



*Dumfries  
& Galloway*

C O U N C I L

# **SCHEME OF LEAVE OF ABSENCE FOR TEACHING STAFF**

**An Education Service for the 21<sup>st</sup> Century**

## INTRODUCTION

### (i) Scope of the Scheme

This document sets out the procedures to be followed in connection with the granting of leave of absence to teachers in a variety of circumstances. It reflects relevant national and local agreements. The scheme does not relate to annual leave and does not cover leave as a result of illness or pregnancy. In all cases, the period of leave granted is inclusive of any travelling time required.

The provisions of this scheme apply only to permanent teachers and to temporary teachers who are employed on a long-term (part-time or whole-time) basis. Teachers who are employed on a daily temporary basis will not normally be granted leave of absence.

### (ii) Applying for Leave of Absence

Teachers who are seeking leave of absence should apply to the Headteacher, or in the case of teachers not based in schools, to the relevant manager. A Headteacher should apply to the Director for Education. **Please note that, in this instance and throughout the remainder of the document, although the Director for Education is statutorily responsible for granting leave of absence requests, all communication relating to leave of absence should be addressed to the appropriate Head of Education** (ie. School & Adult Services in the case of mainstream teachers; Children's Services in the case of Learning/Behaviour Support teachers).

### (iii) Principles of the Scheme

The regulations on leave of absence for all employees of the Council including teachers, are based on the principle that **employees should not make personal arrangements which conflict with the requirement that they be at work at times previously agreed by the employer other than in the circumstances outlined in this scheme.** Wherever possible, careful foresight should be exercised and **requests for leave submitted well in advance.** **The need to ensure continuity of educational provision makes it particularly important that these general principles should be scrupulously applied** in the case of teaching staff.

In the past some misunderstandings have arisen regarding the granting of leave of absence without pay. While financial considerations are obviously important, **the most important consideration in the mind of those granting leave of absence will be the avoidance of unnecessary interruption of education.** There is not, therefore, any automatic right to leave of absence without pay or any supposition that such leave will be granted other than in accordance with this scheme and the demands of the service. It is also important that any teacher who requests unpaid leave of absence should be informed that such leave constitutes a break in service that can affect superannuation payments and pension. All leave of absence granted should be shown on the normal monthly return to the Staffing Section.

### (iv) Organisation of the document

The Scheme of Salaries and Conditions of Service for Teaching Staff in School Education ("The Yellow Book") sets out the contractual position wherein special leave may be granted to teachers (sections 11.10 to 11.13, presented as **Appendix 1** to this document).

For convenience, this document divides requests for leave of absence into three main categories that are dealt with separately in the sections that follow. **It should be noted, however, that all requests for more than two days leave in any of the categories should be referred to the Director for Education.**

**Category I** relates to requests for leave under circumstances defined in the Scheme of Salaries and Conditions of Service for Teaching Staff in School Education. (Page 1)

**Category II** relates to requests for leave of absence of up to two days which the Headteacher is empowered to grant, subject to the demands of the service. Should teachers seek a longer period of leave in relation to any of the circumstances defined under category II the Headteacher should refer the request for additional leave to the Director for Education. (Pages 3-4)

**Category III** relates to all other requests for leave, including all requests for period of leave of more than two days. All requests for leave in terms of category III must be referred to the Director for Education. (Pages 5-7)

For convenience, a "Rapid Reference" guide has been included at page (iii).

