



Communities in control: Real people, real power
Standing for Office: Time-Off Entitlements
A consultation



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A consultation

September 2008

Department for Communities and Local Government: London

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September 2008

Product Code: 08 CES 05554

ISBN: 978 1 4098 0536 6

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Chapter 1: The consultation and how to respond

Communities in control consultation papers

- 1.1 The White Paper, *Communities in control; Real people, real power*, is about passing power into the hands of local communities. It sets out a range of policies to achieve this, building on work still in progress from the 2006 White Paper, *Strong and Prosperous Communities*.
- 1.2 This is part of the Government's wider agenda to modernise our democratic system, to strengthen participatory democracy and through the *Communities in control* White Paper to deliver genuine empowerment to local people and local communities passing more power to more people through every practical means. Central to this is a vibrant local democracy, at the heart of which are councils providing strategic leadership delivering services and empowering communities.
- 1.3 We are now consulting further on a number of policies and commitments. These consultations will cover both the 2008 *Communities in control* White Paper and work still in the pipeline from the earlier White Paper and the 2007 Local Government and Public Involvement in Health Act which provides the legislative framework for the implementation of that earlier White Paper.
- 1.4 We have therefore planned a series of *Communities in control* consultation papers including:
 - **This consultation paper on time off entitlements** – on extending the right to time off to people serving in a wider range of civic roles with a view to implementation by secondary legislation in April 2009 and consideration of non-regulatory ways to encourage people to take on roles in third sector organisations¹.
 - **A consultation paper on improving local accountability** – covering developing and strengthening overview and scrutiny, new powers to hold local officials to account and facilitating the work of councillors which was published on 7 August 2008.

¹ The Government defines the third sector as non-governmental organisations that are value-driven and which principally reinvest their surpluses to further social, environmental or cultural objectives. It includes voluntary and community organisations, charities, social enterprises, cooperatives and mutuals.

- **A consultation paper on the making and enforcement of byelaws** – on the content of regulations to devolve the making of byelaws to councils and improving their enforcement through the introduction of fixed penalty notices which was published on 28 August 2008.
- **A consultation on a revised code of conduct for members** – about reviewing the model code of conduct for members with a view to making any revised code in time for introduction following the 2009 local elections which is due to be published at the end of September 2008.
- **A review of the code of recommended practice on local government publicity** which is due to be published in early October 2008, looking at whether the code should be revised and updated and whether it should be a statutory code or guidance.
- **A consultation paper on mayors** – inviting views about on-line petitioning for mayors and reducing the threshold for a petition to trigger a mayoral referendum below five per cent of local electors which is due to be published in early October 2008.

About this consultation paper

- 1.5 The focus of this consultation paper in the series is twofold. Firstly it is about encouraging more and different people to take up specific civic roles by helping remove time available as a barrier, thereby enabling people to get involved in decision making which affects their local communities in England and Wales.
- 1.6 Secondly it is about focusing on governance roles which are located within third sector organisations and considering what else can be done to encourage participation. We are not proposing adding them to the list of roles legally entitled to time off.
- 1.7 Specifically, we are seeking views on:
 - **Extending the right to time off to people serving in the following roles:**
 - members of probation boards/board members of probation trusts
 - members of court boards
 - youth offender panel members
 - lay advisers assisting Multi-Agency Public Protection Arrangements
 - co-opted overview and scrutiny committee members

- **Whether roles in the housing sector** such as board members of Registered Social Landlords, tenant management organisations and arms length management organisations **should be covered by time off entitlements**.
- How best to encourage participation in **governance roles in third sector organisations** via non-regulatory ways.

Who we are consulting

- 1.8 This is a public consultation and it is open to anyone to respond to the questions which are summarised at **Annex A**.
- 1.9 Employment rights are a reserved matter, although the issues raised here also have implications for devolved responsibilities. This consultation seeks the views from England and Wales. In relation to Scotland, a consultation will be published later this year in cooperation with Scottish Ministers.
- 1.10 We would particularly welcome responses from employers and employers organisations – within the private, public and third sectors, trade unions, community and voluntary sector organisations, registered social landlords, tenant management organisations, arms length management organisations, those organisations who host or recruit individuals to participate in civic roles and individuals currently undertaking civic roles.

How to respond

- 1.11 Your response must be received by **Friday 19 December 2008** and may be sent by email or by post to:

Time Off Entitlements Consultation
 Communities and Local Government
 Zone 5/C5
 Eland House
 Bressenden Place
 London
 SW1E 5DU

E-mail: timeoffentitlements@communities.gsi.gov.uk

- 1.12 It would be helpful if you could make clear in your response whether you represent an organisation or group, and in what capacity you are responding.

What will happen to the responses?

- 1.13 We will analyse the responses to the consultation and produce a summary of them within three months of the close of the consultation. This summary will be published on the Department's web site at www.communities.gov.uk
- 1.14 The Government will take account of the responses received to this consultation before introducing secondary legislation on the particular topics discussed in this paper.

Publication of responses – confidentiality and data protection

- 1.15 Information provided in response to this consultation, including personal information, may be published, or disclosed in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA), and the Environmental Information Regulations 2004.
- 1.16 You should be aware that under the FOIA there is a statutory Code of Practice with which public authorities must comply, and which deals, amongst other things, with obligations of confidence. In view of this statutory Code, should you want any of the information that you provide in response to this consultation to be treated as confidential, it would be helpful if you could also explain to us why you regard the information you are providing as confidential.
- 1.17 If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
- 1.18 The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

The Consultation Criteria

- 1.19 The UK Government has adopted a code of practice on consultations. The criteria that apply under this code, and advice about who you should contact if you have any comments or complaints about the consultation process are included in **Annex B**.

Additional copies

1.20 You may make copies of this document without seeking permission. If required printed copies of this consultation paper can be obtained from the contact details above. An electronic version of this document can be found in the consultation section of the Department's website at: www.communities.gov.uk.

Chapter 2: Introduction

- 2.1 Estimates have put the current number of citizens involved in formal governance roles at more than 450,000 people². This represents approximately 1 per cent of the population although 9 per cent of the population have taken part in some civic activism role in the past 12 months – including sitting on some decision making group.
- 2.2 Participation in civic roles allows people to get involved in direct decision-making in their communities. This involvement can bring a range of benefits to those individuals taking part and to their wider community.
- 2.3 But there is significant evidence that those people undertaking these roles are not drawn from a representative spectrum of the population and that individuals taking part often have multiple roles. We want the pool of people serving their communities in this way to be deepened.
- 2.4 More and different people need to be encouraged into governance roles. Younger people particularly are perceived to be difficult to target³. As with volunteering more generally, a lack of time is frequently mentioned as a key barrier to involvement in governance positions. People have limited time to get involved, and there is a perception that any kind of involvement in the community is time consuming and requires a large commitment.⁴
- 2.5 There were a number of proposals cited in the White Paper *Communities in control: Real people, real power* which will contribute to encouraging more and different people to take up civic roles including:
 - **Making it easier for people to find information** on the range of ways they could be active in civic roles in their communities.
 - Introduction of a **new duty on local authorities to promote democracy** which will involve councils explaining to local communities how to be a councillor or take up other civic roles.
 - Support for a **Take Part local pathfinder programme** offering information and training on how to be an active citizen. This will build on the existing Take Part network and specifically target underrepresented groups.

2 Langlands Commission on Good Governance in Public Services (2004)

3 Dalziel et al (2007)

4 Dalziel et al (2007)

- A review of relevant qualifications and modules so that the contribution citizens make and the skills they develop can be recognised through **accreditation**.
- Providing better **information for employers** outlining the commitments but also the benefits and working with Business in the Community incentivising businesses to support their employees participating through the '**Community Mark**'.

2.6 This consultation is specifically focusing on our commitment to consult on extending time off entitlements to specific civic roles, modernising the list to reflect changes to the nature and types of civic roles available and also to consider other ways to encourage participation in governance roles in third sector organisations.

Current legislation

2.7 The current legislation under Section 50 of the Employment Rights Act 1996 states that if you carry out one of the roles listed you are entitled to time off work to carry out your role. This includes:

- justice of the peace (magistrate);
- member of a local authority;
- member of a police authority;
- member of any statutory tribunal;
- member of a relevant health body;
- member of the managing or governing body of an educational establishment;
- member of the governing body of a further or higher education corporation;
- member of a school council or board in Scotland;
- member of the General Teaching Councils for England and Wales;
- member of the Environment Agency or the Scottish Environment Protection Agency;
- in England and Wales, prison independent monitoring boards, and in Scotland, prison visiting committees;
- member of Scottish Water or a Water Customer Consultation Panel.

