

<b>Leave for Public Service Policy</b>	
<b>Date approved by Trustees</b>	January 2014
<b>Date for next review</b>	May 2021
<b>Compliance lead</b>	Director of People, Employee Engagement and PSTE
<b>Agreed Policy file name</b>	Leave for Public Service Policy
<b>Agreed policy location:</b>	RMT Information area\Policies and Procedures RMT website

## **1. Introduction**

- 1.1 The Trust will grant reasonable time-off to an employee who undertakes certain public duties as outlined in the Employment Rights Act 1996 as amended from time to time. The Company acknowledges employees' interests outside work are beneficial from a personal perspective and also from the perspective of a wider society and, as such, supports employees who undertake public duties. This policy sets out the employee's entitlements for this purpose and also the procedure to follow to make a request.

## **2. Declaration of post**

- 2.1 Employees are required to inform the Trust of any posts they hold which qualify them for the right to take time off for public duties. An indication as to how much time the employee may need to take off per year should also be given so that the Trust is in the best position to maintain an effective operation year round.

## **3. Payment for time off**

Although the statutory right to take time off for public duties is unpaid, the Trust may, at its absolute discretion, allow paid time off.

Where an employee is paid for time off, pay will be offset against any money received by the employee in relation to expenses and/or compensation for loss of earnings from the public body for whom the duties are performed.

#### **4. Voluntary Public Service**

- 4.1 Employees should obtain the agreement of their line manager, who will obtain authorisation from a member of their Senior Management/Leadership Team or a senior member of staff with a directorate who will seek advice from the Department of Human Resources before undertaking voluntary public service.

#### **5. Jury Service**

- 5.1 Employees who are called for jury service will be granted special leave of absence. The Trust will pay the employee's contractual salary for two working weeks. If the jury service requires the employee to serve on a jury beyond two weeks then the Trust will be required to deduct the contractual salary for the remaining period of jury service. The member of staff will then be responsible for making their own claim for loss of earnings.

If the member of staff is required to attend jury service and it is at a time that is inconvenient to the Trust, the Trust may ask for the jury service to be deferred. The Trust is aware that the courts will not allow more than one request for postponement.

- 5.2 The Department of Human Resources will provide any required information to enable the employee to claim loss of earnings from the court.
- 5.3 It is the responsibility of the member of staff to:
- 5.3.1 The member of staff must provide the Trust with evidence of the request to attend Jury Service.
- 5.3.2 During the first two weeks of the jury service, and whilst the employee is receiving full contractual pay they will be required to attend the workplace if they are not required by the courts during working hours.

#### **6. HM Reserved Forces Duties**

- 6.1 The Trust are aware that employees who are members of the Reserve Forces (the Territorial Army, Royal Navy Reserve, Royal Marines Reserve or Royal Auxiliary Air Force) may be called-up at any time to be used on full-time operations and will be expected to attend regular training.
- 6.2 The Trust is under no obligation to offer leave (either paid or unpaid) for reservist employees to undertake training and expect existing holiday entitlement to be used to meet reservist training commitments.

The Trust will allow up to two weeks paid leave in addition to the members of staff's annual leave entitlement if they are called to be used on full time operations for a short period of time.

In exceptional circumstances we may grant additional leave (either paid or unpaid) in order for these commitments to be met. Requests must be made to the appropriate College Principal or Director who will seek advice from the Department of Human Resources. If the Trust receives notice that you have been called-up on full-time operations the Trust may apply to an adjudication officer for the notice to be deferred or revoked if your absence would cause serious harm to the Trust (which could not be prevented by the grant of financial assistance).

- 6.3 Should the Reservist be mobilised (i.e. called up for active service) they must give the Trust as much notice as possible. It is possible for the Trust to apply to delay or cancel mobilisation if it would seriously harm the business. Details can be found at:  
<https://www.gov.uk/employee-reservist/mobilisation>

Once your military service has ended you may submit a written application for reinstatement to your employment. This should be made by the third Monday following the end of your military service and you should notify the Trust of the date on which you will be available to restart work.

- 6.4 Members of staff who are Reservists are entitled to return to the same type of job they were doing before they were mobilised, on the same terms and conditions.

If the job no longer exists, the member of staff is entitled to a reasonable alternative.

## **7. Membership of School or College Governing Body/Corporation or Magisterial Duties (Justice of the Peace (JPs))**

- 7.1 Reasonable leave of absence at the discretion of the Trust (paid or unpaid) will be granted for an employee to undertake Governor duties at another college or school or if they are appointed as JP's to enable them to carry out the duties of the appointment.

Members of staff can request up to 12 days leave for these duties in any rolling 12 month period. (pro rata for part time and term time staff)

The time off must be agreed in advance with the appropriate College Principal or Director and should be requested by the employee as soon as possible. The Trust reserves the right to refuse time off if it is reasonable in all the circumstances.

## **8. Time off for Other Public Duties**

- 8.1 Employees are entitled to a reasonable amount of time off (unpaid or paid at the discretion of the Trust) work to carry out certain other public duties. For further information, please contact the Department of Human Resources.

## **9. Training for Blind or Partially Sighted Employees**

- 9.1 Special paid leave may where reasonable be granted to blind employees for a limited duration of any special training they may be required to undertake with guide dogs. This leave must be requested with as much notice as possible and details of the duration of training should be included.

The Trust will advise the employee of any limitations of paid leave upon receipt of request for leave.

## **10. Other Special Leave of Absence**

- 10.1 The Trust recognises that on occasions employees may encounter unforeseen domestic crisis, which demand their attention and in such circumstances further leave may be granted on a case by case, discretionary, basis on a paid or unpaid basis following consultation with the appropriate College Principal, Head Teacher or Director who will seek advice from the Department of Human Resources.

## **11. Requests for time off**

- 11.1 What is a 'reasonable' amount of time off will be determined at the time the employee makes a request to take such time off. The following will be taken into account:

- the public duty involved
- how many of these posts the employee holds
- any time already taken off for the purpose of undertaking public duties.

- 11.2 Written requests for time off should be made to the employee's line manager as far in advance of the dates requested as possible. The request should contain:

- the duty to which the time off relates
- the dates between which the employee wishes to take off.

- 11.3 The line manager will then consider the request according the criteria above. If the business needs dictate that the employee's absence at the requested time would not be feasible, the request will not be granted.

11.4 In addition, time off will not be considered ‘reasonable’, and therefore, the request will be declined, where:

- the Company regards the amount of time requested as disproportionate
- the employee has already taken what the Company deems a reasonable amount of time off in that leave year.

In the event of either of the above, the Trust may agree a period of paid annual leave to be taken to cover time off deemed not to be reasonable.

Failure of the employee to specify the expected duration of time off will also result in the request being declined.

11.5 ‘Reasonable’ time off is a statutory right and, therefore, employees will not be asked to make up the time spent away from work for this purpose.

## 12. Appeals

12.1 Employees who are dissatisfied that their request for time off for public duties has been declined may seek recourse via the Trust’s Grievance Procedure.

## 13. Abuse of Policy

13.1 The Trust may require explanation and evidence justifying your request for leave. Unauthorised absence or abuse of this policy may constitute gross misconduct and disciplinary action may be taken against you, under the Trust’s Disciplinary and Dismissal Procedure.

## 14. Leave for Public Service Policy

14.1 This Leave for Public Service Policy may be amended, withdrawn, suspended or departed from at the discretion of the Trust. While it does not form part of any employee’s contract of employment and is entirely non-contractual, all employees are required to adhere to the policy and any failure to comply with any aspect of the policy may be treated as a disciplinary matter.