



**EAST RENFREWSHIRE COUNCIL
LOCAL GOVERNMENT EMPLOYEES
LOCAL TERMS AND CONDITIONS OF EMPLOYMENT**

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Appendix 1 (Payments for Employees Performing Standby)

1 Introduction

The Council is committed to adopting modern terms and conditions that provide improvements in service delivery and ensure equality across the workforce. The terms and conditions below seek to:

- Provide equality of access to allowances and enhancements
- Be non-discriminatory in terms of levels of allowances and enhancements
- Support pay equality delivered by the new pay and grading structure
- Ensure pay policy, procedure and practice is free from gender bias.

2. Working Time Arrangements

2.1 Normal Working Week/Core Hours.

The normal working week is a standard 5-day week (Monday–Friday) with the core hours covering the period Monday to Friday 7.00am to 7.00pm.

Any future changes in individual employee's working hours, however, will be determined by the needs of the department/service and will be subject to the normal consultation process.

2.2 Atypical Working Allowances

Work within the normal working week/core hours as identified in 2.1 above will not attract any work pattern allowance. All work outwith these core hour periods with the exception of night shift work (see paragraph 2.3) and overtime (see paragraph 3.1) will attract an allowance of 15%.

2.3 Night Shift Work

All hours wholly worked as part of the normal working week in a pattern that can be identified as a night shift (normally including the hours of 10.00pm to 6.00am) will be paid at the rate of time and a third. This payment will also apply to part time night workers, provided that it is part of their normal working week.

Any hours in excess of 37 hours worked outwith the normal working week will be treated as overtime and paid in accordance with clause 3.1.

2.4 Working Time Regulations

To comply with the terms of the Working Time Regulations, the Council will actively discourage employees from working excessive hours. Any employee who wishes to work more than 48 hours per week will require to sign an agreement confirming his/her opt out from the 48 hour week. Where an employee has more than one job with the Council the total working time of all jobs require to be assessed against the 48 hour limit.

2.4.1 Other Employment

For the purposes of the Working Time Regulations, employees must notify their line manager, in writing, if they have other remunerative employment, which takes their overall working week beyond 48 hours. Employees can take up other employment outwith the Council provided that it does not conflict with the interests of the Council.

3 Overtime

Overtime will be determined as time worked beyond 37 hours in any week where a standard 5 day week is operated or as time worked in excess of an average 37 hour week over a shift cycle where shift working is in place.

3.1 Overtime Premium.

Premium rates will be paid for all overtime hours as follows: -

All days (except Fixed Public Holidays): - Time and a half

Fixed Public Holidays: - Double time
(Detailed in Paragraph 4.1.below)

Overtime worked during non-core hours will be paid at the appropriate overtime rate and will not attract an atypical working allowance. Non-core hours are the hours outwith the core hours of Monday – Friday 7.00am to 7.00pm.

Employees who are contracted to work less than 37 hours each week will be paid at plain time for any additional hours worked up to 37 hours in any week and at the appropriate enhanced rates, detailed above, for those hours worked in excess of 37 hours.

There are occasions when employees may undertake overtime in a different role from their normal job. Overtime payments in these circumstances will be based on the grade for the work performed. This applies to both full and part time workers.

In all instances where employees are being offered overtime or additional hours in a job different from their normal role this should be fully explained to the employee before the work is undertaken

3.2 Employees with more than 1 post

Where employees are employed in two or more part time posts each post will be treated separately for overtime. Accordingly, employees will have to work more than 37 hours in a particular post before they qualify for overtime payments at the enhanced rate in that post.

3.3 Time off in lieu of Overtime

As an alternative to overtime payments, employees may opt to receive time off in lieu of payment. Time off will be allowed on a plain time basis and can be mutually agreed between the employee and the line manager as an alternative to payment.

