

Lead Employer Trust

Leave for Civic and Public Duties

POLICY INFORMATION SHEET

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Summary of Changes

Date of Change	Changes made	Location of changes	Changes approved	Version Control
11 th March 2014	Remove all references to Northern Deanery. Change to Health Education North East (HENE)	Pages: 7	17 th January 2014	Now version 2
May 2015	Changes to include GP trainees	Pages: 6,7,8,9	May 2015	Version 3

1 INTRODUCTION

Employees seeking nomination to public bodies or to undertake civic duties should obtain the prior approval of the Lead Employer Trust (LET) and their line manager who, in making a decision, will have regard to the amount of time off required to perform these duties. Permission should not be unreasonably withheld.

Where an individual is granted time off with pay, it is on the understanding that any fees payable to them by a third party will be claimed and reimbursed to the LET. This includes fees payable to Magistrates, members of the T.A. and witnesses attending court hearings, but excludes payments made in respect of travel or subsistence.

2 TRAINING WITH RESERVE AND CADET FORCES

Employees who are members of the reserve forces should be granted one week's paid leave for attendance at annual camp. Employees should be free to choose whether the second week at camp should count as special leave without pay or as part of their normal annual leave entitlement.

Employees required to attend additional short periods of training (normally at weekends) will be expected to arrange for such training to be undertaken in their off duty time. Where this is not possible unpaid leave may be authorised.

3 JURY SERVICE/ATTENDANCE AT COURT

Employees who are called for Jury Service shall be granted paid special leave. Paid special leave will be granted on the basis that the employee will claim court fees and repay monies back to the Lead Employer Trust. Employees can do this by completing the HMCS Certificate of Loss of Earnings or Benefit Documentation issues by the court services.

Employees will arrange with their line manager the required approval of leave for Jury Service. The line manager will ensure that the employee is aware they have a duty to claim for reimbursement from the Court, for the earnings paid by the LET, for the full period of Jury Service. The LET is aware that monies reimbursed from the court are subject to a maximum daily amount.

Employees must forward the 'Certificate of Loss of Earnings or Benefit', received when summonsed for Jury Service, to the LET payroll for completion of the employees daily rate of pay. The completed form is then used by the employee to claim monies from the court.

A payment will be made to the employee on completion of Jury Service, for the maximum amount allowed by law. Loss of earnings paid by the court does not usually amount to the employee's normal earnings. The employee will also receive a certificate of attendance and a remittance advice which should be retained by the employee.

Upon return from Jury Service, the employee will discuss with the LET arrangements for the LET to reclaim for 'loss of earnings'. The 'Deduction from Salary Authorisation Form' will be completed and processed for the employees next month's salary following Jury Service (see appendix A).

If the employee fails to make payment in full in the next month's salary, disciplinary proceedings will commence as the matter will be regarded as a conduct issue.

For employees who leave the Lead Employer Trust prior to reimbursing the monies owed, the matter will be taken up by the LET Recharge team to recover the debt.

Employees, who attend Court as a witness on behalf of the LET or host training organisation, shall be granted paid special leave.

Where an employee attends Court as a witness in relation to a personal matter, the LET have discretion to grant special leave with, or without pay, depending upon the circumstances.

All travel and subsistence allowances should be claimed from the Court. Should the employee report for Jury Service and is not required on the day, they should return to the workplace, if it is reasonably practical for them to do so in the time available.

4 MAGISTERIAL DUTIES

An employee serving as a Justice of the Peace will be granted special leave with pay for the minimum number of sessions (26 half days) on which they are statutorily required to attend Court for the purposes of carrying out these duties.

Additional paid leave up to a maximum of 35 half-day sessions in total per annum may be granted at LET management discretion, taking into account the service needs of the host training organisation.

Any other time required by the employee to meet his/her obligations to the Courts should be taken as annual or unpaid leave at the discretion of the LET.

