

# Edwinstowe Parish Council

*Working to make a difference*



Clerk – Alice Dunn

## **Absence**

A local authority may in certain circumstances be obliged to allow an employee time off work other than for annual leave or sickness, or in other circumstances, have the discretion to permit an employee to take time off **with** or **without** pay.

## **Obligatory time off or statutory rights**

There are certain circumstances in which an employing authority must allow an employee to take time off work:

1. Trade union official duties and activities  
Should the council have an employee who is a trade union official, it must allow them to take reasonable time off during working hours to carry out their duties as an official which are concerned with collective bargaining on behalf of employees or to undergo training relevant to carrying out collective bargaining.
2. Paid time off for union activities  
The council must also allow an employee who is a member of an independent trade union recognised by the council to take reasonable time off (as per ACAS guidelines) to take part in certain activities during working hours. These activities are activities of the union of which the employee is a member and any activities in relation to which the employee is acting as a representative.
3. Unpaid time off for industrial action  
An employing authority may for example grant an employee who is a trade union member reasonable time off before any industrial action begins in order to deal with certain issues, such as allowing members to vote in an approved ballot or for the member to discuss ways of avoiding the industrial action. However, there is no right to such time off in these circumstances.
4. Time off for public duties  
There is an obligation upon a local authority employer to allow an employee who is a Justice of the Peace or a member of the local authority to take reasonable time off to perform his or her duties as a JP or member. This may include attending a meeting of the body or its committees. However, the maximum number of hours which a local authority is permitted to allow an employee time off for performance of a local

authority member is 208 hours of paid time off in any one financial year. This limit does not however apply to the Chair.

5. Safety representatives are permitted time off with pay for their performance of their duties as a safety representative.

6. Jury Service

While there is no statutory right for time off for jury service, it is a crime and contempt of court to prevent someone attending court as a juror. Therefore, the right will be implied into an employee's contract of employment that they are granted leave to attend court to serve as a juror.

An employer does not have to pay an employee whilst they are on jury service. However, the employee can claim for travel and food expenses and for loss of earnings from the court. An employee will need to fill out a Certificate of Loss of Earnings to claim for loss of earnings which the council will also need to sign off.

Jurors can claim three types of allowances from the court when they are completing jury service:

- Travel
- Subsistence
- Financial loss

The rates payable to jurors are contained in an allowance sent to the employee if they are summoned for jury service.

The financial loss allowance may cover:

- Loss of earnings or benefits
- Fees paid to carers or child minders.
- Or other payments which the employee has had to make as a direct result of jury service.

7. Family rights:

- a. Parental leave
- b. Time off to care for dependants.
- c. Maternity and paternity leave
- d. Adoption leave
- e. Flexible working
- f. Antenatal care

## **Discretionary time off Work**

There will be times when the council may feel it appropriate to allow time off work where no statutory rights exist:

1. There are instances of time off work which are not governed by statute or common law but instead be granted at the discretion of the council. Examples of time off which is usually or may be granted by a council to an employee, be it paid or unpaid:
  - a. Sitting an examination
  - b. Compassionate leave
  - c. Service in non-regular forces. Service in non-regular forces such as the Territorial Army should be treated as 'public duty' for leave purposes and hence paid.
  - d. Attendance at medical appointments
  - e. Participation in major or national sporting events
  - f. Lecturing on local government subjects

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