

PERTH AND KINROSS COUNCIL
JOINT NEGOTIATING COMMITTEE FOR TEACHING STAFF
LOCAL AGREEMENT
TIME OFF FOR PUBLIC DUTIES

In terms of the Local Recognition and Procedure Agreement, it is accepted by all signatories acting on behalf of the Council and the recognised unions that this agreement is a binding local agreement effective from 30 September 2008. This supersedes relevant provisions within the National Agreement and constitutes a formal amendment to the terms and conditions of employment for teaching employees within Perth and Kinross Council.

John Fyffe, Executive Director (Education & Children's Services), on behalf of
Perth and Kinross Council:

.....

Douglas Stewart (EIS), on behalf of Teachers' Trade Unions:

.....

PERTH AND KINROSS COUNCIL

Corporate Management Group – 2 September 2008

TIME OFF FOR PUBLIC DUTIES

Report by Head of Human Resources

ABSTRACT

This report updates the Corporate Management Group on a recent review of the current provisions for Time off for Public Duties. The report requests agreement from the Corporate Management Group to the recommendations contained within.

1. RECOMMENDATION

1.1 It is recommended that the Corporate Management Group approve the following:

- The revised policy for Time off for Public Duties attached as Appendix A.

2. BACKGROUND

2.1 A request within one Service for time off to attend Children's Panel Hearings was raised with Human Resources as there is no specific provision set out within the existing Leave of Absence to Attend Public Duties Policy.

2.2 It was recognised that it would be appropriate to conduct a review of the Public Duties Policy and other associated policies to assist Services and ensure a consistent approach within Perth & Kinross Council.

2.3 There are currently several different policies for various kinds of public duty related leave within Perth & Kinross Council

- Leave of Absence to attend Court as a Juror or a Crown Witness
- Leave of Absence for Donating Blood
- Leave of Absence for Non-regular forces
- Leave of Absence to undertake Public Duties

3. PROPOSALS

It is proposed that the Council adopts the following:

(a) Consolidation of the Public Duty Related Policies

3.1 It is proposed that Appendix A, supersedes the following public duty related policies to ensure a consistent approach across Services and to contain the recommendations for leave to attend a Public Duty within a single Policy.

- Leave of Absence to attend court as a Juror or a Crown Witness
- Leave of Absence for Donating Blood
- Leave of Absence for Non-regular forces
- Leave of Absence for Children's Panel
- Leave of Absence to undertake Public Duties

(b) Additional provision within the Policy

3.2 It is proposed that the Time off to attend children's panels is incorporated into the Time Off for Public Duties Policy, as attached in Appendix A.

(c) Update in relation to Time off for Donating Blood

3.3 The current provision for donating blood requires to be updated as the local arrangements have changed in terms of where and how to access the Blood Transfusion Service. An update of the policy was therefore required.

(d) Guidance for Managers and Employees

3.4 It is also intended to provide a Managers' Factsheet with guidance for granting appropriate periods of time off for those who undertake public duties to assist them with the implementation of this report.

4. CONSULTATION

4.1 It is intended that the Trade Unions will be consulted shortly on approval of this report.

5. RESOURCE IMPLICATIONS

5.1 There are no additional financial implications associated with the recommendations contained within this report.

5.2 A briefing session will be arranged with Staffing Contacts on the revised policy by Human Resources following the implementation of this report.

6. COUNCIL CORPORATE PLAN OBJECTIVES 2006-2010

- 6.1 The recommendation within this report supports the delivery of the corporate objective of a safe, secure and welcoming environment.

7. EQUALITIES ASSESSMENT

- 7.1 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Assessment Framework and the determination was made that the items summarised in this report do not require further assessment as they do not have an impact on people's wellbeing.

8. STRATEGIC ENVIRONMENTAL ASSESSMENT

- 8.1 The plan, programme or strategy presented in this report was considered under the Environmental Assessment (Scotland) Act 2005 and the determination was made that the items summarised in this report do not require further action as they do not qualify as a plan, programme or strategy as defined by the Act.

9. CONCLUSION

- 9.1 By implementing the recommendations in this report the Council fully meets its obligations as an employer in respect of agreed Time off for Public Duties. It will also ensure a consistent approach across all Services.

HUGH L MACKENZIE
Head of Human Resources

Contact Officer: Jackie Brown, Assistant Personnel Officer
Ext. No 01738 475489
E-mail address JMBrown@pkc.gov.uk

Address of Service: 2 High Street, PERTH, PH1 5PH

Date: 13 August 2008

If you or someone you know would like a copy of this document in another language or format, (on occasion only, a summary of the document will be provided in translation), this can be arranged by contacting (*Jackie Brown, 475489*)



Council Text Phone Number 01738 442573

TIME OFF FOR PUBLIC DUTIES

POLICY STATEMENT

The Council's Corporate Plan sets out its vision which is underpinned by a strong public service ethos and shared values.

In addition to its community leadership role, the Council also acknowledges the positive contribution that employees can make towards the functioning of public and voluntary bodies and, therefore, recognises that employees may require paid time off work in order to perform these duties.

