

Continuous service guidance

Employees joining Guildford Borough Council who are moving from, or have previously worked for, another local authority or other government body may be entitled to retain their previous service for the purpose of continuity of some contractual entitlements.

This will apply where the previous organisation is included within the The Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999, generally referred to as the Modification Order.

<https://www.local.gov.uk/our-support/workforce-and-hr-support/employment-relations/modification-order>

The Modification Order establishes the right to redundancy payments only however the National Joint Council for Local Government Services provide for some continuity in respect of annual leave, sick leave and pay and parental leave and pay entitlements. These are set out in para.14 of part 2 of the National Joint Council for Local Government Services - National Agreement on Pay and Conditions of Service (the Green Book).

Continuous service applies where the employee has had a break of less than one week between employments (the definition of a week is seven consecutive days from a Sunday to a Saturday). Where there is no break in service, previous service shall be taken into account in respect of entitlement to and calculation of a redundancy payment, annual leave, occupational sick pay and parental leave and pay entitlements. If there has been a break of more than one week of service the employee's previous service will not count for any purpose.

Continuous service also applies where an employee has had a break of less than four weeks following redundancy (compulsory or voluntary) however the employee forfeits their right to a redundancy payment from their previous employer.

Where the employee has had a break of more than four weeks but less than one year following redundancy (compulsory or voluntary) they can bring continuity of service for annual leave, occupational sick pay and parental leave and pay entitlements however their previous service will not count towards the calculation of a redundancy payment.

Employees who have had break in service of less than eight years for maternity reasons and have not undertaken any permanent, paid, full-time employment during that time will have their previous service taken into account when calculating occupational sick pay and maternity leave and pay entitlements. Their previous service will not count towards the calculation of a redundancy payment.

Employees who were transferred under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) to a non-local authority employer and return voluntarily to local authority employment without a break in employment within five years of the original transfer will also retain continuity of service for annual leave, occupational sick pay and parental leave and pay entitlements however their previous service will not count

towards the calculation of a redundancy payment. Where there is a series of TUPE transfers the five-year service limit applies from the date of the initial TUPE contract.

Probation periods apply to all new employees regardless of whether they have continuity of service.

No employment rights other than those set out above transfer with continuity of service.