- 2.8 The legislation operates flexibly in that individuals are allowed reasonable time off to go to meetings or to carry out duties. The time must be agreed with employers beforehand and a specific amount of time off is not laid down in law. Employers do not have to pay individuals whilst they take time off, although many do.
- 2.9 The law on time off for public duties was reviewed in 2006/7 under BERR's Simplification Plans and was found to be working well. Stakeholders felt that revised guidance would be more effective than changing the terms of the legislation. BERR published this guidance in spring 2007 and it can be found at: http://www.direct.gov.uk/en/Employment/Employees/WorkingHoursAndTimeOff/DG_10028529
- 2.10 We are therefore not proposing to make any changes to the terms of the entitlement. Instead we are focusing on what other roles should be added to the existing legislation to bring some consistency and equality across a number of civic roles. We have focused on roles which are in some way related to governance of organisations which impact their local community rather than the governance of national bodies.
- 2.11 Employment rights are a reserved matter and this consultation therefore seeks the views from stakeholders across England and Wales. We will work constructively with the devolved administrations in relation to their devolved responsibilities in this area, including working with the Scottish Ministers when a consultation is published later this year in relation to Scottish bodies.
- 2.12 There are a number of potential benefits which can be realised by employers as a result of their staff taking part in civic roles:
- employees can build competencies and develop skills which can be used in their jobs and could in some cases be part of ongoing personal development and training;
 - support from employers can be categorised as contribution to Corporate Social Responsibilities which can in turn make a company more attractive to customers or clients as well as an appealing place to work for current or future employees; and
 - there is some evidence that flexible working practices they have improved the productivity of their businesses⁵.
- 2.13 More detail on benefits as well as the costs incurred by employers as a result of an extension to time off entitlements can be found in the **consultation impact assessment** at **Annex C**. We will be using information gathered during the consultation period to inform the final impact assessment.

5 Employment Relations Research Series No. 22, The Second Work-Life Balance Study: Results from the Employers' Survey (National Centre for Social Research)

Consultation Question 1:

Do you agree with our analysis of the benefits of undertaking civic roles?
Are there any others?

Consultation Question 2:

Do you agree with our estimation of costs and the assumptions we have made in calculating the overall costs to employers?

Structure of the consultation

- 2.14 In Chapter 3 we consider the roles specifically listed in the *Communities in control* White Paper which focus on additional local government and criminal justice roles.
- 2.15 In Chapter 4 we will consider whether roles in the housing sector such as members of Boards of tenant management organisations (TMOs), arms length management organisation (ALMOs) and Registered Social Landlords should be covered.
- 2.16 Chapter 5 is not about extending the time off entitlement but instead considers non-regulatory ways to encourage participation in governance roles in independent and voluntary or community sector organisations.

Chapter 3: Extending time off entitlements – the proposed roles

- 3.1 There are a number of roles across England and Wales we have identified as priorities to add to the current list of roles entitled to time off work. This will bring some consistency and equality across a number of duties which to individual citizens are no different. These roles are within the criminal justice and local government sectors.
- 3.2 There is some evidence to suggest that the groups currently undertaking these specific roles are not representative, particularly amongst younger age groups.

Members of Probation Boards/Board Members of Probation Trusts

- 3.3 The National Probation Service is part of the National Offender Management Service (NOMS) and comprises of 36 Probation Areas and 6 Probation Trusts which are coterminous with police force area boundaries. Areas and Trusts are accountable to their Boards for day to day operations and financial management.
- 3.4 Boards comprise of up to 15 members appointed by the Secretary of State. Together with the Chief Officer or Chief Executive, they are the decision making group which works to best manage the staff and resources of the Probation Area or Trust. Probation Boards set the strategic direction for areas, within the policy and resources framework determined by the Secretary of State.
- 3.5 They have a duty to monitor and assess each Area or Trust's performance against an annual plan and budget. Furthermore, each local Probation Board has a duty to establish a statutory audit committee, responsible for reviewing the financial management and probity of the Board.
- 3.6 There are approximately 450 Probation Board members across the country. This membership currently has an average age of 60 for men and 59 for women⁶.
- 3.7 By April 2010, all Probation Boards will become Probation Trusts.

6 HR Workforce Profile report (Issue 4) 2007, National Probation Service

Members of Court Boards

- 3.8 Court Boards work in partnership with Her Majesty's Courts Service (HMCS) to achieve effective and efficient administration of the courts. Court Boards do not manage or administer the courts themselves, but give advice and make constructive recommendations to foster improvement in the administrative services provided. Their role can be summarised as scrutinising, reviewing and making recommendations about the way in which the courts are being run in their area.
- 3.9 There are 24 court boards across the country each with seven members. However, each board has a member of the judiciary and their role is considered to be an extension of their day to day duties. There are therefore 144 court board members across the country which would be affected by the proposed extension of this entitlement – including representatives of the local community and 'court users' who are also from the local community.
- 3.10 There are currently only two members under the age of 35 with the majority being between the ages of 56 and 65⁷.

Youth Offender Panel Members

- 3.11 A young person will attend a youth offender panel meeting if they have been given a Referral Order by a court. Referral Orders are given to most ten to seventeen year-olds, who plead guilty on a first-time conviction, unless the charge is serious enough to warrant custody.
- 3.12 A Youth Offender Panel consists of two volunteers recruited directly from the local community, alongside one member of the youth offending team (YOT). The youth offender panel works with the young offender to establish a programme of behaviour for the young offender to follow. The panel will meet with the young person and their parents or guardians to talk about the reasons for the offending behaviour and to agree a tailor-made contract aimed at putting things right.
- 3.13 The contract is supervised by the YOT and reviewed at regular panel meetings. The conviction is "spent" when the order is successfully completed. If the young person fails to comply, the case is sent back to court and a different sentence may be given.
- 3.14 There are around 4000 youth offending panel members across the country. A survey done by the Association of Panel Members on the membership of youth offending panels showed that 25 per cent of the 400 respondents were aged between 20 and 45 whilst nearly 70 per cent were over 45.

Lay Advisers assisting Multi-Agency Public Protection Arrangements

- 3.15 Multi-Agency Public Protection Arrangements (MAPPA) are a set of arrangements to manage the risk posed by specified sexual and violent offenders. They bring together the police, probation and Prison Services in each of the 42 coterminous police/probation areas of England and Wales into what is known as the MAPPA Responsible Authority.
- 3.16 Following the Criminal Justice Act 2003, The Justice Secretary is required to appoint two Lay Advisers to each Responsible Authority to assist in reviewing the operation of the MAPPA locally. Lay Advisers operate as full members of the MAPPA Strategic Management Board and relevant sub-groups, for example, the communication sub-group. But they do not make decisions in individual cases.
- 3.17 Lay Advisers are expected to attend each of the Strategic Management Board meetings – at least four a year – and undertake such familiarisation and reading as necessary to enable them to understand and to contribute to those meetings. They are not expected to become experts; their value is as “critical friends” – informed observers raising issues relevant to the public which the professionals closely involved in the work might not necessarily think of. They bring to the Board their understanding and perspective of the area but they have no role in reporting or briefing the community, except as part of the Board’s communication strategy.
- 3.18 There are currently 63 lay advisers rather than the 84 which are required.

Co-opted Overview and Scrutiny Committee Members

- 3.19 All principal local authorities are required to have at least one overview and scrutiny committee (sometimes known as ‘principal scrutiny committee’ in Wales). Overview and scrutiny is the process by which the council looks at its own performance, and that of other public sector services, to check how well they are doing. Committees review and scrutinise decisions and actions of the executive or the council and make reports or recommendations to the council or executive. There are some occasions where they may go to bodies other than the council or executive – for example if they are scrutinising a local health service body, the report or recommendations would go to the relevant National Health Service body.
- 3.20 It aims to improve the way in which services are delivered by looking for new ways of working, reviewing existing policies, or suggesting new ones and challenging overall performance.

3.21 Co-opted Members are members of the general public who live or work in the local authority area. They are required to attend formal meetings of the Committee to which they have been appointed, together with additional meetings and evidence gathering sessions such as site visits and sub groups.

Consultation Question 3:

Do you agree with our proposal that each of the roles listed in Chapter 3 should be added to the list of roles under Section 50 of the Employment Rights Act 1996 entitled to time off work? Are there specific issues around implementation that should be considered?

Consultation Question 4:

Are there any other local civic roles which should also be considered for inclusion?

Chapter 4: Extending time off entitlements – the consideration of housing roles

Introduction

- 4.1 There is currently no governance role within the housing sector included in the time off entitlements legislation. However, the policy intention behind this legislation was, and still is to include individuals where they are undertaking roles that in some way relate to making decisions which impact on their local community and provide some social benefit.
- 4.2 Social housing is a key service in any local area. The people who serve on its governance and decision making boards perform a function which is generally beneficial to the local community. So we would like views on whether the time off entitlements list should be updated to cover such people to bring consistency and equal status to these roles.
- 4.3 We recognise that the governance of social housing providers or management organisations may involve sub-committees operating below board level but propose that any new time off entitlement should be restricted to those individuals who are members of the main board. This is to ensure that the level of responsibility which entitles someone to time off remains consistent and to maintain clarity for employers.
- 4.4 We also recognise that some organisations registered with the Housing Corporation will be classified as third sector organisations, for example Almshouses or co-operatives. In Chapter 5 we describe why we are not proposing to extend a time off entitlement to governance roles within third sector organisations more generally, such as charity trustees. However, we consider that the relatively small number of third sector organisations that are registered as social landlords should be covered, because of the functions they perform and because they are regulated not only by the Charity Commission but also by the Housing Corporation (in future, the Tenant Services Authority).

Board Members of Tenant Management Organisations

- 4.5 A Tenant Management Organisation (TMO) is an organisation of council or housing association tenants and leaseholders that takes on responsibility for the day-to-day management of the homes where

tenants live. The Housing (Right to Manage) Regulations 1994 give local authority tenants a statutory right to form a TMO and to take on management responsibility of their estates. A TMO is a means by which council or housing association tenants and leaseholders can collectively take on responsibility for managing the homes they live in.

