



Department for
Business & Trade

Time off for public duties review report

Findings: review of the list of public duties in section 50 of
the Employment Rights Act 1996



Government of the United Kingdom

Department for Business and Trade

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Employment Rights Act 1996**

Presented to Parliament
by the Secretary of State for Business and Trade
by Command of His Majesty

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Introduction

People who take on public duties make a real difference to their community and play an important part in ensuring public services can be delivered effectively. Employees carrying out certain public duties, such as school governors, magistrates, and local councillors, are entitled to reasonable time off work to carry out their duties. This supports individuals to better balance their employment and public service responsibilities.

The government carried out a full review of the list of public duties for which individuals are entitled to time off work, with consideration of special constables. The aim of the review was to ensure the list of roles in public bodies and offices eligible for time off under the legislation remains fit for purpose and continues to support the effective functioning of modern public services. The findings are set out in this report.

Background

The right to reasonable time off work for certain public duties was introduced under the Employment Protection Act 1975 and is now set out in section 50 of the Employment Rights Act 1996. This legislation had not been subject to a comprehensive review since its introduction over 50 years ago, despite significant changes across many sectors in which individuals carry out public duties. These include reforms associated with devolution and wide-ranging developments in the education and health sectors, among others. Consequently, the list of public duties eligible for time off needs to be updated to ensure it retains its original purpose and community focus, reflects the contemporary legislative framework in relevant sectors, and addresses modern public service needs.

From its inception, this right was intended to enable working people to participate meaningfully in civic life. The entitlement to time off ensures the opportunity to carry out these important public duties is accessible to a broad range of people within the local community, including those with full-time jobs.

While employment rights are reserved in relation to Scotland and Wales, the majority of the public duties considered as part of the review relate to matters that are devolved to those nations. As such, UK government officials engaged with devolved government officials to ensure parity and consistency across Great Britain.

Under current legislation, a public duty is eligible for time off only in cases where the individual carrying it out holds an office (e.g. a magistrate holds the office of Justice of the Peace) or is a member of a public body (e.g. a local councillor is a member of a local authority). The review therefore focused primarily on public duties that meet this eligibility requirement and did not extend to a broader consideration of volunteering leave.

Summary of findings and recommendations

This review took an evidence-based, proportionate approach that supports public participation, promotes fairness and consistency, and minimises unnecessary impacts on employers. It also considered whether statutory time off was the most appropriate and effective way to support participation relating to specific roles, or whether alternative approaches would better meet those objectives.

We looked at the duties for which time off is currently permitted under the legislation, as well as additional duties that were proposed for inclusion. The review concluded in a set of proposed amendments to the list of duties for which employees have a right to time off. These proposals seek to restore the legislation to its primary objective, which is to enable working people to balance paid employment with public duties in the community, supporting broader and more inclusive participation. The full set of government proposals is available in Annex A – Roles and proposals table.

The government found that special constables are a notable omission from the current legislation and proposes that they should be entitled to time off under these provisions. We also propose that duties with a clear local focus should retain or gain the right to reasonable time off, and that board members of national public sector organisations, such as the Environment Agency, should no longer be included as they do not align with the purpose of the legislation.

The review identified a few roles that can be removed because the public bodies or duties linked to them either no longer exist, or their former responsibilities have been taken on by another public body or duty that is covered under these provisions.

The findings and proposals are set out in 3 sections:

1. local representation and community governance
2. frontline public service delivery
3. national public service governance

Findings: local representation and community governance public duties

When the legislation was originally introduced, its purpose was to enable working people to make a meaningful impact by playing an active role in shaping and supporting their local community. We propose the legislation be updated to extend the right to time off to people in a small number of local representation and community governance roles that are currently excluded due to the legislation being outdated. These amendments will help ensure the legislation reflects modern local governance structures and the entitlement to time off remains consistent for people with similar responsibilities across England, Scotland and Wales.

In the education sector, the review identified a small number of inconsistencies across different types of institution within England, and between England, Scotland and Wales. In England, people in school governance roles for academies and academy trusts are not currently entitled to time off because the provision was not updated in line with education reforms. Furthermore, members of a governing body or audit committee for a designated institution – a specific type of further educational institution eligible to receive public funding and oversight – were found to be entitled to time off in Scotland but not in England or Wales. Consequently, the government proposes that people doing these educational institution governance roles with like-for-like responsibilities across England, Scotland and Wales should all be entitled to time off work. These roles are essential for effective school governance, the smooth running of educational institutions, and are among the most vital public services. It is important that these duties are delivered by those who are invested in their local community.

