

## Wiltshire Council Human Resources

### Time Off for Civic Public Duties

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### What is it?

The policy applies to employees who undertake certain civic public duties. It names the relevant organisations, the time allowed from work to perform these civic duties and whether the time is paid or unpaid. There is no right to paid time off for undertaking public duties; it is at the discretion of the Council.

Some of these public duties are covered by the Employment Rights Act 1996 (ERA) which entitles employees to reasonable time off to perform them - although the time does not have to be paid. Reasonableness is determined by considering how much time off you require to perform the duties; how much time you have already taken for the duties; and the circumstances of your service area and the effect that your absence will have on its operation.

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#### Who does it apply to?

This policy applies to all Wiltshire Council employees (with the exception of teaching and non-teaching staff employed in locally managed schools).

## **When does it apply?**

It applies if you hold one or more of the civic public duty roles included in the policy.

The civic public duties covered by the ERA and detailed in this policy are:

- Magistrates
- School governor (member of the managing or governing body of an educational establishment).
- Local Councillor

In addition the policy contains information on time off for performing other civic duties that are not covered by the ERA these are:

- Members of the Reserve Forces
- The Special Constabulary
- Jury Service

## **When does it not apply?**

This policy does not apply to:

- other volunteering activities or work performed for other voluntary organisations – this is covered in guidance for [Volunteers](#).
- Time off to assist at elections – this is covered in the [Time off for elections policy](#).
- employees who have additional employment which is covered by the [Code of conduct policy](#).

## **What are the main points?**

Magistrates

1. New magistrates (from September 2012) and those that have not claimed paid leave up to that date will be entitled to take 26 half days (13 full days) paid leave each year which will cover the minimum number of sessions you are required to sit each year. Any further leave to perform these duties will need to be on an unpaid, annual leave or flexitime basis.
2. The entitlement for existing magistrates will remain in place.
3. You must discuss with your manager the impact being a magistrate will have on your employment before undertaking this civic duty and how the effect on your job and department can be minimised.

4. Attendance at a court session must be approved by your manager beforehand.

#### School Governors

5. Although many school governors meetings take place outside of normal working hours it is recognised that there are occasions when governors are required for meetings during the working day e.g. to attend panels, interviews etc.
6. To assist employees who are school governors to perform these duties the council will allow 3 full days/6 half days paid leave per year. Further reasonable time off requests to perform these duties can be considered by your manager on an unpaid leave basis.
7. Attendance at a Governors' meeting during work time needs your manager's approval beforehand.

#### Local Councillor

8. Employees elected as local councillors, including town and parish councillors, will be entitled to 3 full days/6 half days paid leave per year to perform these duties.
9. Managers will be expected to support up to an additional 10 days unpaid leave where required to undertake these duties.
10. All requests for leave to undertake these duties must be approved by your manager beforehand.
11. If you work in a politically restricted post for Wiltshire Council you cannot be a councillor for Wiltshire or another council. You are prohibited from both under the [Politically restricted posts policy and procedure](#).

#### Reserve forces

12. If you are a volunteer reservist with the UK's armed forces you should make your manager aware of this commitment and that it could mean you requesting time off from work to perform these duties. The Reserve forces consist of:
  - The Territorial Army
  - The Royal Naval Reserve and the Royal Marines Reserve
  - The Reserve Air forces including the RAF Reserves and Royal Auxillary Air Force.

13. You are entitled to additional paid leave of up to two weeks to attend camp each year. Any further leave beyond 2 weeks will need to be taken as part of your annual leave entitlement.
14. Any other training should be arranged to take place in your own time or as part of your annual leave entitlement. Alternatively, your manager may grant unpaid leave of up to one week.
15. To request time off for training or to attend camp you should give your manager as much advance notice as possible in order to avoid operational difficulties.
16. You need to submit an [absence leave form](#) with the relevant paperwork from the Ministry of Defence (MoD) to your manager to be passed on to Business Services – HR & Payroll administrative team.
17. Your manager has the discretion to refuse a request for leave, whether paid or unpaid, if your absence will present business difficulties.
18. If you are mobilised (being called up for active service) there are certain legal obligations that your manager and the Council must comply with which are explained in the toolkit under Managers Guidance on the Mobilisation of Reserve Forces ([link](#)).
19. If you are mobilised as a member of the Reserve Forces there is no requirement for the council to pay your salary whilst you are on military operations.
20. On your return from active service the council has a legal obligation to re-employ you in your original role or a similar role with the same terms and conditions of service.

#### Jurors

21. If you are called to do jury service your manager must allow you time off for this. You will need to show your manager the confirmation of jury service letter received from the court prior to going on jury absence.
22. You will receive from the court a 'certificate of loss of earnings form' to pass to the HR & Payroll administration section for completion. Payroll will return the completed form to you to take to the court on your first day of jury service. At the end of your jury service the court will pay you for your loss of earnings and expenses and will give you a statement which contains this information. This statement must be sent to the HR & Payroll administrative team.

23. You will receive your normal pay but any money obtained from the courts to cover your loss of earnings will be deducted from your salary by HR & Payroll administration. It is your responsibility to claim for any allowances that you are entitled to in order to mitigate costs incurred by the Council.
24. During periods where your attendance is not required and it is practicable you should return to work. If this is not possible you should discuss the situation with your manager.

#### Employer Supported Police programme - Special Constables

25. If you are selected to be a special constable you will be entitled to 3 days unpaid leave per annum from your council employment. ([link to form](#))
26. An unpaid leave form needs to be completed and approved by your manager before you need to take the time.

