

EAST AYRSHIRE COUNCIL

POLICY AND RESOURCES COMMITTEE 7 FEBRUARY 2007

ST ANDREW'S DAY BANK HOLIDAY (SCOTLAND) BILL

Report by Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of the implications for the Council as an employer of the passing by the Scottish Parliament of the St Andrew's Day Bank Holiday (Scotland) Bill.

2. BACKGROUND

- 2.1 The St Andrew's Day Bank Holiday (Scotland) Bill was passed by the Scottish Parliament on 29 November 2006 and awaits Royal Assent.
- 2.2 The Bill adds a date - 30 November, or the following Monday should 30 November fall on a weekend - to the schedule of bank holidays in Scotland. Once the Bill receives Royal Assent and becomes law, that means that St Andrew's Day will appear in the list of bank holidays for the first time in 2007. The date will be Friday 30 November 2007.
- 2.3 The existence of a bank holiday on any date does not in general give organisations or employees the right to a day's holiday. Holiday entitlements are a contractual matter between employers and employees, and the new legislation about St Andrew's Day does not change that.
- 2.4 The mover of the Bill, Dennis Canavan MSP, and the First Minister issued a joint statement in September 2006 to clarify the intent of the Bill. The statement acknowledged that the Bill would not automatically create an additional holiday for employees in Scotland. The purpose of the Bill was to create a legal framework that would encourage employers and employees to substitute a national St Andrew's day holiday for an existing local holiday.
- 2.5 The Scottish Executive fully subscribes to the aim of the new legislation, which is to facilitate the creation of a national holiday to celebrate Scotland and its people. Scottish Ministers are enthusiastic about greater celebration of our national day and believe that all Scots have a part to play in achieving that. The Executive is therefore encouraging you as an employer to engage with your employees to consider how they would like to celebrate St Andrew's day and whether you, and they, would consider moving an existing holiday to St Andrew's day. Each organisation and company is free to take its own decision about what to do, however. Whether you decide to have a

holiday; or not to; or to replace an existing one, your decision is not bound in any way by the new legislation.

3. IMPLICATIONS FOR THE COUNCIL

- 3.1 In its capacity as an employer, the Council currently sets public holidays for its employees having regard to national and local holidays.
- 3.2 School holiday arrangements for teachers are set annually by the Education Committee. General and Public holidays for Local Government Employees and Craft Operatives are set in accordance with a formula agreed by the Policy and Resources Committee on 13 June 1996 and published annually by Personnel Circular.
- 3.3 The General and Public Holidays for 2007 are detailed in Appendix 1 and the School Holiday Arrangements for 2007-2008 are detailed in Appendix 2.
- 3.4 In accordance with the advice given by the Scottish Executive it is for each employer to decide whether to move an existing holiday to St Andrews Day.
- 3.5 As indicated above the General and Public Holidays for 2007 have been agreed already for all employee groups and any change to these for 2007 or future years would require to be the subject of consultation not only with the Trade Unions but also in respect of schools with a range of consultees including educational establishments, school boards, local Chambers of Commerce, Trades Council and local Churches.

4. RECOMMENDATION

- 4.1 The Committee is recommended to:-
 - i. consider the foregoing information regarding the St Andrew's Day Holiday;
 - ii. agree that that consultation be carried out with the Trade Unions and other relevant parties in relation to the moving of an existing holiday to St Andrew's Day;
 - iii. agree that the holiday arrangements which have been agreed previously by the Council for the Christmas-New Year holiday period should be excluded from the consultation exercise; and
 - iv. note that a further report will be submitted to the Committee following the conclusion of the consultation.

Elizabeth Morton
Depute Chief Executive/
Executive Director of Corporate Support

MHR
26 January 2007

BACKGROUND PAPERS

Nil

Anyone wishing further information should contact Martin Rose, Head of Personnel on 01563 576092.

GENERAL AND PUBLIC HOLIDAYS 2007

NEW YEAR

Monday 1 January
Tuesday 2 January

EASTER

Friday 6 April
Monday 9 April

MAY DAY

Monday 7 May

SEPTEMBER (AYR GOLD CUP)

Friday 21 September
Monday 24 September

CHRISTMAS PERIOD

Tuesday 25 December
Wednesday 26 December
Thursday 27 December
Friday 28 December
Monday 31 December

APPENDIX 2

**EAST AYRSHIRE COUNCIL
DEPARTMENT OF EDUCATIONAL & SOCIAL SERVICES**

SCHOOL HOLIDAY ARRANGEMENTS : 2007/2008

TERM	BREAK	DATES	HOLIDAY TOTAL	LOCAL HOLIDAY	WORKING DAYS (TEACHER)	IN SERVICE DAYS
		In-Service Day/ Teachers return				1
		Pupils return				
	Local ** Holiday	Close				
		Thur 20 Sept 2007				
		Frid 21 Sept 2007				
		Mon 24 Sept 2007		2		
		Re-open/ Tues 25 Sept 2007				
Firs t	Mid- Term	Close				
		Frid 12 Oct 2007				
		Re-open/ In-Service Day				
		Mon 22 Oct 2007	5			1
		Close				
		Frid 21 Dec 2007			87	
		Re-open				
		Mon 07 Jan 2008	15			
Sec ond	Mid- Term	Close				
		Thur 07 Feb 2008				
	Local Holiday	Holiday				
		Frid 08 Feb 2008	16			
		Mon 11 Feb 2008		1		
		Re-open/ In-Service Day				
		Tues 12 Feb 2008				1
		In-Service Day				1
		Wed 13 Feb 2008				
	Easter	Close				
		Thur 20 Mar 2008				
		Re-Open				
		Tues 25 Mar 2008	18			
		Close				
		Frid 04 Apr 2008			148	
		Re-open/ In-Service Day				
		Mon 21 Apr 2008	28			
Thir d	May Day	Mon 05 May 2008	29			1
		Close				
		Thur 22 May 2008				
		Frid 23 May 2008				
	Local Holiday	Mon 26 May 2008		2		
		Re-open				
		Tues 27 May 2008				
		Close				
		Frid 27 June 2008			195	
		Teachers return				
		Wed 13 Aug 2008				
			61	5	195*	5

NB:

Good Friday 21 March 2008

*Pupils attendance will be 190 days after deducting 5 in service days.

**Ayr Gold Cup Weekend (confirmed)