

Would you be able to provide me with the following information as a FOI Request: Arrangements around leave & time off for employed members of staff who undertake the role of Magistrate (Justice of the Peace). Specifically:

- 1) How much leave is granted per annum for staff to complete Magistrate duties?
- 2) Whether leave is granted as paid leave or unpaid leave, or split (if split – how many paid leave days are granted)?
- 3) A copy of you trust/organisational policy that covers the area of Magistrates' leave (eg. Special Leave, Public Duties Leave Policies etc.)

We do not hold records of the total number of days taken for magistrate duties each year.

Managers are permitted to grant an individual up to a maximum of 18 days unpaid leave per year to undertake magisterial duties.

Employees must claim the allowance for loss of earnings to which they are entitled under the Justices' Allowance Regulations and the council will deduct an equal amount from the employee's salary.

See NJC Local Conditions of Service (below):

NJC

Local Conditions of Service

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**If you need this document in a different format please telephone 01942 827664
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Introduction

The terms and conditions that are set out in this document cover employees who are employed under the National Joint Council (Green Book) terms and conditions, including Council staff employed at Wigan Schools. These local arrangements are additional to those in place nationally, and where there is a national condition of service that is also included in these local arrangements the local condition forms part of the employment contract.

There are also other non-contractual policies and procedures in place which relate to an individual's employment. Details of which can be found under the HR Policies section of the Council's intranet or by contacting the HR Employment Service Centre.

1. Hours of Work

1.1 Normal working hours

The council operates a 37 hour working week for full-time employees. This equates to 7 hours and 24 minutes per day.

Standard office hours are 8:30am to 5pm, Monday to Thursday and 9am to 5pm on Friday, with an hour for lunch to be taken between 12 noon and 2pm, dependant on the needs of the service.

A thirty minute break must be taken if the total number of hours worked in a day exceeds six hours.

Certain posts, due to the nature of the work carried out, will operate different working hours which will be specified by the Service.

1.2 Flexitime

The council operates a flexitime scheme, where service needs permit. The scheme operates between the hours of 7am and 7pm and employees are permitted to take one day flexi leave in any four week period.

There are some areas where the flexitime scheme does not apply because of the type of work carried out.

Please refer to the flexitime policy for further information about the scheme.

1.3 Time off in lieu (TOIL)

Where an employee is required to work outside the flexi time scheme (after 7pm or before 7am), the hours worked will accrue as time off in lieu.

For employees who do not work on the flexi time scheme, where possible and in line with the needs of the service, time off in lieu may be granted for any additional hours worked. In this case, TOIL will be accrued on a time for time basis. For example, one hour worked equates to one hour TOIL.

Time off in lieu must be used within 18 months of being accrued, if it is not taken within this period it will be deducted from the total accrued TOIL hours.

2. Periods of Notice

The period of notice that an employee had to give to end their employment is set by the grade of their post.

Grade	Notice period
G1 to G9	1 month
G10 to G12	2 months
G13 to G14	3 months

The notice period that the council has to give an employee to end their employment is the same, unless the employee is entitled to more because of their length of service. The

employee is entitled to one week's notice for each completed year's service with Wigan Council up to a maximum of 12 weeks.

Service Notice period

1 month to 2 years	1 week
2 years to 12 years	1 week for each completed year
Over 12 years	12 weeks

3. Salaries

3.1 Payment of salary

Salaries are paid by bank credit transfer on the 20th of each month. If the 20th is not a working day, payment will be made on the working day before.

Some pay groups have different arrangements in place and line managers will be able to provide further information.

3.2 Deductions from salary

The council reserves the right to make deductions from an employee's salary for any sums (properly) owed to the council. This includes overpayment of salary or expenses of any kind which have been made to employees from any salary, holiday pay or other monies to which are entitled. Further details are given in the Over and Under Payment of Salary Policy.

