

ASSESSOR'S PROGRESS REPORT TO LOTHIAN VALUATION JOINT BOARD



15 April 2024

1. PURPOSE

- 1.1. To provide members with an overview of current service delivery, priorities, risks, and future direction.

2.0 ELECTORAL REGISTRATION – MAINTENANCE

- 2.1 Since the last progress report to the Board in February all maintenance tasks supporting the registration process have continued.
- 2.2 Processing volumes continue to be steady. The number of additions/deletions by council area is shown in Appendix 1. From publication of the last Electoral Register on 1 December 2023, the electorate has increased by a total of 10,613 electors.

3.0 POSTAL VOTES/PROXY VOTES

- 3.1 The number of electors currently electing to vote by post remains consistent overall. See Appendix 1.
- 3.2 There have been changes to postal vote and proxy vote provisions which will impact on UK Parliamentary elections. These changes have resulted in a divergence in the legislation governing devolved and reserved elections as laid out in Appendix 1.

Niall MacGalloway, Depute ERO, will now speak to some of the main issues.

4.0 ELECTORAL REGISTRATION ENGAGEMENT

- 4.1 We continue to engage with electors and promote the functions of the Electoral Registration Office to include home movers, prisoners, and foreign nationals. This includes regularly attending British citizenship ceremonies and data mining of new Council Taxpayer lists provided by constituent councils.
- 4.2 During the reporting period, data mining of education data from constituent councils resulted in the issue of Invitation to Register forms to all eligible school pupils not already registered to vote. Additionally, this office worked in partnership with West Lothian CLD Youth Services to deliver 'The Democracy Challenge' in West Lothian schools.
- 4.3 We engaged with university and college students through email communications, encouraging voter registration and providing information on student's eligibility to be registered to vote at both term-time and home addresses.

5.0 ELECTORAL REGISTRATION – VOTER AUTHORITY CERTIFICATES

5.1 The volumes are still at a minimal level and have not increased significantly since the last Board Report.

6.0 UK PARLIAMENTARY ELECTION

6.1 Preparations are in place for the UK Parliamentary Election expected to be held at some point this year. Training of staff who will provide additional resource at periods of peak workflow has commenced and will continue throughout the year.

7.0 CANVASS

7.1 Canvass preparations will commence in the coming months, involving the request of Council Tax data from constituent councils, planning with our printers and scheduling national and local data matching.

8.0 VALUATION ROLL – MAINTENANCE

8.1 Since the last report to the Board, the cumulative total of key value changes made to the Valuation Roll for the period 1 April 2023 to 31 March 2024 was 2785. That compares with a total of 2510 changes over the same period last year. The breakdown of the nature of the 2785 changes is 748 amendments to existing entries, 1170 deletions from the roll and 867 inserts onto the roll. That has been spilt down further and is shown by county in the table below.

| | Edinburgh | Midlothian | W. Lothian | E. Lothian | Total |
|---------------|-------------|------------|------------|------------|-------------|
| Inserts | 513 | 75 | 159 | 120 | 867 |
| Deletions | 833 | 52 | 190 | 95 | 1170 |
| Amendments | 413 | 86 | 172 | 77 | 748 |
| Totals | 1759 | 213 | 521 | 292 | 2785 |

In terms of performance, 46% of running roll changes (which excludes any changes to the Valuation Roll made as result of an appeal/proposal) have been actioned within 3 months of them becoming effective. That compares with 35% within 3 months for the equivalent period in the previous valuation year. The KPI target set by the Assessor for the 2023/24 valuation year was 60%. While performance has improved on the previous year, it is disappointing that this year's KPI target has not been met. I do however believe that mitigating factors noted below will have contributed to that, so it does enable it to be put into context.

8.2 Self-Catering Annual Audit

Last year saw the first annual self-catering audit being carried out as a result of changes made to the legislation in terms of how these should be assessed. As of 1/4/2022, there are new qualifying reasons for these subjects to remain on the valuation with the addition of a minimum period of actual days let within a valuation year. The first of those audits took place between April and October 2023. As it was the first of its kind throughout Scotland, much liaison across all the valuation authorities was required to ensure consistency. It did prove to be procedurally difficult to implement quickly. Furthermore, as the rules for entering any new self-catering units onto the roll now require a prescribed 70 days of actually letting to have taken place, in most cases the Assessor will not be able to enter them on the Roll within the 3-month KPI target date.