3.3 Travelling expenses

Employees cannot claim travelling expenses for reporting for overtime outwith normal working hours other than responding to a call out

4. Public Holidays.

4.1 Public Holiday Calendar

In addition to annual leave, employees shall be granted 10 general and public holidays, equating to 70 hours for a 35 hour contract and 74 hours for a 37 hour contract (pro-rated for part time). These are fixed in accordance with the undernoted formula:

First two working days of the New Year	(2)
Good Friday and Easter Monday	(2)
First Monday in May	(1)
Monday on or after 24 May	(1)
Last Monday in September and preceding Friday	(2)
Christmas Day and Boxing Day or the next working day(s) thereafter	(2)
Total	(10)

Separate arrangements apply in respect of non-teaching staff in schools and details of the dates agreed are issued separately by the Director of Education.

Where a public holiday coincides with a non-working day for an employee, the proportionate entitlement due will be added to annual leave entitlement. Where an employee receives more public holidays than they are entitled to due to an irregular work pattern, the excess leave received will be deducted from annual leave entitlement.

For employees engaged on night/shift working the general or public holiday shall be defined as that complete shift which commences on the eve of the designated general or public holiday and which ends on the day of the designated holiday.

Within any service which needs to operate over the Christmas and New Year holiday period consultation with employees shall be undertaken to determine which days should be recognised as public holidays where these holidays coincide with weekends.

4.2 Part Time/Part Week Employees

Part time/part week employees will receive a pro-rata entitlement to fixed public holidays

4.3 Work on a Fixed Public Holiday

(Payment for working overtime on any of the fixed Public Holidays is covered at Paragraph 3.1).

An employee required to work on a fixed public holiday as part of the working week shall be paid on either of two options to be agreed between the employee and their line manager. The options are as follows: -

1 Normal pay for the day plus plain time rate for the time actually worked within normal working hours and allowed time off with pay in lieu at a later date on the following basis -

<u>Time worked</u>	<u>Time Off</u>
Half of a normal day or night or less	Half of a normal working day or night
Over half of a normal day or night	The whole of a normal working day or night

An employee required to work on a fixed public holiday involving more than one attendance shall be allowed a whole day or night off with pay at a later date, irrespective of the aggregate of hours worked.

OR

2 Normal pay for the day plus double time rate for the time actually worked within the normal working hours, with no time off at a subsequent date in lieu of the fixed public holiday.

Note: For night workers, a Public Holiday will be the hours between 8.00pm on *the* eve of a fixed public holiday and 8.00am on the following day.

5 Annual Leave

5.1 Annual Leave Allowances

Where a standard **five day week** is worked over the whole year, entitlement to annual leave will be as follows: -

Completed years of service by 1 st January	Annual leave entitlement in days (full time equivalent)	Annual leave entitlement in hours (full time equivalent, 35-hour contract)	Annual leave entitlement in hours (full time equivalent, 37-hour contract)
Less than 12 months	23 (pro-rata based on start date)	161 hours (pro-rata based on start date)	170.5 hours (pro-rata based on start date)
1 year	24	168 hours	178 hours
2 years	25	175 hours	185 hours
3 years	26	182 hours	192.5 hours
4 years	27	189 hours	200 hours
5 years	28	196 hours	207.5 hours
6 years	29	203 hours	215 hours
7 years	30	210 hours	222 hours
8 years	31	217 hours	229.5 hours
9 years	32	224 hours	237 hours
More than 10 years	33	231 hours	244.5 hours

Employees who work non-standard working patterns (including job sharers, part time employees and employees with a compressed work pattern) will receive a proportionate entitlement.

5.2 Carry over and borrowing of leave

All employees, except term time employees, will be allowed to carry over up to 35 hours or 37 hours (depending on contract type) of annual leave from one leave year to the next without reference to their line manager. This is pro-rated for part time employees.

Where an employee can identify, before the end of a leave year, specific leave requirements for the next leave year, annual leave in excess of 35/37 hours may be carried over with management approval.

Employees may also “borrow” up to 35 or 37 hours (depending on contract type) from the annual leave entitlement from the following year.