In the event of any overpayment of salary, employees must notify the HR Employment Service Centre immediately so the overpayment can be stopped and repayment arranged.

3.3 Additional payments

All additional payments for a period of the 16th to the 15th of the following month will be paid a month in arrears. For example, payment for overtime worked between January 16th and February 15th will be made in March.

4. Salary on appointment

4.1 Starting salary for new appointments

Typically all new starters will be appointed to the bottom spinal column point (SCP) for their evaluated grade. However, some discretion may be granted by request to the Assistant Director with advice from HR Business Managers to appoint new starters at a higher SCP within the grade, should the appointee have a number of years relevant experience and/or a qualification relevant to the position. In all cases the Market Enhancement Policy and delegation procedure must be followed, and all decisions recorded.

4.2 Appointment to a higher graded post (existing employee)

If an employee is appointed to a higher graded post, either through an application for a new position or as a result of their existing post being re-evaluated then they will be assimilated to the closest SCP to that of their current or existing post.

If there is an overlap in the grade and the current SCP forms part of the new grade then upon appointment to the new grade an additional increment will be applied.

4.3 Appointment to a lower graded post (existing employee)

Should an employee be appointed to a lower graded post, either through an application for a new position or as a result of their existing post being re-evaluated then they will be assimilated to the closest SCP to that of their current or existing post.

Please refer to the Pay Protection Policy for further information about payment protection entitlements.

5. Allowances and enhancements

5.1 Additional hours (overtime)

Where service needs mean it is not possible to accrue TOIL, additional hours will be paid. Hours worked above an employee's contract but below 37 hours in the week will be paid at the standard hourly rate for the post. When more than 37 hours are worked in a week, payment will be made at time and a third, or at the rate for the time the work was carried out, if that is higher.

Employees who are employed at grade G10 or above are not entitled to claim overtime payments, additional hours worked outside of the flexi-time scheme will accrue time of in lieu.

5.2 Sundays

All hours worked on a Sunday will be paid at time and a half.

5.3 Night rate

A standard rate of time and a third will apply to hours which are worked between 10pm and 6am, Monday to Saturday.

If hours are worked between midnight and 6am or 10pm and midnight on a Sunday, Bank Holiday or other public holiday which attracts a further enhanced rate then the appropriate enhanced rate will apply in place of the night rate of time and a third.

5.4 Bank holidays

Employees who work in services that operate on bank holidays will have their annual leave increased by eight days to include bank holidays. In years where there are additional bank holidays leave will be increased by the number of additional days.

If an employee works on a bank holiday, they will be entitled to payment at time and a half for hours worked, but will not be given time off in lieu as annual leave has been increased.

An employee who is on a rota day off on a bank holiday will not need to book the day as leave.

If a service usually operates on most bank holidays but is closed on some bank holidays, employees will book bank holidays where the service is closed as leave.

If an employee takes leave when a bank holiday falls, the day will be booked as leave. For example, if a full time employee takes holiday for the first week in May and the Monday is a bank holiday, they will book 5 days (37 hours) as leave.

Employees who should have worked but are sick on a day when a bank holiday falls will not be entitled to any additional payment.

Employees who are on stand-by on a bank holiday will receive the appropriate stand-by payment, but will not be entitled to any additional payment.

Employees who are called out on bank holidays will be paid the appropriate enhanced rate of pay for the bank holiday, and will receive time off in lieu for the actual number of hours worked.

5.5 Christmas Day, Boxing Day and New Year's Day

If an employee works Christmas Day (25 December) they will be entitled to double time and a day off in lieu, regardless of whether 25 December falls on a weekday and is a bank holiday, or it falls on the weekend and is not a bank holiday.

If Boxing Day (26 December) or New Year's Day (1 January) fall at the weekend, employees who work will be paid at time and a half for hours worked.

Alternative bank holidays for Christmas Day, Boxing Day and New Year's Day (where the 25 or 26 December or 1 January fall at the weekend) will be paid at the normal bank holiday rate.

