

HR & OD POLICIES

human resources and organisational development



Relief Contracts Guidance on Use

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1. INTRODUCTION

The use of relief workers provides a flexible, cost effective way to fulfill certain kinds of work where the need is not constant or where it is impossible to predict demand. It is important that relief workers are engaged in an appropriate way in order to retain the benefits of this flexible working relationship.

The guidance below provides a general overview of the key issues to consider when using relief contracts for non-teaching employees (with the exception of Pupil Support Assistants, where cover is required for this post type it is essential that this is sourced in accordance with Service procedures).

With regard to the use of supply contracts for teaching staff and associated professionals, please refer to Part 2: Appendix 2.8 & 2.8a of the [SNCT Handbook of Conditions of Service](#).

2. DEFINITION OF RELIEF WORKER

Relief workers generally supply a short term or specific need for labour and typically have periods of work with breaks in between. A relief contract means that an individual works on an 'as and when' basis, with no advance agreement made on the particular number of hours or times of work.

The employment relationship will be such that there is no mutuality of obligation, which means that there is **no commitment** on the part of the employer to offer work and **no commitment** on the individual to accept the work offered.

Relief Workers should not be used to provide cover for a specific situation in a manner which creates a regular working pattern over a continuous period exceeding 12 weeks. If this occurs, the nature of engagement changes from that of relief whereby there is no obligation to provide or undertake work, to one in which that expectation exists.

If this situation exists it is necessary that the options highlighted in section 3 are considered, or the individual is recruited to post on a fixed term or permanent basis.

If you are unsure whether an individual has been undertaking a regular working pattern exceeding a 12 week period, [askHR](#) will be able to provide assistance in reviewing the situation.

3. CONSIDERATIONS BEFORE ENGAGING RELIEF WORKER

1. If there is an expectation that cover for a post will be required beyond 12 weeks, this should be advertised at the outset and the successful applicant appointed to the post on a fixed term or permanent basis – dependent on the reason for cover and Service need.
2. For short term cover of less than 12 weeks - additional hours can be offered to part-time staff within the same post title and at the same location to be claimed by timesheet. These hours will not attract the accrual of annual leave or similar provisions.
3. Fixed hours of other part-time staff working within the same post (with the same post title) could be increased following procedures detailed within [Additional Hours – Guidance for Line Managers](#). In such circumstances, staff would receive revised contractual documentation, following the submission of the appropriate employee form from the Service. These hours will attract the accrual of annual leave and similar provisions.
4. Temporary transfer or rotation of an individual that works within the same post at a different location. It is necessary that the titles of each post are the same, the number of contracted hours do not change and the individual has a satisfactory Disclosure/PVG of the correct type received within the last 3 years (or has received dispensation from the Director to undertake the work whilst the check is being undertaken).
5. Transfer an existing employee into the post on a temporary basis as Vacancy Cover (cover specifically provided whilst the recruitment process is underway). It is necessary that the individual fulfils the essential criteria and currently holds a post with the same PVG/Disclosure requirement (or has received dispensation from the Director to undertake the work whilst the check is being undertaken). Vacancy Cover can be processed as a secondment to ensure the individual can return to their existing post once the need for cover is no longer required. The period of the vacancy cover cannot extend beyond the end date of any existing employment.

If the options above are not viable it would then be necessary to engage a relief worker. The process for which is illustrated in the [Process for Relief Workers Flowchart](#).

4. GENERAL TERMS & CONDITIONS

Pay

Relief workers should claim for hours worked by completing and submitting a monthly timesheet to the relevant line manager. Where a relief is working during periods that attract an enhanced rate e.g. weekends or nights, the appropriate allowance(s) should also be claimed.

Annual Leave and Public Holidays

In accordance with the Working Time Regulations, relief workers will accrue holiday entitlement based upon the actual hours that they work. An automatic payment in lieu of holidays accrued will be made a month after payment has been received for hours worked.

Travel and Subsistence

Employees on relief contracts cannot make claims for attending their place of work unless there are exceptional circumstances where service provision would be affected. All relief mileage claims must therefore be approved by a Head of Service or a senior officer with prior written delegated authority. A copy of this authorization should be attached to the relevant travelling and subsistence claim form if the arrangement covers multiple months. Please refer to the [Travel & Subsistence Procedure](#).

Pension

Although relief workers are not generally enrolled into the pension scheme, they may opt into the scheme by:

- sending an email containing the phrase “I confirm I personally submitted this notice to join the Local Government Pension Scheme” to payroll@aberdeenshire.gov.uk
- sending a signed letter to: Payroll Section, Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen, AB16 5GB*

*including details of employee number and post title.

Further information on eligibility and benefits can be obtained by contacting the Pensions Section – North East Scotland Pension Fund, Business Hub 16, 3rd Floor – West, Marischal College, Broad Street, Aberdeen, AB10 1AB. T: 01224 264 264

5. RIGHTS OF RELIEF WORKERS

Services should be aware that when a relief worker has accrued more than one month continuous service, he/she will accrue additional employment rights. This includes the right to notice of termination of their contract. In such circumstances, services must ensure that they provide the relief worker with the required period of notice of not less than one week.

6. MANAGING RELIEF CONTRACTS

Services will be responsible for reviewing the pool of relief workers on a regular basis to meet the needs of the service. Where a relief has not worked for some time, they should be written to advising they are to be removed from post. The template [Relief Review Letter](#) can be used for this purpose.

Once this has been undertaken, the Service should complete an employee form for each individual and submit to [askHR](#) to ensure they are taken out of the relief post. Appropriate contacts within the Service who maintain relief lists should be informed to ensure these lists are kept up-to-date.

For further advice and guidance on any of the above, please contact [askHR](#).

Relief Contracts

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Guidance

Revision Date	Previous Revision Date	Summary of Changes
07-08-2013	-	Creation of all documents
04-04-2014	07-08-2013	Slight update to wording of pension details to reflect recent legislative changes.
19-01-2015	04-04-2014	Amended information relating to additional hours and incorporated link to guidance document.
01-10-2015	19-01-2015	Updated information including contact and pension details.
12-08-2019	01-10-2015	Updated terminology