- 8.2/ Within the last valuation year, around 550 of all changes made to the Lothian roll (approximately 20%) related to self-catering subjects. As most of the changes will be beyond the 3 month KPI period for the reasons given above, they will inevitably skew the overall Valuation Roll performance of the organisation. Excluding self catering changes made to the roll, the performance figure rises to a far more encouraging 57%.

It is hoped that as the annual audits become more common, the awareness of ratepayers will become more heightened and return the information more quickly and that our internal processing will become far slicker. As Lothian has a large number of these subjects, we are at a comparative disadvantage from the regulation changes and that this annual audit now constitutes a substantial regular business event that requires a dedicated resource of staff to be deployed to manage it.

8.3 The New Local Taxation Tribunal

Commencing on the 1 April 2023, much time has been spent migrating proposals to the new tribunal, processing new proposals for the 2023 revaluation and then dealing with both non-domestic and domestic proposals that have been cited for hearing.

With particular regard to domestic proposals, the Assessor has had to deploy members of technical team from Technicians to Assistant Assessors to service with the vast backlog of proposals that had built up at the Valuation Appeal Committee during the covid affected years 2020 and 2021. There is considerably more administration and preparation of casework in advance of hearings and those statutory demands have had to be balanced with our other statutory duties.

With the move to agile working groups across all of technical from the 17 February 2024, a dedicated team will now be concentrating on non-domestic running roll work throughout the year. Like all our agile teams, the composition of that team will vary over the valuation year due to the competing demands of appeal and revaluation work. What is important however, is that running roll will continue to be serviced throughout the year by a dedicated team led by a Divisional Valuer who will make use of the various grades within technical in keeping with the ethos of 'right person, right job'.

9.0 VALUATION ROLL – APPEALS

9.1 R2017 Valuation Roll Appeals Update

Over recent weeks, we have received further confirmation from the SCTS Local Taxation Chamber as to those appellants who did not indicate that they wish to maintain their pursuit of the outstanding R17 Covid appeals following their write-out in June 2023. In addition, a number of Covid appeals which were set for a First Tier Tribunal Hearing in April, have been withdrawn after discussion with the professional agents. As has been outlined in previous reports, we remain hopeful that the final numbers of these appeals will not be significant and we continue to monitor this situation closely.

- 9.2 That leaves approximately 655 non Covid Revaluation 2017 appeals that must be disposed of by 31st December 2024. In respect of these appeals, First Tier Tribunal Hearings continue to be set by the SCTS Local Taxation Chamber with Hearings set for 17th April, 16th May and 11th June. A team of staff are working exclusively on the resolution of these appeals, both those which have already been cited for Hearing by the FTT, and those outstanding R17 appeals which are uncited by the FTT at the moment. It remains our intention to dispose of as many of these appeals as we can over the next two months with a view to then moving the staff resource over to dealing with R23 Proposals.

- 9.3 LVJB were involved in non-domestic R17 appeal cases which proceeded to FTT Hearing on 8th and 29th February. We are currently awaiting the decisions on these appeals.

10.0 2023 REVALUATION PROPOSAL UPDATE

- 10.1 In respect of the c3,500 R23 Revaluation Proposals which were received, we are now working in accordance with the national timetable of Proposal Determination Dates (PDDs) which has been set by the Scottish Assessors' Association. This timetable has been based around the broad notion that the particular Assessors office, which is responsible for writing the national Practice Note, takes the lead on discussions nationally.
- 10.2 Legislation now directs us to issue formal Decision Notices in respect of the Proposals which have been lodged and we are obliged to give at least 70 days' notice of the PDD (that date being the date on or before which the Assessor intends to issue the Notice of Decision). Furthermore, we are also obliged to provide written responses to the proposals which have been lodged at least 70 days prior to the PDD.
- 10.3 Interestingly, Lothian is one of the first to be involved in this process, having issued around 275 Proposal Determination Date Notices for Schools in late January 2024. Whilst Lothian is not the Practice Note author for Schools, we do have the most complex and detailed proposal submissions from the professional agents and, given that I am the Chair of the SAA Public Buildings Committee, it was felt that we should take the lead on this category. We have been working collaboratively with our Assessor colleagues in other areas as the grounds of the school proposals cover more than one national Practice Note. The PDD for these schools is 15th May 2024 and our reflection from the process so far is that this is a complex, resource intensive task, particularly when considering the detail which must be provided in our written responses to the proposal grounds, which were issued in early March. We are taking the learning from this exercise into the resource planning for dealing with our outstanding R23 proposals.
- 10.4 Lothian has also issued PPDNs for Showhouses and a Lighthouse, in keeping with the national timetable. We are set to issue for Hotels and Accommodation Subjects and Supermarkets in late May/early June.
- 10.5 Aside from those proposals for which we have issued PDDs we are continuing to engage with professional agents and ratepayers in respect of other subject categories for which there is no PDD as yet, with a view to resolving as many of the proposals as we can without the need to issue formal PDDs. So far, we have been in a position to resolve around 50 proposals in this manner, mostly with unrepresented ratepayers. The overall success of this exercise will be largely dependent on the progress which can be made on resolving the outstanding R17 appeals, as detailed above, as set against the staff resource available.