- 4.6 Those tenant members of the TMO create an independent legal body and usually elect a tenant led management board (sometimes known as a committee) to run the organisation. This board is usually made up of a combination of tenant members and independent members. The TMO can then enter into a legal management agreement (contract) with the landlord.
- 4.7 The TMO is paid annual management and maintenance allowances in order to carry out the management duties that are delegated to them. The services managed by the TMO vary with local circumstances but may include day-to-day repairs, allocations and lettings, tenancy management, cleaning and caretaking, and rent collection.
- 4.8 We estimate that there are 2500 individuals across the country who are members of TMO boards.

Board Members of Arms Length Management Organisations

- 4.9 An Arms Length Management Organisation (ALMO) is a company set up by a local authority to manage and improve all or part of its housing stock.
- 4.10 The company is wholly owned by the local authority and operates under the terms of a management agreement between the authority and the ALMO. Establishment of an ALMO separates the day to day housing management role of the landlord from the wider strategic housing role of the local authority. However, the local authority retains ownership of its housing stock and tenants remain tenants of the local authority.
- 4.11 An ALMO is managed by a board of directors which includes tenants, local authority nominees and independent members with relevant experience of social housing, regeneration, social cohesion, finance or other ALMO responsibilities. They may include local business people or other representatives of the community. Tenants make up at least one third of the board and more in some cases and, in over a half of ALMOs, tenants are in the Chair.
- 4.12 The Department has issued guidance to ALMOs who wish to make payments to their board members in the interests of improving governance. Board members can receive reasonable expenses and may opt to take payment for their services. The guidance sets out the

circumstances under which payment may be appropriate and the issues for ALMOs to consider when deciding whether to introduce payments.

Board Members of Registered Social Landlords

- 4.13 Registered Social Landlords (RSLs) are significant providers of social housing. They are independent, not-for-profit social businesses set up to provide affordable homes for people in housing need. There are around 1,800 RSLs in England, currently managing around 1.7 million homes and housing at least twice that many people.
- 4.14 RSLs are social landlords who are registered with the Housing Corporation. Most are housing associations, but there are also trusts, co-operatives and companies. Most RSLs are small and own fewer than 250 homes. However, the largest 13 per cent of RSLs – those with 2,500 plus homes – own over 80 per cent of all the sector's homes. Many new RSLs have been formed to manage and develop homes transferred to them by local authorities.
- 4.15 Communities and Local Government sponsors the Housing Corporation to invest public money in RSLs and to protect that investment by ensuring that the sector provides decent homes and services for residents. RSLs receive investment funding to provide homes that meet local needs. Through regulation the Housing Corporation has sought to ensure that people will want, and be able, to live in these homes, now and in the future.
- 4.16 These functions will continue in future, but the machinery for delivering them will change. Under the Housing and Regeneration Act 2008, the Housing Corporation will merge with English Partnerships and its current investment and regulatory functions will be divided between two new bodies: the Homes and Communities Agency (investment) and the Tenant Services Authority (the regulator).
- 4.17 RSLs are run by boards of management including nominees of local authorities, tenants and leaseholders (people who own flats on lone leases) and members of the public. They oversee management of the housing stock, compliance with the Housing Corporation performance standards and regulation guidance, business planning, ensuring commitments to tenants are carried out and selecting and assessing full-time staff including the Chief Executive.
- 4.18 The majority of board members are aged 55 or above and the largest single category of board members is retired (35%). Only 2% of board members are between the ages of 25-34⁸. Board members can receive reasonable expenses and may opt to take payment for their services although most RSL Boards do not take up this option.

8 Taking the lead: report of a survey of housing association board members (Sept 2003)

4.19 RSLs increasingly have a role beyond the provision of social rented housing, performing a wide range of other functions or initiatives for the community, including:

- regeneration, including community regeneration initiatives to improve the local environment and refurbishment and improvement of former council estates under stock transfer programmes
- providing care and support for vulnerable people such as elderly people or those with disabilities
- involvement in areas such as employment training and schemes
- setting up credit unions for tenants
- projects with children and young people
- childcare facilities, community centres and food co-operatives.

4.20 Provisions in the Housing and Regeneration Act 2008 will replace the existing framework for registering social landlords. Therefore the organisations described in this section who are providers of social housing will in future be known as ‘non-profit registered providers’.

Consultation Question 5:

Do you agree with our proposal that these roles (any member of a TMO Board, an ALMO Board or RSL Board) should be added to the list of roles under Section 50 of the Employment Rights Act 1996 entitled to time off work? Are there specific issues that should be considered?

Consultation Question 6:

Do you agree that this proposed entitlement should cover the main TMO, ALMO or RSL Boards only rather than members of other governance committees below TMO, ALMO or RSL Board level?

Chapter 5: Encouraging participation in roles in third sector organisations

Introduction

- 5.1 There are governance roles not only within statutory organisations that are responsible for the provision of services, but also within third sector organisations which are playing an ever increasing role in delivering public services. This sector also plays an important role in voice and advocacy to which board members or trustees are vital. Governance within this sector can be defined as *“the systems and processes concerned with ensuring the overall direction, effectiveness, supervision and accountability of an organisation”*⁹.
- 5.2 The role which covers the largest proportion of people within this category is charity trustees – it is estimated that there are 890,000 trustees in England and Wales¹⁰ – but there are many others such as board members of Community Interest Companies, social enterprises, trusts or co-operatives, directors of Industrial and Providence Societies, community representatives on Local Strategic Partnerships or Local Involvement Networks (LINks) and committee members of village halls or community centres.
- 5.3 The National Council for Voluntary Organisations (NCVO) recognises that third sector organisations working for public benefit are increasingly held accountable for their outcomes and are expected to demonstrate how well they are governed.¹¹
- 5.4 However, recruitment problems are highlighted, particularly for charity trustees – the role within this sector where most data and information is available. It is reported that 93 per cent of charities have between one and five trustee vacancies.¹² In addition, many organisations find it difficult to attract people with the right skills. According to the Charity Commission, a diverse trustee board is more likely to engage effectively with its beneficiaries and increase public confidence in its work. But there is evidence to show that this is difficult to achieve. 76 per cent of

9 NCVO Governance Basics

10 Start as you mean to go on – Trustee Recruitment and Induction Research Report (The Charity Commission, July 2005)

11 <http://www.ncvo-vol.org.uk/governanceandleadership>

12 Governance Hub research carried out by Office for Public Management (OPM) – ‘Support and Resource Needs of Trustees and Chairs in Voluntary and Community Organisations’, June 2006.

trustees are 45 years old and over¹³ and only 5 per cent of trustees are from a BME background.¹⁴

- 5.5 A number of factors are combining to prevent greater levels of participation and this section of the consultation will explore how best to encourage take up of governance roles in third sector organisations. We are particularly interested in those small and medium-sized organisations and those 'located' at a local or regional level.
- 5.6 We are not proposing to extend statutory time off entitlements to these roles and will instead consider other ways to address these barriers. This is due to the fact that the relevant organisations, such as charities do not have a statutory status and that it is harder to draw consistency across similar organisations. For example the role and responsibilities of someone on a youth offending panel will be the same across all youth offending teams in all areas. This is less likely to be true of charity trustees, even of Age Concern groups or community organisations, for example. We have also weighed up the benefits of making such a change against the costs for employers which, given the very large number of governance roles within this sector, would be significant.

Consultation Question 7:

Are the barriers to undertaking a charity trustee or other governance position different to those barriers which prevent people from committing to regular volunteering? If so, how?

Overcoming the barriers to participation

Awareness and understanding of roles

- 5.7 Many charities agree that acting as a trustee is personally fulfilling because it enables people to contribute to a cause, in which they have a particular interest. However, very few people have thought of trusteeship as a way of making a difference to the causes they care about. Research showed that less than 5 per cent of people were aware of trusteeship as a way to support a charity.¹⁵ This is likely to be true of other roles within this sector.
- 5.8 There has already been work carried out to tackle this barrier, primarily focused on charity trustees. As an example, the *Get on Board* campaign was run between October 2006 and June 2007 by Capacitybuilders' Governance Hub, in partnership with the Charity Commission and Volunteering England throughout England. It was designed to:

¹³ Start as you mean to go on – Trustee Recruitment and Induction Research Report (The Charity Commission, July 2005)

¹⁴ Recent Trends in Charity Governance and Trusteeship (Chris Cornforth, 2001)

¹⁵ British Market Research Bureau, Tomorrow's World telephone omnibus survey, August 2006 (sample of 2024 adults)

- Raise awareness of trusteeship.
- Position trusteeship as an accessible and attractive volunteering opportunity amongst an audience that would enhance diversity on boards.
- Encourage the public to proactively express an interest in trusteeship, which in turn encourages diversity on boards.

5.9 A full evaluation of the campaign was published¹⁶.

5.10 Since then Capacitybuilders has launched a new three year national programme under the banner of www.improvingsupport.org.uk to improve the support available to the third sector. Key workstreams include **leadership and governance** and **modernising volunteering**. Outcomes over the next 3 years include increasing the availability of board members with the skills and diversity required by third sector organisations and developing employer supported volunteering. The range of activities within these workstreams will include cross-sector learning and skills exchange between the third sector and the private and public sectors, and new ways of matching volunteers to opportunities.

Consultation Question 8:

Do you agree that lack of awareness and understanding of roles is a barrier to participation? If so, what else could be done to address it?

