trade union representative, if you are a member. If you then decide to opt out please contact HR Services, Time Team on 01629 535119 and select option 1, who will make arrangements for you to formally notify us of your wish in writing.

Further Information

If you have any queries in respect of the framework agreement you should contact your line manager, trade union representative or HR Services Time team for further advice. tel: 01629 535119 (select option 1) or alternatively via email at pay@derbyshire.gov.uk.