5.3 Annual leave at termination of employment

Where an employee leaves the Council during the year, payment may be made for outstanding annual leave due at the date of termination. However, where an employee has carried annual leave forward from one leave year to the next and terminates their employment, no payment will be made for the unused carried over leave.

Under no circumstances can unused annual leave be converted to additional wage/salary payments other than as above when an employee is terminating their employment.

5.4 Annual Leave and EDC Long Service Award.

Employees currently in receipt of a long service award negotiated with Eastwood District Council can opt to continue to receive this annual payment rather than take the additional annual leave. However, they will not be entitled to receive both the long service award and the additional annual leave.

5.5 Annual Leave and Term Time Employees

Employees contracted to work term-time are required to attend on each day of the school session. As such, these employees cannot request annual leave for days they are contracted to work. Term-time employees do receive an allowance for annual leave and public holidays within their annual salary proportionate to their term time working pattern.

Tables showing the effects of the Term-time formula will be made available in every school so that employees can see how their own salaries have been calculated using the formula.

6. Pay Cycles

All new entrants will be appointed on a four weekly pay cycle.

7 Standby/Call Out/Disturbance Payment

7.1 Standby Duty Allowance and Call out Payment

Employees who participate on a standby rota shall receive the appropriate stand by payment as advised by the Local Government Employers' Organisation in Personnel Services circulars.

An employee contacted and/or called out whilst on standby shall receive the appropriate disturbance and call out payments as advised by the Local Government Employers' Organisation in Personnel Services circulars.

7.2 Disturbance and Call out Payment

Employees who are not on standby but who are contacted and/or called out to perform work outwith their normal working hours will be paid at the nationally agreed rates as advised by the Local Government Employers' Organisation in Personnel Services circulars.

7.3 Standby Duty On A General Or Public Holiday

Employees required to undertake standby duty in accordance with the provisions contained within the Local Government Employers' Organisation in Personnel Services circulars on a general/public holiday shall be granted, in addition to the appropriate allowance, compensatory leave.

Current payments for standby, disturbance and call out are attached in the appendix to this document.

8 Learning and Development

Employees cannot claim excess travelling expenses for undertaking block/day release at university/college. Full details of L&D terms and conditions are available through the Learning and Development policy.

9 Mileage allowance

The Inland Revenue Fixed Profit Car Scheme is used to reimburse employees who use their own car for business purposes. This is based on an AA/RAC formula and it is the Government's measure of the costs of running a car.

For the financial year 2011/12, the Inland Revenue Fixed Profit Car Scheme rates are as follows:-

Cars and Vans	45 pence per mile for first 10,000 miles and 25 pence per mile thereafter
Motor Cycles	24 pence per mile
Bicycles	20 pence per mile

The date of implementation of using this scheme was 1 July 2007 and all casual users transferred to these rates on that date. Essential car users were preserved on the rates at that date while they remain in their current position.

Employees who do not have the use of a car and who have to travel in the course of work will have the costs of public transport reimbursed. Payment options on travel cards/public transport will be pursued in line with the Council's Employee Travel Plan.

Payment at the rate of 5 p per mile shall be paid in respect of each additional passenger carried on a journey for the purpose of official business.

10 Excess Travel

Excess travel expenses will be paid for a period of 3 years based on the excess travel expenses incurred on the day of transfer. There is no minimum claim and all additional travel expenses will therefore be payable. Claims will be based on actual public transport costs or, for authorised car users 40 pence per mile in accordance with the Inland Revenue Fixed Profit Car Scheme car rate for the first 10,000 miles.

11 Subsistence Allowances

The lunch allowance from 1 July 2007 will be £7.99; the allowances for other meals and absences will be issued in a circular. The allowances quoted will be the maximum payable to employees. These allowances will receive an annual cost of living increase from 1 April each year.

Claims for payment will need to be supported by the submission of a receipt. Where the receipted amount is less than the allowance the actual amount will be paid.