Accessibility of information about vacancies

5.11 In addition to raising awareness and understanding about what these roles entail, the *Get on Board* campaign evaluation identified that there is a pressing need to 'simplify and streamline the many different routes into trustee recruitment'.

5.12 The Charity Commission reports that 81 per cent of charities use word-of-mouth as their main recruitment method for trustees and 57 per cent of ACEVO members' boards rely on word of mouth to appoint the chair. This is often the best way of engaging people involved in the organisation as users or volunteers at a higher level. However, for other people, there is a current gap in accessing information about trustee vacancies, especially those in small to medium organisations that may not have the resources to advertise in national papers.

5.13 Government has invested significantly in Volunteer Centres (sometimes known as volunteer bureaux or volunteer development agencies) which have a primary function to match both individuals and groups interested in volunteering with appropriate opportunities. They also

¹⁶ Evaluation report for the Get on Board trustee recruitment campaign, run by the Governance Hub in partnership with the Charity Commission and Volunteering England (July 2007)

market volunteering, develop good practice and develop the opportunities available.

- 5.14 In addition, there are examples of other mechanisms which can connect those people with an interest in volunteering and the vacancies that are available, but awareness of them is not necessarily widespread.

Case Study

[Do-it.org.uk](http://do-it.org.uk) is a national database of 800,000 volunteering opportunities in the UK, including charity trustees, any of which can be found with a simple postcode search. The opportunities are managed at a local level and currently the opportunities are provided by over 360 volunteer centres and more than 70 national charities. Each month, [Do-it.org.uk](http://do-it.org.uk) attracts an average of 50,000 visitors. Of these, 6,000 people go on to register for at least one of the opportunities listed.

- 5.15 There are links here to our commitment in the *Communities in Control* White Paper to make it easier for people to find information on the range of ways they could be active in civic roles such as being a school governor or magistrate in their communities.

Consultation Question 9:

Are existing volunteer recruitment routes such as Volunteer Centres and the Do-It.org database adequate for filling trustee and other third sector governance role vacancies? If not, what would be the best way of addressing this issue?

Support from employers

- 5.16 A lack of support or recognition from employers can be a barrier to participation. Whilst we are not proposing to extend statutory time off entitlements for community and voluntary sector roles, there is clearly a role for employers in offering alternative forms of support or recognition. Employers who encourage staff members to take on governance roles or who support volunteering are likely to find they are rewarded with improved staff retention and motivation as well as skills development for the staff concerned.

Case Study

The Department for Communities and Local Government wants to see its employees spending 3 days a year volunteering to work with organisations, for example charities or local community projects, which enable the Department to deliver its priorities.

To make this happen, the Department is strongly encouraging line managers to support staff that wish to volunteer and are therefore giving staff the opportunity to take up to 3 days paid time off to volunteer per year. This could be used towards the time required to serve as a trustee.

- 5.17 Reluctance to support participation in a governance role such as a charity trusteeship may be because of a lack of understanding about the role and its value. The 'Chief Executives on Governance' report commissioned by ACEVO acknowledges that *"the sector should promote the idea that acting as a trustee provides the opportunity for honing skills in strategic thinking, planning, management, financial prudence, risk awareness and public speaking. Individuals who have no previous committee experience can learn how to run effective meetings and how to reach consensus through listening and negotiating"*.¹⁷
- 5.18 Providing better information for employers outlining the commitments and also the benefits of civic roles is a commitment in the *Communities in Control* White Paper and we propose including information on the main third sector governance roles, such as charity trustees in this pack.
- 5.19 Some employers run formal employer supported volunteering programmes, others free up time for employees to do their own volunteering. Whatever form it takes, employer supported volunteering (ESV) is increasing, because it is recognised that volunteering by employees makes a big difference – both to the organisations where they volunteer, and to the organisations that employ them. Volunteering England offer a range of material for employers who want to set up an employer supported volunteering scheme.
- 5.20 Employers who enable their staff to volunteer for governance roles will be investing in the development of their staff while at the same time meeting public expectations of corporate social responsibility. As stated in the *Communities in control* White Paper, we are already working with Business in the Community to incentivise businesses to support their employees participating in roles in their communities, particularly in civic governance positions through their 'CommunityMark'.
- 5.21 For public sector employers, in particular local government, there is potential to demonstrate local leadership in running employee volunteering schemes within their area. The role of volunteers, especially as trustees is essential to a thriving third sector, one of the

17 https://www.acevo.org.uk/index.cfm/display_page/publications

key indicators within Public Service Agreement 21 (PSA21) to “Build more cohesive, empowered and active communities”.

Case Study

Since 2002, the City of London Corporation has offered their employees the opportunity to take up to two working days (14 hours) to get involved in approved volunteering activities to contribute to the social and economic regeneration of the City Fringe boroughs. The time-off allowance can be taken in small chunks or all at once, subject to the needs of the organisation and line-manager approval. It is hoped that this allowance will be viewed as a starting point and that in many cases volunteers continue volunteering in their own time and to develop their relationships with schools and community organisations further.

- 5.22 Volunteering activity, particularly in governance roles can play an important role in helping people who are not working to keep in touch with the labour market and to obtain skills and experience that may help them into work. The Department for Work and Pensions (DWP) is working with the Create Consortium to look at allowing community organisations to pay people to do work that strengthens their communities without it affecting their benefits. The Create Consortium, DWP and Communities and Local Government are aiming to pilot this ‘Community Allowance’.

Consultation Question 10:

Do you agree it would be useful to add information on third sector governance roles, such as charity trustees to the employers information pack?

Individual trustee liability

- 5.23 Charity trustees are typically volunteers and hold an important and necessary public office. Their duties (under both trust and company law) are measured in a way which reflects this – provided that they have acted honestly and reasonably in all the circumstances and have observed legal requirements.
- 5.24 The prospect of personal liability can cause worry for existing and potential trustees, even though it is rare for a trustee to suffer actual financial loss. The Charities Act 2006 gives the Charity Commission (the Commission) power to relieve trustees from personal liability for breach of trust or duty where they have acted honestly and reasonably and ought fairly to be excused. It also permits charity trustees to take out trustee indemnity insurance. However, the Commission will still take deliberate breaches of trust very seriously.
- 5.25 The Charities Act 2006 also introduces a new legal structure for charities; the Charitable Incorporated Organisation (CIO). The CIO will offer the benefits of incorporation, including protecting trustees from

the financial liabilities of the charity in most circumstances. The Office of the Third Sector and the Commission have published a joint consultation on the Secondary legislation needed to complete the legal framework for the CIO, which is available on the Office of the Third Sector website at www.cabinetoffice.gov.uk/thirdsector. The CIO will add to the existing range of legal structures that charities can adopt, and is expected to become an available option in 2009.

5.26 In addition, the Commission provides considerable advice and guidance for charity trustees on administering their charity and how aspects of the law relate to them. This is freely available on its website <http://www.charity-commission.gov.uk/>.

Consultation Question 11:

Thinking about all of the barriers, what other action could: i) Government; ii) employers; iii) the sector and their representative bodies; and iv) communities and individuals take to increase the number of people who want to be trustees or take on other governance positions?

Consultation Question 12:

In particular, what steps could be taken to increase the number of underrepresented groups such as young adults, disabled groups, BME groups and those with lower incomes to participate?

Annex A: List of consultation questions

Chapter 2: Introduction

1: Do you agree with our analysis of the benefits of undertaking civic roles? Are there any others?

2: Do you agree with our estimation of costs and the assumptions we have made in calculating the overall costs to employers?

Chapter 3: Extending time off entitlements – the proposed roles

3: Do you agree with our proposal that each of the roles listed in Chapter 3 should be added to the list of roles under Section 50 of the Employment Rights Act 1996 entitled to time off work? Are there specific issues around implementation that should be considered?

4: Are there any other local civic roles which should also be considered for inclusion?

Chapter 4: Extending time off entitlements – the consideration of housing roles

5: Do you agree with our proposal that these roles (any member of a TMO Board, an ALMO Board or RSL Board) should be added to the list of roles under Section 50 of the Employment Rights Act 1996 entitled to time off work? Are there specific issues that should be considered?

6: Do you agree that this proposed entitlement should cover the main TMO, ALMO or RSL Boards only rather than members of other governance committees below TMO, ALMO or RSL Board level?

Chapter 5: Encouraging participation in roles in third sector organisations

7: Are the barriers to undertaking a charity trustee or other governance position different to those barriers which prevent people from committing to regular volunteering? If so, how?

8: Do you agree that lack of awareness and understanding of roles is a barrier to participation? If so, what else could be done to address it?

9: Are existing volunteer recruitment routes such as Volunteer Centres and the Do-It.org database adequate for filling trustee and other third sector governance role vacancies? If not, what would be the best way of addressing this issue?

10: Do you agree it would be useful to add information on third sector governance roles, such as charity trustees to the employers information pack?

11: Thinking about all of the barriers, what other action could:
i) Government; ii) employers; iii) the sector and their representative bodies; and iv) communities and individuals take to increasing the number of people who want to be trustees or take on other governance positions?

12: In particular, what steps could be taken to increase the number of underrepresented groups such as young adults, disabled groups, BME groups and those with lower incomes to participate?