5.6 Stand-by allowance

Employees on a stand-by rota who are fit and able to return to work within 30 minutes will be paid a standby rate of £2.08 per hour. This equates to £25 per 12 hour shift.

5.7 Call out allowance

Employees who are required to return to work within 30 minutes will receive a minimum of two hours' pay at the relevant hourly rate, this payment includes travel time.

Stand-by payment will not be reduced if the employee is required to return to work and a call out payment is made.

5.8 First aid allowance

If a post requires that the post holder provides first aid, there will be no additional pay. Where this is not the case, designated first aiders will receive £104 per annum (pro-rata for part-time employees) to be paid in 12 monthly payments.

5.9 Sleeping-in duty

Employees who carry out sleeping-in duties will be paid NJC rates per shift based on an 8 hour shift. This amount will be increased or decreased if the sleep-in shift is longer or shorter.

If the employee is required to attend to their duties during the sleep period they will be paid a disturbance allowance at the appropriate rate for that day/time.

5.10 Payment of professional fees

The council may reimburse an employee's annual professional fees if membership of a professional body is an essential to practice in the post. Reimbursement will only be made for one set of fees.

6. Payment of enhancements for absences and other duties

6.1 Annual leave

Whilst on annual leave employees will receive average pay based on their pay for the previous 12 weeks, excluding non-contractual additional hours (overtime) payments.

6.2 Sickness

Enhanced payments will not be paid whilst an employee is absent from work due to sickness. The rate of pay whilst absent from the workplace will be at the basic salary rate for the post.

6.3 Suspension

If an employee is suspended, they will be paid according to the rota they would have worked if they had been present at work, excluding any non-contractual additional hours (overtime).

6.4 Secondments and redeployment

If an employee is seconded or redeployed to another post which does not attract the enhanced payment/s they will be paid at the appropriate rate for that position. No enhancements which were previously associated with their substantive post will be transferred or paid in the post they have been redeployed to or whilst on secondment.

6.5 Acting up

Where an employee takes on the full duties of a higher graded post at the request of their manager it must be for a period of 28 days or 3 shorter separate occasions of one week's minimum and within a six month time period. The employee will be paid for the evaluated rate for the post for the duration of the acting up period.

If an employee takes on part of the duties of a higher graded post at the request of their line manager and for at least 28 days or 3 shorter separate occasions of one week's minimum and within a six month time period, the post will be re-evaluated to take into account the additional duties and they will be paid the evaluated rate for the post for the duration of the acting up period. The evaluation of the additional duties may not result in an increase in pay.

6.6 Other duties

If an employee is scheduled to carry out a regular shift which would normally attract one of the above enhanced payments (excluding overtime) but is instead required to carry out other duties, such as attending a training course, the employee will be paid for their scheduled regular shift.

7. Annual leave entitlement

The annual leave year runs from 1 April to 31 March, employees may carry a maximum of five days (pro-rata for part-time employees) forward to the following leave year if they do not use all of their available leave in the previous year. Employees will submit all requests to carry leave forward to their line manager for authorisation.

Requests for annual leave should be submitted by line managers and in all cases are granted in line with the needs of the service.

Annual leave entitlement will be based on continuous Local Government service. From 1 April 2018 this will include continuous service with specified employers within the [Greater Manchester \(GM\) continuity of service protocol](#).

Length of service	Entitlement
New starter, no continuous service with local government or GM protocol	24 days
2 years' continuous service with Wigan:	26 days
5 years' continuous service with local government or GM protocol	29 days
2 years' continuous service with Wigan, 5 years' continuous service with local government or GM protocol	31 days
7 years' service with Wigan:	31 days

8. Other leave

8.1 Urgent personal or domestic reasons (special leave)

Line managers are authorised to grant an employee up to six days paid or unpaid special leave in any rolling twelve month period for urgent personal or domestic reasons. This may include, for example, bereavement or illness of close family members. If an employee requests additional leave above six days, which will in all cases be unpaid, the line manager must refer the request to the appropriate Assistant Director for a decision.

