

Time Off for Public Duties Policy

1. Introduction

- 1.1 As defined by the Employment Rights Act 1996, section 50 an employer is obliged to permit employees who are members of certain bodies to take time off during their working hours to perform their duties.
- 1.2 As local government employer, there are also additional public duties which the council is responsible for and supportive of, in the general spirit of public service. This policy exists to document these duties and the time off available to undertake them.

2. Scope

The Time off for Public Duties Policy applies to all employees excluding casual workers.

3. Statutory Public Duties

- 2.1 Where an employee holds a public office or public position, it is the Councils policy in line with legislation to grant a reasonable amount of time off work, so that the employee can perform the duties associated with that position. The employee will not be required to make up for the hours they are away from work.
- 2.2. The amount of time which will be granted to an employee to perform public duties will be what is considered reasonable taking the following factors into account:
 - The duties to be undertaken.
 - The needs of the service.
 - The effect of the employee's absence on the work of the section or service.
 - The total amount of time off already approved for the employee in respect of public duties.
- 2.3 Time off for statutory public duties will be paid, at his/her normal rate of pay during periods of time off, subject to the deduction of any monies received from the relevant authority in respect of the public duties performed, which the employee must declare.
- 2.4 Where, however, the amount of time off that the employee requires for public duties becomes excessive, or begins to cause operational difficulties, The Council has the right to refuse the employee further time off in the immediate future.
- 2.5 Employees should request on my view any dates on which they wish to take time off work for statutory public duties, stating the expected length of their absence. This notification should be provided as far in advance as possible.

2.6 The above provision covers members of the following public bodies:

- A magistrate, sometimes known as a justice of the peace.
- A local councillor
- A school governor
- Member of any statutory tribunal (eg an Employment Tribunal)
- a member of the managing or governing body of an educational establishment
- Member of a health authority
- Member of a school council
- Member of the Environment Agency
- a member of the prison independent monitoring boards (England or Wales)
- Member of a Water Customer Consultation Panel

4. Trade Union Facility Time

4.1 Facility time is defined as time off from an individual's job, granted by the employer, to enable a representative to carry out their trade union role.

4.2 **Paid** time off will be granted to trade union representatives for undertaking the following **duties**:

- Negotiation and consultation with the council as 'the employer'
- Representing their trade union members
- Performing the duties of an accredited Health & Safety rep
- Performing the duties of an accredited Union Learning Rep (ULRs)

4.3 **Unpaid** time off will also be granted for union **activities**:

- Attending meetings to discuss internal union business.
- Attending meetings of union policy making bodies.
- Attending workplace meetings to discuss union negotiations.
- Meeting with other union officers to discuss workplace issues.
- Voting in union elections.
- Accessing the services of Union Learning representatives.

4.4 The Trade Union (Facility Time Publication Requirements) Regulations 2017 requires the council as a public body to report annually on the amount of trade union facility time for that year. Trade union representatives are therefore requested to ensure that all trade union facility time is recorded on my view.

4.5 Union representatives are required when making requests to state the union that they are representative of and the type of duties or activities the facility time is required for.

5. Jury Service, Magistrates and Court Witness Summons

5.1 Jury Service

5.1.1 When an employee receives a summons to serve on a jury, they must report this to their Chief Officer. Leave of absence should be granted unless exemption is secured.

5.1.2 Jury service normally lasts upto two weeks however it can be longer dependent on the case/s assigned. Where longer than 2 weeks is required, permission will be sought from the courts for the employee to undertake a longer period. Employees should discuss any requests of this nature with their Chief Officer.