Annex B: Consultation Code of Practice

- B.1 The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation.
- B.2 Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law), they should otherwise generally be regarded as binding on UK departments and their agencies; unless Ministers conclude that exceptional circumstances require a departure.
- B.3 This consultation document and consultation process have been planned to adhere to the Code of Practice on Consultation issued by the Department for Business Enterprise and Regulatory Reform and is in line with the seven consultation criteria, which are:
- a) Formal consultation should take place at a stage when there is scope to influence the policy outcome;
 - b) Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible;
 - c) Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals;
 - d) Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach;
 - e) Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained;
 - f) Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation;
 - g) Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

- B.4 Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.
- B.5 Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).
- B.6 If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.
- B.7 The Department for Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.
- B.8 Your opinions are valuable to us. Thank you for taking the time to read this document and respond.
- B.9 Are you satisfied that this consultation has followed these criteria? If not or you have any other observations about how we can improve the process please contact:

Communities and Local Government Consultation Co-ordinator
Zone 6/H10
Eland House
London SW1E 5 DU
Or by e-mail to: consultationcoordinator@communities.gsi.gov.uk

Annex C: Consultation Impact Assessment

Summary: Intervention & Options

Department /Agency: CLG	Title: Increasing the Number of Civic Roles Entitled to Time Off Work	
Stage: Consultation IA	Version: Final	Date: July 2008
Related Publications: Empowerment White Paper		

Available to view or download at:

<http://www.>

What is the problem under consideration? Why is government intervention necessary?

Across the range of civic roles, evidence suggests that there are common problems filling the positions that exist and that those undertaking these roles are not representative of the population.

If you carry out one of the public duties listed under Section 50 of the Employment Rights Act 1996 you are entitled to reasonable time off work to carry out your role. There is nothing to prevent an employer from making payment for time off for public duties, but there is no obligation for payment to be made.

We want to increase the number of civic roles legally entitled to time off work.

What are the policy objectives and the intended effects?

Estimates have put the current number of citizens involved in formal governance roles at more than 450,000. This represents approximately 1% of the population but 9% of the population have taken part in some civic activism role in the past 12 months (including sitting on some decision- making group).

Our objective is to encourage more and different people to take up lay governance roles by removing barriers to participation – in this case, time available.

It is our intention that by encouraging more active citizenship, it will contribute to reviving civic society and local democracy.

What policy options have been considered? Please justify any preferred option.

1) Make no changes to the list of public duties entitled to reasonable time off work.

This is not preferred option as it does not recognise wider roles, give a signal of the importance of civic participation or address existing problems.

2) Adding roles to the legislative list entitling individuals to time off from work.

This is our preferred option.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

This is a consultation IA. The monitoring and evaluation of this policy will be set out after the consultation period.

Ministerial Sign-off For Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

..... Date:

Summary: Analysis & Evidence

Policy Option: Time off entitlements

Description: Adding roles to the legislative list entitling individuals to time off work

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' Costs are based on the payment for the time individuals would not be at work plus potential employment tribunal costs. Private sector: £18m pa, Public Sector: £10m pa, Third Sector: £1m pa Costs in "Total Cost" box are the present value of costs over 10yrs
	One-off (Transition)	Yrs	
	£ N/A		
	Average Annual Cost (excluding one-off)		
	£ 29m		Total Cost (PV) £ 250m
Other key non-monetised costs by 'main affected groups'			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' Individuals and businesses will benefit from an increase in human capital and personal development in the individual who takes up the role.
	One-off	Yrs	
	£		
	Average Annual Benefit (excluding one-off)		
	£ 4.5m		Total Benefit (PV) £ 39m
Other key non-monetised benefits by 'main affected groups'			
Benefits to employers – skills development, productivity and Corporate Social Responsibility contribution, Benefits to communities – wider representation, wider contribution to public service, Benefits to individuals – value of time.			

Key Assumptions/Sensitivities/Risks Headline figures are based on 50% of employers paying employees for taking time off. Benefits assume developmental benefits to the individual and that between 10% to 20% of the posts will be filled by individuals in employment new to the role.

Price Base Year 2008	Time Period Years 10	Net Benefit Range (NPV) £ -67m to -353m	NET BENEFIT (NPV Best estimate) £ -210m
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What is the geographic coverage of the policy/option?				
On what date will the policy be implemented?				
National				
Which organisation(s) will enforce the policy?				
N/A				
What is the total annual cost of enforcement for these organisations?				
£ N/A				
Does enforcement comply with Hampton principles?				
Will implementation go beyond minimum EU requirements?				
What is the value of the proposed offsetting measure per year?				
£				
What is the value of changes in greenhouse gas emissions?				
£				
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?			N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase – Decrease)	
Increase of £	Decrease of £	Net Impact	£	

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

This is a **consultation stage impact assessment**. We have held conversations on our proposal with the following organisations: Ministry of Justice, Home Office, the Department for Children, Schools and Families (DCSF), the Department for Business, Enterprise and Regulatory Reform (BERR), the Housing Directorate in Communities and Local Government, the Housing Corporation, the Tenant Participation Advisory Service (TPAS), the National Federation of Tenant Management Organisations, the National Federation of ALMOs, the National Policing Improvement Agency and the Local Government Association.

BERR state that the case for making any changes must be weighed carefully against the additional costs for business, but all other organisations have been supportive of this proposal.

Section 1: Time-off entitlements for public duties – current position and proposed change

If you carry out one of the public duties listed under Section 50 of the Employment Rights Act 1996 you are entitled to time off work to carry out your role. This includes:

- justice of the peace (magistrate);
- member of a local authority;
- member of a police authority;
- member of any statutory tribunal;
- member of a relevant health body;
- member of the managing or governing body of an educational establishment;
- member of the governing body of a further or higher education corporation;
- member of a school council or board in Scotland;
- member of the General Teaching Councils for England and Wales;

- member of the Environment Agency or the Scottish Environment Protection Agency;
- in England and Wales, prison independent monitoring boards, and in Scotland, prison visiting committees;
- member of Scottish Water or a Water Customer Consultation Panel.

It requires employers to permit employees 'reasonable time off' to perform the duties associated with them. The amount of time which an employee should be permitted to take off to perform these public duties, is defined as that which is reasonable in all the circumstances, having particular regard to:

- how much time off is required overall to perform the duties and how much time off is required to perform the particular duty in question;
- how much time off the employee has already been permitted for this purpose or for trade union duties and/or activities; and
- the circumstances of the employer's business and the effect of the employee's absence upon it.

While there is nothing to prevent an employer from making payment to an employee for time off for public duties, there is no obligation for payment to be made.

An employee who considers that his employer has not agreed to allow him to take time off he is entitled to, may seek a remedy by complaining to an employment tribunal. However, it is in the interest of both employer and employee to try and reach agreement before a tribunal claim is brought.

We want to amend the legislation to **increase the number of roles entitled to time off work**. The roles we propose adding to the list are:

- Members of Probation Boards or Probation Trusts
- Members of Court Boards
- Youth Offender Panel members
- Members of Overview and Scrutiny Committees
- Lay Advisers on Multi-Agency Public Protection Panels

We are also considering roles within the housing sector:

- Members of Boards of Registered Social Landlords
- Board Members of Tenant Management Organisations
- Board Members of ALMOs

Doing this would signal a strong commitment from Government on the importance of civic participation, value roles more equally and remove a barrier for people to get involved in direct decision-making in their communities.

We do not however propose making any changes to the terms of the entitlement stated in existing legislation for example relating to whether this is paid time off or clarifying what 'reasonable' time off means. The Councillors Commission's research with employers and councillors that this would not be favoured because it would be problematic to define what amount of time should be given – different size companies, different types of work and different time requirements for different roles.

More information on each of the roles we propose adding to the list can be found in the table below:

	Status	Role of Members	Membership
<p>Members of Probation Boards or Probation Trusts</p>	<p>The National Probation Service is part of the National Offender Management Service (NOMS) and comprises 42 probation areas which are coterminous with police force area boundaries.</p> <p>Areas are funded by NOMS and employ all staff except the Chief Officer; they are accountable to their Boards (comprising up to 15 members appointed by the Secretary of State) for day to day operations and financial management.</p> <p>The work of probation areas is scrutinised by HM Inspectorate of Probation, which reports independently to UK Government Ministers.</p> <p>[Offender Management Act 2007]</p>	<p>The Board along with the Chief Officer are the decision making group which work to best manage the staff and resources of the Probation Area. The Chief Officer is the Chief Executive of the organisation and is also a member of the Probation Board. Probation boards set the strategic direction for probation areas, within the policy and resources framework determined by the Secretary of State.</p> <p>They have a duty to monitor and assess each area's performance against an annual area plan and budget, derived from national performance measures produced by the National Offender Management Service (part of the Ministry of Justice).</p> <p>Furthermore, each local probation board has a duty to establish a statutory audit committee, responsible for reviewing the financial management and probity of the board</p>	<p>Members have an average age of 60 for men and 59 for women.</p>