The review also identified a few local governance public duties in England, Scotland and Wales that have been established in recent decades, but not included in section 50. Therefore, the government proposes that members of National Landscape Conservation Boards – who conserve and enhance natural beauty, wildlife, and cultural heritage in a similar function to National Park Authorities, Integration Joint Boards – who bring together NHS boards and local authorities to jointly plan, budget, and commission services, and Corporate Joint Committees – who provide a way for councils and partners to work collectively to plan and make decisions on issues that affect the wider region – should be entitled to time off to perform these essential roles within their communities.

Furthermore, the review identified the benefits to the justice system of extending the entitlement to time off to fee-paid judges and Judicial Appointments Commission lay panel members. These public duties are important for maintaining the integrity, capacity and effective operation of the justice sector. In addition, sitting days for these duties are generally scheduled several months in advance, allowing employers and employees to make arrangements around planned absences. The lack of a right to time off work has been identified as a barrier for underrepresented groups becoming fee-paid judges, particularly for women and people from ethnic minority backgrounds.¹ The government proposes that these duties should be entitled to time off to help ensure the judiciary is diverse and representative of the society it serves.

¹ Diversity of the judiciary: 2025 statistics, available at: <https://www.gov.uk/government/statistics/diversity-of-the-judiciary-2025-statistics/diversity-of-the-judiciary-legal-professions-new-appointments-and-current-post-holders-2025-statistics--2K>

Findings: frontline public service delivery duties

The review found comprehensive evidence to support the proposal that special constables should be entitled to time off work to carry out their public duties. Other frontline public service roles were considered but found to be either ineligible for time off under the current legal framework or better supported through alternative arrangements.

Special constables are volunteer police officers with the same powers and responsibilities as paid police officers. The UK government's police reform white paper set out, as part of the Neighbourhood Policing Guarantee (England and Wales), a commitment to increasing the number of volunteers in neighbourhood policing to build a resilient, community-focused policing model, and that special constables are central to this ambition.² Similarly, Police Scotland's Volunteering Plan details a commitment to developing a skilled, flexible and adaptable volunteering service that expands and enhances the organisation's capability to meet modern policing demands.³ Entitling special constables to reasonable time off work would support recruitment and retention efforts and help meet these commitments. With the right to time off, special constables may find it easier to consistently dedicate time to their duties. Furthermore, it may make the role more accessible to individuals from a diverse range of backgrounds.

The review also found that police support volunteers, on-call firefighters and training time for members of the reserve forces are ineligible for time off under this legislation. The government recognises their critical and invaluable contributions to the safety and security of the British public. However, the current legislation only allows roles where the individual carrying it out holds a formal office or is a member of a public body. Police support volunteers are not elected or appointed to an office or body as part of their voluntary role, nor are on-call firefighters or reservists as part of their employment. Therefore, these roles are not eligible for time off under this legislation. Furthermore, existing initiatives are already in place to support reservists, including mobilisation-related statutory rights⁴ and the Armed Forces Covenant.⁵

² From local to national: a new model for policing, available at:

https://assets.publishing.service.gov.uk/media/69779267276692606c013862/260125_White_Paper.pdf

³ Police Scotland Volunteering Plan – Modernising Our Volunteer Approach 26/29, p. 3, available at:

<https://www.spa.police.uk/spa-media/zgfbjfw/item-3-7-volunteering-special-constables-and-psyv.pdf>

⁴ Rights and responsibilities for reservists and employers, available at: <https://www.gov.uk/employee-reservist>

⁵ Armed Forces Covenant: guidance and support, available at:

<https://www.gov.uk/government/collections/armed-forces-covenant-supporting-information>

Findings: national public service governance duties

The legislation was introduced to enable working people to participate in civic life in their community. Therefore, we propose that board members of national public sector organisations, including statutory regulators and national health bodies, should not be entitled to time off.

The government recognises the importance of the Environment Agency, Scottish Environment Protection Agency, General Teaching Council for Wales (now known as the Education Workforce Council), and national health bodies including the National Institute for Health and Care Excellence (NICE). Their board members play a vital role in regulating and maintaining standards within their respective sectors. However, they perform national oversight roles which differ substantially from the locally focused public duties that the legislation originally intended to capture.

