

By Email to: publicduties@businessandtrade.gov.uk

4th September 2026

Dear Sir / Madam

The Chartered Governance Institute is the professional body for governance and the qualifying and membership body for governance professionals across all sectors. Its purpose under Royal Charter is to lead effective governance and efficient administration of commerce, industry, and public affairs working with regulators and policymakers to champion high standards of governance and providing qualifications, training, and guidance. As a lifelong learning partner, the Institute helps governance professionals achieve their professional goals, providing recognition, community, and the voice of its membership.

One of nine divisions of the global Chartered Governance Institute, which was established 130 years ago, The Chartered Governance Institute UK & Ireland represents members working and studying in the UK and Ireland and many other countries and regions including the Caribbean, parts of Africa and the Middle East.

As the professional body that qualifies Chartered Secretaries and Chartered Governance Professionals, our members have a uniquely privileged role in companies' governance arrangements. They are therefore well placed to understand the issues raised by this consultation document. In preparing our response we have consulted, amongst others, with our members. However, the views expressed in this response are not necessarily those of any individual members, nor of the companies they represent.

Our views on the questions asked in your consultation paper are set out below, together with some general comments on the issues raised.

GENERAL COMMENTS

The Chartered Governance Institute supports measures that widen participation in public life and improve the diversity of those undertaking public duties and, in that regard, support the proposed changes. However, the consultation approaches the issue primarily through the lens of employment law and access to public office. In the Institute's view, this addresses only part of the challenge.

The review correctly recognises that civic participation should remain accessible to working people. However, modern public service increasingly depends not only on individuals who occupy multiple capacities simultaneously: employee, officeholder and operational decision-maker but also on non-government bodies, for

example charities, to deliver public service. These capacities are governed by different legal frameworks and do not respond to absence in the same way.

The central challenge is therefore not simply enabling individuals to take time off work. It is ensuring that governance arrangements remain clear and effective when public duties continue during periods of absence. Employment law governs attendance. Governance frameworks govern officeholding, responsibility and accountability. While the former recognises absence, the latter frequently assumes continuity.

The Institute's research on governance in absentia identified a growing structural gap between employment status, statutory officeholding and operational authority. As a result, individuals may be absent from work while remaining subject to continuing governance responsibilities, and organisations may rely on informal workarounds that create uncertainty over authority, accountability and liability.

If Government wishes to broaden participation sustainably, policy development should move beyond entitlement to time off and consider the governance architecture that supports temporary absence from public office. Public participation is increasingly constrained not just by a lack of entitlement to leave, but by the absence of clear governance frameworks that manage responsibility during periods of non-participation.

The Institute therefore encourages the government to consider not only access to public duties, but also governance continuity. Participation and accountability should not be treated as competing objectives. A modern governance framework should enable individuals to undertake public service, manage periods of absence and return to office without creating uncertainty over responsibility, weakening accountability or undermining effective governance.

CONSULTATION QUESTIONS

Question 10. From your perspective, what concerns, if any, would employees have about the impact of taking time off to carry out a public duty?

The Chartered Governance Institute believes that employees increasingly face concerns that extend beyond the availability of time off itself.

The consultation primarily approaches absence as an employment issue. In practice, individuals undertaking public duties often operate across three separate capacities simultaneously: as employees, as officeholders and as holders of operational responsibilities. These capacities are governed by different legal frameworks and do not respond to absence in the same way.

Employment law allows individuals to step away from work. Governance frameworks frequently continue to attach responsibilities to officeholding for the duration of an appointment. As a result, many individuals face uncertainty about whether a period of authorised absence also results in any meaningful reduction in their governance obligations.

Employees may therefore be concerned about:

- remaining accountable for decisions taken during periods when they are not actively participating in governance activities;
- the absence of clear delegation arrangements and uncertainty regarding who exercises authority during their absence;



- continuing exposure to regulatory, fiduciary or oversight obligations despite being absent from day-to-day activity;
- pressures to remain informally engaged through emails, messaging platforms or other communications during periods that are intended to be protected absence;
- the practical implications of balancing public service with parental leave, caring responsibilities, disability-related leave or long-term illness.

The Institute's recent work identified a recurring governance tension: employment law governs attendance, whereas governance law governs office. Where these frameworks intersect, individuals can find themselves in the paradoxical position of being legitimately absent from work while remaining subject to continuing responsibilities arising from the office they hold.

If Government wishes to widen participation in public life, it should recognise that barriers do not disappear once an individual secures time away from work. For many officeholders, the greater concern is how responsibility, authority and accountability are managed during periods of absence.

In particular, governance professionals and officeholders may find themselves caught between competing legal, fiduciary or regulatory obligations with no clear hierarchy indicating which duty should take precedence. For example, a director may be required to participate in urgent board decisions, approve statutory filings or attend regulatory proceedings for which they bear personal responsibility, while simultaneously being required to fulfil a public duty obligation. In such circumstances, the individual may face conflicting requirements, each carrying its own legal or governance consequences.

If Government wishes to encourage greater participation in public duties, it should consider not only how individuals are released from their day-to-day roles, but also how conflicts between public service obligations and governance responsibilities are managed. Clear guidance and appropriate safeguards will be needed to ensure that officeholders are not left to navigate competing responsibilities without certainty as to which obligation should take precedence.