11.0 COUNCIL TAX APPEALS

- 11.1 Council Tax appeal cases have continued to proceed before the First Tier Tribunal with hearings having taken place in February and March – I am pleased to say that we have been successful in each of the cases for which we have had the decisions up to this point. Board members will also have been in receipt of some papers recently which are redacted copies of the Assessors submissions in a typical case which proceeded before the First Tier Tribunal earlier this year. This gives a flavour of the detail, and degree of preparation, associated with cases which proceed to hearing.

12.0 COUNCIL TAX – MAINTENANCE

Over the previous valuation year 5826 dwellings were added to the list. That compares with 5951 for the same period in the year 2022/2023. The breakdown of those inserts in terms of local authority and band are detailed below.

CT Inserts By Council and Band

Count of Council Tax Inserts, by Council and Band for the period requested.

Period requested 01/04/2023 to 31/03/2024

| Band | Edinburgh | Midlothian | West Lothian | East Lothian | Total |
|--------------|--------------|------------|--------------|--------------|-------|
| A | 311 | 3 | 18 | 2 | 334 |
| B | 358 | 84 | 62 | 43 | 547 |
| C | 300 | 115 | 254 | 157 | 826 |
| D | 539 | 128 | 207 | 252 | 1,126 |
| E | 481 | 135 | 111 | 248 | 975 |
| F | 334 | 189 | 248 | 255 | 1,026 |
| G | 410 | 185 | 143 | 187 | 925 |
| H | 49 | 5 | 6 | 7 | 67 |
| Total | 2,782 | 844 | 1,049 | 1,151 | |

In terms of all activity to the Valuation List, the total figure was 6739 compared to 6718 for the year 22/23. The full breakdown is as follows:

| | Edinburgh | Midlothian | W. Lothian | E. Lothian | Total |
|---------------|-------------|------------|-------------|-------------|-------------|
| Inserts | 2782 | 844 | 1049 | 1151 | 5826 |
| Deletions | 299 | 12 | 60 | 39 | 410 |
| Amendments | 207 | 18 | 23 | 255 | 503 |
| Totals | 3288 | 874 | 1132 | 1445 | 6739 |

In terms of appeal, there are currently in the region of 200 outstanding Council Tax appeals or proposals. This is continually being worked through with appeals being cited before the First Tier Tribunal on a regular basis. Prior to the first hearings before the FTT the total was believed to have stood at around 275. As we continue to receive new proposals each month following new dwellings being added to the list or new taxpayers acquiring an interest in existing properties, it will be difficult to fully reduce the total as any that are resolved, are topped up with new ones. But the important thing to note is that overall figure has come down and a task is underway to accord our understanding of what has been resolved with what the FTT have shown following our original data transfer of cases when the tribunal was created. We are also now in a position where our total should not increase given that we have a dedicated team servicing existing and new proposals as business as usual, irrespective of whether they are cited for hearing.

As was previously noted in the Valuation Roll Maintenance, there has been further regulation laid with regard to Self Catering Units and the movement from those between the Valuation List and the Roll.

One important point to note from the new regulation is that if the recipient of a SCU does not make a return as part of the annual audit timeously, the Assessor now has the power to remove it from the roll and add it back to the list for the previous valuation year. That may see more changes occurring between the two registers depending on that compliance.

13.0 GOVERNANCE STRATEGY GROUP

Our latest Governance Strategy Group meeting was held on the 22nd of March 2024. In attendance were myself, my Assistant Assessors, Head of Administration and Head of Governance. Councillors Conn, Beal and Russell also attended. The topics for discussion were our Business Continuity Plan (BCP) and recent annual test, postal vote divergence challenges, and SCTS proposal progress. Due to the interest on the two latter subjects, I have already referenced these in more detail in my report.