	Status	Role of Members	Membership
Members of Court Boards	<p>Sections 4 and 5 and Schedule 1 to the Courts Act 2003 made provision for the establishment of Courts Boards to work in partnership with Her Majesty's Courts Service to achieve effective and efficient administration of the courts.</p> <p>The Courts Boards do not manage or administer the courts themselves, but give advice and make constructive recommendations to foster improvement in the administrative services provided.</p>	<p>The role of the Courts Boards is:</p> <p>To scrutinise, review and make recommendations about the way in which the courts are being run in their area</p> <p>To consider draft and final business plans.</p>	<p>There are only 2 members under the age of 35 with the majority (55) being between the ages of 56 and 65.</p>
Youth Offender Panel member	<p>The Youth Justice and Criminal Evidence Act (1999) and the Powers of Criminal Courts (Sentencing) Act (2000) contain the statutory framework for the establishment of youth offender panels.</p> <p>The youth offender panel works with the young offender to establish a programme of behaviour for the young offender to follow. The programme will be guided by the following three principles ('restorative justice'):</p> <ul style="list-style-type: none"> Making restoration to the victim Achieving reintegration into the law-abiding community Taking responsibility for the consequences of offending behaviour 	<p>A Youth Offender Panel consists of two volunteers recruited directly from the local community, alongside one member of the youth offending team (YOT). The panel will meet with the young person and their parents or guardians to talk about the reasons for the offending behaviour and to agree a tailor-made contract aimed at putting things right. The victim is encouraged to attend the meeting to tell the young person how the crime affected them.</p> <p>Youth offender panels give the community a say in creating effective programmes that ensure young people who offend repair the harm done and are given positive help to prevent further offending.</p>	<p>A survey done by the Association of Panel Members on the membership of youth offending panels showed that 25% of the 400 respondents were aged between 20 and 45 whilst nearly 70% were over 45.</p> <p>The missing 5% is accounted for by respondents not completing the relevant section.</p>

	Status	Role of Members	Membership
Members of Overview and Scrutiny Committees	The current framework for overview and scrutiny is set out in the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007.	<p>All principal local authorities operating executive arrangements are required to have at least one overview & scrutiny committee to:</p> <p>Review and scrutinise decisions and actions of the executive or the council and make reports or recommendations to the council or executive; and</p> <p>Undertake a review and make recommendations on any matter affecting the local authority area or its inhabitants.</p>	Not known
Lay Advisers on Multi-Agency Public Protection Panels	<p>This is a panel made up of a number of agencies to manage the risk posed by convicted sex offenders, and other individuals who are believed to pose a high risk to the community. It is set up on the back of recent government legislation to improve public safety.</p> <p>The agencies involved regularly include the Police, the Probation Service, Social care, Mental Health Services, and Housing Departments. In addition other agencies can be invited to attend as necessary.</p>	<p>There is a requirement to appointment two lay advisors to each of strategic management boards that review the MAPPA.</p> <p>Information is shared and an assessment of an individual's risk is completed so that agencies can manage the individual's risk more effectively. This panel may agree for a limited release of information to the public where it is necessary.</p>	There are currently 64 lay advisers rather than the 84 which are required.

	Status	Role of Members	Membership
Members of Boards of Registered Social Landlords	<p>Registered Social Landlords (RSLs) are independent housing organisations registered with the Housing Corporation under the Housing Act 1996. They may be Industrial and Provident Societies, registered charities or companies.</p> <p>A feature of Housing Associations is that a committee or board of management made up of volunteers has overall responsibility for the work of the organisation.</p>	<ul style="list-style-type: none"> • Management of the Housing Stock. • Compliance with the Housing Corporation Performance Standards and Regulation Guidance. • Review and development of strategies and policies of the Association. • Ensure that the commitments made to tenants are carried out. • Ensure that the annual Business Plan is sufficiently robust enough to satisfy the demands of tenants, funders and to honour the promises made. • Selecting and assessing e.g. Chief Executive. • Ensure that its equal opportunities obligations are met. 	<p>The majority of board members are aged 55 or above.</p> <p>2% of board members are between the ages of 25-34.</p> <p>The largest single category of board members is retired (35%).</p> <p>Although there is regional variation – members of associations in London tend to be younger than average while those from the north are more likely to be older.</p>
Board Members of Tenant Management Organisations	<p><i>The Housing (Right to Manage) Regulations 1994</i> allow tenants' or residents' organisations to set up Tenant Management Organisations (TMOs) and to take on the responsibility for the day-to-day management of their estates.</p> <p>Those resident members of the TMO create an independent legal body and usually elect a tenant led management committee to run the organisation.</p>	<p>A TMO is a means by which council or housing association tenants and leaseholders can collectively take on responsibility for managing the homes they live in.</p> <p>The TMO can then enter into a legal management agreement (contract) with the landlord.</p> <p>The TMO is paid annual management and maintenance allowances in order to carry out the management duties that are delegated to them.</p>	<p>Not known but for housing associations,</p> <p>Tenant Board Members have a higher age profile than board members in general, with 40% aged 65 or over.</p> <p>Tenant Board Members are much less likely to be self employed (7%) or working full time (17%), but more likely to be retired (48%) or permanently sick/disabled (15%).</p> <p>Partly associated with higher age profile of tenant board members as well as the requirement of housing need by which most people access social housing.</p>

	Status	Role of Members	Membership
Board Members of ALMOs	<p>Arms Length Management Organisations (ALMOs) are not for profit companies with a Memorandum and Articles of Association setting out their aims and governance. The LA is the sole shareholder.</p> <p>They are set up by councils with a specific remit to manage and improve local authority (LA) housing stock.</p> <p>The housing stock remains within the ownership of the local authority as does the ALMO itself.</p> <p>ALMOs have a formal management agreement with their council, setting out function responsibilities, and a delivery plan specifies deadlines for key goals.</p>	<p>ALMOs:</p> <p>Act in the capacity of a director under the Companies Act.</p> <p>Participate in setting, implementing and monitoring the ALMOs aims and values.</p> <p>Ensure that decisions taken by the Board are in the best interests of the ALMO and that its legal and moral responsibilities are met.</p> <p>Approve budgets and challenge financial information about the ALMO business to make sure resources are being used wisely.</p> <p>Monitor the ALMO performance.</p> <p>Evaluate potential risks in the most effective way.</p> <p>Essentially, the Board will be ensuring the ALMO works as effectively and efficiently as possible.</p>	<p>An ALMO is managed by a Board of Directors. The Board should include tenants, local authority nominees and independent members with relevant experience of social housing, regeneration, social cohesion, finance or other ALMO responsibilities. They may include local business people or other representatives of the community. No one group should be in a majority on the board.</p> <p>Tenants make up at least one third of the Board and more in some cases and, in over a half of ALMOs, tenants are in the Chair.</p>

Section 2: The problem – under-representation and multiple roles

Certain groups, including younger people are underrepresented

At present the talent and ability of significant sections of the community is not being fully realised in civic roles. Research into barriers to civic governance has found general agreement that more people need to be encouraged into civic roles. Young people, new mothers and the retired were all seen as under-utilised in the community. But in particular, young professionals were perceived to be the most difficult to target.¹

In addition, there is significant evidence that those undertaking these roles are not drawn from a representative spectrum of the population. For example, only around 1,500 councillors (7.8%) out of nearly 20,000 are aged between 18 and 40; and of these only 360 are aged below 30. In addition, only 29% of councillors are women. And only around 4% of councillors are from black and minority ethnic communities, compared with 9.5% of the total population.²

We should not be missing out on this untapped energy, skill and ability if we are to have a more vibrant local democracy.

For the specific roles, we propose adding to the list of public duties entitled to time off work, there is some data to support that younger people are underrepresented. For example we know that **probation board** members have an average age of 60 for men and 59 for women. For **court boards** there are only 2 members of 97 under the age of 35 with the majority (55) being between the ages of 56 and 65. For **board members of housing associations**, the majority are aged 55 or above. And a survey done by the Association of Panel Members on the membership of **youth offending panels** showed that 25% of the 400 respondees were aged between 20 and 45 whilst nearly 70% were over 45. The missing 5% is accounted for by respondents not completing the relevant section.

There is no specific data available for the other roles but anecdotal evidence suggests that the roles are often filled by older or retired individuals, particularly in housing roles.

Those who take part in civic roles often have multiple roles

The tendency for similar groups and individuals to tend to monopolise public participation in governance is explained by academic specialists as follows:

“Our research found that the key factor influencing levels of participation in governance was the existing pattern of linking social capital. Those already well-connected tend to get better connected. We found that relatively few people were involved in governance and the few people involved in one setting tended to be the same few people in another setting – the school

1 Dalziel et al., 2007, p.39

2 National census of local authority councillors in England 2006

*governor also sat on the Patient's Panel as well as being a board member of the regeneration partnership. The research also suggests that the way governance arrangements work makes this problem worse: its origins lay at the level of the system as a whole, not in the bad practices of particular institutions. In particular a number of forces create barriers for entry for those not involved in governance and increase the likelihood that those already involved will become more so."*³

This trend was also recorded in a local survey done by Bradford Vision, we know that the individuals involved in civic roles in their area often had multiple roles – 9 in 10 organisations polled had individuals who were members of more than one board.

Section 3: The barriers to participation

Time

People often say they don't have enough time to participate. For example, the Helping Out survey (2007) found the main barriers limiting those who would like to volunteer or do more voluntary work related to the perceived time commitment. Among those not volunteering but willing to help in the last year, 'not enough spare time,' was by far the most cited barrier (82%). Similarly, 41% of respondents who had previously volunteered, but no longer did so, gave time constraints of home or work life as the reason for stopping. More spare time was felt to be the most significant thing which would make it easier to get involved by 31% of respondents.

These findings are supported by evidence from the Citizenship Survey which also found that time-related barriers were important reasons for not volunteering. Factors such as work commitments (59%), having other things to do during spare time (32%), and having to look after children/home (31%) were more commonly cited than reasons such as having not heard about opportunities to help (15%), having never thought about volunteering (9%), or having an illness or disability (8%).

