

**Continuous**

**Service**

**Provisions -**

**NJC for Local Government**

**Services**

**HR**

**Guidance**

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Introduction

This guidance outlines the continuous service provisions for employees who have transferred to another organisation under a TUPE transfer and subsequently returned voluntarily to local government service on or after 1 April 1997. This guidance applies to employees under the NJC for Local Government Services “Green Book” terms and conditions.

Where an employee is transferred to an organisation that is not covered by the Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order their continuous local government service is protected if it is a TUPE transfer.

Where the employee subsequently returns voluntarily to the Council within 5 years of the original transfer **without** a break between employment with the organisation to which they were transferred, and the date of return to the Council, all previous continuous service (including the service under the TUPE transfer) will be recognised for calculating the following: -

* Annual leave
* Occupational maternity leave/pay
* Occupational sick pay

Notes

* If there is a gap in service between the 2 employments of more than one calendar week (running from Sunday to Saturday) – continuity is broken and the individual is treated as a new entrant to local government.
* If there is a series of TUPE transfers, the 5 year time limit applies from the date of the original TUPE transfer out of the Council.
* These provisions also apply to transfers which arise as a result of legislation e.g. Social Services Inspectorate transferring to OFSTED

Other provisions

Other provisions relating to redundancy, notice periods and unfair dismissal claims are as follows:

**Redundancy**

Where an employee returns voluntarily to local government, this is regarded by statute as a break in service for redundancy purposes. This means that if a person who returned was subsequently made redundant, their entitlement would be based on service since re-joining the Council.

**Notice Provisions**

Where an employee returns voluntarily to local government following a TUPE transfer, continuous service is calculated on the basis of service with the current employer, ie since re-joining the Council.

**Unfair Dismissal**

Protection from unfair dismissal requires two years’ service with the current employer ie since re-joining the Council.