

EMPLOYEE VOLUNTEERING AND PUBLIC DUTIES POLICY

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A.3 APPENDIX B

TENDRING DISTRICT COUNCIL

VOLUNTEERING AND PUBLIC DUTIES POLICY

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1. INTRODUCTION

- 1.1 Tendring District Council supports employees who wish to undertake volunteer work within the local community or for charitable institutions. Supporting volunteers helps the Council to build relationships with the local community and improve how it is perceived within it. Employees who do volunteer work can use the skills that they have developed at work to help the community; learn new skills including, for example leadership qualities; and improve their morale, physical health and work-life balance.
- 1.2 The purpose of this policy is to outline the Council's commitment to supporting employees who wish to undertake voluntary work within the local community or for charitable institutions. The policy aims to ensure employees who wish to volunteer are clear where there could be a possible conflict of interest and what process to follow if they wish to take time off to undertake their volunteering role or a voluntary public duty.

2. CONFLICT OF INTEREST

- 2.1 In most situations, employees will undertake any voluntary work in their private time or by using their annual leave and/or flexitime. The Council would not wish to intrude in any way on employees' private time or interests.

However, employees should ensure that any voluntary work does not give rise to a conflict of interest. Some posts are politically restricted and employees who occupy these should ensure they are aware of the restrictions that apply. Similarly, employees should not undertake voluntary work with an organisation that operates in competition to the Council. Employees are also required to check how the voluntary work would fit with the Council's Code of Conduct.

- 2.3 Employees are encouraged to disclose if they are undertaking any voluntary work which may give rise to a conflict of interest with their role within the Council. If an employee fails to disclose a conflict of interest, this may be deemed a disciplinary matter and will be investigated in accordance with the Council's Disciplinary Procedure.
- 2.4 If the employee is unclear whether their voluntary work could cause a conflict of interest, they should seek advice from their manager or a member of the HR Team.

3. TIME OFF WORK OR CHANGES TO WORKING HOURS

- 3.1 The Council recognises that some staff may wish to take time off during their normal working hours or work flexibly to enable them to undertake their voluntary role.
- 3.2 The employee may be entitled to the following time off for voluntary work:
 - Up to a maximum of five days unpaid leave a year to carry out voluntary work. In exceptional cases, the Head of Service/Assistant Director can grant additional days of unpaid leave, where it is considered that the voluntary work has direct benefits for the local community.
 - Allowed to work flexible hours to undertake voluntary work.
- 3.3 There are separate arrangements for employees who wish to take time off to undertake voluntary public duties, as outlined in Section 5 of this policy.

- 3.4 If an employee would like to request unpaid leave or flexible working arrangements to undertake their voluntary role they should discuss their request with their manager, in the first instance. When considering whether to grant the employee's request, the manager will take into account the nature of the voluntary work, the impact on the service and the time/flexible hours requested.
- 3.5 The employee's manager may arrange a meeting with the employee to consider whether the employee's request should be agreed.

4. REFUSING REQUESTS

- 4.1 The Council reserves the right to refuse employees' requests to take unpaid leave or change their working arrangements to undertake voluntary work. A request may be refused if it is believed, for example, that:
- There will be a detrimental impact on the business needs of the employee's service or team;
 - Work within the service or team cannot be rearranged to accommodate the employee's varied hours;
 - The employee's individual performance levels are likely to suffer;
 - The costs of resourcing the new arrangements will be too great.
- 4.2 Any request to undertake voluntary work either in the employee's private time or normal work time will be refused if it is considered there is a conflict of interest.
- 4.3 The employee will have the right of appeal to a Head of service/Assistant Director, if their request is refused. The appeal must be exercised within five working days of receipt of the formal refusal. The Head of Service/Assistant Director's decision will be final.

5. PUBLIC DUTIES

- 5.1 Staff who are involved with the local community will be provided with reasonable time off for public duties subject to prior written agreement of their Head of Service/Assistant Director e.g. Justice of the Peace, Service in Non-Regular Forces, School Governor and such like. The Council's policy regarding paid time-off is set out below.

5.2 Service in Non-Regular Forces (Territorial Army)

Employees attending summer camp should be granted ten days paid leave of absence. Additional leave may be granted for training days where the employee has been unable to accommodate these in their own time, but it must be noted that it is usual for such days to be arranged to coincide with the employee's normal non-working hours. Further information is available in the Council's Reservist Policy.

5.3 Justice of the Peace (Magistrates)

Section 50 of the Employment Rights Act 1996 gives the employee the right to take reasonable time of work to undertake duties as a magistrate. A magistrate is required to sit for at least 26 half-day court sittings a year and is not paid but is reimbursed for expenses and any financial loss.

Paid leave to undertake public duties including Justice of the Peace should be granted up to a maximum of 18 days a year.

5.4 Special Constables

Special Constables are unpaid and are required to volunteer for a minimum number of hours a month (*normally 16*) to work alongside Police Officers.

The employee will be entitled to paid leave up to ten days a year if they are a Special Constable.

5.5 Lay Observers and Visiting Committees

From 1 October 2018, the [Time Off for Public Duties Order 2018](#) extends the right to time off for public duties under section 50 of the Employment Rights Act 1996 to:

- *Members of a panel of lay observers, appointed under section 81(1)(1)(b) of the Criminal Justice Act 1991. These are volunteers who monitor conditions for prisoners under escort and in court custody.*
- *Members of Visiting Committees, for the immigration and detention estate, appointed under section 152(1) of the Immigration and Asylum Act 1999.*

This list of public duties is not exhaustive. Further advice can be obtained from the Human Resources Team.

The Council will ensure that it complies with statutory guidance for all time off arrangements relating to public duties.

This policy does not form part of the employees terms and conditions of employment and will be reviewed and if necessary, revised in light of statutory requirements, best practice and organisational need.