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## RAPID REFERENCE

### 1. CATEGORY I

- 1.1 Court Attendance
- 1.2 Preventative Medical Examinations
- 1.3 Serious Family Illness
- 1.4 Family Bereavement

### 2. CATEGORY II

- 2.1 Leave of Absence in connection with the illness of a teacher's child
- 2.2 Less than a full day for personal business
- 2.3 To attend for interview for another post
- 2.4 To attend a funeral
- 2.5 To attend a wedding
- 2.6 House removal
- 2.7 To undertake local authority business
- 2.8 To attend meetings of public statutory bodies such as health boards etc
- 2.9 To serve on children's panels or as a Justice of the Peace
- 2.10 Holidays or festivals of religious or ethnic groups
- 2.11 To attend conferences or meetings of an educational nature
- 2.12 Work of the GTC, Learning and Teaching Scotland, SQA, or other approved bodies

### 3. CATEGORY III

- 3.1 Marriage during term time
- 3.2 Holidays during term time
- 3.3 Accompanying partner on holidays and business trips
- 3.4 Attendance at exhibitions of the teacher's own work
- 3.5 Leave to undertake authorised expeditions of an educational nature where no pupils are involved
- 3.6 Leave in connection with parliamentary elections
- 3.7 Leave in connection with local authority elections
- 3.8 Attendance at an annual camp of TAVR, RNVR etc
- 3.9 Attendance at annual meetings of organisations such as Ladies' Circle, Rotary and Round Table
- 3.10 Participation in cultural events
- 3.11 Playing sport in a local championship
- 3.12 Participation in national or international amateur sporting events
- 3.13 Sports coaching
- 3.14 Study tours
- 3.15 Accompanying groups of children
- 3.16 Leave for adoption purposes
- 3.17 Parental Leave
- 3.18 Voluntary Service Overseas
- 3.19 Compassionate Leave
- 3.20 Attendance at meetings of trade unions or professional associations
- 3.21 To attend the national conference of a political party

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## 1. CATEGORY I

### 1.1 Court Attendance

#### (a) Jury Service

The Headteacher should inform the Director for Education and obtain for the teacher an official note of salary expressed as a daily rate. The teacher is under an obligation to reimburse the Council to the amount of the loss of earnings allowance received under the Jurors Allowance Regulations and accordingly must claim this allowance.

#### (b) Witness

Where the teacher is called as a witness by the Council the teacher will be regarded as being on authorised school business. However, when the teacher is called as a witness by other persons the absence will be treated as special leave with pay. The teacher will be under an obligation to reimburse the authority to the amount of any loss of earnings allowance that is recoverable from the person(s) issuing the citation and accordingly must claim the allowance.

### 1.2 Preventative Medical Examinations

The Headteacher is empowered to give reasonable leave of absence with pay for preventative medical examinations. The Headteacher must be satisfied that all such requests are reasonable. Leave of absence granted will normally be less than one day. However, if circumstances dictate, longer periods of leave of absence may be granted.

### 1.3 Serious Family Illness

Up to three days paid leave of absence may be granted owing to the **serious** illness of a near relative (e.g. parent, child, sibling), in-law, co-habitee or foster parent. Sympathetic consideration may, however, be given to requests involving relatives other than those listed above.

“Serious illness” is defined as non-routine illness and would be likely to require the hospitalisation of the person affected.

The Director for Education should be informed by the Headteacher of leave granted. If more than two days leave is required the Headteacher should pass the request to the Director for Education. Leave which is granted beyond three days will normally be without pay, although the Director for Education will have the discretion to grant up to five days in total with pay.

### 1.4 Family Bereavement

Up to five days paid leave may be granted in the event of the death of a near relative, in-law, co-habitee or foster child. A near relative is as defined in 1.3, although other relationships may be taken into account if the teacher is required to make funeral arrangements.

The Director for Education should be informed by the Headteacher of leave granted. If more than two days leave is required the Headteacher should pass the request to the Director for Education. Leave which is granted beyond five days will normally be without pay.

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## 2. CATEGORY II

This section deals with requests for leave of up to two days which may be granted by the Headteacher provided that the demands of the service permit. **Other than in the case of 2.1, advance notice of such leave must be sent by the Headteacher to the Director for Education.**

Requests for leave which fall outwith the Headteacher's jurisdiction, or any requests to extend the conditions outlined must be referred to the Director for Education along with a recommendation and any other details (see also category III).

