

## Live Active Leisure

### LEAVE ARRANGEMENTS FOR ATTENDING COURT

#### INTRODUCTION

Live Active Leisure [the Company] recognises that it has a duty to allow **Our People** time off to attend Court where they have been cited to attend either for jury duty or as a witness.

The Company also recognises that there may be occasions when **Our People** will be required to attend Court as a witness for the Company in a Civil or Criminal action.

Under both these circumstances, **Our People** may apply for Paid Leave.

**Our People** will have peace of mind that if called upon for Jury Duty there will be no loss of earnings during any period of confirmed Jury Duty.

There are, however, other occasions where **Our People** may be required to attend Court where the Company will not consider an application for Paid Leave and **Our People** will be expected to utilise annual leave or apply for Unpaid Leave to attend Court.

The purpose of this document is to identify what leave arrangements are in place for the Company and the procedure to follow in applying for leave to attend Court.

#### STATUS FOR LEAVE IN ATTENDING COURT

##### **Jury Service**

Paid Leave is granted where you are cited for Jury Service.

##### **Appearing as a Witness - Criminal Cases**

Paid Leave is granted where you are cited to appear as a witness either for the Crown or Defence.

##### **Appearing as a Witness - Civil Cases**

The Company will not grant leave in Civil cases except where you are a witness in a case being actioned by the Company.

##### **Appearing as the Accused**

If you are appearing as the accused, you **will not** be granted Paid Leave.

#### PAID LEAVE ARRANGEMENTS FOR ATTENDING COURT

Where you are entitled to Paid Leave to attend Court, you will be paid your wages/salary as normal. However, to offset this cost, you must make a claim for Loss of Earnings from the party citing you. Any payment made to you for loss of earnings will be deducted from your wages/salary.

- You must show the citation to attend Court to the Line Manager within 24 hours of receiving it
- The Line Manager will copy the citation form and will complete the "Loss of Earnings" part of the citation to indicate your hourly rate (including any allowances)
- You will claim the "Loss of Earnings" from the party citing you plus any additional expenses incurred by attendance
- When you have been paid the "Loss of Earnings", you must notify the Line Manager by completing a Mandate form (Appendix 1 attached). This amount will then be deducted from your next wages/salary
- The Line Manager will notify Payroll Section of the amount to be deducted by memo, enclosing the signed Mandate form

## UNPAID LEAVE ARRANGEMENTS FOR ATTENDING COURT

Where you are not entitled to Paid Leave and you have exhausted your annual leave entitlement, the procedure for applying for Unpaid Leave is as follows:

- You must show the citation to attend Court to the Line Manager within 24 hours of receiving it
- The Line Manager will copy the citation form and arrange for Unpaid Leave to be recorded on your absence record
- The Line Manager will complete the "Loss of Earnings" part of the citation to indicate your hourly rate (including any allowances)
- The Line Manager will ensure that any days' attendance at Court are notified to Payroll Section so that no wages/salary are paid for these days

## LOSS OF EARNINGS / BENEFITS

The current rates of loss of earnings are set by the Scottish Ministers and are reviewed annually:

In addition to loss of earnings you may be entitled to payment for other allowances, details of which should be included with your Citation.

Current rates for all expenses in relation to Jury Duty can be found at [www.scotcourts.gov.uk](http://www.scotcourts.gov.uk) or at Scottish Court Service, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, Tel: 0131 444 3300.

## TIME OFF ARRANGEMENTS FOR THOSE GRANTED PAID OR UNPAID LEAVE FOR ATTENDING COURT

In making arrangements for you to take time off to attend Court, you must be aware of the need to co-operate fully and act responsibly to ensure that it minimises any effect on the Company. The Company recognises that some staff are shift workers and that attendance at Court impinges on rest periods. This is acknowledged when arranging time off.

Taking into consideration the employee's home address, location of Court and time of attendance, time off arrangements should be agreed with the Line Manager in advance of attendance at Court.

Where appropriate rescheduled hours will be put in place to accommodate the attendance at Court based on each individual request.

## COMMUNICATION

It is the responsibility of all staff granted leave to attend Court to keep their Line Manager advised of their continued absence at Court on a daily basis. Where the Court case continues after the first day, then you must notify your Line Manager of your continuing absence prior to the start of the working day or by 10.00 am at the latest.

**FAILURE TO KEEP YOUR LINE MANAGER INFORMED MAY LEAD TO DISCIPLINARY ACTION.**

**COURT ATTENDANCE MANDATE**

Name: .....

Payroll Number: .....

Place of work: .....

Date(s) of Case: .....

.....

I certify that I did/did not attend Court on the above date(s).

I received the amount of £ ..... for loss of earnings which shall be deducted from my salary/wages at the next available pay date.

Signed: .....

Date: .....

Please return this form to your Manager.

<p><b>For Official Use Only</b></p> <p>Payroll Notified by Copy</p> <p>Signed.....</p> <p>Facility Operations Manager</p> <p>Date.....</p>
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