



HR Broadcast –

Jury Service

A client recently contacted us to advise us that, regrettably, he had been forced to make an individual redundant. The dismissal hearing was on 31st December 2015 and the employee was entitled to four weeks' notice, meaning that the final date of employment was on 27th January 2016. However, the employee had been called up for Jury service during this period of notice and the question that arose was whether the notice period still ended on 27th January or whether the notice period should be extended by the same period as the Jury Service.

Juries Act 1974:- Under the Juries Act 1974, individuals may be required to carry out jury service if they are at least 18 years old and not over the age of 70 on the day they start their jury service, are registered on a parliamentary or local government electoral roll and have lived in the UK, Channel Islands or Isle of Man for at least five consecutive years since they were aged 13. Names are randomly selected by the Jury Central Summoning Bureau from an electronic copy of the electoral register.

Excusal and deferral:- Individuals can apply to the court to be either excused from jury service or to have their jury service deferred to a later date. However, they will only be excused if either they cannot serve at any time during the following twelve months or they have already undertaken jury service within the previous two years. Jury service can only be deferred for up to twelve months and it can only be deferred once. However, only your employee can apply for excusal or deferral. You cannot apply on

your employee's behalf but you are permitted to write a letter in support of their application.

Jury service:- If your employee isn't excused from jury service or doesn't get it deferred, you should release them from work in accordance with the Jury Summons. Whilst there's no specific statutory provision requiring you to grant an employee summoned for jury service time off work, in practice you must do so because a refusal to grant time off for jury service constitutes a contempt of court. It's also automatically unfair to dismiss an employee or to subject them to a detriment because they've been summoned for jury service.

Time off and pay - Your employee will be given a date from which their jury service will start and it normally lasts for two weeks, although it could be longer. You are not obliged to pay employees for time off for jury service, but may do so if you wish. Therefore you need to check the employee's contract or more likely the Staff Handbook to ensure you have not contractually promised to pay. Assuming you haven't, it's up to you whether to pay or not.

However, coming back to the original question, this had to be researched.

This issue fits into the various sections under Employment Rights Act of 1996 dealing with detriment. Section 43M and subsequent subsections deal with detriment suffered for many of the things with which we are familiar, such as the employer's refusal to allow health



and safety representatives time off, breach of working time regulations, detriment suffered because of a protected disclosure, pregnancy time off and so on.

If proven this would amount not only to automatic unfair dismissal but, short of an actual dismissal, could result in a complaint to a tribunal and potentially unlimited damages.

It is logical that whatever the circumstances the fact of jury service should not affect any matter regarding continuity of service. It would not affect continuity if the individual was not in the process of leaving; there would be nothing in the nature of a suspension of continuity of employment and we think the same approach would apply to somebody working out notice. The only difference is that the individual here is entitled to time off and would be paid by the court service instead of the employer.

All this boils down to us saying that the original earlier date of 27th January 2016 is the final date of employment.