I have decided to increase my senior staff attendance numbers at GSG to further increase visibility on the range of tasks that go on “behind the scenes” in the organisation. It also provides the group with the opportunity to directly engage with the individuals who are primarily responsible for the delivery of core service objectives.

14.0 CONTINUAL IMPROVEMENT PROGRAMME

14.1 CIP update

The CIP group continues to meet monthly with steady progress being made across a range of issues.

The next stage of developing the consistent use of our Management of Capability Procedure is underway. As we head toward the end of our latest annual My Path cycle, we will reflect on the data held within the system, particularly the quality of identified objectives and management comment, to establish where specific areas of improvement can be achieved. The next CLT session on performance will focus on the findings from this analysis and be linked directly back into the framework.

We are in the final stages of reviewing contractual documentation on our electric car salary sacrifice scheme. It is anticipated that we will commence implementation of the scheme over the next few months.

We are looking to create an LVJB “Green Team” to consider and promote ways in which we can reduce our carbon footprint and become a more sustainable organisation. Several staff have already indicated an interest in participating. We are in the process of arranging an audit with Change Waste to monitor our recycling rates and provide insight on how we can reduce costs and increase our recycling capability.

We continue to promote and develop our digital messaging presence. Our next podcast will cover forthcoming Elections Act legislation changes.

We are commencing a first phase implementation review of our agile working project. This review will help determine how efficiently the project has been run, provide lessons learned for the next phase and ensure that we are obtaining maximum benefits from delivered outcomes. This will provide a solid foundation as we evolve the agile way of working further into the organisation.

We have been rationalising and prioritising our current range of IT developments and considering ways in which we can alleviate internal scheduling and co-ordination overheads. The outcome of this has necessitated the creation of a new 1 year fixed term project manager post which we intend to commence recruitment for directly. The post is designed to provide support and dedicated expertise for our current internal group of project managers and deliver improvements in requirements gathering, timetabling and objective delivery. Successful operation of the role will directly relieve some of the considerable pressure on staff tasked with these responsibilities and help provide our IT team with the specific information needed to drive the organisation forward. This will equip us with the necessary systems and applications to continue to effectively deliver our core services.

15.0 GOVERNANCE STATEMENT

This statement conveys assurance that our organisation continues to provide key valuation and electoral registration services under an appropriate governance and internal control framework (see Appendix 2).

Corporate, service and project risk registers undergo continual maintenance and review by the LVJB Governance Committee, with items of significant risk being considered at Corporate Leadership Team meetings and reported to the Board where required.

The Governance Strategy Group (GSG) convenes regularly to discuss matters of organisational strategy and risk. Annual internal and external audit work plans with the City of Edinburgh Council and Audit Scotland continue to be progressed.

As requested by Audit Scotland the report now includes annual performance statistics for Council Tax, Valuation Roll & Electoral Registration.

Alongside other workstreams, the report details successful delivery of voter authority certificate processes and procedures, our first phase of agile working, our inaugural staff contribution award presentation and the essential progress being made with our new proposal system.

16.0 LEAVER POLICY AND PROCEDURE

A Leaver Policy and Procedure has been created to provide guidance to managers and employees in relation to process for either an employee resignation or the forthcoming end of a fixed term contract. This policy intends to ensure that all employees are dealt with consistently and fairly in respect of notice periods, annual leave, leaving presentations and collections, handover of information and references. The policy will also ensure that correct procedure and legal obligations are followed in respect of fixed term contract extensions or terminations, alongside support from the HR Manager.

A draft of the policy can be found at Appendix 3.