SCOPE

The provisions within this policy apply to all employees of Perth & Kinross Council.

TYPES OF SPECIAL LEAVE COVERED WITHIN THIS POLICY

Perth & Kinross Council offers paid time off to attend a number of Public Duties. A summary of each type is provided below to assist employees and Managers identify the leave that may be applicable

- Leave of absence to undertake Public Duties
- Leave of absence to attend Court as a Juror or a Crown Witness
- Leave of absence for Children's Panel
- Leave of absence for Non-regular Forces
- Leave of absence for Donating Blood

LEAVE OF ABSENCE TO UNDERTAKE PUBLIC DUTIES

An employee is legally entitled to reasonable paid time off work to undertake public duties as defined in the Employee Rights Act 1996.

Section 50 of the Act provides employees with a positive right to a reasonable amount of time off from work to pursue the duties of their office, or duties as a member of the public body concerned, if the employee is one of the following:

- A Justice of the Peace
- A Local Authority
- A Statutory Tribunal
- A Police Authority
- A Board of prison visitors or a person visiting committee

- A relevant Health Body
- A relevant Education Body
- The Environment Agency or the Scottish Environment Protection Agency

This above list is not exhaustive; there may be other requests that may be considered on an individual basis.

The Local Government and Housing Act 1989 allows a Council to grant paid leave to an employee for the purpose of performing duties as a member of another Local Authority up to a maximum of 208 hours in any financial year.

There is no statutory limit placed on the amount of unpaid leave which the Council may grant in this regard.

What is reasonable time off?

Criteria for determining reasonable time off are –

- How much time off is required to perform the particular public duty
- How much time off the employee has already been permitted for this purpose or any other activities
- The effect of the employee's absence on the operation of the Service

LEAVE OF ABSENCE TO ATTEND COURT AS A JUROR OR A CROWN WITNESS

Employees who are cited to attend Court as either a Juror or a Crown Witness, will be granted special leave with pay, subject to the following conditions –

- Employees present the citation and supporting documentation to their Line Manager or Head of Service. Any information requested by the Court relating to earnings will be completed and returned before the employee is due to attend.
- Employees are entitled to allowances for loss of earnings which they must claim and submit to their Line Manager or Head of Service.
- Travelling and subsistence expenses are matters to be agreed between the employee and Court, and do not involve the Council.
- Employees will return to work as soon as it is reasonably practicable to do so.

LEAVE OF ABSENCE FOR CHILDREN'S PANEL

The Children's Hearing System is at the centre of child care in Scotland and Children's Panel Members fulfil a vital part. The Panel system cannot operate without individual members of the public willing to serve as Panel Members and the Council wishes to support this valuable Public Duty.

Employees who are appointed as members of the Children's Panel –

- Employees should discuss becoming a Children's Panel member prior to applying with their Line Manager
- The Line Manager will determine whether or not an employee can have time off during working hours to meet their obligations as a Panel Member. Rota's for Panel Hearings are issued 3 months in advance requesting availability, therefore an employee should notify their Line Manager immediately to ensure adequate cover, where necessary can be arranged and the time off is agreed and granted. It is however recognised that there may be certain categories of employment which make it impractical to approve time off
- Time off with pay should be granted for employees who attend Children's Panel Hearings during working hours.
- Employees attending Children's Panel Hearings and or Training will be granted a maximum of 2 half days per month, where they are required.

Training for the Children's Panel

Training is essential to be a Member of a Children's Panel. As the training takes place at evenings or weekends, this should not result in a request for time off, unless an employee is required to work at such times, in which case the employee and Line Manager should discuss and determine an appropriate outcome. During the training period, it may be necessary to visit a Children's unit or home. These visits tend to be arranged in the evenings, therefore time off would not be required unless an employee is required to work at such times. The maximum time off would be as outlined above.

LEAVE OF ABSENCE FOR NON-REGULAR FORCES

Employees, who are members of the non-regular forces and attend the annual training camp, will be granted special leave with pay, subject to:

- Employees should advise their Head of Service immediately upon receiving notification of the annual training camp date.
- Employee attendance being for a period of not less than one week and not exceeding 15 days.
- A deduction being made from the employee's pay of any service pay or allowances received by the employee in respect of the period of special leave.

LEAVE OF ABSENCE FOR DONATING BLOOD

As a vital part of local health service provision, the Council is committed to promoting blood donation by employees.

The Blood Transfusion Service in Tayside accepts donations in Perth generally once a month. Relevant details will be placed on the workplace Notice Boards. Donations may also be made in Kinross, Crieff, Auchterarder, Aberfeldy, Blairgowrie, Coupar Angus, and Alyth. Dates and times when donations can be made are advertised locally.

Where operationally feasible, employees should request paid time off to donate blood. Giving blood takes approximately one hour and the minimum time between donations is 12 weeks. Therefore, for regular blood donors, the amount of time off granted should equate to little more than four hours per annum, plus the time to travel to and from the most appropriate and 'cost-effective' donation site.

Should you require any further information, please contact the HR Services Team.