The review found that the current entitlement applies only to the members of a small and inconsistent subset of public sector regulatory and governance bodies out of a wider network of over 500 such bodies. We found that their inclusion is a result of a patchwork of legislative reforms and consequential amendments, and there is no strong rationale to treat them differently from members of other national public bodies.

In addition, the government found limited evidence to suggest that the national public bodies whose members are currently entitled to time off, or the wider cohort of public bodies, are experiencing recruitment or retention difficulties. This indicates that access to statutory time off is not a decisive factor in enabling suitably qualified individuals to undertake these high-profile national non-executive board roles. These positions are generally desirable, regarded as prestigious, and attract individuals with suitable experience and seniority who can typically manage participation alongside existing work commitments.

Conclusion

This review examined whether the list of public duties for which employees have a right to reasonable time off work remains fit for purpose and effectively supports the delivery of modern public services. It considered how the legislation can continue to support meaningful public participation by working people, while remaining proportionate and balancing the practical demands placed on employers.

The review found that the right to time off for public duties continues to play an important role in enabling working people to contribute to civic life, particularly at a local level. However, it also identified that the current list of duties needs to be updated to reflect contemporary public service structures. The legislation has not kept pace with reforms in some areas, resulting in inconsistencies between comparable roles, across different sectors, and between England, Scotland and Wales.

To address this, the government proposes a targeted set of amendments to the list of duties for which employees are entitled to time off that restores the legislation to its original purpose and community focus. The government is seeking views on these proposals in the [Time off for public duties consultation](#). Responses to this consultation will help inform any actions the government intends to take.

Annex A – Roles and proposals table

Proposal – retain

Role	Role description
College of further education board of management member	College of further education board of management members provide strategic leadership, governance, oversight and accountability for the effective functioning of the college.
Designated institution member (Scotland)	Designated institution governing body members take responsibility for ensuring the effective management of the institution, planning its strategic direction, future development and advancing its mission.
Further education, sixth-form college or higher education corporation member	Further education, sixth-form college or higher education corporation members providing strategic direction, finance, estates and risk management, and oversight of executive leaders.
Independent prison monitors, members of independent monitoring boards and lay observers	Independent prison monitors, members of independent monitoring boards and lay observers provide independent scrutiny to promote fairness, dignity and transparency across prisons and courts to support human rights standards.
Local councillor	Local councillors are elected to a local authority to provide community leadership, serve and represent everyone in their ward, and support of the good functioning of local public services.
Local health body member	<p>Local health body members make positive contributions to the effective running of community health services and the maintenance of high standards across their local organisation. Local health bodies include:</p> <ul style="list-style-type: none"> • an integrated care board established under section 14Z25 of the National Health Service Act 2006 • an NHS foundation trust • a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 • a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978 • a National Health Service trust established under section 25 of the National Health Service Act 2006, section 18 of the National Health Service (Wales) Act 2006 or the National Health Service (Scotland) Act 1978

Role	Role description
Magistrate	Magistrates are volunteers who hear cases in courts in their community. They can hear cases in the criminal court, the family court, or both, and they hear around 95% of criminal court cases.
Maintained school governor	Maintained school governors set strategic direction, hold the executive leadership to account for the quality of education, and ensure effective use of public money.
National Park Authority member	National Park Authority members provide strategic leadership, governance, and scrutiny for the authority in the undertaking of its statutory functions to conserve and enhance natural beauty, wildlife, and cultural heritage, promote public understanding and enjoyment of national parks, and support local communities.
Parent council member	Parent council members help ensure parents' voices are represented in school governance. They support inclusive decision-making, strengthen collaboration between families and schools, and promote continuous improvement in education.
Self-governing school board of management member	Self-governing school board of management members provide appropriate governance, accountability and support effective leadership of the school.
Statutory tribunal member	Statutory tribunal members are non-legal panel members with experience or background knowledge relevant to the tribunal's work. They provide advice on their area of specialist knowledge and taking an equal part in the tribunal's decisions.
Visiting committee member	Visiting committee members provide independent scrutiny and monitor the welfare and treatment of people held in immigration detention.

Proposal – add

Role	Role description
Academy or academy trust governor	Academy or academy trust governors set strategic direction, hold the executive leadership to account for the quality of education, and ensure effective use of public money. These governance roles include members of an academy trust, trustees, chairs of trustees and local committees and local committee governors for an academy trust.

