

Time Off for Public Duties Policy and Procedure

1 Policy

- 1.1 Where a School employee holds a public office or position, they are legally entitled to reasonable **unpaid** leave for time off for public duties. This Policy sets out the provisions and the procedure for this leave.

2 Eligibility

- 2.1 Under s.50 of the Employment Rights Act 1996 employees who hold certain public positions have a right to reasonable unpaid time off during working hours. The provisions cover Justices of the Peace and members of the public bodies set out in Appendix 1.
- 2.2 All School employees who are holders of one of the public offices listed are entitled to time off for public duties, regardless of length of service, hours of work or staff category (e.g. academic, support staff etc).

3 Length of leave for Time Off for Public Duties

- 3.1 Employees who meet the eligibility criteria outlined above are entitled to a reasonable amount of **unpaid** leave during working hours in order to perform the duties associated with their public position.
- 3.2 The amount of time off work required must be reasonable and when considering how much time off work to grant, the School will consider the following factors:
- a. The circumstances and operational requirements of the employee's department, Faculty/Directorate and School
 - b. The effect of the employee's absence on the running of the School
 - c. How much time off has previously been granted to the employee for public duties or for trade union activities
 - d. How much time off has been requested
- 3.3 As a general guide, normally the School would not expect an employee to take more than 30 days per annum off work for public duties but the amount of leave will depend on individual circumstances.
- 3.4 The School will not unreasonably refuse requests for time off work for public duties.

4. Volunteer Reserve Forces

- 4.1 Employees who are required to attend training exercises, summer camps etc. as part of their commitment to the Volunteer Reserve Forces (i.e. Territorial Army; Royal Navy Reserve; Royal Marine Reserve; RAF Reserves) will have to use their normal leave entitlement. There is no legal obligation upon the School to grant additional time off for training.

4.2 In the event of a national emergency, the School recognises the additional obligations placed on Reserve Force members and will treat such cases accordingly.

5 Terms and Conditions of Employment during unpaid Time Off for Public Duties

5.1 During unpaid time off for public duties, no salary payments will be made to the employee and other contractual benefits will be suspended (e.g. sick pay, allowances, etc). Employees will not be eligible to apply for any new computer or season ticket loans during any period of unpaid time off for public duties. Any employee who resigns whilst on unpaid time off for public duties will be required to repay any outstanding loans owing to the School.

5.2 It is the School's policy to pay the Employers' pension contribution for the period of unpaid time off for public duties absence by a School employee who is a member of either the USS or SAUL pension schemes in line with the rules of the respective schemes.

5.3 Employees taking unpaid time off for public duties will continue to accrue statutory annual leave (28 days including bank holidays) but not contractual annual leave (e.g. 30 days, plus School closure days). Contractual annual leave will be pro-rated to exclude any weeks where the employee was on unpaid time off for public duties.

5.4 Employees who take unpaid time off for public duties are still employed by the School during their leave and therefore are required to comply with their contractual obligations towards the School (e.g. notice of resignation, disclosure of confidential information, paid work outside SOAS, Intellectual Property etc).

5.5 Relevant School Policies and Procedures will continue to apply to all employees on unpaid time off for public duties (e.g. Grievance or Disciplinary Procedure etc).

6. Procedure

6.1 Employees, who need to take time off for public duties, should provide written notification of their request to their senior manager (i.e. Dean of Faculty; Academic Head of Department or a Director of a Professional Services Directorate). Their written request should specify the start and end dates of the leave and confirm the purpose of the leave. Employees are required to send a copy of their written request to their designated Human Resources Officer.

6.2 The School reserves the right to request evidence confirming that the employee is a public officer holder and requires the leave for this purpose.

6.3 The senior manager should carefully consider the written request. If the

leave is granted, the senior manager should confirm the details of the time off for public duties leave to be taken (including exact dates of absence) in writing to the employee and send a copy to the HR Payroll & Pensions' Team.

- 6.4 In the rare cases where it is not possible for a senior manager to grant time off for public duties, he or she should confirm this in writing and explain the business reason why the employee's request has been refused. In such cases, senior managers are advised to contact their designated HR Manager for advice in the first instance.
- 6.5 As time off for public duties is unpaid, employees who are members of either the USS or SAUL pension schemes are encouraged to contact the HR Payroll & Pensions' Manager to find out information on their pension options and make any necessary arrangements for the payment of pension contributions.

7. Equality and Diversity

- 7.1 The procedures outlined here should be carried out with due regard to any diversity issues which may have affected either the original situation or the current process. The School's Diversity Adviser and diversity specialists within the HR Directorate are available to support colleagues in this area.
- 7.2 Where a diversity issue (e.g. a disability including chronic physical or mental health conditions) has been disclosed to the School, whether prior to the situation which triggered this process or during the process, the line manager co-ordinating the process is responsible for checking with the employee to determine their needs and for making the appropriate arrangements.
- 7.3 Employees who have not previously disclosed a diversity issue which may be relevant to this process are encouraged to do so, as early as possible, so that it can be taken into account.

8 Approval

- 8.1 This policy and procedure was agreed with the School recognised trade unions, UCU and UNISON, on 14 December 2012.
- 8.2 This policy and procedure will be noted by the HR Committee on behalf of Executive Board on 23 February 2012.

**HR Directorate
SOAS**

January 2012

APPENDIX 1

School employees who are members of the following public bodies are eligible for time off for public duties under the provisions of this policy:

- 1 A local authority
- 2 A statutory tribunal (e.g. an Employment Tribunal)
- 3 A police authority
- 4 The Service Authority for the Serious Organised Crime Agency
- 5 A board of prison visitors or a prison visiting committee
- 6 A relevant health authority
- 7 A relevant education body
- 8 The Environment Agency or the Scottish Environment Protection Agency
- 9 Scottish Water or a Water Customer Consultation Panel
- 10 A magistrate (also known as a Justice of the Peace)
- 11 A managing or governing body of an educational institution
- 12 A probation board
- 13 A court board
- 14 A youth offender panel
- 15 General Teaching Councils for England and Wales
- 16 Such other bodies as may be approved by the Director/Executive Board/School Governing Body from time-to-time as required by statute