



## **Public duties**

Under section 50 of the Employment Rights Act 1996, a person is allowed a “reasonable” amount of time off for public duties if they are an ‘employee’ and one of the following:

- a magistrate (also known as a justice of the peace)
- a local councillor
- a school governor
- a member of any statutory tribunal (eg an employment tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of a school council or board in Scotland
- a member of the General Teaching Councils for England and Wales
- a member of the Environment Agency or the Scottish Environment Protection agency
- a member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
- a member of Scottish Water or a Water Customer Consultation Panel
- a trade union member (for trade union duties)

The amount of paid time off the Authority may provide to perform public duties is not unlimited and careful consideration needs to be taken as to when this happens to ensure that any impact on service delivery is minimised.

A maximum of 3 days additional paid leave per year (pro rata for part time employees) will be provided to all employees in order to undertake the following:

- attendance at meetings of the body or any of its committees or sub-committees
- performance of duties approved by the body for the purpose of discharging its functions or those of any of its committees or sub-committees

Notwithstanding these arrangements some employees may prefer to use annual leave instead of paid time off. Unpaid leave may also be an option to consider.

When requesting unpaid leave the Authority will consider what is reasonable by assessing the following factors:

- how long the duties might take
- the amount of time the employee has already had off for public duties
- how the time off will affect the business

The Authority can refuse a request for time off if they think it's unreasonable.

#### Employee responsibilities

- discuss your intention to apply for a public duty role with your manager
- inform your manager when you have been appointed to the public duty role
- consider how to minimise any impact on your Authority role
- make individual requests for time off in advance to their manager.
- notify the office manager of any allowances you receive as part of the public duty

#### Manager responsibilities

- consider the potential impact this may have on the business, and identify how much time off is likely to be required
- ensure employees are aware that they need to provide plenty of advance notice for time off to perform these public roles so that adequate business cover is available
- give fair and consistent consideration to requests for time off. A request can be refused but you should explain to the employee the circumstances that prevent the leave being approved

#### Requesting and authorising time off for public duties:

Time off for all duties should be requested, approved and recorded in advance of attendance. As time off for public duties may be for sessions which do not require a full day's attendance, it is recommended time off is recorded in hours

Employees in the Army Reserves or other reserve forces have certain protections under employment law if they're called up for service. Employers of reservists also have particular rights and obligations in this situation - eg they may be able to claim financial assistance or apply for an exemption. The policy regarding Reserve forces is dealt with separately to this policy.

#### **Volunteer services**

The Authority respects the work of the volunteer services within our community and will endeavour to provide appropriate support to any employee who wishes to apply to be a volunteer, balanced against the requirements of the IFCA.

Employees who are thinking of joining a volunteer service are required to:

- discuss their intention to apply for a volunteer services role with their manager
- inform their manager when they have been appointed to the volunteer services role

Any employee who has joined a volunteer service is expected to perform such duties outside of normal Authority working hours. Employees should only submit their availability to volunteer to the relevant service based on this and must ensure that the fulfilment of the Authority's contract of employment, rostered duties and expectations are not compromised.

As with public duties the amount of paid time off the Authority may provide to perform volunteer services is not unlimited and careful consideration needs to be taken as to when this happens to ensure that any impact on service delivery is minimised.

A maximum of 3 days additional paid leave per year (pro rata for part time employees) will be provided to all employees to attend ad hoc, extraordinary duties for volunteer services, such as essential skills training.

Notwithstanding these arrangements some employees may prefer to use annual leave instead of paid time off. Unpaid leave may also be an option to consider.

The Authority will consider reasonable leave without pay. If there is a need to request unpaid time off from the Authority, the employee should:

- Make individual requests for unpaid time off in advance to their manager
- Consider how to minimise any impact on their Authority role

The Authority will consider the requirements of the business before agreeing to any ad hoc requests, however it will not unnecessarily refuse such requests for unpaid time off for volunteer service duties.

## **Army Reserves**

This policy applies to all Kent & Essex IFCA employees on the payroll, who are members of the Territorial Army, Royal Naval Reserve, Royal Marines Reserve, Royal Auxiliary Air Force or other Reserve Forces.

### Reserve Forces Call-Out Liability

If you are a reservist you are liable to be called up under an Order of the Queen or Secretary of State for service in any part of the world. If you are called-out, you should generally be released from your employment, although the Authority may apply for exemption or deferral if releasing you would cause:

- impairment of our ability to carry out the roles and responsibilities of the Authority; or
- loss of reputation, goodwill or other financial harm

### Notification to the Authority of Call-Out

You will receive call-out documentation, which includes a letter to be given to Kent & Essex IFCA. This letter outlines when you are to be called-out, the duration of the call-out and the employer's statutory rights and obligations.

You should notify your line manager that you have been called out and you must forward the employer's letter to the Chief Fishery Officer.

