

Employment Policies and Procedures
Jury Service

Policy for Dealing with Payment by the Court for Loss of Earnings

Effective From: August 2011

Review Date: July 2014

1. Summary

This document sets out the procedure for handling time-off, payment of salary and related matters in respect of staff that are called up for jury service.

2. Introduction

- 2.1 An employee who has been summoned for Jury Service must request and will be granted special leave in accordance with the Trust's [Special Leave Policy](#).
- 2.2 The leave will be paid leave on the understanding that court fees are reclaimed and handed over by the employee to the Trust in accordance with Trust Procedures. It is essential that the employee obtains and completes the relevant HMCS Certificate of Loss of Earnings or Benefit documentation

3. Guidance for Managers and Staff

- 3.1 An employee who receives notification that they are required for Jury Service must inform their manager immediately.
- 3.2 No travelling expenses or subsistence allowances will be paid by the Trust to members of staff on Jury Service. This should be claimed from the Court using the guidance provided by Her Majesty's Court Service (HMCS).
- 3.3 Each individual employee must agree, in advance, with their line manager (who in turn will liaise with the Human Resources Department), the arrangements for the approval of leave for Jury Service. The manager must also inform the employee that the leave will be paid on condition that the employee makes arrangements to be reimbursed, from the Court (subject to a maximum daily amount) for the earnings paid by the Trust, for the full period of Jury Service. Monies reimbursed by the Court in relation to earnings must be repaid to the Trust.
- 3.4 When summonsed for Jury Service, an employee will receive a form entitled "*Certificate of Loss of Earnings or Benefit*" from HMCS. This form must be forwarded to the employee's manager who will liaise with Payroll Services to complete the form with the appropriate daily rate of pay.
- 3.5 The manager will then copy the form to the Human Resources Department for inclusion in the employee's personal file and will then return the form to the employee who must use this to claim their loss of earnings from the Court.
- 3.6 The employee should hand this form in to Court officials on the first day of attendance for Jury Service.

- 3.7 On completion of Jury Service, the employee will receive a payment from HMCS for the total amount of earnings allowed by law. It should be noted that the 'loss' of earnings paid by HMCS will not, usually, amount to the employee's normal earnings. The employee will also receive a certificate of attendance and a remittance advice. These should be retained by the employee.
- 3.8 The amount will include any travelling expenses or subsistence allowances approved by HMCS. This will be detailed on the remittance advice.
- 3.9 When the employee returns from Jury Service, the manager must make arrangements to meet with the employee to discuss the arrangements for the 'loss of earnings payment' to be reclaimed by the Trust. The manager will be responsible for ensuring repayment is made to the Trust by the employee and for ensuring the Deduction from Wages Authorisation Form (appendix 1) is completed, forwarded to payroll and copied to the Human Resources Department for inclusion in the employee's personal file. A copy must be retained by the manager.
- 3.10 The employee should be advised to give their manager the documents containing the breakdown of payments, outlined above.
- 3.11 A deduction from salary will be made at the next month's salary following Jury Service.
- 3.12 If payment is not made in full in accordance with 3.11 above, the matter will be regarded as a conduct issue and will be dealt with under the Disciplinary Procedure. Recovery of the relevant amount will be handled by the Finance Department in accordance with the Notification of Debt procedure.
- 3.13 For staff that leave the Trust prior to completing their repayment, the Finance Department will handle the matter in accordance with the Notification of Debt procedure.
- 3.14 Those staff who are granted special leave to attend Jury Service and who are released early, must then report for duty to their manager. This includes early release from the period agreed or those who are not required to attend court for that particular day.

4 Audit & Monitoring

- 4.1 Operation of this policy will be monitored by the Director of Human Resources. The organisations' figures will be presented to the Heads of Human Resources Meeting on an annual basis, who will identify appropriate action plans to address any areas of concern and will continue to monitor the plan until its completion.
- 4.2 Monitoring will include reporting of information from internal audits:
 - a) To ensure all requests for jury service are administered appropriately.

5 Further Advice and Guidance

Please contact a Human Resources Officer in the Human Resources Department.

6. Guidance Review

The Director of Human Resources is responsible for the review and amendment of this policy.

Deduction from Wages Authorisation Form

I hereby authorise The Newcastle Hospitals NHS Foundation Trust to deduct from my salary the amount set out below for the purposes of reimbursing the Trust, loss of earnings received by me from the Court, for the period of Jury Service

Title:	Forename:	Surname
Assignment Number:		
Value of Deduction:	Date of deduction:	
Signature:	Date:	

THE NEWCASTLE UPON TYNE HOSPITALS NHS FOUNDATION TRUST
IMPACT ASSESSMENT – SCREENING FORM A

This form must be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

Policy Title:	Jury Service	Policy Author:	K Pearce
		Yes/No?	You must provide evidence to support your response:
1.	Does the policy/guidance affect one group less or more favourably than another on the basis of the following: (* denotes protected characteristics under the Equality Act 2010)	No	The policy applies equally to all employees of the Trust and does not impact on any of the protected groups detrimentally
	• Race *	No	
	• Ethnic origins (including gypsies and travellers)	No	
	• Nationality	No	
	• Gender *	No	
	• Culture	No	
	• Religion or belief *	No	
	• Sexual orientation including lesbian, gay and bisexual people *	No	
	• Age *	No	
	• Disability – learning difficulties, physical disability, sensory impairment and mental health problems *	No	
	• Gender reassignment *	No	
	• Marriage and civil partnership *	No	
2.	Is there any evidence that some groups are affected differently?	No	
3.	If you have identified potential discrimination which can include associative discrimination i.e. direct discrimination against someone because they associate with another person who possesses a protected characteristic, are any exceptions valid, legal and/or justifiable?	n/a	
4(a).	Is the impact of the policy/guidance likely to be negative? (If “yes”, please answer sections 4(b) to 4(d)).	No	
4(b).	If so can the impact be avoided?	n/a	
4(c).	What alternatives are there to achieving the policy/guidance without the impact?	n/a	
4(d).	Can we reduce the impact by taking different action?	n/a	

Comments:	Action Plan due (or Not Applicable):
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Name and Designation of Person responsible for completion of this form: K Pearce Senior HR Manager (Projects) Date: ... 30 June 2011

Names & Designations of those involved in the impact assessment screening process: The Employment Policies and Procedures Consultation Group

(If any reader of this procedural document identifies a potential discriminatory impact that has not been identified on this form, please refer to the Policy Author identified above, together with any suggestions for the actions required to avoid/reduce this impact.)

For advice on answering the above questions please contact Frances Blackburn, Head of Nursing, Freeman/Walkergate, or, Christine Holland, Senior HR Manager. On completion this form must be forwarded electronically to Steven Stoker, Clinical Effectiveness Manager, (Ext. 24963) steven.stoker@nuth.nhs.uk together with the procedural document. If you have identified a potential discriminatory impact of this procedural document, please ensure that you arrange for a full consultation, with relevant stakeholders, to complete a Full Impact Assessment (Form B) and to develop an Action Plan to avoid/reduce this impact; both Form B and the Action Plan should also be sent electronically to Steven Stoker within six weeks of the completion of this form.