- 5.1.3 Where absence from work due to jury service will have a substantial impact on service provision the Council may ask the employee to apply for excusal from or deferral to their jury service. In these instances, the Chief Officer will provide a letter detailing the reasons for the application.
- 5.1.4 Where an employee's application to be excused from jury service/defer jury service is granted, the member of staff will be issued with a new summons for jury service within the next 12 months and there will be no option for further deferral.
- 5.1.5 An employee serving as a juror shall claim the allowance for loss of earnings to which they are entitled under the Jurors' Allowances Regulations currently in force. The Council shall then subsequently deduct from the employee's full pay an amount equal to the allowance received.
- 5.1.6 The employee will continue to be paid while on jury service at the normal rate of pay subject to the deduction of any monies received from the court in respect of loss of earnings. The employee will receive, with his/her jury summons, a Certificate of Loss of Earnings or Benefit, which the employee should complete (with assistance from their line manager and payroll) and submit to HM Courts and Tribunals Service (HMCTS) to receive reimbursement, up to a limit, for loss of earnings incurred due to being absent from work due to jury service.
- 5.1.7 The employee will be paid as normal until his/her reimbursement has been processed, whereupon the employee should provide their line manager and payroll with the remittance for the reimbursement. Payroll will then make the appropriate deduction from the employee's pay in the next available pay run.
- 5.1.8 Line managers are responsible for ensuring that an employee who has attended for Jury service provides this remittance documentation to Payroll within reasonable time after the service has been undertaken.
- 5.1.9 In addition all jury service leave should be booked on my view, employees should book the full two weeks of jury service when they are called to service. If the actual time served is less than these two weeks or differs from day to day the employee should provide this information to their line manager, there is no requirement to amend the leave record.
- 5.1.10 If the employee's services are not required for any part or whole court day, he/she will be expected to return to work for the remainder of the working day where possible.

5.2 Court Witness

- 5.2.1 Employees are required to provide supporting documentation of the requirement to attend Court as a witness to criminal proceedings. This supporting documentation will usually consist of a witness summons.
- 5.2.2 Time off **with pay** will be granted to employees who are required to attend Court as a witness in line with the above procedure. The employee will be permitted to claim a loss of earnings allowance from the court which must be paid back to the council subsequent to the case being complete.

5.3 Magistrates

- 5.3.1 Employees, who are magistrates, have a statutory right to reasonable time off work to carry out their duties.
- 5.3.2 Magistrates will have to be in court at least 13 days, or 26 half-days per year and will therefore be entitled to this amount of time off. Additional time off, in excess of 13 days per year, must be agreed in advance with the individual's Chief Officer.
- 5.3.3 Employees must notify their line manager of their magistrate rota as soon as possible for planning purposes.

- 5.3.4 Time off for magistrate duties will be **unpaid**, however, employees may claim an allowance from the court for loss of earnings.

6 Election and By- Election duties

- 6.1 There is a statutory duty placed upon local authorities to support the administration of elections and all Council Managers are encouraged to support their staff in volunteering to undertake election duties.
- 6.2 Employees who undertake election day duties for the Local, National, and European election are entitled to **paid** leave, to enable them to carry out these duties. This is **in addition** to the payment received for election day duties. This is in recognition of the additional unsocial hours worked. For information on payments for election duties worked please contact the Elections Team.
- 6.3 Election leave should be requested on my view. Managers should make every effort to grant any leave requested and, assuming basic levels of service provision are able to be maintained, staff should be released from their substantive duties.
- 6.4 Employees who additionally undertake duties on the count, postal vote opening and by-election duties must do so in their own time utilising flexi time or annual leave. Managers should again however make every effort to grant any leave requested for these duties.
- 6.5 Should an employee volunteer for the count but not the election day itself they will be granted **paid** leave for the day of the count. The **maximum** paid additional leave that an employee will be able to take for election duties in their entirety per election is **one day**. The election day (or count day if not undertaking the election) must fall on an employees normal working day to allow employees to claim the paid leave.

7. Leave for other public duties and services to the community

7.1 Foster Carers

- 7.1.1 Employees involved in fostering children will have additional demands made on their time. To support employees who provide this valuable service to the community, the Council will consider granting requests for time off with pay to employees who are required to attend meetings or training courses connected with this activity.
- 7.1.2 Chief Officers considering requests in line with this provision will require evidence of the need to attend meetings or training in support of such requests.
- 7.1.3. It is recommended that the granting of time off to foster carers be subject to the recommended maximum time outlined below.