Role	Role description
Corporate Joint Committee member	Corporate Joint Committees were established under the Local Government and Elections (Wales) Act 2021 to strengthen collaboration between local authorities. Membership is comprised of councillors and national park members. They play an important role in local governance, with responsibilities including strategic development planning, regional transport planning and supporting the economic well-being of their area.
Designated institution, further education corporation, or sixth-form college corporation audit committee member (England and Wales)	Audit committee members of a further education corporation, sixth-form college corporation, or body that operates a designated institution provide independent assurance to a governing body that financial and non-financial controls and risk management procedures are operating effectively.
Designated institution governing body member (England and Wales)	Members of the governing body of a designated institution set strategic direction, manage finance, estates and risk, and oversee executive leaders to ensure the delivery of high-quality education.
Fee-paid judge	Fee-paid judges balance full-time work as an experienced lawyer with occasional work as a judge. They provide additional capacity for courts and help address backlogs by dedicating around 30 days per year to their duties.
Integration joint board member	Integration Joint Boards were introduced under the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 to integrate health and social care services. They bring together NHS boards and local authorities to jointly plan, budget, and commission services.
Judicial Appointments Commission lay panel member	Judicial Appointments Commission lay panel members select and recommend individuals for judicial office in England and Wales, dedicating around 20 days per year to their duties. They help to ensure fair, merit-based selection and support the delivery of a diverse and effective judiciary. They support accessibility and representation within the judicial selection process, consistent with the Judicial Appointments Commission's statutory duties.
National Landscape Conservation Board member	Conservation Board members play a strategic role in helping the board undertake its statutory functions to conserve and enhance natural beauty, promote public understanding and enjoyment of protected landscapes, and support local communities.

Role	Role description
Special constable	Special constables are volunteer police officers with the same powers and responsibilities as paid police officers. They support policing within their local community and generally dedicate around 16 hours per month to their duties, though the time commitment can vary between forces.

Proposal – remove

Role	Role description
Central institution governing body member	Central institutions are now defunct following changes to the structure of school governance in Scotland. They either no longer exist or now come under other legislative provisions, such as designated institutions.
Environment Agency and Scottish Environment Protection Agency (SEPA) board member	The Environment Agency and Scottish Environment Protection Agency are the principal environmental regulators for England and Scotland, respectively. They have statutory responsibilities including regulating major industry and waste, the treatment of contaminated land, and flood risk management.
General Teaching Council for Wales member	The General Teaching Council for Wales, now known as the Education Workforce Council, regulates education practitioners across schools, further education, youth work, and adult/work-based learning in Wales. Its members have a responsibility to support the Council to achieve its vision of being a trusted, independent, professional regulator that works in the public interest to maintain professionalism and enhance standards within the education workforce in Wales.
National health body member	National health body members support the good functioning of health services across the country, offering their wealth of expertise and experience. National health bodies include: <ul style="list-style-type: none"> • NHS England • the National Institute for Health and Care Excellence (NICE) • the Health Services Safety Investigations Body • a Special Health Authority established under section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006

Role	Role description
School council member	School councils are now defunct following changes to the structure of school governance in Scotland. They have largely been replaced by other bodies such as parent councils and boards of management.
Scottish Water board member	Scottish Water is a public sector body, classified as a public corporation of a trading nature, that is responsible for providing water and wastewater services to household customers and wholesale licensed providers.

Proposal – reject

Role	Role description
Armed forces reservists (for training only)	Armed forces reservists play a crucial role in national security from countering security threats, peacekeeping and humanitarian efforts abroad to supporting communities at home. They provide resource, unique capabilities, and a diversity of skills in support of the nation's security.
General Teaching Council for Scotland member	The General Teaching Council for Scotland is the independent regulator for teachers in Scotland. Its members work in the public interest to enhance trust in teachers by setting, upholding and promoting high standards.
On-call firefighter	On-call firefighters are employees of a fire and rescue authority or service. They provide on-call availability from 30 to 120+ hours per week and are paid retainer fees from 5% to 15% of the appropriate annual basic pay based on their availability, with additional pay for further work activities.
Police support volunteer	Police support volunteers volunteer with a police force. They hold no office and are not warranted police officers. This role can be created or adapted based on the skills and time individuals have to give. The roles can encompass a wide array of tasks including staffing police station front counters, criminal investigation support, vehicle maintenance support, and much more.

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