17.0 RECOMMENDATION

17.1 The Board is asked to note the content of this report and to approve the paper at Appendix 2.

Michael Wilkie
ASSESSOR & ERO

Attached:

Appendix 1 - Electoral Statistics
Appendix 2 - Annual Governance Statement
Appendix 3 - Leaver Policy and Procedure

ELECTORAL STATISTICS

Registration Changes by month – February 2024 to April 2024 inclusive

| Update Date | Council | Additions | Deletions |
|-------------|-------------------|-----------|-----------|
| 1.2.24 | City of Edinburgh | 2702 | 1792 |
| 1.3.24 | City of Edinburgh | 5290 | 2066 |
| 1.4.24 | City of Edinburgh | 4432 | 1737 |
| 1.2.24 | East Lothian | 482 | 385 |
| 1.3.24 | East Lothian | 586 | 339 |
| 1.4.24 | East Lothian | 766 | 308 |
| 1.2.24 | Midlothian | 231 | 204 |
| 1.3.24 | Midlothian | 341 | 174 |
| 1.4.24 | Midlothian | 478 | 188 |
| 1.2.24 | West Lothian | 646 | 494 |
| 1.3.24 | West Lothian | 757 | 425 |
| 1.4.24 | West Lothian | 1278 | 406 |

Postal Voters and Total Electorate at 1 April 2024

| Council Area | Devolved Postal Voters | Reserved Postal Voters | Electorate |
|-------------------|------------------------|------------------------|----------------|
| City of Edinburgh | 89,591 | 82,650 | 401,265 |
| East Lothian | 21,006 | 20,558 | 89,589 |
| Midlothian | 17,069 | 16,580 | 76,887 |
| West Lothian | 29,101 | 27,923 | 147,545 |
| Totals | 156,767 | 147,711 | 715,286 |

Absent Vote Divergence

| Devolved (SPE & Local Council) | Reserved (UKPE) |
|---|--|
| No identity check required | Identity check required (NINO) |
| PI Refresh after 5 years | No PI refresh – new application required |
| Can be permanent, between dates or for a specific election. | Valid for a maximum period of 3 years |
| Cannot apply online | Applications can be made online & paper |
| Processed through EMS | Processed through the gov.uk portal |
| 16 & 17 year olds eligible vote | Only 18+ year olds eligible to vote |
| Foreign nationals eligible to vote | Only British, Irish & Commonwealth citizens eligible to vote |

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1.0 Aims and Objectives

1.1 This policy provides managers and employees with guidance in respect of the relevant procedures for termination of employment in the following circumstances:

- Resignation by the employee
- Termination of the fixed term contract

1.2 This policy does not cover terminations arising from the application of the LVJB Disciplinary Procedure, Management of Capability Procedure, VERA Policy, Sickness Absence Management Policy and Procedure or Retirement Policy.

1.3 The main aims of the policy are:

- To ensure the provision of fair and consistent treatment to employees upon the termination of their employment with LVJB.
- To ensure that employees and managers are aware of their responsibilities in respect of the termination of employment.
- To ensure that LVJB meets its obligations to its employees under their contract of employment and appropriate legislation.

2.0 Scope of the Policy

2.1 This policy relates to all employees of LVJB.

3.0 Monitor and Review

3.1 This policy has been created and will be maintained in accordance with the LVJB Policy Approval Framework. It has been agreed by CLT (and the Board as required), in consultation with the Trade Union where appropriate.

3.2 Human Resources is responsible for monitoring the effectiveness of this policy and supporting procedures and will conduct reviews at appropriate intervals.

3.3 Anyone who feels they have been unfairly treated or discriminated against as part of acting up arrangements should contact the HR Manager.

4.0 Equal Opportunities

4.1 LVJB is committed to equality of opportunity for all its employees and the terms of this policy and its supporting procedures and guidance notes are designed to ensure the fair and transparent treatment for all staff irrespective of age, race, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, sexual orientation, religion or belief, gender or contractual status. An Equality Impact Assessment is undertaken on this policy each time it is reviewed and updated.

5.0 Responsibility for this Policy

- 5.1 Human Resources. Any changes to this policy and supporting procedures will be made in consultation with appropriate bodies.
- 5.2 LVJB reserves the right to update HR Policies in line with new or updated Employment Legislation.

6.0 Termination of Employment by Employee

- 6.1 Where an employee decides to resign from their position, they should confirm this in writing to their line manager by letter or email. A copy should also be sent to the HR Manager.

6.2 Notice Arrangements

- 6.2.1 Upon receipt of a resignation letter the line manager should agree an end date with the employee considering the period of notice in the employee's Statement of Particulars.
- 6.2.2 Should an employee wish to work a shorter notice period than their contractual notice, this should be discussed with their line manager. The line manager may require to seek approval from a CLT member or the Assessor before agreeing a leaving date with the employee.
- 6.2.3 Agreement on an early leaving date must be captured in writing to ensure the employee understands they are agreeable to working a shorter period of notice than their Statement of Particulars states.
- 6.2.4 In the event of an early leaving date being agreed or the employee decides not to work their full contractual notice, the employee will only be paid for the portion of the notice period that is worked.
- 6.2.5 Once a leaving date has been agreed, the HR Manager will complete a leaver form for submission to Payroll. Payroll will ensure the final pay is accurate and notify external authorities such as HMRC and Lothian Pension Fund.

