



## Time Off for Public Duties Policy and Procedure Version 1.3

<p><b>Important:</b> This document can only be considered valid when viewed on the Trust website. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.</p>	
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<p><b>Name of Responsible Committee/Individual:</b></p>	<p>Trust Board</p>
<p><b>Implementation Date:</b></p>	<p>November 2021</p>
<p><b>Review Date:</b></p>	<p>November 2023</p>
<p><b>Target Audience:</b></p>	<p>All employees, with the exception of casual workers</p>
<p><b>Related Documents:</b></p> <p>All Trust policies and procedures referred to are located on the trust website, <a href="http://www.theeducationalliance.org.uk">www.theeducationalliance.org.uk</a>.</p> <p>If English is not your first language, and you require assistance/translation, please contact the HR Department.</p> <p>This policy has been equality impact assessed.</p>	<p>Special Leave Policy Trade Union Recognition Agreement Declarations and Conflicts of Interest Policy Expectations and Code of Conduct</p>

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## POLICY STATEMENT

We are here to make great schools and happier, stronger communities so that people have better lives. We do this by:

- Always doing what is right
- Trusting in each other and standing shoulder to shoulder
- Doing what we know makes the difference

Doing what is right means always acting with integrity, in the interests of others and being honest, open and transparent.

Employees are legally entitled to reasonable time off for certain public duties, and whilst the Education Alliance (the 'Trust') understands that there is no legal requirement to paid time off for public duties, this policy details the occasions where the Trust will support time off for public duties with pay.

### 1. SCOPE

This policy applies to all staff employed by the Trust, with the exception of casual workers.

### 2. ROLES AND RESPONSIBILITIES

The **Trust Board and the CEO** are responsible for approving this policy.

The **Headteachers** are responsible for ensuring that staff and managers adhere to this policy and procedure.

The **Human Resources Department** is responsible for ensuring that employees have access to this policy and procedure and that managers and employees apply it fairly and consistently.

**Managers** and staff with supervisory or leadership responsibilities must ensure they implement this policy fairly and equitably, seeking guidance, clarification and support as and when required.

**Employees** are encouraged to read this policy and procedure, adhere to the processes detailed and seek clarity from either their manager or the HR Department if they have any queries.

### 3. EQUALITY AND DIVERSITY

The Education Alliance is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines
- Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged

### 4. PRINCIPLES

Employees can access reasonable time off if they are:

- A magistrate (also known as a justice of the peace)
- A local councillor
- A school governor
- A member of any statutory tribunal (e.g. an employment tribunal)
- A member of the governing body of an educational establishment

- A member of a health authority
- A member of a school council or board in Scotland
- A member of the Environment Agency or the Scottish Environment Protection Agency
- A member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
- A member of Scottish Water or a Water Customer Consultation Panel
- A trade union member for trade union duties

We will try, wherever possible, to support reasonable time off for employees who have coastguard, Humber rescue or mountain rescue commitments, whilst recognising that ad-hoc, emergency release may not be feasible.

## 5. REQUESTING TIME OFF FOR PUBLIC DUTIES

Prior to accepting a position with any organisation which would require time off, paid or unpaid, an employee should obtain approval by emailing the HR Department, who will contact the line manager. If they are requesting approval to undertake public duties which may require time off in the future (e.g. becoming a member of a board) they should seek approval by completing an application form and submitting it to the HR Department for consideration (Appendix 1). In assessing the feasibility of a request, the Trust will consider the following:

- The impact the absence would have on the organisation, in particular, student progress and outcomes
- How long the duties might take
- The amount of time the employee has already had off for public duties

Employees should initially discuss their request with their line manager (wherever possible) and submit a leave request, including a copy of any official documentation they have received detailing the time off request (e.g. jury service letter). It is helpful for the employee to detail as much as they can on their request as a decision will be made on the information submitted. The employee may wish to discuss the matter with the HR Department if they have any queries.

Requests for time off for public duties will be dealt with fairly, consistently and promptly and once a decision is made the employee, their line manager and the Cover Officer will be notified. Any time off approved will be agreed on a pro-rata basis for part-time employees.

The Trust can refuse a request if it is viewed as unreasonable or that it would have a significant adverse impact on the organisation, however, jury service requests cannot be refused (although the school/trust may wish to seek a delay if specific circumstances warrant such a request).

The employee may seek to request a change in their working pattern (e.g. part-time or flexible hours) and such requests will be considered and may be approved, as long as the organisation and its students will not experience a significant adverse effect.

Wherever possible, employees are encouraged to seek approval at their earliest convenience. Ideally, employees should seek approval for planned time off for public duties in the summer term, whilst planning for the next academic year is underway.

## 6. JURY SERVICE

Employees required to undertake jury service should provide the HR Department and their line manager with a copy of the letter confirming their jury service at their earliest convenience. Employees are entitled to claim from the courts the following:

- Travel and parking costs
- Food and drink costs
- Loss of earnings and other expenses (e.g. childcare costs)

In order to claim for loss of earnings, the trust will need to cease the employee's normal pay for that period (as claims cannot be made where employees have been paid by their employer). The employee must therefore claim a loss of earnings allowance from the court and to do this they will need to complete a certificate of loss of earnings which they can access via the court. When they receive this form they should take it to either the Payroll team or the HR team, who will help them complete the form. The Payroll team can also discuss the local government pension scheme options with associate staff, as they have the option of paying back pension to ensure their pension isn't adversely affected by the period of jury service.

