

# Time off for Public Duties



## Contents

1.	Introduction.....	3
2.	Scope.....	3
3.	Duties Which Attract Time Off.....	3
4.	The Amount of Time Off .....	3
5.	Payment for Time Off .....	4
6.	Procedures.....	4
7.	Jury Service.....	5
8.	Attendance as a Witness .....	5
9.	Reserves of the Armed Forces .....	5
10	Retained Fire-fighters .....	6
11	Special Constables.....	6

## **1. Introduction**

- 1.1 Employment legislation gives employees who hold certain public positions, an entitlement to take reasonable time off during working hours for performing the duties associated with that position.
- 1.2 Agency workers do not qualify for such time off.

## **2. Scope**

- 2.1 The provisions contained within this policy apply to all employees of the Council who hold a position as a:
  - magistrate (also known as a justice of the peace);
  - member of a local authority;
  - school governor
  - member of any statutory tribunal;
  - member of a health authority
  - member of the managing or governing body of an educational establishment;
  - member of the Environment Agency;
  - member of the prison independent monitoring boards;
  - member of a Water Customer Consultation Panel.
  - Trade union member (for trade union duties)

A relevant health body is defined in the Employment Rights Act 1996.

## **3. Duties Which Attract Time Off**

- 3.1 The duties for which an employer is required to permit reasonable time off are any of the duties of a Justice of the Peace, or duties which relate to membership of any one of the bodies listed in Section 2.
- 3.2 Duties include:-
  - Attendance at meetings of the body or any of its committees or sub-committees;
  - Performance of duties approved by the body which need to be done in discharging its functions, or those of any of its committees or sub-committees.

## **4. The Amount of Time Off**

- 4.1 The amount of time off allowed, the frequency and any conditions subject to which time off may be taken, are defined as “those that are reasonable in all the circumstances”, having regard in particular to:-
  - (a) How much time off is required overall to perform the duties and how much time off is required to perform the particular duty in question;

(b) How much time off the employee has already been permitted for this purpose or for trade union duties and/or activities; and

(c) The circumstances of the employer's business and the effect of the employee's absence on the running of the business.

4.2 For an employee who is a Justice of the Peace, leave with pay may be granted up to a maximum of 13 days in any one leave year.

4.3 Under the Local Government and Housing Act 1989, it is unlawful for the council to allow an employee who is a Member of a local authority, more than 208 hours of paid time off in a financial year (12 month period ending on 31 March), to perform the duties of a Member of a local authority, with the exception of the duties of chairperson of that authority.

4.4 This legislation does not preclude further unpaid leave being granted nor does it limit the paid time off to the chairperson of an authority. (see Section 6).

4.5 When considering paid time off for part-time employees who undertake public duties, regard should be given to:

- The number of hours worked
- The pattern of work and/or shift pattern
- The nature and frequency of the duties

4.6 For part-time employees, the duties may fall on non-working days and there may be no need for paid time off from work. However, some employees may require the entitlement to be granted pro-rata.

## **5. Payment for Time Off**

5.1 With all cases reasonable time off with pay, according to individual circumstances, will be allowed.

5.2 The only exception to this is a Member of a local authority, who can be granted unpaid leave if he/she requires time off for public duties in excess of the agreed 208 hours paid leave in a financial year (see Section 4).

## **6. Procedures**

6.1 An employee requesting time off for public duties must notify their line manager, in writing, of the intended date/s, duration and reason for their absence, giving as much advance notice as possible.

6.2 The line manager will be responsible for granting or refusing the request. If the request is refused then the line manager should clearly express the reason for the refusal in line with section 4 above.

6.3 The employing service area should maintain a running total of time off for public duties for each employee.

- 6.4 It is the responsibility of the employing service to ensure that such paid time off granted, for duties as a Member of a Local Authority, does not exceed 208 hours in a financial year.
- 6.5 An employee who is a Member of a local authority may be granted unpaid leave if he/she requires time off for public duties in excess of the agreed 208 hours paid leave in a financial year (see Section 4).

## 7. Jury Service

- 7.1 Employees are required to attend jury service by virtue of the Juries Act 1974. In addition, employees are required, under National Conditions of Service to receive paid leave of absence for jury service. It is the Council's policy that an employee serving on a jury will continue to receive normal salary payment for contracted hours via the payroll and should **NOT** claim the allowance for loss of earnings under the current Juror's Allowances Regulations. Pension and other contributions and deductions will, therefore, be processed as normal. Any employee found to have claimed the Jurors Allowance in addition to their normal CCC salary will be subject to investigation and action under the Council's Disciplinary Policy.
- 7.2 Employees should not be required to work a night shift immediately before or after attending jury service.

## 8. Attendance as a Witness

- 8.1 Employees will be given paid leave if summoned as a witness.

## 9. Reserves of the Armed Forces

- 9.1 The reserves of the Armed Forces include the Regular and Volunteer Reserves of the Royal Navy, Army and Royal Air Force.
- 9.2 Reservists are required to take part in an annual training event. Employees who are members of the Reserves are allowed to take up to 74 hours (pro-rata for part-timers) additional paid leave for Reserve training and duties.
- 9.3 The Reserves of the Armed Forces play an important part on the country's defence forces, and may be called out – mobilised – in times of need. For the majority of requirements, it is intended that only Reservists who volunteer, and have the consent of their employers, will be mobilised. However, should it become necessary, the Government may mobilise Reservists compulsorily, without the consent of the Reservist or employer. Employers and Reservists may apply for exemption or deferral of mobilisation.
- 9.4 The employment of Reservists, whether voluntarily or compulsorily mobilised, is protected for the period of their mobilisation. The Council will reinstate Reservists at the end of their period of permanent service.

- 9.5 Reservists will be compensated for any financial loss associated with mobilisation and therefore they will require unpaid leave from their normal employment. Employers may claim any costs associated with temporarily replacing Reservists in the workplace.
- 9.6 The Secretary of State will make provision for the payment of a pension in respect of members of the Reserve forces; alternatively, the Secretary of State will make payments towards the provision of an existing pension. In practice this means that a Reservist who is mobilised may remain in the Local Government Pension Scheme with the employer's contribution made up by the Secretary of State. The Reservist must make provision to pay in their normal contributions.

## 10 Retained Fire-fighters

- 10.1 Paid leave of absence may be granted on production of evidence of their requirement for duty for Retained fire-fighters of up to two weeks paid leave of absence per annum for fire-fighting duties.

## 11 Special Constables

- 11.1 Paid leave of absence may be granted on production of evidence of their requirement for duty for Special constables of up to two weeks.

Version Number	Creation Date	Changes Made	Changes Made By:	Authorised And Checked?	Date of Changes
1	Jun 26	Policy created	-	Y	-