6.3 Annual Leave Arrangements

- 6.3.1 Upon resignation the employee should check the number of days holiday entitlement they have outstanding. Pro-rated entitlement during the annual leave year can be found in the [Annual Leave Policy](#). Further advice can be sought from [Personnel and Finance](#).
- 6.3.2 In exceptional circumstances, for operational reasons, if an employee who is leaving LVJB is unable to take their remaining annual leave entitlement before their leaving date, then this annual leave will be paid to the employee, via the payroll, in their final pay. This is at the discretion of the line manager, with approval from the relevant CLT member.

6.4 Staff Leaving Card and Collection

- 6.4.1 When notification of an employee resigning is received, a collection for a gift will normally be circulated via an online link to enable colleagues to contribute to a leaving gift.
- 6.4.2 A leaving card will also normally be arranged, within which goodwill messages from colleagues will be collated.

6.4.3 A presentation to thank the employee for their service and contribution will be led by a CLT member. All staff will normally be invited to attend.

6.5 Handover Arrangements

6.5.1 The line manager must ensure that they plan in enough time with the employee to capture any handover information and subsequently consult on redistribution of work with any affected team members or colleagues.

6.5.2 The following should be considered:

- ✓ Key knowledge and responsibilities.
- ✓ Record of software platforms utilised.
- ✓ Login details and passwords of any key systems or new login details created.
- ✓ IT user guidance for any key and useful systems.
- ✓ Report of any outstanding work and ongoing matters.
- ✓ Index of records management on SharePoint.
- ✓ Document a calendar of upcoming and annual events and deadlines.
- ✓ List of key and useful contacts. Colleagues should be introduced to key contacts in advance where appropriate and possible.

6.6 ICT Access

6.6.1 The ICT leaver form should be completed by the HR Manager and submitted to ICT.

6.6.2 All access to LVJB systems will be terminated on the leaving date.

6.6.3 Only in exceptional circumstances will access to systems be extended beyond the leaving date, in such cases the extension must be for a specific reason and be authorised by the Assessor.

6.7 Exit Interview

6.7.1 The HR Manager will arrange to meet with the employee to undertake an exit interview prior to the employee's leaving date. See Appendix A.

6.7.2 Information gained from the exit interview will be used to make improvements to the LVJB workplace, enhance our employee experience and progress the service LVJB provides to all staff and stakeholders. Responses will be confidential, unless agreed between the HR Manager and the employee.

7.0 HR Actions

7.1 The HR Manager will circulate the Staff Leaver Checklist to BSU colleagues to ensure the following actions are completed:

/...

| LEAVER ACTIONS | | |
|---|------|-------------------|
| Action | Date | Actioned By |
| Payroll Notified (Leaver Form) | | Hannah Carruthers |
| Submit ICT Leaver Form | | Hannah Carruthers |
| Staff Collection and Card circulated | | Myra Ebner |
| Exit Interview | | Hannah Carruthers |
| Input to Amity | | Hannah Carruthers |
| Input to Imperago | | Scott Barclay |
| LVJB Property Returned: <ul style="list-style-type: none"> • Keys • Fobs (including Lone Worker if appropriate) • Staff ID Pass • Car Park Fob • ICT Equipment/Phone | | Myra Ebner |
| Staff File archived | | Hannah Carruthers |
| Staff List Updated | | Myra Ebner |

8.0 References

- 8.1 If a reference request is received following the departure of an employee, the HR Manager will complete and return a Certificate of Service (Appendix B).
- 8.2 Occasionally, it may be appropriate for the line manager to provide additional factual information to the Certificate of Service. Line managers must take care to ensure that the information they are providing is factually accurate, fair and not misleading.

9.0 Termination of a Fixed Term Contract

9.1 Relevant Legislation

- 9.1.1 The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 came into force on 1 October 2002 to ensure that employees on fixed term contracts are not treated less favourably than staff on similar permanent contracts.
- 9.1.2 The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations confirm that the expiry or non-renewal of a fixed term contract is a dismissal in law on the grounds of redundancy. Therefore, statutory dismissal procedures apply to employees on fixed term contracts.