12 Telephone Allowance Scheme

The Telephone Allowance Scheme will only provide payment for business calls made from a home telephone. An employee who has a Council provided mobile phone will be expected to use this for business calls and will not therefore receive any payment for calls made from a home telephone.

Employees who were receiving an allowance through the Telephone Allowance Scheme at 1 July 2007 will have this allowance preserved on a personal basis.

13 Higher Duty Payments

13.1 Employees on Grade 7 or below

- (a) Where, for reasons other than absence on normal holiday, an employee is temporarily required for a continuous period of one week or more, to undertake duties in addition to their normal duties, of a post the grade of which is higher than the employee's own grade, the employee will be granted an allowance based on the difference between their existing salary and the minimum point of the grade of the higher post (or the second point of the grade of the higher post where the employee is on the maximum point of the next lower grade), due regard being taken of (a) the salary scale for the higher post, (b) the extent of the additional duties and responsibilities, and (c) the period for which these are undertaken. The allowance will be paid retrospectively, with effect from the day on which the employee was required to undertake the duties of the post.
- (b) Where an employee temporarily assumes 100% of the duties of a post, the grade of which is higher than the employee's own grade (and, the employee therefore ceases to undertake their normal duties) for a minimum period of one hour, then, provided the appropriate line manager has authorised the extent of the higher duties and the applicability of this provision, the employee will be paid at the rate of pay for the higher post for the period during which the employee assumed 100% of the duties of the higher post.

13.2 Employees on Grade 8 or above

Where, for reasons other than absence on normal holiday, an employee is temporarily required for a continuous period exceeding 4 weeks, to undertake duties in addition to their normal duties, of a post the grade of which is higher than the employee's own grade, the employee will be granted an allowance based on the difference between their existing salary and the minimum point of the grade of the higher post (or the second point of the grade of the higher post where the employee is on the maximum point of the next lower grade), due regard being taken of (a) the salary scale for the higher post, (b) the extent of the additional duties and responsibilities, and (c) the period for which these are undertaken. The allowance referred to will be paid retrospectively, with effect from the day on which the employee was required to undertake the duties of the post.

The payment of the allowance shall be subject to the following conditions:

- Incremental progression will be taken into account in calculating such allowances, whether or not the employee is undertaking 100% of the duties of the higher graded post.
- Employees will continue to receive such allowances while on annual leave unless the higher graded post holder returns to duty or the duties are undertaken by another employee.

- Overtime by employees undertaking 100% of the duties and responsibilities of the higher graded post shall be calculated including the allowance.
- Overtime by employees undertaking less than 100% of the duties and responsibilities of the higher graded post shall be calculated excluding the allowance.
- Employees who, while in receipt of such an allowance, are absent due to sickness or on leave of absence without pay shall not be paid the allowance during the period of absence.
- Such allowances shall not be paid to employees designated 'trainee' as these employees normally work under supervision.

14 Resettlement allowance

The individual maximum for each section will be removed although the overall allowance will remain at £5,000. This will be subject to a cost of living increase each year.

15 Appointment to Council Area

All new entrants and promotion appointments within the Council will be made to the Council wide area.

16 Leave of Absence Following Exhaustion of Occupational Sickness Allowance

On the exhaustion of occupational sickness allowance, an employee with more than 26 weeks service may apply for leave of absence without pay. This will normally be granted for one period not exceeding 6 months by the employee's Director/Head of Service. During this period, the employee's post will be kept open.

The Director/Head of Service must point out that, on expiry of that period, the existing contract will be terminated if the employee is still unable to resume duty. Before the expiry of this period of unpaid leave, however, the Director/Head of Service should consult both the employee concerned and the Deputy Chief Executive as to how the interests of the Council and the employee can best be served.

17 Term-Time Employees

For employees who work term-time, their pay is adjusted to take account of the fact that they are employed during the school session and that they cannot take annual leave when they wish. Every term-time employee's salary takes account of their length of service in respect of annual leave entitlement, their placing within their grade and the number of hours/weeks for which they are employed.