The LET, host training organisations and line managers/supervisors should be notified in advance in writing of the employees intention to become a magistrate and where possible individuals should submit their planned magisterial duties 'leave' list well in advance using the form at appendix B.

Any court fees received by the employee must be transferred to the LET if obtained during paid leave.

5 STATUTORY TRIBUNAL, POLICE AUTHORITY, BOARD OF PRISON GOVERNORS, EDUCATION AUTHORITY/SCHOOL GOVERNOR, ENVIRONMENTAL AGENCY.

Leave for service on these committees will be granted with pay, at the discretion of the LET and subject to the exigencies of the service up to a maximum of two days unpaid special leave in any period of 12 months. The consent of the LET and line manager should be obtained prior to each absence from work. Further special leave without pay may be granted at the discretion of the LET. Any fees received by the employee must be transferred to the LET if obtained during paid leave.

6 MEMBERSHIP OF LOCAL AUTHORITIES

Employees who, with the consent of the LET, seek election to a local authority may be granted leave with pay, at the discretion of the LET and host training organisation and subject to the needs of the service, up to 18 days (taken in days or half days as required) in any period of 12 months.

It should be noted that where local government duties are combined with magisterial duties, the total paid leave for the two purposes may not exceed 24 days in any period of 12 months.

Further special leave without pay may be granted at the discretion of the LET.

An employee who is appointed Mayor may be granted up to 24 days paid leave in any period of 12 months for carrying out civic duties including any magisterial duties.

Any fees received by the employee must be transferred to the LET if obtained during paid leave.

7 PARLIAMENTARY CANDIDATES

Employees who are adopted as candidates at a parliamentary election shall be granted 4 weeks' special leave without pay.

8 NHS STAFF COUNCIL MEETINGS

Leave for NHS Staff Council meetings should be granted with pay to enable employees who have been appointed to represent their trade union or professional organisation and to attend meetings of the Councils and of their Committees, including meetings of the employee sides.

9 MEMBERSHIP OF OTHER BODIES

Employees who serve on other public bodies e.g. National Rivers Authority; Boards of Visitors etc., will be granted paid leave on an individual basis to attend the number of meetings required by statute for continued membership. Additional unpaid leave may be approved at the discretion of the LET.

Leave for service on National Committees or Working Parties should be granted with pay, at the discretion of the LET.

10 MEMBERSHIP AND DUTIES TO HEALTH EDUCATION NORTH EAST (HENE) COMMITTEES

Employees who serve/attend Specialty School Boards, Specialty Training Committees or any other HENE committees, will be granted paid leave, at the discretion of the LET on an individual basis to attend the number of meetings required by statute by HENE and paid leave is not guaranteed. Additional unpaid leave may be approved at the discretion of the LET. For applying for leave please see point 11.

11 HOW TO APPLY FOR LEAVE

All leave is granted at the discretion of the LET. The Request Forms appendix A and B should be completed. Some explanation of the circumstances involved and evidence must be provided. Fourteen days' notice is required for all leave for public duties. As much notice as is reasonably practicable is required for all other leave. The LET reserves the right to decline any request for special leave (apart from emergency leave) based on the needs of the service. Where employees are being granted unpaid leave, appendix A or B should be completed and returned to the Lead Employer Trust without delay.

12 APPEAL

Applicants will be entitled to a written reason from the LET for refusal of any application. If they remain dissatisfied with the reason, they should lodge an appeal in writing to the General Manager of the LET.

An appeal will be dealt with by a case manager and will be conducted in accordance with the appeals procedure at Appendix B.

A representative from the LET HR will be present at an Appeal Hearing to provide procedural advice. However, the decision will be taken by the case manager hearing the appeal.

The decision of the appeal hearing will be confirmed in writing to the employee within ten (10) calendar days of the oral decision.

The appeal hearing is the final stage of the procedure and any decision will be final.