7.2 Forces Leave

- 7.2.1 In line with the councils **Armed Forces Community Employment policy** provisions, paid leave will be given to Cadet Force Adult Volunteers and reservists to attend annual camp, usually 2 weeks (10 days) pro rata for part time workers.
- 7.2.2 Reservists also may be granted additional **unpaid** leave or annual leave from the employee's normal annual leave entitlement for short periods of training provided adequate notice is given and where such training cannot be undertaken outside of contractual working hours. Attendance at weekend training which cannot be undertaken during non-working hours will be subject to the same arrangements.

7.3 Emergency Service Volunteers

7.3.1 Employees who are members of a listed **Voluntary** Emergency Service Organisation will be granted special leave **with pay** to attend actual emergencies during working hours.

7.3.2 Approved bodies are:

- British Red Cross Society
- St John's Ambulance Association
- Voluntary Fire Service
- HM Coastguard
- Royal National Lifeboat Institution
- Mountain Rescue Services (as recognised by the relevant police authority)
- Special Police Constables

7.3.2 Arrangements will be subject to the approval of the chief officer, who will be satisfied with provisions for service delivery in the absence of the employee during a call-out and will review the situation regularly.

7.3.2 If an employee is considering volunteering at an emergency service organisation, they should discuss this prior with their Chief Officer to ensure that the role will not compromise service delivery for the post that the employee is employed in.

7.3.2 Where payment is received for an emergency service organisation, paid leave will not be granted as this constitutes secondary employment.

7.4 Blood Donation

7.4.1. Paid leave to a maximum of ½ day may be given for the purpose of donating blood. Maximum permitted attendance for blood donation is once every 12 weeks.

7.1.2. Employees are expected to make every effort to attend blood donation appointments outside of work time, however it is recognised that due to clinic times/ locations this may not be possible. Where an employee wishes to make a blood donation during work time, they should discuss this with their manager, giving at least 3 days notice.

7.1.3 To minimise time off required, wherever possible employees are encouraged to donate at mobile units visiting their area rather than travelling to a Donor Centre.

7.5 Participation in National and International Sporting Events

7.5.1 The Council wishes to support the achievement those employees representing their county at a national or international sporting event. This also supports the council's general commitment to promoting employee health and wellbeing.

7.5.2 Employee's who are members of an official national team and is invited to attend a national or international sporting event (e.g., as competitor, manager or coach) will be entitled to reasonable time off to attend the event, to be agreed with their Chief Officer.

7.6 Community Volunteering

7.6.1 The Council recognises the many benefits of volunteering within our communities both within the district and for the individual by way of development of new skills and employee wellbeing.

7.6.2 In line with the provisions of the councils **Volunteering Policy** paid leave will be given upto a maximum of 2 working days (pro rata) per leave year on the basis that the time will be matched by volunteering on an unpaid basis for at least the same duration as the time requested.

7.4 Other internal and Local Authority job Interviews

7.4.1 In the spirit of encouraging continued public sector service and development opportunities, employees are entitled to time off with pay to attend job interviews within the City Council.

7.4.2 Employees who request time off to attend an interview with another local authority are also entitled to time off with pay, up to a **maximum of three days** per leave year.

7.4.3 Those employees who have been placed 'at risk' due to organisational change are permitted to time off to attend all interviews including those with external non- local government organisations in addition to the above during the period they are at risk or on contractual notice of redundancy.

8. Limits to Time off Allowed for Public Duties

8.1 It is recommended as a guide, that the amount of time off with pay granted to employees in respect of public duties in their entirety be limited to a maximum of 37 hours per year, where other policy or statutory limits do not apply.

9. Requests and Recording for Time off for Public Duties

9.1 Employees must submit a request for time off for public duties to their Chief Officer/line Manager as far in advance as possible and in line with the above arrangements and those in the relevant additional policies.

9.2 All leave should be recorded using the relevant leave type on My View.

10. Review

The Time off for Public Duties Policy will be reviewed 3 years after implementation or earlier in the event of changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	01.04.1999	New policy	01.04.2002
2.0	07.2023	Revised policy amended, rebranded.	07.2026