Tables showing the effects of the term-time formula will be made available in every school so that employees can see how their own salaries have been calculated using the formula.

18 Salary/Pay Related Matters.

18.1 Annual Salaries and Hourly Rates

As part of the implementation of the Single Status Agreement, all employees' salaries are based on the Spinal Column of Hourly Rates as determined by the Scottish Joint Council for Local Government Employees. Accordingly, annual salaries will reflect the average number of hours worked on a weekly basis.

18.2 Salary/Wage Calculators

18.2.1 A day's pay will be calculated by multiplying the number of contracted hours for the day by the relevant spinal column hourly rate.

18.2.2 A week's pay will be calculated by multiplying the average number of contracted hours worked each week by the relevant spinal column hourly rate.

18.2.3 Annual salaries will be calculated using 52.14 weeks to reflect the number of weeks/days in the average year.

18.3 Preservation of Salary

In addition to the specific salary protection package agreed as part of the Single Status package, the general terms and conditions contain provisions for the payment of detriment in certain other circumstances. The national clause on salary protection was discontinued at 1 July 1999 (the date of the national single status agreement), and this revised Council condition is to deal with salary protection for situations which may arise following and not related to the introduction of the Council's new pay and grading structure.

The Council's salary protection scheme reflects the national single status detriment condition. It allows cash conservation for a period of 3 years where reorganisation within the Council results in an employee's pay being reduced. Salary protection will not apply where an employee is redeployed in a redundancy situation or on medical grounds. In these situations, the employee will receive the rate for the redeployed position from the date of taking up the alternative position.

18.4 Application of Salary Scales

New entrants to the Council's service will normally be placed on the minimum salary scale for the post. Where a specific candidate is considered the best recruit for the post and they are in receipt of a higher salary than the starting point of the salary scale, Directors/Heads of Service may consider previous relevant experience and place new entrants at a higher point on the scale.

Directors/Heads of Service are required to consult with HR Services prior to higher incremental placing of a new entrant. HR Services will maintain a record of all initial placings above the minimum for the post.

18.5 Incremental Progression

All posts are assigned to an incremental salary scale. Where employees have not reached the maximum of their grade, they will progress to the top of the grade by annual increments, payable normally from 1 April in each year.

New entrants to the service of the Council, and employees promoted to a higher graded post, between 1 October and 31 March in any year will be entitled to an increment after 6 months service in that post.

18.5.1. An increment may be withheld in cases of poor performance subject to the conditions of the Managing Performance policy and the Discipline procedures.

18.6 Promotions/Regradings of Posts

Employees who are promoted to a higher graded post will be placed on the first spinal column point, on the new grade, higher than their existing salary point. This will also apply to employees who are in posts that have been regraded.

If an employee, however, is promoted in the second half of the financial year and placed on the first spinal column point on their new grade, he/she will receive a further increment on 1 April to maintain the salary differential if before their promotion, he/she would have progressed to this spinal column point on the next 1 April. This also applies to the regrading of posts.

18.7 Sleep in Allowance

In residential establishments, where in exceptional circumstances no employee is required on waking night duty, at least one employee shall be rostered to sleep on the premises and be available for duty when called during the hours outside the waking day. An employee so rostered will be paid at the nationally agreed rates as advised by the Local Government Employers' Organisation.

18.8 First Aid Allowance.

Employees required to hold a current certificate in First Aid, will be paid the First Aid Allowance as advised by the Local Government Employers' Organisation. Employees will receive the total agreed annual rate regardless of the hours worked by the employee.

A first aid payment will be suspended if an absence on sick leave is longer than 1 week.

19 Contract of employment and service related matters

19.1 Reckonable Service

Entitlement to annual leave, to the occupational sickness scheme, to the occupational maternity scheme and to notice, is based upon the length of reckonable service.

