

ADVICE NOTE: Contracts of Employment

There is no legal requirement for an employer to provide a written contract of employment; however, there is a requirement upon an employer to provide a written statement of particulars of employment (section 1, Employment Rights Act 1996).

It used to be that this statement of employment particulars must be provided to the employee within 2 months of the employee starting their employment with a new employer. **However, it is important to note that the requirement from 6th April 2020 is that these are supplied on or before the first day of work.**

If you started working for your employer before 6th April 2020 you can ask your employer for written terms that meet the new requirements. The employer then has one month to provide them. If you have not received this within the above timescale you should raise it, informally at first. If you still don't receive it you can raise it as a grievance.

It is often useful to include more detail in a written contract of employment that also complies with the statutory requirement. This is what NALC and the SLCC have agreed in the model contract employment available here [see advice note]. SLCC can give assistance if more specific contract provisions are required.

What must written particulars include?

Under the legislation, the written statement of particulars must include the following:

- Name of the employer and employee;
- Date when the employment began;
- Date on which the employee's period of continuous employment began;
- Scale or rate of remuneration or how remuneration will be calculated;
- Intervals at which remuneration is paid, be it weekly, monthly etc;
- Terms and conditions relating to hours of work;
- Terms and conditions relating to:
 - Holiday entitlement and pay;
 - Incapacity for work due to sickness or injury, including provisions for sick pay; and
 - Pensions and pension scheme and whether a contracting-out certificate is in place.
- The notice the employee is obliged to give and entitled to receive to terminate their employment;
- Title of job which the employee is employed to do or a job description;
- Period for which the employee is employed if the contract is not permanent;
- Place of work; and
- Any collective agreements which affect the terms and conditions of the employment e.g. National Agreement on Pay and Conditions of Service and any disciplinary and grievance procedures which the Council has.

From April 2020 in addition to the above, the following requirements were introduced:

- the days of the week to be worked are stated and whether the hours are variable;
- any other paid leave;
- any other benefits provided by the employer;
- any probation period including its duration and any conditions; and
- details of training required.

Key provisions of the National Agreement on Pay and Conditions of Service (“Green Book”) which may affect employees’ contracts of employment

If a Council abides by Green Book provisions, there are a number of contractual terms which are automatically incorporated into relevant employees’ terms and conditions. Key provisions are outlined below:

Sickness Scheme

Should a Council abide by Green Book provisions, salary grade may be related to ‘spinal column point numbers’. Each grade comprises a number of these points and attracts a salary that has been negotiated nationally in the NJC for Local Government Services for that point. Scales are incremental and by gaining certain recognised qualifications a Town Clerk may be able to gain additional increments to his or her salary above the scale previously agreed for the role.

However, a Council does not have to use only the national scales and may have devised its own pay grading structure. The SLCC and NALC provide job evaluation services and further information can be found on the SLCC website.

Working Time

Since 1999, the standard weekly hours of full-time staff have been 37 (36 in London). Hours worked in excess of this, should be paid at premium rates as per the Green Book:

- ☐ Monday - Saturday: time and a half;
- ☐ Sundays and public and extra statutory holidays: double time (a minimum of 2 hours must be worked).

Annual Leave

Relevant Council employees are entitled to a holiday with normal pay for each of the bank and public holidays as they occur.

After 5 years’ service, Council employees are entitled to 25 days annual leave (pro-rated for part-time employees) on top of their entitlement to 21 days plus bank/public holidays. As a result of the pay deals agreed in 2020 and 2022 these increased to:

22 days with effect from 1st April 2020 with no increase for staff with longer service

23 days with effect from 1st April 2023 with an increase to 26 days for staff with 5 years or more service

In addition, Council employees are also entitled to 2 “extra-statutory” day’s holiday (pro-rated for part-time employees). Individual Councils are able to negotiate with their Trade Union as to when these extra-statutory days shall be taken. For Parish Councils, it may be more usual for consultation to take place with employees directly and for entitlement to be established by virtue of custom and practice.

Sick pay

Green Book provisions supplement Statutory Sick Pay and Incapacity Benefit in order to maintain normal pay during defined periods of absence from work.

Council employees subject to the Green Book are entitled to receive sick pay for the following periods:

During 1 st year of service	1 month’s full pay and (after completing 4 months service) 2 months’ half pay
During 2 nd year of service	2 months’ full pay and 2 months’ half pay
During 3 rd year of service	4 months’ full pay and 4 months’ half pay
During 4 th and 5 th 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

© Copyright 2023

SLCC Members may use and adapt these documents within their own councils on the understanding that the copyright remains with the SLCC.

The Society of Local Council Clerks is a company limited by guarantee and registered in England and Wales with company registration number 10566132

Car Allowances

Where an authority authorises an employee to use a private car on official business, the employee may receive an allowance in accordance with Part 3 Section 6 of the Green Book. Please refer to the advice note entitled “Car Usage”.