9.1.3 Employment Rights Timescales

| Duration of Contract | Employment Rights of Fixed Term Worker |
|----------------------|---|
| Less than two years | No impact. |
| Two years or over | <p>Employees have the right to bring an unfair dismissal claim if they have been employed for two years or more when their employment ends. Although the reason for the dismissal will often be potentially fair (for example for redundancy or 'some other substantial reason'), employers also need to follow a fair procedure before the contract expires.</p> <p>They may be entitled to statutory redundancy payments after 2 years' service if the reason for non-renewal is redundancy.</p> |
| Four years or over | <p>Employees who have been continuously employed for four years or more on a series of successive fixed-term contracts are automatically deemed to be permanent employees, unless the continued use of a fixed-term contract can be objectively justified. This is relevant where the original contract has been renewed or extended, or where a different contract has been entered into after the expiry of the original contract.</p> <p>Allowing a gap in time between one fixed-term contract ending and another starting will not necessarily break continuity or prevent there being a deemed renewal.</p> |

9.1.4 Fixed employment contracts will normally end automatically when they reach the agreed end date. They may come to an end for one of the following reasons. This list is indicative and not exhaustive:

- The funding for the post was limited to a specified period and there is no foreseeable prospect of securing further funding to extend the duration of the post.
- The appointment has been made to undertake a specific project which has been completed.
- The appointment was made for a fixed term to cover maternity/sickness leave and either the fixed term has come to an end or the person on maternity/sick leave is planning to return to work.
- The work is seasonal, eg election time.

9.1.5 Any issues that arise in relation to an employee's capability, performance or conduct should be dealt with through the relevant procedure and advice may be sought from the HR Manager. Managers should not rely on the duration of an employment contract as a method of termination on the grounds of conduct or capability.

9.2 Procedure to End a Fixed Term Contract

9.2.1 When a fixed-term contract is coming to an end, the HR Manager will discuss with the line manager and the Assessor to conclude if the contract is likely to be extended or if it will end on the scheduled date.

9.2.2 If the employee is not likely to have their contract extended, the line manager should meet with the employee to:

- Confirm the expected end of the fixed term contract,
- Clarify the reasons for the potential non-renewal of the contract,
- Give the employee the opportunity to make representations regarding the termination of their contract, ask questions or raise any relevant issues,
- Discuss the feasibility of any action to avoid the dismissal, e.g. the likelihood of additional budget becoming available thus permitting the employment to be continued.
- Discuss the support that is available to the employee, such as, the right to time off to seek alternative employment, relevant training opportunities and access to careers advice.
- Where relevant, entitlement to a statutory redundancy payment should also be discussed.
- Employees should be reminded that they can apply for any LVJB vacancies during their notice period. Vacancies can be found on [SharePoint](#). Where the employee meets the essential criteria for a vacancy they would like to be considered for, the vacancy will normally be ringfenced to them, subject to a satisfactory interview.

9.2.3 Any potential alternative courses of action identified during the meeting, or new points raised, should be investigated promptly and thoroughly. It may be necessary to meet again depending on the outcome of any issues raised or investigated.

9.2.4 Confirmation of the above discussion should be provided in writing. HR will write to the employee, placing them at risk of redundancy due to the potential non-renewal of a fixed term contract, confirm the employment will terminate at the end of the fixed term contract.

9.3 Notice of Termination

9.3.1 Employees on fixed term contracts will be given their notice of termination in line with their contractual notice period. If the consultation period has taken longer than expected the end date of the contract may need to be extended to accommodate this.

9.3.2 It will normally be expected that the employee will work their full contractual notice however there may be exceptional cases where LVJB will pay in lieu of notice (PILON). This is at the discretion of the Assessor.

9.4 Statutory Redundancy Payment

9.4.1 A statutory redundancy payment will be payable for those employees that have two years continuous service at the end of their fixed term contract.

9.4.2 The redundancy payment is not subject to tax and NI.

9.4.3 Information regarding the calculation of the statutory redundancy payment will be given to the employee during the consultation and confirmed to them in their notice of termination letter.

9.4.4 The redundancy payment will be paid to the employee in their final salary together with any payment for outstanding leave in agreement with their line manager.

