

STATEMENT OF EMPLOYMENT PARTICULARS

Frequently Asked Questions

What is the Statement of Employment Particulars (SEP)?

A lot of people refer to the SEP as the employment contract. It is a written statement of the main terms of the employment contract as laid down by the Employment Rights Act 1996 with various amendments.

So, what is the contract?

The contract comes from details in the:

- recruitment advert and associated documents
- discussions with manager before, during and after interview
- the offer letter and any other written communications
- national terms and conditions
- Council policies and procedures on ERIC and the PKC website
- local collective agreements
- legislation (eg notice periods)

This means that there are many components to a contract of employment, but the SEP is a mandatory document that consolidates a lot of the contract information.

What are the changes in the new SEP?

With effect from 6 April 2020, the Employment Rights (Employment Particulars and Paid Leave) (Amendment) Regulations 2018 require a number of changes to the form, content and timing of SEP as follows:

1. A SEP must be provided to all workers (eg casual workers, supply staff, etc) as well as employees.

Currently a SEP is only required for employees.

2. There is no minimum length of employment. The SEP must be provided for all lengths of employment - it is a “day 1” right.

Currently there is a minimum one-month qualifying period to receive a SEP.

3. More information is required in the SEP in addition to information already provided and must be in a single document.

The new and more detailed information required is as follows:

- Duration and conditions of probationary period (if relevant)

- Days of the week when the employee is required to work.
 - Whether the hours of work may be variable and, if so, how the variation will be determined.
 - Entitlement to other types of paid leave not already stated in the SEP such as maternity leave.
 - Entitlement to other benefits not already stated in the SEP such as free meals.
 - Any training entitlement provided by the employer, whether any part is compulsory and whether any part will not be paid by the employer.
4. The majority of the information must be provided in a single document and, in most cases, must be provided to the worker/employee no later than the first day of work.

Currently the deadline for provision of the SEP is 2 months after starting work.

What are the main implications of these changes...

- **For recruitment**
Managers will need to provide more information, such as the work pattern, local collective agreements, benefits specific to the post such as paid professional memberships, and training entitlements for inclusion in the SEP.

There will be a time delay between the decision to appoint an employee and the start date due to the need to gather the information for the SEP and to provide the SEP by or on the first day of work.
- **For casual/supply workers**
A SEP will need to be provided to every casual/supply worker on their first day of work on each occasion they commence a new work assignment, no matter how short.
- **For the Statement of Employment Particulars**
The template SEP has been changed to provide all the statutory information as required in the legislation. In addition, relevant policy documents are now located on the PKC website and are hyperlinked in the SEP. This gives appointed candidates access to their future terms and conditions.