

Committee: FINANCE AND RESOURCES

Date: 6 August 2007

Report SPECIAL LEAVE FOR PUBLIC DUTIES

### Purpose of the Report

1. For Members to review the current provision for employees to take paid time off from work to attend 'Public Duties'.

### Strategic Planning Framework

2. The information contained in this report is consistent with the Authority's statutory purposes and its approved strategic planning framework:
  - **Best Value Performance Plan**  
"Plan and manage all aspects of the Authority's business so as to make the most effective use of our resources"

### Background

3. At the meeting of this Committee held in February 2007, Members approved an updated Special Leave Policy. Since its implementation, an employee raised an issue with a Member to the extent that she did not think it appropriate that she was not allowed paid time off from work to conduct interviews as part of her voluntary school governor role. Under the policy, such activity is not classified as a duty that could qualify for additional paid leave. As a consequence the member involved, Mr Heather, has asked that the members of the Finance & Resources Committee reconsider their original decision.
4. This paper highlights the provisions allowed for time off from work to attend 'public duties', and provides members with the opportunity to reconsider this matter.

### Special Leave for Public Duties

5. The previous (pre-February 2007) Authority Policy, named 'Leave of Absence', stated:

"Up to 12 days paid leave, which may be extended at the discretion of the Chief Executive, may be granted for employees undertaking public duties e.g. Member of a Local Authority, school governor, JP".

6. In revising this policy it was deemed necessary to make the provisions in regards to time off for public duties more explicit, and so to remove the contingent 'may' aspect of the provision. As such the new policy states:

"Employees have a right to take a reasonable amount of **unpaid** time off to undertake a range of public duties. The right is limited to a specific number of public appointments. These are:

- Justice of the Peace
- Member of a visiting committee to prisons, remand centres and young offender institutions
- Member of a police authority
- Member of Service Authority for the National Criminal Intelligence Service or the National Crime Squad
- Member of a local authority
- Member of any statutory tribunal
- Member of certain health, education, water, sewage and river authorities
- Member of a Scottish water and sewage authority or a Scottish Water Industry Consultative Committee
- Member of Environment Agency or the Scottish Environment Protection Agency

The National Joint Council for Local Government Services' National Agreement on Pay and Conditions of Services dictates that **paid** leave will be granted for employees undertaking jury service or serving on public bodies or undertaking public duties. Where an allowance is claimable for loss of earnings the employee should claim and pay the allowance to the employing Authority".

7. The above insertion therefore details both instances where *unpaid* time off will be granted (as dictated by best practice) and those instances where *paid* time off will be allowed in accordance with the National Joint Council Terms and Conditions. Time off for public duties is not a legal right.
8. The key point to acknowledge in the policy is that **national terms and conditions will only allow for paid time off to serve on public bodies or undertake public duties for which there is an election process rather than a voluntary membership**
9. Being a school governor is not a public duty and does not involve being on a public body. Membership of a School Board is not listed on the "Civil Service Public Bodies Directory 2006"; only membership of an education board would be covered. However to clarify this, the following paragraph could be added to the policy:

*The allowance of paid leave for public duties refers to those people who are formally elected or appointed to take part in formal proceedings as Members of an Authority or a Committee.*

10. In addition to this, most schools organise governor meetings outside office hours as they acknowledge the voluntary contribution to the running of the school and the value of including governors from the working community, amongst others.

Several members of the Authority's staff are school governors and undertake all of their duties outside working hours; Members also will note that the role of a school governor is potentially very extensive, and may extend to observing teaching activity and taking part in school visits. So adding this 'voluntary' activity to the list has the potential to push the 'special leave' allowances a step too far.

11. Each employee also receives 24 days annual leave rising to 29 after 5 year services, 8 bank holidays and the opportunity to take a further 12 days flexi leave each year (equivalent to up to 2 ¼ months away from work each year). It should therefore not be unreasonable to expect an employee to take some of their annual leave/flexi leave in order to pursue outside activities. The promotion of this ethos is important to maintain the productivity of the Authority.

### **Conclusion**

12. Having re-considered the issues connected with special leave, it is still the view of officers that the policy approved by members in February this year is appropriate.

### **RECOMMENDATION**

13. It is therefore recommended that no material changes are made to the Authority's Special Leave Policy.

**Richard Burnett**  
**Head of Finance & Resources**

16 July 2007

Background documents: None