9.5 Appeals against the End of a Fixed Term Contract

9.5.1 Employees who wish to appeal against the decision to end their fixed term contract must submit notice of their appeal in writing to the HR Manager within five working days of receiving their notice of termination letter. This notice of appeal should clearly set out the grounds of the appeal.

- 9.5.2 On receipt of the employees appeal letter, arrangements will be made for an appeal hearing to take place as soon as is reasonably practicable, and wherever possible prior to the proposed end date of the contract. The member of staff will be notified of the date and place of the appeal hearing within five working days of HR Manager receiving the appeal letter.
- 9.5.3. The appeal will be heard by a senior manager who has not previously been involved in the case. The senior manager will be a manager identified by the HR Manager in consultation with the line manager and the Assessor.
- 9.5.4 The employee will have the right to be accompanied at the appeal meeting by a trade union representative or work colleague.
- 9.5.5 The employee will normally be notified of the outcome of the appeal orally within one working day, and in writing within five working days of the hearing.
- 9.5.6 The decision reached following the appeal hearing is final.
- 9.5.7 If the appeal is upheld, the employee's continuity of service will be preserved and arrangements made for their employment to continue.
- 9.5.8 If the appeal is not upheld, the employee's contract will terminate as detailed in the termination letter and notice will be deemed to have been given on the date on which the employee was informed of the termination of their contract in the notice of termination letter.

9.6 Ending a Fixed Term Contract Early

9.6.1 To end a fixed-term contract before the scheduled end date, there must be a valid reason for doing so and appropriate notice must be provided. This may vary depending on dates of continuous service.

9.6.2 Minimum Notice Periods:

| Length of continuous service | Minimum notice period |
|------------------------------------|--|
| Four weeks but less than two years | One week |
| Two years but less than 12 years | One week for each year of continuous service |

These are the minimum periods. Additional notice should be given if reasonably practical to do so.

10.0 Retention of Employee Information

10.1 After an employee has left LVJB, the following information is retained for a period of six years:

- Paper personnel file.
- Electronic personnel file.
- Employee data contained within the Payroll system.

10.2 All employee data and information is destroyed six years after the leaving date.

10.3 Further information can be found in our [Privacy Statement](#).

11.0 Related Policies

VERA Policy
Retirement Policy
Sickness Absence Management Policy and Procedure
Disciplinary Procedure
Management of Capability Procedure

12.0 Local Agreement

- 12.1 This document is a local collective agreement between the Board and the recognised Trade Unions. Every effort will be made by both parties to ensure that this document will be maintained as a local collective agreement and adjusted by agreement to meet changing future needs. In the event of failure to reach agreement, both parties reserve the right to terminate this local agreement by giving four months' notice in writing. In such circumstances the terms of the local agreement will cease to apply to existing and future employees.

Appendix A - Exit Interview Form

Responses will be confidential, unless agreed between the HR Manager and the employee. The results will be used to make improvements to the LVJB workplace, enhance our employee experience and progress the service LVJB provides to all staff and stakeholders.



| | |
|--|---|
| Name: | |
| 1. Start Date: | |
| 2. Termination Date: | |
| 3. Positions Held: (with approximate dates) | |
| 4. Line Manager: | |
| 5. Did your Manager: | (1 = strongly disagree and 5 = strongly agree) |
| <i>Communicate well</i> | |
| <i>Listen</i> | |
| <i>Provide recognition on the job</i> | |
| <i>Demonstrate fair and equal treatment</i> | |
| <i>Develop team work</i> | |
| <i>Resolve problems/ issue or complaints</i> | |
| <i>Provide training</i> | |
| <i>Provide manageable workload</i> | |
| 6. Do you feel: | (1 = strongly disagree and 5 = strongly agree) |
| <i>You were part of a team</i> | |
| <i>Received sufficient variety of work</i> | |
| <i>Understood the role you played in delivering the Board's services</i> | |
| <i>You would be listened to and trusted</i> | |
| <i>Valued</i> | |
| 7. What did you like most about your employment with the LVJB? | |
| 8. What did you like least about your employment with the LVJB? | |
| 9. Why did you seek alternative employment? | |
| 10. Do you have any comments or suggestions of how the Board could improve? | |

Appendix B – Template Certificate of Service



CERTIFICATE OF SERVICE

NAME:

DATES OF EMPLOYMENT:

REASON FOR LEAVING:

THIS SPACE MAY BE USED FOR ADDITIONAL COMMENTS IF APPROPRIATE: