

EAST AYRSHIRE COUNCIL
CABINET – 12 OCTOBER 2011
ROYAL JUBILEE HOLIDAY

Report by Executive Director of Finance and Corporate Support

1. PURPOSE OF REPORT

- 1.1** The purpose of this report is to recommend to Cabinet arrangements to mark the Queen's Diamond Jubilee celebrations on Tuesday 5 June 2012 by designating that day as an additional holiday for all Council employees.

2. BACKGROUND

- 2.1** The UK Government and Scottish Government have announced that an additional bank holiday will take place on Tuesday 5 June 2012 to mark the Queen's Diamond Jubilee celebrations.
- 2.2** CoSLA has produced an Employers' Guidance Note, Personnel Services Circular – Human Resource Advice 5/11, covering workforce considerations for Councils arising from the establishment of the additional bank holiday.
- 2.3** One-off holidays of this nature have previously been agreed by the Council and Cabinet at its meeting on 23 February 2011 agreed that, to celebrate the wedding of His Royal Highness Prince William and Miss Catherine Middleton, Friday 29 April 2011 would be designated as an additional holiday for all Council employees.
- 2.4** In addition to the designation of Tuesday 5 June as an additional bank holiday, the UK Government and Scottish Government have also announced that the late May bank holiday will be moved to Monday 4 June 2012. This has no implications for the Council as the late May bank holiday is not one of the 12 public holidays recognised by the Council.

3. CONTRACTUAL POSITION

- 3.1** Holiday entitlement in the UK is regulated by the Working Time Regulations 1998 which entitle all workers to 5.6 weeks of paid annual leave capped at a maximum of 28 days.
- 3.2** There is no statutory right to take public holidays and whether or not a worker is entitled to be off work on a public holiday is a matter determined by the contract between the employer and the worker.
- 3.3** In addition to annual leave, Local Government Employees, Craft Operatives and Chief Officers are granted a maximum of 12 public holidays per annum. The entitlement to public holidays for part-time employees is the same as that of full-time employees, applied on a pro-rata basis.

- 3.4 Public holidays are included in Teachers' annual leave entitlement.
- 3.5 There is no contractual entitlement to the additional day for East Ayrshire Council employees.

4. POSITION OF OTHER COUNCILS

- 4.1 To date there is not a comprehensive picture of the position in other Councils but it is anticipated that most will likely agree the same arrangements as were agreed for the Royal Wedding in April 2011. For that day the majority of Councils agreed that the day would be treated as an additional leave day and not as a Public Holiday.

5. SCHOOL ISSUES

- 5.1 Under Section 133 of the Education (Scotland) Act 1980, Councils are required to seek Ministers' consent for exceptional closure of schools. Ministers will then consider whether to disapply Regulation 5 of the Schools General (Scotland) Regulations 1975, as amended, which requires schools to be open for at least 190 days per school year.
- 5.2 The Scottish Ministers have approved an application from the Executive Director of Educational and Social Services to allow the exceptional school closure of all schools in East Ayrshire on 5 June 2012, the day of the Queen's Diamond Jubilee celebrations in the event of this being agreed by the Council.
- 5.3 The Joint Negotiating Committee for Teaching Staff at its meeting on 5 October are being asked to agree the recommendation that Tuesday 5 June 2012 be designated as an additional holiday for all teaching staff and noted the closure of all educational establishments on 5 June 2012.

6. PROPOSAL

- 6.1 Having regard to the contractual position outlined above and Cabinet's previous decision regarding the Royal Wedding in April 2011, it is proposed that Tuesday 5 June 2012 be designated as an additional holiday for all Council employees. Part-time employees will be entitled to this extra leave on a pro-rata basis.
- 6.2 Employees who are required to work on 5 June 2012 will not be entitled to receive additional payments for working on that day. Employees who are on maternity leave on 5 June 2012 will be given this additional day as they are entitled to accrue holidays in the same way as employees at work. Employees on sick leave on 5 June 2012 will not be entitled to take time off at a later date unless their absence is due to a disability.

7. COMMUNICATIONS

- 7.1 A relevant PER Circular will be issued advising that Tuesday 5 June 2012 has been designated as an additional holiday for all employees.
- 7.2 The Executive Director of Educational and Social Services will advise Head Teachers, Parent Councils, pupils, parents and school transport providers etc of the closure of all

educational establishments on 5 June 2012 following receipt of approval from the Scottish Ministers.

8. FINANCIAL IMPLICATIONS

8.1 There are no direct costs arising from the proposal to grant an additional holiday on Tuesday 5 June 2012.

9. POLICY/LEGAL IMPLICATIONS

9.1 There are no policy or legal implications arising from the content of this report.

10. TRADE UNIONS

10.1 The proposal has been discussed with the Trade Unions.

10. RECOMMENDATIONS

10.1 Cabinet is recommend to:-

- a. agree that Tuesday 5 June 2012 be designated as an additional holiday for all Council employees and that any employee required to work on that day be granted a day off in lieu at a later date; and
- b. otherwise note the content of the report

Alexander McPhee
Executive Director of Finance and Corporate Support
26 September 2011

LIST OF BACKGROUND PAPERS

1. CoSLA Personnel Services Circular – Human Resource Advice 5/11

Any person wishing further information should contact Martin Rose, Head of Human Resources (Telephone 01563 576092).

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