### 2.1 Leave of Absence in connection with the illness of a teacher's child

It is the responsibility of all teaching staff with children to have in place appropriate childcare arrangements to deal with any eventuality which may arise. Hence, **paid leave of absence will not normally be granted in cases of illness of children** with the following exceptions:

- Where the illness is serious, as defined in section 1.3, when the provision of that section will apply.
- Where a child becomes ill in the course of the working day and the teacher is summoned to deal with the situation, when he/she will be granted leave with pay for up to the rest of that day only.
- Where a child becomes ill overnight or before the start of the working day and it has not been possible to activate the above-mentioned childcare arrangements. In such cases a maximum of half a day's leave with pay will be granted to allow the necessary arrangements to be made.

### 2.2 Less than a full day for personal business

If the Headteacher is satisfied that the request is reasonable, short periods of less than a day can be granted with pay.

### 2.3 To attend for interview for another post.

Up to one day with pay can be granted for each post. Exceptionally, if considerable travelling is involved, up to two additional days with pay may be granted.

### 2.4 To attend a funeral.

Up to two days may be granted, only one of which may be with pay. {Note also the conditions of family bereavement (1.4)}.

### 2.5 To attend a wedding

Up to two days may be granted, only one of which may be with pay. This paragraph does not refer to the teacher's own wedding (see section 3.1)

### 2.6 House removal

Where a removal cannot be arranged for a holiday period, up to two days leave of absence may be granted. One day will be with pay, the second, if required, will be without pay.

### 2.7 To undertake local authority business

Leave can be granted without pay, up to a maximum of two consecutive days at each time of asking, to teachers who are elected members of local authorities. The Director for Education should be specifically informed of each absence. The Director for Education is empowered to agree special arrangements in the case of those holding very senior positions. Any such arrangements will be made known to the Headteacher of the school concerned.

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**2.8 To attend meetings of public statutory bodies such as health boards etc**

Leave of absence will normally be granted without pay to teachers who are members of public statutory bodies. Where there is a considerable benefit to the education service leave of absence with pay can be granted. The Director for Education should be specifically informed of each absence.

**2.9 To serve on children's panels or as a Justice of the Peace**

Leave can be granted with pay, up to a maximum of two consecutive days at each time of asking. The Director for Education should be specifically informed of each absence. The teacher is under an obligation to reimburse the Council to the amount of any payments received as a result of carrying out these duties where these payments are not received in lieu of travel or subsistence expenses.

**2.10 Holidays or festivals of religious or ethnic groups**

Two days with pay may be granted by the Headteacher in any one school year. Requests for leave beyond two days should be referred to the Director for Education who will be empowered to grant further leave without pay. The total leave in any one year should not exceed five days.

**2.11 To attend conferences or meetings of an educational nature**

Up to two days leave of absence with pay may be granted by the Headteacher. Requests for leave of absence beyond two days should be referred to the Director for Education.

**2.12 Work of the GTC, Learning and Teaching Scotland, SQA, or other approved bodies**

Leave of absence with pay will normally be granted to teachers who have been invited to participate in the work of such professional bodies provided that the demands of the service permit. Requests for leave beyond two days should be referred by the Headteacher to the Director for Education with a recommendation and any other details including whether suitable arrangements can be made for the teacher's duties to be covered.

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### 3. CATEGORY III

This section deals with requests for leave of absence which must be referred to the Director for Education. These include:

- requests for leave for reasons not covered in categories I and II
- requests for leave for reasons covered in categories I and II but where the terms requested exceed those already granted

Other than in exceptional circumstances (when a period of advance notice may be waived or reduced) all applications for leave of absence in this category must be made in writing to the Headteacher not less than two weeks in advance of the period of absence. When transmitting the request to the Director for Education, the Headteacher should state if he/she approves the request and, in the event of the request being granted, whether suitable arrangements can be made for the teacher's duties to be covered. The Director for Education will intimate his decision to the teacher and state whether any leave granted is to be with, or without, salary.

