



Personnel Sub-Committee 29 January 2013

Special Leave Policy Amendment - Elections

Purpose of report

The purpose of this report is to seek a small change to the Council's Special Leave Policy to ensure that there is clarity about special leave for staff working on elections.

1.0 Background

1.1 There are a number of one off roles and tasks that are required to run elections. These include opening postal votes, running polling stations and helping with the count. These roles are usually undertaken by a mixture of ENC staff and external appointments, specifically employed to help with these tasks.

1.2 The wages for these elections staff are paid in a variety of ways depending on the type of election that is taking place. The Electoral Claims Unit (ECU) pays for national referenda, the Police and Crime Commissioner (PCC) and European elections fees are determined according to the Fees and Charges Order from the Secretary of State, the County Council pays for its elections, Town and Parish Councils pay for their elections and ENC pays for District Council elections.

1.3 Historically ENC staff have been asked to undertake these roles to:

- ensure appointment of individuals with the right knowledge, skills and behaviours
- guarantee that elections are appropriately resourced
- reflect that it can be difficult to recruit to these roles due to the need to be very flexible (employees are often given very short notice to do postal vote opening) and work unsociable hours (a Presiding Officer usually works from around 6am until around 11pm and individuals helping at the Count sometimes work throughout the night).

1.4 When ENC staff undertake elections roles they are currently entitled, under the Council's Special Leave Policy, to also be paid their normal salary. The Special Leave Policy states the following:

- ***Employees who undertake duties on behalf of this authority will be paid their normal salary. This will include General, County Council, District Council, European and occasional By-elections. Employees wishing to undertake election duties for another local authority will be expected to take annual leave or accrued lieu time.***

1.5 This is a practice followed by many other Local Authorities.

1.6 However, the Elections picture is changing and becoming increasingly complicated with the addition of PCC elections and the recent referendum on the national voting system. Whilst all elections are important, it is recognised that they are different and, whilst it is in ENC's interest that these elections run smoothly, ENC is not always responsible for running them. Some elections are much smaller than others and receive significantly lower postal vote returns and require fewer polling stations, which results in the requirement to employ fewer staff.

1.7 It is therefore proposed that the Council's Special Leave Policy is amended to reflect the changing employment and elections environment.

2.0 The proposed solution

2.1 For reasons identified in 1.3 above, it is still considered appropriate on occasions to provide staff with paid time off from work to help with elections duties. However, it is also recognised that this practice does not need to take place at every election.

2.2 Attempts were initially made to provide Councillors with a table that contained all the different permutations of possible combinations of elections and scenarios of allocated tasks. This was done with the intention that it would be possible to specify in which specific scenarios special leave would be offered. However, undertaking this task revealed that each situation has to be considered on its own merits based on facts available at the time the election takes place.

2.3 It is therefore proposed that the automatic entitlement to paid time off at normal salary is removed and is replaced with a flexible solution that allows the Chief Executive to decide whether or not paid time off with pay should be provided for each election as it occurs. The proposed revised wording of the Special Leave Policy is as follows:

Before each election the Chief Executive will decide what special leave will be approved based on a risk assessment of various factors including:

- **the type of election taking place**
- **the number of postal votes expected**
- **the number of polling stations required**
- **the total number of staff required to resource a successful election**
- **the anticipated availability of staff with the right knowledge, skills and behaviours.**

The decision made by the Chief Executive is final and will be communicated to all staff in advance of the election, and recruitment to roles, taking place.

2.4 This new definition will still provide fairness and consistency within each election, but will allow flexibility to deal with the specific circumstances of each individual election. For example, special leave may not be given for Parish By-elections.

3.0 Consultation

3.1 Consultation with staff and UNISON is being undertaken currently. The feedback from that process will be given verbally during the Personnel Sub-Committee.

4.0 Financial implications

4.1 Whilst providing staff with special leave is a benefit, it does not have a direct impact on staff budgets.

5.0 Legal implications

5.1 There are no legal implications at this time.

6.0 Risk implications

6.1 If special leave for elections were removed entirely there would be a risk that the Returning Officer (i.e. the Chief Executive) would be unable to recruit enough of the right calibre of staff to run elections effectively. If the definition remains the same there is the risk of staff being treated inconsistently. Allowing the Chief Executive the authority to make this decision for each election allows him to balance the practicalities and costs of running ENC with the risks of not running a successful election.

7.0 Equality implications

7.1 As the change would affect all staff involved in elections equally, it is considered that there would not be any equality implications.

8.0 Recommendations

8.1 The Sub-Committee is asked to agree the proposed change to the Council's Special Leave Policy as set out in section 2.3 of this report.

Legal	Power: Local Government Act 1972.				
	Other considerations:				
Background Papers:					
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Date: 11/01/2013					
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