
Additional Leave Procedure

Committee considering report:	Delegated Officer Decision
Date of Committee:	5 th February 2019
Portfolio Member:	Councillor Dominic Boeck
Report Author:	Katie Penlington
Forward Plan Ref:	DOD3678

1. Purpose of the Report

- 1.1 To seek approval for minor amendments to the additional leave procedure.
- 1.2 With effect from 1st October 2018, the Time Off for Public Duties Order 2018 extended the right to time off for public duties under section 50 of the Employment Rights Act (ERA) 1996 to include:
 - (1) Members of a panel of lay observers, appointed under s81 (1) (1) (b) of the Criminal Justice Act 1991. These are volunteers who monitor conditions for prisoners under escort and in court custody
 - (2) Members of Visiting Committees, for the immigration and detention estate, appointed under s 152(1) of the Immigration and Asylum Act 1999. These committees monitor short-term immigration detention estate
 - (3) Members of Visiting Committees appointed to monitor short-term immigration holding facilities, for example at airports, and
 - (4) Independent prison monitors in Scotland appointed under s 7B (2) of the Prisons (Scotland) Act 1991
- 1.3 The list of public duties within the Council's Additional Leave Procedure has been expanded to include points 1.2 (1) to (3) above (point 1.2 (4) applies to Scotland so has not been included).
- 1.4 Although under the ERA the right to paid time off for public duties is unpaid, the Council's current Additional Leave Procedure gives employees the right to up to 10 paid days off for public duties (pro-rata for part time employees). This number of days of paid leave has not been increased in the proposed revised procedure.
- 1.5 Section 13 of the Additional Leave Procedure has been revised to reflect best practice in managing employees undergoing IVF treatment. This clarifies that time off to attend IVF appointments in addition to the five days paid leave granted under the existing Additional Leave Procedure, should be handled as time off for other medical appointments. It also explains protection under the Equality Act where a woman is at an advanced stage of IVF treatment.
- 1.6 A new section (18) has been added to set out the requirement for apprentices undertaking an approved apprenticeship to be allowed paid time off to complete the

off the job training aspects of their apprenticeship scheme. This is a requirement under the Government's apprenticeship levy scheme.

2. Recommendation

- 2.1 The Chief Executive is recommended to approve the Additional Leave Procedure.

3. Implications

- 3.1 **Financial:** There is a potential minor financial impact. Section 23 has been expanded to cover the additional public duties that employers are required to grant reasonable paid time off for under the Time Off for Public Duties Order 2018. This amendment may lead to more employees claiming paid time off for public duties. Whilst there is no requirement time off for public duties to be paid WBC have allowed 10 working days paid leave per annum for public duties. Section 7.5 of the NJC Green Book states: 'Paid leave of absence 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.' WBC normally mirrors NJC decisions on pay. The total number of paid days off per year that an employee can claim for undertaking public duties has not been changed.
- 3.2 **Policy:** N/A
- 3.3 **Personnel:** N/A
- 3.4 **Legal:** Amended to allow time off for public duties required under the Time Off for Public Duties Order 2018, and to allow paid time off for the completion of off the job training aspects of apprenticeships using the apprenticeship levy.
- 3.5 **Risk Management:** N/A
- 3.6 **Property:** N/A
- 3.7 **Other:** N/A

4. Other options considered

- 4.1 None; the amendments to the Additional Leave Procedure are relatively minor and reflect changes in legislation and best practice.

Appendices

- 4.2 Appendix A – Additional Leave Procedure