

PERSONNEL

POLICIES & PROCEDURES

SUBJECT: NOTICE PERIODS

1 POLICY

- 1.1 The minimum periods of notice to be given by the Council to an employee are currently governed by the statutory minimum stated in the Employment Protection (Consolidation) Act 1978 as amended by the Employment Act 1982 and must be clearly defined in his/her contract of employment. It is as follows:

| <u>Continuous Service</u> | <u>Period of Notice</u> |
|---|---|
| One month or more but less than two years | 1 week |
| Two years or more but less than 12 years | 1 week for each year of continuous employment |
| 12 years or more | Not less than 12 weeks. |

- 1.2 Manual employees and weekly paid officers are only required to give 1 weeks notice, and on the Council's side 1 week for each year of continuous employment up to the maximum of 12 weeks, whichever is longer.
- 1.3 It is the Council's Policy, however, that the minimum period of notice to be given in writing on the employee's side for officers graded up to and including SO2 is 1 month and on the Council's side 1 week for each year of continuous employment, but not less than one month and up to a maximum of 12 weeks.
- 1.4 If the grade is within the Principal Officer range, up to and including PO6, the minimum period of notice to be given on the employee's side is two months and on the Council's side 2 months or 1 week for each year of continuous employment up to the maximum of 12 weeks, whichever is longer.
- 1.5 Chief OfficePrs have the discretion to include a 3 month notice period in contracts of employment for new appointments to posts graded LPO7. This aspect should be drawn specifically to the officer's attention.
- 1.6 The minimum period of notice to be given by Directors, Deputies, and Divisional Heads (ie. employees graded on Chief Executive or Chief Officer scale or percentage Chief Executive or Chief officer scale), and Principal Officers graded LPO8, is 3 months on either side.

2 Periods of Notice and Continuous Service

- 2.1 For the purpose of calculating periods of notice to terminate employment, all previous continuous service, i.e., continuous service with a recognised employer as listed in the Redundancy Payments (Modification) Order, (please see section 2 B (iii) on Continuous Service), will be aggregated at half rate, e.g. an employee with 6

years previous continuous service with the Housing Corporation 4 years continuous service with the London Borough of Redbridge and 6 years continuous service with Newham will be entitled to 11 weeks notice of termination of employment.

- 3 Periods of Notice and Dismissal
If an employee is summarily dismissed on grounds of gross misconduct, notice will not be given by the Council, as the employer.
- 4 Sickness during Notice Periods
If an employee is ill and therefore incapable of working during the period of notice, and has exhausted his/her sick pay, he/she is still entitled to paid notice.
- 5 Early Retirement on Grounds on Ill-health Enhanced Periods of Notice
 - 5.1 Where employees are taking early retirement on the grounds of ill-health, departmental Personnel Sections must action the decision immediately, regardless of outstanding sick pay entitlement pay entitlement. Employees are then entitled to periods of notice depending on the proportion of their service. Where employees wish, they may be considered for redeployment where appropriate, and will stay in employment through their notice period whilst the Redeployment Scheme is implemented.

The enhanced notice periods are as follows:-

| <u>LOCAL GOVERNMENT SERVICE</u> | <u>PERIODS OF NOTICE</u> |
|-----------------------------------|--|
| Up to 4 years service | 4 weeks |
| Over 4 and up to 8 years service | 8 weeks |
| Over 8 and up to 12 years service | 1 weeks notice for each completed year up to a maximum of 12 weeks. |
| Over 12 years | 12 weeks plus 1 weeks notice for each completed 5 years service with Newham in excess of 12 years up to maximum of 16 weeks. |

- 5.2 For Example:-
An employee with 17 years continuous service.
Notice Entitlement Period = 12 weeks
Enhanced Notice Period = 1 week
Total Notice Entitlement = 13 weeks

It is important that the enhanced notice period does not take the employee beyond the expiry date of his/her protracted illness entitlement. In cases where this is evident, the enhanced period of notice must be scaled down to coincide with the expiry date of either their entitlement under the Council's Protracted Illness Scheme or their statutory notice period, whichever is the greater.

5.3 Where an Employee does not qualify for the Enhanced Period

An employee does not qualify for the enhanced period if s/he has exhausted all their sickness entitlement including protracted sickness entitlement where appropriate by the date of receipt of the decision to retire him or her.

Notice Entitlement Period = 12 weeks

Enhanced Notice Period = Nil (because sick pay is exhausted.)

Total Notice Entitlement = 12 weeks

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