**Public Duties Policy (Including Statutory Time Off for Public Duties)**

**Introduction**

This policy sets out the rights of employees to statutory time off work to enable them to carry out public duties. We recognise the value that employees undertaking public work bring to local communities. We will always accommodate time off for public duties where possible.

This policy does not cover time off work for jury service, being a reservist and doing volunteer work.

This policy does not form part of your employment contract, and we reserve the right to amend or withdraw it at any time.

**Scope**

This policy applies to employees employed by us. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.

**Entitlement to time off for public work duties**

You have a statutory right to a reasonable amount of time off work to carry out your duties or to attend meetings if you are:

* a magistrate (also known as a Justice of the Peace);
* an independent prison monitor (who monitors conditions in Scottish prisons).
* a member of a local authority;
* a member of any statutory tribunal;
* an independent monitoring board for a prison or a prison visiting committee;
* a member of a relevant health body;
* a relevant education body;
* a member of the Environment Agency or the Scottish Environment Protection Agency;
* a member of Scottish Water;
* a panel of lay observers who monitor conditions in court custody and under escort;
* a member of a visiting committee of an immigration removal centre; or
* a member of a visiting committee of an immigration short-term holding facility.

If you are still determining whether the legal right covers your public duties, please ask your line manager for further advice.

**Amount of time off for public duties:**

There is no definition in law as to how much time off is reasonable for public duties. When considering whether to grant time off, the employer may take into consideration the following:

* how much time off is generally required for the performance of the office in question, and how much time off is necessary for the performance of the particular duty on the specific occasion;
* how much time off has already been granted to the employee for public duties;
* the circumstances of the employer's business; and
* the effect of the employee's absence on the employer's business.

**Pay during time off for public duties.**

The statutory provisions do not require employers to pay an employee who takes time off for public duties. Employers may wish to pay employees during time off for public duties. However, this should be on the proviso that the employer can deduct the equivalent amount of money from the pay of individuals receiving payment for their public roles.

**Pay during time off work for public duties**

***Option 1 - Normal pay during time off work for public duties***

You will continue to be paid your normal rate of pay during time off for public duties, subject to the deduction of any payments received from the relevant authority regarding your duties. Therefore, you must declare all such earnings on completing the public duty.

***Option 2 - Make no payment during time off work for public service***

You are not entitled to be paid your salary during time off for public duties.

**Requesting time off for public duties**

If you wish to take time off for public duties, you should submit your request in writing to your line manager, providing an estimate of the required time off and the reason for the leave.

You may be asked to provide evidence of your appointment to a public role and documents confirming the time off requested.

While we will endeavour to grant requests for time off for public duties, we reserve the right to refuse requests on a case-by-case basis, depending on the following:

* how much notice have you provided;
* how much time off is required to carry out the duties;
* how much time have you already had off for public duties; and
* our business needs and the effect of your absence on the organisation.

**Changes to working hours**

Altering working hours is unlikely to equate to granting time off, and it may be appropriate for the employer to reduce the employee's workload to reflect the time off that it has granted. If employees have to make up the time off in their own time to complete their workload, they will not have been granted time off under the provisions.

**Record of individual requests**

We will record what individual requests for time off have been accepted or rejected and the reasons for this.

**Data protection**

When dealing with any request for time off for public duties, we will process any personal data collected in accordance with our [data protection policy](https://www.xperthr.co.uk/policies-and-procedures/data-protection-policy/162690/). In particular, we will record only the personal information required and keep the information only for as long as necessary.