Question 11. From your perspective, what concerns, if any, would employers have about the impact of their employees taking time off to carry out a public duty?

Employers will naturally be concerned about workforce planning, operational resilience and the availability of specialist skills. However, the Institute believes that the most significant concerns often arise at the level of governance rather than employment administration.

The consultation largely treats absence as a staffing issue. Our experience suggests that absence frequently becomes a governance issue where individuals perform oversight, regulatory, fiduciary or public office functions.

The Institute's research identified three recurring risks where organisations rely on informal arrangements during periods of absence:

- **Regulatory risk**, where statutory obligations, approvals or reporting responsibilities become unclear or are not formally reallocated.
- **Operational risk**, where authority becomes fragmented, resulting in delay, duplication or ineffective decision-making.



- **Accountability risk**, where responsibility remains attached to an absent officeholder while authority is exercised by others through informal mechanisms.

Many organisations assume that absence can simply be covered by colleagues. In governance terms, this assumption is often flawed. Responsibility, authority and operational activity do not automatically transfer together. Informal cover arrangements may maintain activity, but they do not necessarily provide legal certainty regarding accountability or decision-making authority.

Employers may also be concerned that the existing framework provides limited guidance on how public duties should be accommodated where governance responsibilities continue during periods of prolonged absence. This can make it difficult to determine whether arrangements are legally robust or merely operationally convenient.

The Institute therefore believes that future policy development should focus not only on enabling absence, but also on supporting governance continuity. Public participation is most sustainable where responsibility, authority and accountability remain clearly aligned throughout any period of non-participation.

Question 19. Do you have any further comments you would like to share on how the existing entitlement to time off works in practice?

The Institute supports the underlying objective of the entitlement and agrees that it plays an important role in widening participation in public life. However, the existing framework reflects an employment-law perspective on absence and does not fully address the governance realities of modern officeholding.

In practice, the entitlement works reasonably well where absence is viewed solely as a question of attendance. It works less well where governance responsibilities remain attached to office.

Modern public service increasingly depends on individuals who combine professional employment with public appointments, oversight responsibilities, trustee roles and other forms of statutory or quasi-statutory officeholding. In these circumstances, absence frequently creates a divergence between employment status, governance responsibility and operational authority.

The Institute's research identified a structural gap within current arrangements. Employment law recognises and facilitates absence. Governance frameworks generally continue to attach responsibility to officeholding. As a result, individuals and organisations often attempt to bridge this gap through informal workarounds, assumptions about delegation or practical cover arrangements. These mechanisms may support operational continuity, but they do not necessarily resolve questions of accountability.

We therefore encourage Government to view this issue through a wider governance lens. The long-term challenge is not simply enabling individuals to take time away from work. It is ensuring that governance systems continue to operate effectively where participation is temporarily interrupted.

The Institute believes that future reforms should pay greater attention to governance continuity, particularly where public duties involve oversight, stewardship, fiduciary obligations or statutory responsibilities. A participation framework that addresses only access risks overlooking the architecture needed to support participation in practice.

Question 36. Is there anything else you would like to share regarding the entitlement to time off for public duties?

The Institute strongly supports the Government's objective of widening participation in public life and ensuring that public institutions benefit from the broadest possible range of experience, skills and backgrounds.



However, we believe the consultation identifies only part of the policy challenge.

The consultation focuses on access to public duties through employment rights. The Institute's evidence suggests that a parallel challenge exists once individuals enter public office. Across governance systems, responsibility generally attaches to officeholding rather than participation. Individuals may therefore remain subject to ongoing responsibilities even when they are absent due to parental leave, caring responsibilities, illness or other legitimate circumstances.

This creates a structural tension within the current framework. Employment law assumes that absence is normal and manageable. Governance frameworks continue to be built largely around assumptions of uninterrupted officeholding and continuous responsibility. As participation becomes more diverse and as patterns of work become more flexible, this tension is becoming increasingly visible.

The Institute's recent work on governance in absentia suggests that policymakers should begin to move beyond questions of entitlement alone and consider governance continuity as a policy issue in its own right. International and domestic developments demonstrate that continuity and accountability need not depend upon uninterrupted occupancy of a role, provided that responsibility remains clearly allocated, transparent and subject to appropriate oversight. Examples from Germany, Australia and the evolution of the UK's Senior Managers and Certification Regime illustrate different approaches to managing temporary absence while preserving accountability.

In the Institute's view, future policy development should examine:

- how governance responsibilities can be managed during periods of authorised absence;
- the interaction between employment protections and officeholder obligations;
- formal mechanisms for delegation and temporary cover;
- approaches that maintain transparency and accountability where participation is temporarily interrupted;
- governance frameworks that support diversity, inclusion and workforce participation without weakening governance standards.

The central policy question is no longer whether people should be able to take time away from work to undertake public service. The more significant question is whether UK governance frameworks are equipped to accommodate modern patterns of participation once individuals enter office. The Institute believes this represents an important and currently underexplored area of public policy, and one that will become increasingly relevant as Government seeks to widen participation across public institutions.

If you would like to discuss any of the above comments in further detail, please do feel free to contact the Policy Department at policy@cgi.org.uk

Yours faithfully,

Dr. Valentina Dotto
Policy Adviser