#### 3.1 Marriage during term time

**It is not acceptable for teaching staff to arrange their own wedding in term time and leave of absence will not be granted for this purpose.** Only in very exceptional circumstances (for example when the spouse to be is in the armed forces and is unable to take leave during the school holiday period) will a limited period of leave be granted. Disciplinary action is likely to be taken against any member of staff who takes time off school for this purpose. Requests to attend weddings as a guest are dealt with in section 2.5.

#### 3.2 Holidays during term time

Apart from compensatory time off in lieu as defined in The Scheme of Salaries and Conditions of Service for Teaching Staff in School Education section 11.8.1, leave with or without pay will not be granted for this purpose. Disciplinary action is likely to be taken against any member of staff who takes time off school for this purpose.

#### 3.3 Accompanying partner on holidays and business trips

Leave of absence will not normally be granted for this purpose. Any leave granted in exceptional circumstances will be without pay.

#### 3.4 Attendance at exhibitions of the teacher's own work

Leave of absence will not normally be granted for this purpose. Any leave granted in exceptional circumstances will be without pay.

#### 3.5 Leave to undertake authorised expeditions of an educational nature where no pupils are involved

Leave may be granted, without pay, for this purpose. Where the teacher undertakes work which is of significant benefit in educational terms a limited amount of leave with salary may be granted.

#### 3.6 Leave in connection with parliamentary elections

Leave of absence, without pay, will be granted to teachers who, are parliamentary candidates or election agents. The leave will be granted at the time of an election and will be for a maximum period of four weeks. Requests for leave by the partner of a candidate will not normally be granted.

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### **3.7 Leave in connection with local authority elections**

Leave of absence, without pay, will be granted to teachers who are local authority candidates or election agents. The leave will be granted at the time of an election and will be for a maximum period of one week. Requests for leave of the partner of a candidate will not normally be granted.

### **3.8 Attendance at an annual camp of TAVR, RNVR etc**

Teachers who are members of the non-regular armed forces and who attend an annual training camp will be granted special leave with pay for the period during which they attend the camp but for not more than fifteen days. The salary paid will be subject to the deduction of service pay and allowances received in respect of the period of leave which must be declared by the teacher.

### **3.9 Attendance at annual meetings of organisations such as Ladies' Circle, Rotary and Round Table**

Leave of absence will not normally be granted for this purpose. Leave of absence may be granted exceptionally in the cases of teachers holding important office in such organisations.

### **3.10 Participation of cultural events**

Leave of absence will only be granted where the cultural event is of local, national or international significance. Such leave of absence will normally be without pay.

### **3.11 Playing sport in a local championship**

Leave of absence, without pay, may be granted for this purpose.

### **3.12 Participation in national or international amateur sporting events**

Leave of absence will normally be given. Requests may also relate to duties such as being the national coach or umpiring/refereeing at national or international level. Up to a maximum of five days leave will normally be granted with pay subject to the deduction of loss of earnings allowance or other payments made.

### **3.13 Sports Coaching**

Leave of absence will not normally be granted for this purpose except in the circumstances outlined in section 3.12.

### **3.14 Study tours**

Leave of absence will normally be granted where the applicant has been selected to undertake certain study tours of direct benefit to the education service by enhancing the applicant's experience relative to the teaching post held, eg Churchill Fellowship, Central Bureau, etc. Leave will normally be with pay subject to the deduction of bursary or other payments made.

### **3.15 Accompanying groups of children**

Leave may be granted to teachers who have been selected to accompany groups of children, other than their immediate charges, who have gained a study trip from an external body. Leave will normally be with pay subject to the deduction of any grants made to the teacher.

### **3.16 Leave for adoption purposes**

Adoptive mothers who have more than one year's continuous service may be granted leave of absence without pay for up to twenty-nine weeks when adopting a child. The period of leave will commence on the day on which the adoptive mother receives the child. A teacher wishing

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to apply for leave in these circumstances should do so in writing to the Director for Education as soon as approval in principle has been given by the authorities in relation to the adoption.