13 REPRESENTATION

Under the *ACAS Code of Practice 2009 - Disciplinary and Grievance Procedures*, the employee has a right to be accompanied by a 'companion' at formal meetings that may result in a warning or some other action. However, the LET will continue to extend the right to be accompanied at any formal meeting which is part of the process e.g. investigatory interviews. The employee may be accompanied by a trade union representative, an official employed by a trade union or a colleague from within the host training organisation but not someone acting in a legal capacity. Employees may only have one companion and the companion should not be someone who would prejudice the investigation/hearing process.

The LET also allows employees being investigated, or witnesses, to be accompanied at the investigation stages of the procedure, as long as that will not delay the investigation or the companion is not part of the investigation.

A LET employee who has agreed to accompany a colleague (also employed by the LET) is entitled to take reasonable paid time off to fulfill that responsibility, where possible.

The companion should be allowed to address the hearing and to put and sum up the employee's case, but does not have the right to answer questions on the employee's behalf.

It is the employee's responsibility to arrange their own representation.

14 EQUALITY & DIVERSITY STATEMENT

The LET is committed to providing equality of opportunity, not only in its employment practices but also in all the services for which it is responsible. As such, an Equality Impact Assessment has been carried out on this policy to identify any potential discriminatory impact. The LET also values and respects the diversity of its employees and the wider community it serves. In applying this policy, representatives of the host training organisation will have due regard for the need to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Provide for good relations between people of diverse groups

For further information, please refer to the LET's Equality Diversity & Human Rights Policy

15 MONITORING AND REVIEW

The LET General Manager is responsible for monitoring the application of this policy and to ensure that the procedure is reviewed no later than three years from the date of issue. The Procedure may be amended at any time by joint agreement.

The Lead Employer Trust

JURY SERVICE/ATTENDANCE AT COURT

DEDUCTION FROM SALARY AUTHORISATION FORM

Title:	Forename:	Surname:
Assignment No:		Hours per week:
Job Title:		Site:
Department:		

Dates of Leave:

Paid

From: _____ To: _____

Total Days: _____ Total Hours _____

Deduction Rate:

Value of Deduction: _____ Date of Deduction: _____

Please ensure that the certificate of attendance and the remittance advice issued by the court is attached to this document.

By completion of the 'Deduction from Salary Authorisation Form' I hereby authorise the Lead Employer Trust to deduct the amount stated above for the purposes of reimbursing the LET for loss of earnings received by me, from the court, for the period of Jury Service. I submit the 'Certificate of Attendance' and the 'Remittance Advice' issued by the court to me as evidence of monies received from the court.

Employee's signature

Date

The Lead Employer Trust

MAGISTERIAL DUTIES

CIVIC/PUBLIC DUTY LEAVE REQUEST FORM

Full Name: _____

Personal No: _____

Job Title: _____

Hours per week: _____

Department: _____

Site: _____

Type of Leave:

Dates of Leave:

Paid

From: _____

To: _____

Total Days: _____

Total Hours _____

Unpaid

From: _____

To: _____

Total Days _____

Total Hours _____

Employee's signature

Date

Manager's Signature:

Date:

Where periods of unpaid leave are being taken, a copy of this form must be sent to Payroll

Appeal Hearing Procedure

- The Chair will make the necessary introductions
- Explain that if they require a break at any point during the meeting then they are entitled to do so.
- Explain the format of the meeting (below).

Format of Appeal Hearing

- The employee or their representative shall state the case and call any witnesses. All witnesses must be identified to the Chairperson 48 hours prior to the hearing (if applicable).
- The management representatives shall be entitled to question the witnesses called.
- The Appeal Panel shall be entitled to question any witnesses called.
- The employee or their representative may re-examine their witnesses on any matters referred to in their examination by a member of the Appeals Panel or management representative.
- The management representative shall state the management case and call any witnesses. All witnesses must be identified to the Chairperson 48 hours prior to the hearing (If applicable).
- The employee or their representative shall be entitled to question any witnesses called.
- The Appeals Panel shall be entitled to question any witnesses called.
- The management representatives may re-examine their witnesses on any matters referred to in their examination by members of the panel and/or the employee or their representative.