#### Cover during Reserve Forces Call-Out

Cover during Reserve Forces call-out should be dealt with by a re-arrangement of work, redeployment, secondment or temporary cover. The individual covering the position must be made aware that this role is offered on a temporary basis until the employee return from the period of Reserve Forces call-out.

#### Reinstatement

If you are called up for whole-time service, you have a legal right to reinstatement in your previous employment.

You should return to work no later than the sixth Monday following the end of whole-time service. You should confirm this in writing as soon as practicably possible. If you are unable to return to work within this timescale because of illness, you should notify Kent & Essex IFCA of this and return as soon as reasonably possible.

Kent & Essex IFCA is obliged to take you back into employment at the first opportunity on or after the notified date of availability.

Where possible you should return to your former position on terms and conditions not less favourable than those which would have applied, had there been no Reserve Forces call-out.

Where this is not possible, you are entitled to return to a position, in the most favourable occupation and on the most favourable terms as are reasonable and practicable in the circumstances.

Kent & Essex IFCA will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service related benefits.[ Under The Reserve Forces Act (Safeguarding of Employment) Act 1985, an employee's service is terminated on mobilisation, but providing the employee follows the correct notification procedure under the Act, he or she can return to employment upon which their continuity of service will be restored]

#### Salary during Reserve Forces Call-Out

You will not receive a salary from Kent & Essex IFCA whilst on Reserve Forces call-out.

The MoD will assume responsibility for the Reservist's salary for the duration of their mobilisation. They will pay a basic salary according to the Reservist's military rank. If this basic element is less than the Reservist receives from the

Company, it is the Reservist's responsibility to apply to the MoD for the difference to ensure that they suffer no loss of earnings. This is known as a Reservist Award.

Where mobilisation occurs the employee will be given special unpaid leave of absence.

### Pension

If you are a member of the pension scheme, and you choose to remain within it, Kent & Essex IFCA will suspend the employer contribution on the basis that the MoD will make the employer contributions for the period of mobilisation, as long as you continues to make your personal contributions.

### Annual Leave

You are encouraged to take any accrued annual leave before mobilisation. The Authority will not accrue annual leave for you during the period of mobilisation. If accrued annual leave is remaining following return from mobilisation then up to a maximum of 5 days can be carried forward (in line with Kent & Essex IFCA's usual annual leave policy)

### Sick Pay

Should you become sick or injured during mobilisation you will be covered by Defence Medical Services and any financial assistance will continue to be received (including pay) until demobilised. If the sickness or injury continues and this results in early demobilisation, you will remain covered by Defence Medical Services until the last day of paid military leave.

After this time you will be covered by Kent & Essex IFCA sickness arrangements (in line with local policy).

If you become ill post mobilisation, and a notional return to work date has been agreed, you will be covered by Kent & Essex IFCA sickness arrangements (in line with local policy).

### Return to work

Both you and Kent & Essex IFCA have obligations under The Reserve Forces (Safeguarding of Employment Act) 1985 regarding the return to work process

Reservist:

You must write to the IFCA by the third Monday after their last day of military service making your request to return to work and suggesting a date which should fall within 6 weeks of their last day of full-time service This letter formally starts the return to work process.

You are also encouraged to informally contact the IFCA to discuss your

return to work at the earliest opportunity, whether via a letter, a meeting or a telephone call. The formal application must be made in writing for it to be valid under the Act.

If you are not happy with the offer of alternative employment you must write to the IFCA stating why there is reasonable cause for you not to accept it. If you believe that the IFCA's response to your application denies your rights under the Reserve Forces (Safeguard of Employment) Act 1985, an application can be made to a Reinstatement Committee for assessment. This committee will consider your application and can make an order for reinstatement and/or compensation.

Employer:

Kent & Essex IFCA has an obligation under the Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate you, where possible to your former role, and if not, to a mutually acceptable role on the same terms and conditions prior to mobilisation.

You should be reinstated within 6 weeks of the last day of your full-time service. You must be reinstated for a minimum period of 13, 26 or 52 weeks, depending on their length of service prior to mobilisation.

#### Military Training and duties

It is acknowledged that as a reservist you will be required to undertake one or more periods of training each year, up to a maximum of 30 days. This is usually made up of a weekly training evening, a number of weekends, and a period of 15 days' continuous duty. There is no statutory obligation for Kent & Essex IFCA to release you for training or voluntary services although wherever possible the Authority will not unnecessarily refuse such requests for unpaid time off for these duties.

At management discretion and subject to business and operational requirements, up to 3 days paid special leave per year (pro rata for part time employees) for training purposes may be granted to you. Further leave requirements should be taken from your annual holiday entitlement.

You should not claim payments to compensate for potential loss of earnings whilst you are taking paid absence from the Authority (e.g. special leave, holiday).