

Guide to Continuous Service

Continuous service is often raised as a question at the time an offer of appointment, since a number of employment rights and conditions of employment depend upon a specified period of continuous employment.

In essence, a person's continuous service runs from the date when they first started work with Warwickshire County Council, unless there has been an intervening break in service. A break in service will normally be regarded as a whole week or more during which the person is not employed by the County Council, although in certain circumstances successive contracts broken by relatively short breaks may be construed as continuous service – if in doubt advice should be sought from your departmental human resources section.

Normally, service with an employer other than the County Council will not count as continuous. However, for the purposes of calculating redundancy pay, annual leave entitlement, occupational sick pay and access to the occupational maternity scheme, service with any public authority to which the Redundancy Payments

(Continuity of Employment in Local Government etc.) Order 1999 applies also counts as continuous.

For the purposes of continuous service, there is an important distinction between the two types of bodies. Care Trusts are now listed on the Local Government Modification Order, while Primary Care Trusts are not.

Please refer to the Statutory Instrument 1999, No. 2277 for those employers covered by this. This can be found on the Office of Public Sector Information on; www.opsi.gov.uk/si/si1999/19992277.htm

In addition, national conditions of service provide that for the purposes of calculating entitlements regarding annual leave, the occupational sickness scheme and the occupational maternity scheme, service may be counted as follows,

Where an employee returns to local government service following a break for maternity reasons, or reasons concerned with caring for children or other dependents, he or she is entitled to have previous

continuous local government service taken into account, providing that the break does not exceed eight years and that no permanent paid full time employment has intervened. For the purpose of calculating annual leave entitlement only the eight-year limit does not apply, but there remains the requirement that no permanent paid full time employment should have intervened.

Where an employee had previously been transferred from local government service, by means of a TUPE transfer, to an organisation not covered by the Redundancy Payment (Continuity of Employment in Local Government, etc) Order 1999, and has, within a period of five years following that transfer, voluntarily returned to local government service and without a break between employment, he or she is entitled to have previous continuous service taken into account. This provision only applies where the return to local government service has occurred since 1st April 1997 and any resultant increase in benefits only takes effect from 1st April 2002.