### **3.17 Parental Leave**

In most circumstances, **unpaid** leave of absence up to a maximum of 13 weeks is available to parents of children born after 15 December 1994. Each employee may apply for up to 4 weeks' leave in any one year, in blocks or multiples of at least 3 days, subject to appropriate notice being given and dependent on the operational needs of the school/department. Full details of this entitlement are available on request.

### **3.18 Voluntary Service Overseas**

Where suitable educational arrangements can be made which would allow the teacher to be released, leave of absence without pay for up to 23 months may be granted.

### **3.19 Compassionate Leave**

In exceptional circumstances the Director for Education will be empowered to grant extended leave of absence without pay. In the first instance the matter should be referred by the Headteacher to the Director for Education with a recommendation any other details including whether suitable arrangements can be made for the teacher's duties to be covered.

### **3.20 Attendance at meetings of trade unions or professional associations**

Teachers may request leave of absence for a number of purposes as a result of their membership of trade unions/professional associations. The term "professional association" is used in this context to define bodies such as PAT, HAS, and AHTS.

### **3.20 To attend the national conference of a political party**

Two days leave of absence without pay may be granted by a Headteacher. Requests for such leave will only be granted in exceptional circumstances eg where the applicant or the applicant's partner is a prospective parliamentary candidate. Requests for leave beyond two days should be referred to the Director for Education.

#### **4. SPECIAL CASES**

Decision by the Director for Education

Where an application is not strictly governed by the guidelines contained in this document of where compelling compassionate grounds are advanced in support of an application which would normally be refused, the request will be referred to the Director for Education.

#### **5. APPEALS**

Where a teacher feels that extenuating circumstances have not been fully recognised in the consideration of an application for leave of absence, the teacher will have the right to appeal to the Director for Education. In such cases, appeals will be heard by the Director for Education in person and not the relevant Head of Education.

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## APPENDIX 1

### Extract from Scheme of Salaries and Conditions of Service for Teaching Staff in School Education

#### 11.10 Court Attendance

- 11.10.1 A teacher receiving a summons to serve on a jury shall report the fact to the Headteacher and shall be granted special leave with pay to attend (unless exemption is secured). The teacher shall be under an obligation to reimburse the authority for any loss of earnings allowance received under the Jurors Allowance Regulations and accordingly the teacher must claim such allowance.
- 11.10.2 When required to attend for jury service a teacher shall be furnished with an official note of salary expressed in terms of a daily rate.
- 11.10.3 Where the teacher has been called as a witness by the authority the teacher shall be regarded as being on authorised school business.
- 11.10.4 Where the teacher has been called as a witness by persons other than the authority the absence will be treated as special leave with pay. The teacher shall be under an obligation to reimburse the authority for any loss of earnings allowance received during the period of absence where such a loss of earnings allowance is recoverable from the person(s) issuing the citation to attend as a witness.

#### 11.11 Health of Teaching Staff

Teaching staff shall be entitled to take such reasonable time off without loss of pay as is required for the purpose of preventative medical examinations.

#### 11.12 Family Sickness or Bereavement

Special leave shall be granted in accordance with the following provisions:-

- (a) in the case of absence of a teacher owing to the serious illness of a near relative, in-law, co-habitee or foster parent, the authority shall pay salary for not more than three schools days.
- (b) in the case of absence through the bereavement of a near relative, in-law, co-habitee or foster parent, full salary shall be paid for not more than five school days.

#### 11.13 Other Reasons

- 11.13.1 In addition to the provisions of paragraphs 11.10 to 11.12 above, special leave with or without pay may be authorised for specified reasons at the discretion of the authority.
- 11.13.2 The Headteacher may be empowered to grant paid leave of absence within guidelines agreed by the authority for periods of two days or less, provided arrangements suitable to the authority can be made to cover the duties of the teacher seeking such leave of absence.
- 11.13.3 Other than in exceptional circumstances all applications for leave of absence for any period of more than two school days shall be made in writing to the Headteacher not less than two weeks in advance of the period of absence. When transmitting the request to the Director for Education, the Headteacher shall state if he or she approves of the request and in the event of permission being granted whether or not suitable arrangements can be made for the teacher's duties to be covered. The Director for Education shall intimate his/her decision to the teacher and state whether the leave granted is with or without pay.