(Witnesses will withdraw following questions)

- The management representative shall summarise their case.
- The employee or their representative shall summarise their case.
- At this point, if further evidence to support the appeal is required, the members of the Appeals Panel may, at their discretion, adjourn in order that either party may produce further evidence.
- The management representatives, the employee and his/her representative shall withdraw.

Adjournment

- The Appeal Panel, and the HR representative will deliberate in private only recalling both parties to clear points of uncertainty on evidence already given. If recall is necessary both parties shall return, notwithstanding that only one is concerned with the point given rise to doubt.
- After private deliberation it is hoped a decision will be reached on the day of the hearing. In such instances the chairperson will recall both parties and outline the decision, giving appropriate reasons
- The Chairperson will confirm to the employee and their representative in writing the decision of the appeal panel within 14 calendar days of the hearing.
- However, where a case is likely to require further consideration following the hearing, written advice should be provided to the employee within 10 calendar days, indicating the date by which a full response can be expected.

Equality Impact Assessment

Preliminary Assessment Form

v1/2009

The preliminary impact assessment is a quick and easy screening process.

It should:

- Identify those policies, procedures, services, functions and strategies which require a full EIA by looking at:
 - negative, positive or no impact on any of the equality groups
 - opportunity to promote equality for the equality groups
 - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Division/Department

LET HR Department

Title of policy, procedure, function or service

Leave for Civic and Public Duties

Type of policy, procedure, function or service

Existing ☐

New/proposed ☐

Changed X



Q1 - What is the aim of your policy, procedure, project or service?

To outline the leave and payment provisions available to staff who require time off to undertake civic and public duties

Q2 - Who is the policy, procedure, project or service going to benefit?

All LET Employees

Q3 - Thinking about each group below, does, or could the policy, procedure, project or service have a negative impact on members of the equality groups below?

Group	Yes	No	Unclear
Age		N	
Disability		N	
Race		N	
Gender		N	
Transgender		N	
Sexual Orientation		N	
Religion or belief		N	
Marriage & Civil Partnership		N	
Pregnancy & Maternity		N	
Relationships between groups		N	
Other socially excluded groups		N	

If the answer is “Yes” or “Unclear” you *MUST* complete a full EIA

Q4 – Does, or could, the policy, procedure, project or service help to promote equality for members of the equality groups?

Group	Yes	No	Unclear
Age	Y		
Disability	Y		
Race	Y		
Gender	Y		
Transgender	Y		
Sexual Orientation	Y		
Religion or belief	Y		
Marriage & Civil Partnership	Y		
Pregnancy & Maternity	Y		
Relationships between groups	Y		
Other socially excluded groups	Y		

Q5 – Do you have any feedback data from equality groups that indicate how this policy, procedure, project or service may impact upon these groups?

Group	Yes No Impact	Yes Impact	No	Unclear
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Age			N	
Disability			N	
Race			N	
Gender			N	
Transgender			N	
Sexual Orientation			N	
Religion or belief			N	
Marriage & Civil Partnership			N	
Pregnancy & Maternity			N	
Relationships between groups			N	
Other socially excluded groups			N	

Q6 – Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, procedure, project or service?

Yes		No	X
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If you have answered “Yes” now follow the EIA toolkit and complete a full EIA form

Q7 – How have you come to this decision?

No indication that equality groups have been adversely affected by this procedure

Q8 – What is your priority for doing the full EIA

High	Medium	Low
		X

Q9 – Who was involved in the EIA?

LET HR Department

This EIA has been approved by:

LET General Manager

Date: 11th January 2012

Contact number: 0191 275 4769

Please ensure that this assessment is attached to the policy document to which it relates.