For employees who joined the Council after 1 July 1999, reckonable service will include not only continuous service within local government, but *all* previous *continuous* service with a range of other public authorities (such as the National Health Service, Civil Service and Communities Scotland), voluntary organisations (where they are wholly or partially funded by the Council) and Public Private Partnerships where employees have transferred from East Renfrewshire Council to a partnership and have been reappointed to a post within the Council without a break in service. It should be noted that non continuous service will be disregarded.

There will be no change to the way reckonable service for employees who joined the Council before 1 July 1999 will be calculated since this has always taken account of continuous service with these other employers. Further, if an employee joined the Council before 1 July 1999 and were entitled to have non continuous service taken into account, this service will still form part of their reckonable service.

Where an employee has entered or re-entered local government employment and is in receipt of benefits under any occupational pension scheme, service for the purposes of annual leave, the occupational sickness scheme, the occupational maternity scheme and notice shall commence on the day of entry or re-entry into the local government service.

19.2 Notice

Notice periods will be aligned with pay frequencies. However, temporary staff will retain a maximum notice period of one week. Legislative provision in respect of employees' entitlement to receive a week's notice for each year of service up to a maximum of 12 weeks will continue.

19.3 Re-engagement following early retiral or redundancy

Where an employee leaves the Council, and receives a termination payment through the early retiral or redundancy processes, there will be no re-engagement of employment in any type of role within the Council for a period of 2 years. Any exceptions to this are subject to Director approval.

20 General

20.1 Redeployment/Secondment Policy

Where an employee requires to be redeployed following a temporary secondment/ contract, this will be processed in line with the Redeployment Policy agreed between the Council and the trade unions in May 2010.

20.2 Age Discrimination

It is unlawful to discriminate on grounds of age. As such, the Council will no longer have wage for age salary scales other than those specified for apprentices.

20.3 Early Retirals

Employees will continue to be subject to the terms of the Local Government Pension Scheme. Strathclyde Pension Fund, which administers the pension scheme for the Council, requires 3 months written notice of an early retirement once it has been approved.

20.4 Political Restrictions on Local Government Employees

Certain restrictions exist whereby in terms of the Local Government and Housing Act 2009, a person who holds a "politically restricted post" is disqualified from being or becoming a member of a local authority, member of the House of Commons, member of the Scottish Parliament, or member of the European Parliament.

There are other restrictions on the political activities and full details are available from the Deputy Chief Executive and/or the employee's own department.

20.5 Grading Appeal Procedures

All employees are entitled to apply for changes to their grades. Any applications, however, must be made in the first instance through the Director/Head of Service and must be based on significant changes in duties and responsibilities which alter factor levels for the post(s) within the Job Evaluation Scheme.

The Director/Head of Service will consider any changes in duties and responsibilities, either as part of an individual appeal or as part of a group appeal, and take account of possible ramifications within their department as a whole. Where, after such consideration, it is concluded that any application should not be proceeded with, the Director/Head of Service will

advise the originator accordingly, giving reasons. Where the individual or group is aggrieved by such a decision, it is open to them to pursue the matter through their trade union.

Where a Director/Head of Service decides to initiate or support an application, he/she will submit it to the Deputy Chief Executive for consideration. When so doing, the reasons for making the proposals must be fully stated, together with an indication of the anticipated financial implications so far as they can be assessed at that stage. Details of the changes in duties and responsibilities which may affect the post's job evaluation factor levels must also be provided.

All regrading of posts will then be determined through the Job Evaluation Scheme and, if agreed, will be effective from the date of approval.

20.6 Future Changes as a result of Legislation

Where there are legislative changes which affect the Conditions of Service, these changes will be deemed to amend the Conditions accordingly.

Appendix

Standby Arrangements

The most up to date information can be accessed through the HR intranet pages
<https://intranet.erc.insider/article/10589/Pay-Expenses--Pension>

If you do not have access please contact hredirect@eastrenfrewshire.gov.uk