#### Part Time staff and other working patterns

27. All entitlements for part time staff will be on a pro-rata basis.
28. If you work a variable-hours contract or an annualised hours contract you will be entitled to the equivalent amount of leave as detailed in the policy which needs to be discussed and agreed with your manager beforehand.

#### Flexible working

29. Your manager can consider flexible work arrangements such as hot desking and home working to facilitate you in attending meetings or performing duties associated with your civic function. Alongside, the entitlement stated for each civic duty your manager can give consideration to allowing you to make up time at a later date or alter shifts if you request this.

#### Travel & subsistence allowances

30. Wiltshire council will not pay for any travel or subsistence expenses associated with performing these civic duties.

#### Maximum Entitlement

31. If you perform more than one of the civic duties listed above you are entitled to the stated paid leave for each individual civic duty up to a maximum combined sum of 16 days paid leave each year (pro-rata entitlement for part-time staff). Further leave for you to perform these

duties will have to be on an unpaid leave, annual leave or flexitime basis. All leave is subject to the approval of your manager beforehand.

## **Roles and responsibilities**

### Employee responsibilities

32. If you want to apply for one of these civic public roles and it is likely that the duties will require you to take time off from work you will need to discuss the impact on your employment with your manager beforehand.
33. Any request for time off needs to be approved by your manager before the event and any required paper work completed. Your manager can refuse your request if it is unreasonable. The only exception to this is if you are mobilised as a member of the Reserve forces for which there is separate guidance ([link](#)) or summoned to do jury service.
34. You need to be able to show your manager written confirmation that you have been appointed to undertake one of the mentioned civic duties and when necessary provide confirmation of the dates you are required to perform your duties.

### Line manager responsibilities

35. Discuss with any of your employees undertaking a civic public role the potential impact this may have on the business and look at possible ways to overcome these issues.
36. Make sure your employees are aware they need to give you plenty of advance notice for time off to perform these civic public roles so that you can make sure there is adequate business cover.
37. Give fair and consistent consideration to requests for time off to perform these civic public duties in line with the [Equality and Diversity policy and procedure](#). A request can be refused for operational grounds but you will need to explain to your employee the circumstances that prevent you from approving the leave. However, requests for jury service and mobilisation of reserve forces personnel cannot be refused as they are covered by separate legal requirements.
38. Complete necessary paper work and inform HR & Payroll administration. [Record absence on SAP \(check\)](#).
39. Maintain records of time off granted and the reasons for any requests that you may refuse.

## HR responsibilities

40. Provide advice to managers on issues raised by staff in connection with this policy.

## Frequently asked questions

41. Can I claim travel expenses to perform my role as a School Governor?

The council is not responsible for paying any expenses, including travel expenses, incurred by employees to undertake these civic public role duties.

42. I am a member of one of the Reserve Forces and also a School Governor. Does this mean I can take 16 days paid leave each year to perform these duties?

16 days is the maximum amount of paid leave allowed for civic public duties but you need to check what the policy states for each duty. Members of the Reserve Forces are allowed up to ten days paid leave each year to attend training camp and as a school governor you are allowed a maximum of three paid days per annum to perform these duties. Therefore, in your circumstances the maximum amount of paid leave that you can request each year would be 13 days, not 16 days.

43. I have been asked to attend court as a witness. This is nothing to do with my work but can I get paid time from work for this?

Attendance at court as a witness for a non-related work issue is not paid for. You can claim expenses from the court for loss of earnings, travelling expenses, subsistence and child care. There are limits set by the government to the amounts you can claim.

44. I am a Retained Fire Fighter, can I claim any paid leave for these duties and are there any other community roles such as members of the St. John's Ambulance service, which could fall within the remit of this policy?

Only the roles specified in this policy are entitled to the leave stated under each relevant heading. The role of Retained Fire Fighter is viewed as 'additional employment' as you receive payment for this work from the Fire Service. You will not, therefore, receive paid leave from the council to perform these duties but you need to be aware of, and comply with, the 'other commitments' section in the [code of conduct policy](#). There is no paid leave for other community/voluntary roles but managers do have the discretion and flexibility to give consideration to requests for unpaid leave which is detailed in the [annual leave and bank holiday entitlement policy](#).

45. I have already used my 2 weeks paid leave entitlement to attend Territorial Army camp but I am required to attend a certain number of weekend events as part of the TA. My regular work pattern includes some weekends and my manager has refused my request for annual leave over a particular weekend because of the business needs of the service. Is this reasonable?

All leave requests are subject to prior approval from the employee's manager. Managers must consider the operational needs of the service when deciding whether they can approve the leave request or not and comply with the time limits outlined in the [Annual leave and bank holiday entitlement policy](#) if refusing a request. It may be worth having early discussions with your manager about potential requirements so they can plan ahead and give you a good indication of any likely issues.

## Definitions

### Equal Opportunities

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#))

### Legislation

- Employment Rights Act 1996
- Reserve Forces (Safeguard of Employment) Act 1985
- Reserve Forces Act 1996

This policy has been reviewed by our legal team to ensure compliance with the above legislation and our statutory duties.

### Advice and guidance

If you require help in accessing or understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).



### Further information

There are a number of related policies and procedures that you should be aware of including:

There is also a **toolkit** including manager guidance and supporting documents to use when following this policy and procedure.

- [Managers' guidance on mobilisation of Reserve Forces](#)

For further information please speak to your supervisor, manager, service director or contact your [HR advisor](#).

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