Focus group research with active and inactive citizens found people had limited time to get involved, and people felt that any kind of involvement in the community is time consuming and requires a large commitment and tends to put people off. Participants saw governance roles, such as local councillor, school governor and magistrate, as particularly demanding, and many people felt that the intensity of the commitment would rule them out of taking on such a role. To many, these roles were equivalent in time and commitment to a full time job and not accessible or open to the 'average' person. It was also suggested that the commitment required to take on such a role meant a regular, lengthy commitment from which it would be difficult to resign; and that this potential commitment discouraged people from getting involved⁴.

³ Lowndes, V., Pratchett, L. and Stoker, G. (2001) 'Trends in Public Participation: Part 2 – Citizens' Perspectives', *Public Administration*, Vol.79(2), pp.445-55.

⁴ Dalziel et al., 2007

The same is true with becoming and remaining an elected councillor. The time commitment associated with the role and the concomitant impact on employment and caring responsibilities is seen as a significant barrier.

Time barriers may be exacerbated by the fact that the same people often have multiple roles in their community and become overstretched (Steel et al., 2006). The general lack of willingness amongst people to take on governance roles exacerbates this trend for multiple memberships and increases the burden placed on the few (CRC, 2007).

Support from Employers

In terms of governance roles more generally and specifically for councillors⁵ the perception of governance roles as overly time-consuming highlights the need for employers to be flexible enough to allow time off work.

In respect of councillors particularly, a lack of employer support acts as a major barrier to becoming and remaining a councillor. The view of employers toward their employees' political activity is crucial and holds the potential to significantly influence the experience of public office. However, for the most part employers simply do not know what council work entails. Employers need to be educated about the transferable skills developed by councillors in their civic work and the potential benefits of having a councillor on the payroll. Some councillors and large employers do however believe that, given the low levels of awareness, some employers might need to be reminded of their duties.

In relation to participation as elected councillors the time commitment associated with it and the concomitant impact on employment and caring responsibilities is a significant barrier to both becoming and remaining a councillor.

Section 4: Options Considered

Option 1: **Make no changes to the list of legislative roles entitling individuals to time off from work.**

This is not preferred option as it does not recognise or give equal status to wider roles. Barriers will still exist in preventing people from getting involved in direct decision-making in their communities and we will continue to fail to attract a representative set of people, in particular sufficient younger people of working age, to take on the full range of duties.

Option 2: **Adding roles to the legislative list entitling individuals to time off from work.**

This is our preferred option. Doing this would signal a strong commitment from Government on the importance of civic participation and remove a key

⁵ Dalziel et al, 2007, & Councillors Commission evidence base

barrier for people to get involved in direct decision-making in their communities.

The Costs of the Preferred Option

The additional costs to employers have been calculated based on the number of people undertaking these roles, the time which is required to do them and the mean average wage for full time employees plus their non-wage costs (21%). The average wage figure has been taken from the ONS Monthly Digest of Statistics April 2008 '*Average weekly and hourly earnings of full time employees on adult rates whose pay was unaffected by absence*' and was the average for all industries across the UK in 2007.

The table below sets out these costs and estimates that the total cost would be in the region of **£15 – 43m** per year.

Costings table

ROLE	Numbers	Estimation of time required	Cost per month based on the average weekly gross earnings in 2007 (£549.90 a week or £13.96 an hour) plus non wage costs.	Annual Cost
Members of Boards of Housing Associations* * This will need to reflect the number of RSLs for the final impact assessment	15,000 (Based on 1500 Housing Associations with 10 members per Board)	Approximate 2 days per month	$15000 \times [2 \times 7 \times £13.96] = £2,931,600$ PLUS NON WAGE COSTS (21%) = £615,636 = £3,547,236	$£3,547,236 \times 12 =$ £42,566,832
Board Members of Tenant Management Organisations	2000 – 2500 (Costs based on 2500)	Approximate 10 hours per month	$2500 \times [10 \times £13.96] = £349,000$ PLUS NON WAGE COSTS (21%) = £73,290 = £422,290 per month	$£422,290 \times 12 =$ £5,067,480
Board Members of ALMOs	350 (Based on 70 ALMOs with 5 board members)	5 days a year	Annual calculation only	$350 \times [7 \text{ hours} \times £13.96 \times 5 \text{ days}] = £171,010$ PLUS NON WAGE COSTS (21%) = £35,912 = £206,922

Members of Probation Boards	450 people	<p><u>Chairs</u> = 5 days per month</p> <p><u>Board members</u> = 3 days per month</p> <p>(Costs based on <u>Board Members</u> as majority and on assumption that 1 day = 7 hours)</p>	<p>450 x [7 hours x £13.96 x 3 days] = £131,922</p> <p>PLUS NON WAGE COSTS (21%) = £27,703</p> <p>= £159,625 per month</p>	<p>£159,625 x 12 =</p> <p>£1,915,507</p>
Members of Court Boards	<p>Less than 100* people</p> <p>(Costs based on 100 people as maximum)</p> <p>* This will need to be revised to 144 for the final impact assessment</p>	<p><u>Chairs</u> = 11 days per year</p> <p><u>Other members</u> = 9 days per year</p> <p>(Costs based on <u>other members</u> as majority assumption that 1 day = 7 hours)</p>	<p>Annual calculation only</p>	<p>100 x [7 hours x £13.96 x 9 days] = £87,948</p> <p>PLUS ON COSTS = £18,469</p> <p>= £106,417</p>
Youth Offender Panel members	4,000 people	5 hours per month	<p>4000 x [5 hours x £13.96] = £279,200</p> <p>PLUS NON WAGE COSTS (21%) = £58,632</p> <p>= £337,832</p>	<p>£337,832 x 12 =</p> <p>£4,053,984</p>
Overview and Scrutiny Committee Members	500 people	3 hours per person each month	<p>500 x [3 hours x £13.96] = £20,940</p> <p>PLUS ON COSTS = £4,397</p> <p>= £25,337</p>	<p>£25,337 x 12 =</p> <p>£304,048</p>
Lay Advisers on Multi-Agency Public Protection Panels	84 (Based on 2 members per probation area)	8 hours per month	84 x [8 hours x £13.96] = £9,381	£8,488 x 12 = £112,573
TOTAL	22,906 people			£54,446,336

This brings the total cost to £54m. **However** in terms of how this cost would fall to different employment sectors we can look at the profile of councillors over a 9 year period – if we make an assumption that a similar profile exists for other civic roles we could anticipate that approximately two thirds of the costs (average is 63%) would fall to private sector employers.

table 8: employment sector, England 1997–2006

	1997		2001		2004		2006	
	No.	%	No.	%	No.	%	No.	%
Local government	1158	10.9	1171	11.5	892	9.0	944	10.6
Central government	459	4.3	481	4.7	356	3.6	390	4.4
NHS	491	4.6	521	5.1	506	5.1	390	4.4
Other public sector	1511	14.3	1125	11.1	1115	11.2	916	10.3
Private sector	6338	59.8	6232	61.3	6585	66.1	5750	64.7
Voluntary sector	646	6.1	630	6.2	509	5.1	493	5.5
Base (respondents)	10605	97.8	10162	98.0	9963	99.0	8882	96.4

For housing association board members, a survey done in 2003 (*Taking the lead: Report on a survey of housing association board members – Cairncross & Pearl*) suggests that only 30% of board members are employed within the private sector so during any consultation, we would aim to get further data like this to build up a more accurate picture of costs.

	Total (rounded to the nearest million)	Private Sector* (63%)	Public Sector** (34%)	Voluntary Sector (3%)
Costs to Employers per year	£54m	£34m	£18m	£2m

*In terms of the impact on small business, 58.9% of people who work for private sector enterprises work in micro, small and medium size businesses. If the assumptions above are followed, this could equate to approximately £20m as part of the consultation we will consult with small firms on how the current right to time off affects them and what are their views are on this proposal.

**The proportion of costs likely to be borne by local authorities is in the region of 10%. This equates to £5.6m which has been recognised within CLG as a pressure. This does not represent a new burden as it does not disproportionately impact on local authorities.

In practice it is highly unlikely that employers would absorb these costs in full:

- A proportion of the time needed to undertake these activities is in the evening or at weekends.
- The legislation requires circumstances of the employer's business and the effect of the employee's absence upon it to be taken into account when negotiating the level of time off needed.
- A proportion of people taking time off will be unpaid. BERR have confirmed that there appears to be no data or evidence on what proportion of people who take time off under current legislation take it as paid or unpaid leave. This is something we would need to explore during a consultation period but we would make an assumption that the proportion of people taking time off as unpaid would fall between a range of 25%-75%. This would have the following impacts on costs:

	Total (rounded to the nearest million)	Private Sector (63%)	Public Sector (34%)	Voluntary Sector (3%)
Costs to Employers per year	£14m – £41m	£9m – £26m	£5m – 14m	£500k – £1.5m

Based on these assumptions, the costs to private sector employees would therefore be in the region of between £9m (75% of people taking time off as unpaid) and £26m (25% of people taking time off as unpaid) per year.

Employment Tribunal Costs

In addition, there are potential costs which may arise from employment tribunals. BERR do not have any information on how frequently current decisions on time off are challenged but the average cost to an employer of an application to an Employment Tribunal – £4,9806 – is used as a benchmark figure. The cost to the employer excludes any financial or non-financial costs borne by the employee at this stage. Other sources of dispute resolution, e.g. the ACAS arbitration scheme, may be cheaper for both parties.

