

**Voluntary Protocol
For Recognising Continuous Service**

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1. Introduction

- 1.1. The Voluntary Protocol for Recognising Continuous Service has been developed on a tripartite basis in social partnership with trade unions, public service employers, and Welsh Government of the Workforce Partnership Council (WPC).
- 1.2. The Workforce Partnership Council (WPC) has an ambition to influence and develop workforce mobility, to encourage cohesive and collective approaches that support the movement of the public service workforce amongst its partner organisations.
- 1.3. A report published by the Workforce Partnership Council: workforce mobility within Public Services¹ indicated that the public service workforce is able to voluntarily move horizontally across public service employer's to develop skills, knowledge and experience; or voluntarily move vertically to gain career progression and promotion.
- 1.4. The report cited a number of barriers that hindered the mobility of the public service workforce, including the lack of recognition of continuous service by public service employers. The voluntary protocol for recognising continuous service seeks to implement a mechanism that can be adopted by public service employers to resolve this issue.
- 1.5. By adopting this protocol the organisations concerned will be engaging in a beneficial and reciprocal commitment to jointly recognise continuous service across the public sector in Wales.

2. Voluntary Protocol Statement

- 2.1. The aim of the voluntary protocol is to aid mobility of the public service workforce and aid recruitment within public service organisations by retaining employees with valuable public service experience, skills and knowledge within the public service workforce.
- 2.2. The portability of accrued continuous service of the employee is key in facilitating the voluntary movement of the public service workforce between public service employers.
- 2.3. The voluntary protocol can be adopted by public service employing organisations, including Welsh Government devolved organisations,

¹ <https://gov.wales/workforce-partnership-council-workforce-mobility-within-public-services>

Wales NHS, local government organisations, and Welsh Government.

- 2.4. This protocol is not intended to undermine collective bargaining or nationally agreed terms and conditions of employment for the public service workforce.
- 2.5. It is acknowledged that public service employers may also have local agreements in place relating to terms and conditions of employment. Any local agreements in operation that refer to continuity of service may need to be reviewed in line with the voluntary protocol, and be cognisant of the contractual terms included in this document.
- 2.6. The voluntary protocol is a framework for all public service employers to voluntarily adopt in accordance with their own organisations governance structure.

3. Scope of the Voluntary Protocol

- 3.1. The purpose of the protocol is for public service employer organisations in Wales to recognise the continuity of employment of public service employees for contractual benefits as set out in this document. For purposes of clarity the term continuous service also includes the term reckonable service as referred to in NHS Wales.
- 3.2. The protocol requires public service employers to recognise accrued continuous service of the employee for the purposes of the contractual benefit of annual leave.
- 3.3. Public service employers that have adopted this protocol will take into account an employee's continuous service gained in another public service organisation. The employee will be granted the annual leave entitlement associated with the employee's length of continuous service gained in public service employment.

4. Exemptions of the Voluntary Protocol

- 4.1. Statutory continuity of service, used for the purposes of determining access to statutory entitlements (including statutory redundancy pay), is outside the scope of the protocol as are pension arrangements, redundancy and severance schemes.
- 4.2. It is also important to note that continuity of services is protected by law in the case of compulsory moves between organisations under the terms of TUPE legislation.² Therefore in circumstances where

² 'Transfer of Undertakings (Protection of Employment) Regulations 1981'

employees are involuntarily moved under TUPE legislation, this legislation takes precedent, and the protocol will not apply.

5. Continuity of Service

- 5.1. If the protocol is adopted by a public service organisation it will recognise service accrued by the employee that has been gained whilst employed at another public service organisation in Wales.
- 5.2. It is recognised that each sector of the public services in Wales has their own definition of continuous service, which is unilaterally applied consistently within that sector. For example local government organisations use the term continuous service, whilst NHS boards and trusts use the term reckonable service.
- 5.3. Therefore, for the purposes of the protocol it is intended that each sector will continue to apply their own terminology and definition of continuous/reckonable service for consistency.

6. Adoption and Implementation of the Voluntary Protocol

- 6.1. It is acknowledged that each public service organisation has their own governance arrangements in place. Therefore each organisation will comply with their own governance measures in order to adopt the protocol.
- 6.2. It is proposed that each public service employer who are minded to adopt the protocol will commence and concluded their own governance arrangements by **DATE** in order that continuous service can be recognised for their own workforce with effect from **DATE**.

7. Review of the Voluntary Protocol

- 7.1. The voluntary protocol will be reviewed annually by the Workforce Partnership Council (WPC) in conjunction with public service employers, trade unions and Welsh Government.

8. Dispute Resolution

- 8.1. Any disputes relating to the terms of voluntary protocol or its implementation should be taken through the appropriate collective disputes resolution procedure in place at each public service organisation.