## APPENDIX 2

### Leave of Absence in connection with the business of Trade Unions

Minimum entitlements in relation to time off in connection with the business of trade unions are set out in the Employment Protection (Consolidation) Act 1978. The legislation makes a distinction between trade union duties, for which time off is given with pay and trade union activities for which time off is given without pay. Trade union duties include matters such as attendance at negotiating meetings and representing members at grievance and disciplinary hearings. Trade union activities may involve participation in a wide range of business other than that immediately concerned with industrial relations matters.

The authority's policies are based on the statutory requirements but also take into account local agreements made with the teachers' trade unions. In deciding how much leave of absence may be given, and on what basis, the following general principles will be applied:-

1. Release of teachers in connection with the business of trade unions and professional associations will be subject to the demands of the service and will require the specific permission of the Director for Education.
2. Subject to paragraph 1 above, teachers will be granted leave of absence with pay:
  - (i) to attend local and national negotiating meetings,
  - (ii) to represent members at grievance and disciplinary hearings and at industrial tribunals,
  - (iii) to represent their trade unions on certain educational bodies,
  - (iv) to undertake approved training relating to their duties as trade union representatives,
  - (v) to attend the annual conference of a trade union,
  - (vi) in connection with other duties directly concerned with industrial relations matters.
3. Teachers will be granted leave of absence, which will normally be without pay, for certain trade union activities such as:
  - (i) attendance at other specially convened conferences or meetings of the document making body of the union which do not directly concern this authority,
  - (ii) attendance at branch or local meetings of the trade union convened during normal working hours but not dealing predominantly with local authority matters.

These general guidelines will be applied in specific circumstances as noted in the following paragraphs.

- (a) Where a member of the teaching staff in the authority has been elected to high office in one of the major trade unions or professional associations, he/she will be granted additional leave to allow the wider duties of the post held to be undertaken effectively. The actual amount of additional leave to be granted will be determined by the Director for Education. Where the teacher accepts with the agreement of his/her Director for Education a convenership or vice convenership of a national body, he/she will be treated more favourably than the general provisions made below.

Such exceptional circumstances should be taken into consideration in the staffing arrangements made for the school involved. Any additional staffing allocation, however, must come from within existing staffing resources.

- (b) In all other cases, a limit will be set on the amount of leave granted in any one session. In normal circumstances the leave limit will be equivalent to twenty days (FTE). The maximum amount of leave will only be granted where the full twenty days is actually required. Teachers applying for such leave must seek the approval of the Director for Education. The twenty days will include time for all activities. Where the teacher is appointed by the trade union to represent it on an outside body such as the Learning and Teaching Scotland, SQA, or committees of these or other bodies of a professional nature, time for attendance must be

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included within the twenty days. Where teachers who are trade union officials are separately elected to such bodies, time for attendance will not be included within the twenty days limit.

- (c) At the start of each session, teachers involved must indicate the time which they estimate will be required for trade union duties. This will include attendance at the AGM of the association, executive meetings approved as duties, STUC conferences, JCC, national and local negotiating meetings, etc. Thereafter, the remaining time may be requested for other activities in which the teacher is involved as a result of his/her union membership. It is recognised that it is difficult to estimate in advance the number of days required for trade union duties. Nevertheless, pasts experience should provide a relatively accurate guide.
- (d) The onus is on the teacher to make application for leave for individual duties and activities as defined in paragraph (c) above.
- (e) In certain cases, where difficulties arise in handling individual applications, the Director for Education will contact the general secretary of the professional association/trade union or his/her nominated representative to clarify the situation before a final decision is reached.

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