For our calculations, we would assume that between 0.5% and 1.5% of individuals would go to an employment tribunal.

Cost per employment tribunal	Estimated number of employment tribunals per year (between 0.5% – 1.5%)	Estimated costs per year
£4,980	115 people – 344 people	£572,700 – £1,713,120

Breaking this down by sector (as done above) gives the following figures

	Total	Private Sector (63%)	Public Sector (34%)	Voluntary Sector (3%)
Costs to Employers per year	£573,000 – 1,713,000	£361,000 – £1,079,000	£195,000 – 582,000	£17,000 – £51,000

This gives a **total cost** of:

	Total (rounded to the nearest million)	Private Sector (63%)	Public Sector (34%)	Voluntary Sector (3%)
Costs to Employers per year	£15m – £43m	£9m – £27m	£5m – 15m	£500k – £1.5m

The Benefits of the Preferred Option

The objective of this proposal is to encourage more and different people to take up lay governance roles by removing barriers to participation – in this case, time available. It is our intention that by encouraging more active citizenship, it will contribute to reviving civic society and increasing local democracy.

Whilst social and economic factors play a central role in determining whether someone feels happy or not, research from Switzerland (which has a well-developed system of direct democracy) shows that citizens are happier when there are greater levels of local democracy (Frey and Stutzer, 2000). Two reasons are given for this: firstly, that participatory democracy leads to better decision-making, so that people feel governments' actions more closely match the people's wishes; and secondly, because people value being directly involved in democracy.

Some proponents of community engagement believe that through the creation of social capital it can spark democratic renewal. Robert Putnam has sought to show that community activity (for example, membership of neighbourhood associations, choral societies or sports clubs) is a determining factor in involvement in democracy.

Benefits to Employers

Skills development

Employees can build competencies and develop skills taking part in civic roles which can be used in their jobs and could in some cases be part of ongoing personal development and training. For example, KPMG cite in Business in the Community's 'Supporting Magistrates in Your Workplace – a practical guide' that they believe that magistrates not only help towards improving the safety of local communities, they also develop valuable core business skills which are immediately transferred back into the workplace.

A large amount of further work would be needed to test this hypothesis and gain the exact benefits, but here it would seem that there is a relationship between the value of taking part in a lay governance role and the value of a training course.

Fortunately the market puts a value on a course so below we have used the mean per hour cost of a sample of 15 courses. We will assume that, as the lay governance role is only informal training, it has a small proportion of the value of the actual course. Here we will use the range of 10 to 20 percent. This gives the following benefits of £5.57 to £11.15 per hour. Based on the same number of hours being taken off as identified in the costs section, this gives a benefit of between £18m and £36m per annum.

At this point, it is worth remembering that only a number these positions will be taken up by new people as a result of the proposed change in legislation. Further to this we propose that the 10 to 20 percent of these roles will be filled by new people, who would otherwise not have taken up these posts. This results in the final benefit being between £1.8m and £7.2m.

The skills developed can be recognised formally and there are a number of awarding bodies that have already approved modules which require demonstration of the skills individuals might gain by taking part in lay governance roles, such as participation in meetings and presenting or reporting to committees. Examples include: the *National Open College Network (NOCN)* certificate in volunteering or the *Award Scheme Development and Accreditation Network (ASDAN)* certificate in community learning.

Contribution to Corporate Social Responsibilities

Corporate Social Responsibilities are the voluntary actions that business can take, over and above compliance with minimum legal requirements, to address both its own competitive interests and the interests of wider society.

The support of employers in facilitating civic participation is important and those employers who provide a supportive environment for staff who take on civic roles is recognised.

This can in turn make a company more attractive to customers or clients as well as an appealing place to work for current or future employees.

Increased productivity

Entitling employees to time off work to take part in activities they want to do and that may give a sense of personal fulfilment could lead to individuals being happier in their personal circumstances and link with increases in productivity.

A number of employers who responded to the government's consultation on 'extending the scope of the right to request flexible working' stated that through adopting flexible working practices they have improved the productivity of their businesses. This is consistent with the messages that we have previously heard and supports the findings of the DTI's second Work-Life Balance Study which shows that 58.6% of employers believe that flexible working has had a positive impact on productivity, 14.6% reported a negative impact on productivity, 26.8% reported no impact.

Benefits to the Community

Entitling people to take time off work to undertake these additional roles removes a barrier to participation and will allow more people to get involved in direct decision-making in their communities. It gives equal status to these roles and potentially makes them more appealing. This should reduce the number of people doing multiple roles, hence giving a broader contribution.

Also, if the membership of these decision-making bodies becomes more representative, particularly involving young people, it will bring a different perspective and also widen the skill set of those taking part. Skills are not only transferred back into the workplace but also transferred from employment to civic roles.

Benefits to the Individual

These are largely cited in the sections on benefits to the community but focus on skills development and building competencies which have the scope to be recognised through accreditation as well as allowing people some flexibility on the use of their time which may give a sense of personal fulfilment or happiness.

There is also evidence that when a citizen *feels* that they can have an influence over local decisions (if they choose), and that their voice will be heard and respected, this can have an influence over their general sense of well-being and even levels of happiness (Inglehart, 2006).

Section 5: Other interventions

The proposal to increase the numbers of roles entitled to time off is one of a number of proposals included in the Empowerment

1) Improved information for individuals

Research suggests that low awareness about opportunities, knowledge of governance roles and routes into them also presents a barrier for individuals, potentially due to a lack of advertising and promotion of these opportunities.⁷

We want to ensure that there is consistent information available for individuals about each lay governance role and are keen to present this information about them on a sliding scale of time and commitment required to encourage those considering taking on a role to match this to their availability. In addition we would need to present a description of the potential benefits, so that it was clear that although some roles might require more time, there might be correlating levels of benefit. Presenting citizen governance in this way, allows people to have freedom to dip in and dip out of different levels of involvement as time and commitment allow, resulting in a more positive experience where people feel they are of use and making a difference. This would also be linked to information about entitlement to time off.

In developing information about each lay governance role in this way, we will need to work with other Government departments to identify where this information could be best accessed both in terms of hard copies, for example CVS centres or libraries and electronically via the Directgov website which already holds comprehensive information about school governors and magistrates.

2) Improved information for employers

In addition to individuals, we suggest that better information will be useful for employers in order to promote the benefits of employees undertaking these roles as well as increasing their knowledge about what is required for each of them. We know that because of a lack of awareness about what being a councillor entails, many companies are failing to recognise the benefits of supporting councillors as part of Corporate Social Responsibility activities, and fail to appreciate the valuable transferable skills that a councillor can take back into the workplace.⁸ This is likely to be the case for lay governance roles more widely.

We therefore propose that the Employers Pack being prepared by the IDeA in response to the Councillors Commission report is part of a wider series which includes information about wider lay governance roles in addition to information about councillors.

⁷ Dalziel et al (2007)

⁸ John et al. (2007)

Community Mark

The support of employers in facilitating civic participation is important and those employers who provide a supportive environment for staff who take on civic roles should be recognised.

The 'Community Mark' run by Business in the Community is a new national standard that publicly recognises companies that are good investors in the community. Any company working in the UK, in any sector, however big or small can apply for the Community Mark. Organisations who achieve it will demonstrate a long-term, high-level commitment to community investment that represents good practice and brings real community impact.

We want the Community Mark to play a role in incentivising businesses to support their employees undertaking civic roles.

We will work with Business in the Community to celebrate best practice through case study publicity and in addition use it as an example of employee volunteering to be incorporated in the Community Mark survey guidance notes. The guidance notes are imbedded within the Community Mark survey itself and cite examples to guide companies in answering the questions appropriately.

Furthermore, examples from guidance notes are discussed in detail in workshops and masterclasses for companies interested in becoming a Community Mark company. Overview of the questions will be provided on the Community Mark website, where also best practice examples will be featured.

Section 6: Implementation, Monitoring and Enforcement

Implementation

There is a mechanism in section 50(10) for the Secretary of State of BERR to make an order to add to the list of roles entitled to time off but an alternative route is to use CLG's Empowerment Bill to make an amendment to the Employment Rights Act 1996.

Monitoring and Evaluation

We would envisage monitoring the impact of this and our other proposals to encourage more and different people to participate in civic roles through PSA 15 – Address the disadvantage that individuals experience because of their gender, race, disability, age, sexual orientation, religion or belief. In particular, indicator 3: Participation in public life by women, ethnic minorities, disabled people and young people. However, the precise strategy for monitoring will be worked out after the consultation.

Enforcement

An employee who considers that his employer has not agreed to allow him to take time off he is entitled to, may seek a remedy by complaining to an employment tribunal.

Section 7: Specific Impact Tests

An impact test on the effects specifically on small firms will be carried out as part of the final impact assessment, when we have more information on how firms react to current requests for time off.

Other impact tests have been considered (competition, legal aid, sustainable development, Carbon and other environmental impacts, health, human rights and rural proofing) and we feel that the policy will have no specific impacts in these areas.

We have also considered the need for an Equalities Impact Assessment and completed the screening questionnaire. We have concluded that this does not impact negatively on equalities groups and therefore a full Equalities Impact Assessment will not be completed.

ISBN: 978 14098 01450