If a partner or close relative of an employee requires constant care, the employee must provide a statement of fitness for work to their line manager so that paid or unpaid leave can be granted.

8.2 Magisterial duties

Line managers are permitted to grant an individual up to a maximum of 18 days unpaid leave per year to undertake magisterial duties.

Employees must claim the allowance for loss of earnings to which they are entitled under the Justices' Allowance Regulations and the council will deduct an equal amount from the employee's salary.

8.3 Jury service

An employee who receives a summons to serve on a jury must tell their line manager as soon as possible. Leave of absence, without pay will be granted unless an exemption is secured.

Employees who undertake jury service should claim the allowance for loss of earnings to which they are entitled under the Jurors Allowance Regulations and the council will deduct an equal amount from the employee's salary.

8.4 Appearing in court as a witness

If an employee is summoned to appear in court under personal circumstances to give evidence, they must inform and provide the Court Summons to their line manager in order for paid leave of absence to be granted to allow the individual to attend court.

Employees who are summoned to court to give evidence should claim the allowance for loss of earnings to which they are entitled and the council will deduct an equal amount from the employee's salary.

If an employee is not summoned but gives evidence in court voluntarily they will be required to book the time off as annual leave, flexi leave or TOIL.

8.5 School governors

Line managers may grant up to a maximum of five days paid leave for employees who serve as governors at schools within Wigan borough and unpaid leave may be granted for employees who serve as governors at a school which is located outside the borough, in both cases it is at the discretion and by arrangement with their immediate line manager.

8.6 Election duties

Paid leave will be granted by an employee's line manager so that they may assist with election duties on behalf of the council.

8.7 Official trade union duties

Reasonable time off will be granted by an employee's line manager to undertake trade union duties within the council and in line with the council's Trade Union Time Off and Facilities Agreement.

Unpaid leave may be granted for other trade union activities at the discretion of the appropriate Assistant Director.

8.8 Military reservists

A maximum of two weeks' additional paid leave will be granted for the purposes of attending military training camps and/or courses.

Annual leave will not be accrued during this period, therefore there will be a reduction in an employee's total annual leave entitlement if they take additional leave for the purposes of military service.

8.9 Public duties

Unpaid leave may be granted for the performance of recognised public duties at the discretion of an employee's line manager.

9. Learning and development

9.1 Learning programmes and qualifications

Employees are encouraged to undertake professional training or qualifications in a subject that directly relates to their area of work. Under some circumstances the council may

sponsor an employee to complete training which is a requirement of the job. In these cases, the council will fund either part or all fees for the course that is being taken, on the basis that the employee completes and successfully passes or obtains the relevant qualification. If the employee does not, they will be required to repay the full amount that the council has funded.

If an employee leaves the council's employment within two years of completing a sponsored qualification, they will be required to repay the full amount funded by the council.

9.2 Study leave

Subject to service requirements line managers will allow employees who are undertaking training or qualifications that relate to their work area to take the following paid study leave;

A maximum of three days' study leave per year maybe granted for the purposes of revision and/or completion of course work or assignments.

A day's study leave may also be granted to attend examinations.

Study leave will be agreed with the employee's immediate line manager.

10. Other expenses and payments

10.1 Subsistence allowances

Expenses and subsistence allowance will be paid in accordance with the appropriate National Conditions of Service.

Employees who incur additional expense in the performance of their duties including travel, meals or overnight accommodation will be reimbursed approved expenses, subject to providing receipts (bank or credit card statements will not be accepted as proof of purchase).

11. Other related policies

All other policies can be found on the council's intranet by following this link: [HR Policies and Procedures](#)

Alternatively please contact the HR Employment Service Centre for further details.