SNCT
Scottish Negotiating Committee for Teachers

JS/10/19

13 September 2010

Dear Colleague

FAMILY LEAVE: WORKED EXAMPLES

Further to agreement having been reached on changes to annual leave provision arising from maternity, the Joint Secretaries have agreed to issue supplementary guidance on the application of these changes.

Councils are required to provide employees with statements notifying them of their leave entitlement. We would suggest that there are two broad approaches to calculating this leave entitlement in accordance with the relevant provisions in the SNCT Handbook (Part 2, Section 7, paragraphs 7.19 to 7.28):

METHOD 1

The number of days annual leave the teacher took before going on maternity leave, together with the number of days she will be able to take after she returns from maternity leave, are subtracted from her total annual leave entitlement. She can either take these days as paid leave, or be paid in lieu for them, subject to the statutory requirements outlined in paragraph 7.26.

Method 1 Worked Examples

Note: the figures below are for illustrative purposes only and will be dependent on the leave calendars used by individual councils.

(a) Teacher commences leave on 14 March 2010 and returns 16 August 2010.

As the maternity leave falls within one leave year, the council is only required to issue one statement in accordance with paragraph 7.25.

Total no. days leave entitlement = 66
No. days leave taken from 1 September 2009 to commencement of ML = 21
No. days leave from end of ML to 31 August = 0
Balance of leave = 66 – (21+0) = 45

At least 7 days must be taken as leave, while the rest can either be taken as paid leave or paid in lieu.

(b) Teacher commences leave on 14 March 2010 and returns 14 March 2011.

As the maternity leave spans two leave years, the council is required to issue two statements in accordance with paragraphs 7.24 and 7.25.

Year 1
Total no. days leave entitlement = 66
No. days leave taken from 1 September 2009 to commencement of ML = 21
No. days leave from end of ML to 31 August 2010 = 0
Balance of leave = 66 – (21+0) = 45

Year 2
Total no. days leave entitlement = 66
No. days leave taken from end of ML to 31 August 2011 = 43
Balance of leave = 66 – 43 = 23

Total leave accrued = 45 + 23 = 68

At least 7 days of the leave accrued in Year 1 must be taken as paid leave to comply with the statutory provision. The remainder can either be taken as paid leave or paid in lieu.

METHOD 2

The employee's entitlement is calculated on the basis of 0.3385, in accordance with the SNCT Handbook, Part 2, Section 5, paragraph 5.4 i.e. the number of days worked since start of leave year x 0.3385 less the number of days already taken, plus the number of days when on leave x 0.3385. Again, the teacher can either take these days as paid leave, or be paid in lieu for them, subject to the statutory requirements outlined in paragraph 7.26.

Method 2 Worked Examples

Note: the figures below are for illustrative purposes only and will be dependent on the leave calendars used by individual councils.

(a) Teacher commences leave on 14 March 2010 and returns 16 August 2010.

As the maternity leave falls within one leave year, the council is only required to issue one statement in accordance with paragraph 7.25.

Total no. days leave entitlement = 66
No. days accrued from 1 September 2009 to commencement of ML = 118 x 0.3385 = 39.94
No. days taken from 1 September 2009 to commencement of ML = 21
Balance of leave to commencement of ML = 39.94 – 21 = 18.94
No. days accrued while on ML = 65 x 0.3385 = 22
No. days accrued from end of ML to 31 August = 12 x 0.3385 = 4.06
Balance of leave = 18.94 + 22 + 4.06 = 45

At least 7 days must be taken as leave, while the rest can either be taken as paid leave or paid in lieu.

(b) Teacher commences leave on 14 March 2010 and returns 14 March 2011.

As the maternity leave spans two leave years, the council is required to issue two statements in accordance with paragraphs 7.24 and 7.25.

Year 1
Total no. days leave entitlement = 66
No. days accrued from 1 September 2009 to commencement of ML = 118 x 0.3385 = 39.94
No. days leave taken from 1 September 2009 to commencement of ML = 21
Balance of leave to commencement of ML = 39.94 – 21 = 18.94
No. days accrued while on ML = 77 x 0.3385 = 26.06
Balance of leave = 18.94 + 26.06 = 45

Year 2
Total no. days leave entitlement = 66
No. days accrued from 1 September 2010 to end of ML = 115 x 0.3385 = 38.92
No. days leave accrued from end of ML to 31 August 2011 = 80 x 0.3385 = 27.08
No. days leave taken from end of ML to 31 August 2011 = 43
Balance of leave = 38.92 + 27.08 - 43 =23

Total leave accrued = 45 + 23 = 68

At least 7 days of the leave accrued in Year 1 must be taken as paid leave to comply with the statutory provision. The remainder can either be taken as paid leave or paid in lieu.

Yours sincerely

Tom Young (Employers' Side)
Drew Morrice (Teachers' Panel)
Stephanie Walsh (Scottish Government)

Joint Secretaries

To: Chief Executives
       Directors of Education
       Directors of Personnel
       Directors of Finance
       LNCT Joint Secretaries