There is a limit to the amount employees can claim against loss of earnings. If there is a gap between their normal earnings for the time they undertake jury service, and the amount they can claim, they should contact the HR Department, and arrangements will be made to ensure the employee does not lose pay whilst undertaking jury service.

If an employee is not required to attend court for the whole day, they will usually be expected to return to work. Where staff are able to work from home they may wish to agree with their line manager that they work from home for the rest of the day. Similarly, if the employee's jury service ends before the expected end date, the employee will be required to return to work.

## 7. RESERVISTS

If an employee is a reservist and is called up, the employee can claim the difference between their normal pay and their reservist service pay, alongside the cost of any benefits in kind their employer stops. The total amount a reservist can claim is £400 a day. While mobilised, the employee can either:

- ask for the days they are mobilised to count towards the Armed Forces Pension Scheme, or
- keep contributing to their personal or work pension (the Ministry of Defence will pay the employer's contributions)

The trust can claim financial assistance if an employee is called up as a reservist, and the trust would cease to pay their salary or pension contributions while they're away and the Ministry of Defence (MOD) pays these costs. The assistance the trust could claim is as follows:

- the cost of a temporary replacement if it's more than the reservist's salary (up to £110 a day)
- advertising costs and agency fees for finding a replacement
- a period of handover and takeover (5 days before and after mobilisation)
- 75% of the cost of specialist clothing for the replacement (up to £300)
- training costs for the replacement (up to £2,000)
- overtime, if other employees cover the work
- training the reservist needs to carry on their job when they return

In exceptional circumstances, the trust can apply for a delay or cancel of the employee's mobilisation, if it would seriously harm the organisation.

## 8. FEES RECEIVED

If a fee or other payment is received for time off for public duties, the following will apply:

- Employees may retain any fees relating to work that is undertaken in their own time, not during working hours
- If a fee is received for work undertaken during normal working hours, a deduction of pay will be made. Where the entire work is undertaken during normal working hours, there are two possible options: if the employee receives the fee directly, the same amount (up to the employee's normal pay for the same period) will be deducted from their next pay, or; if the fee is received by the trust, the employee will receive their normal pay, plus any increase if the amount received is greater than the employee's normal pay. In either situation, the employee will not receive less than their normal pay for undertaking the activity.
- If part of the work is undertaken during normal working hours and the rest is undertaken in the employee's own time, their normal pay will be deducted for the time spent undertaking approved public duties during normal working hours, unless the fee is less than the employee's normal pay, in which case the total fee only will be deducted.
- The employee is encouraged to check with the Payroll Department any unintended detriment, prior to undertaking the public duty (e.g. pension contributions).

Examples:

- If an employee was released for 7.5 hours during their normal working hours to undertake public duties, their normal pay for that time was £100 and the fee they received was £150, they would receive £150 and £100 would be deducted from their pay.
- If an employee was released for 7.5 hours during their normal working hours to undertake public duties, their normal pay for that time was £100 and the fee they received was £80, they would receive the £80 fee directly and this amount would be deducted from their normal pay of £100.

Where no fee is received, if paid time off has been agreed, the employee will continue to receive their normal pay. The HR Department will notify the Payroll Department of any pay adjustments required. Where an employee is submitting a claim for loss of earnings, they must provide a copy of the loss of earnings form to either the Payroll team or the HR team.

## 9. APPEALS

If an employee's request is refused or approved without pay, and the employee feels aggrieved, they may wish to appeal against the decision. The employee must submit their appeal to the Director of HR and Governance within 10 working days of receipt of the decision, clearly stating the grounds for their appeal.

The Headteacher will review the original documentation and decision alongside any additional information submitted and will either make a decision and write to the employee or will arrange an appeal meeting which will be heard by the Headteacher. If the Headteacher was involved in the original decision, the appeal meeting will be heard either by another Headteacher within the Trust or the Executive Principal. The outcome of the appeal is final.

## **10. MONITORING COMPLIANCE WITH AND EFFECTIVENESS OF THE POLICY**

Effectiveness and compliance of this Policy will be monitored by the HR Department.

## **11. REVIEW**

This Policy and Procedure will be reviewed within two years of the date of implementation with trade unions at the JCNC.

Appendix 1

**PUBLIC DUTIES REQUEST FORM**

**Section A (Employee to complete)**

**Surname:**.....

**First name:**.....

**Department:**.....

**Job Title:**.....

**Contracted Hours:**.....

**Working Pattern:**.....

I wish to apply for approval to undertake the following specific public duties *(please provide full details as this will assist with the decision, including the frequency, time commitment, the potential impact of your absence and how the adverse effect can be minimised)*:

**Line Manager's Comments:** *(Please consider within your comments whether or not the leave would create operational difficulties. The information you provide assists us with the decision)*

**Name of Line Manager:** *(Print in BLOCK CAPITALS)*

\_\_\_\_\_

**Employee Signature:**.....

**Date:**.....