

EAST RENFREWSHIRE LNCT AGREEMENT
STANDARD CIRCULAR 79: LEAVE OF ABSENCE FOR TEACHERS

March 2007



Education Department

EAST RENFREWSHIRE COUNCIL : DEPARTMENT OF EDUCATION

The Council Offices
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TO HEADS OF ALL EDUCATIONAL ESTABLISHMENTS

Dear Colleague

LEAVE OF ABSENCE FOR TEACHERS

INTRODUCTION

- 1.1 This Standard Circular 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 circular does not relate to annual leave and does not cover leave as a result of illness or maternity. In all cases, the period of leave granted is inclusive of any travelling time required.
- 1.2 The provisions of this circular 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 without a contract of service will not normally be granted leave of absence.
- 1.3 Teachers who are seeking leave of absence should apply to the head teacher, or in the case of teachers not based in schools, to the relevant line manager. Heads of establishment should apply to the head of education services.
- 1.4 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 circular. Wherever possible, requests for leave should be 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.
- 1.5 Misunderstandings may sometimes arise in 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 should be the avoidance of unnecessary interruption of education. There is not, therefore, any automatic right to leave of absence without pay nor any supposition that such leave will be granted other than in accordance with this circular and the exigencies of the service. It is also important that any teacher who requests unpaid leave of absence should be informed that, for the purposes of superannuation payments and pension, such leave shall constitute a break in service.

- 1.6 The Scheme of Salaries and Conditions for Teaching Staff in School Education, as amended by SNCT agreements, sets out the contractual position regarding special leave that shall be granted to teachers.
- 1.7 For convenience, this circular divides requests for leave of absence into three categories that are dealt with separately in the sections that follow. It should be noted that, unless advised to the contrary, requests for more than two days leave in any of the categories should be referred to the head of education services.

CATEGORY 1

Relates to requests for leave under circumstances currently defined in the Scheme of Salaries and Conditions of Service for Teaching Staff in School Education.

CATEGORY 2

Relates to requests for leave of absence of up to two days which the head teacher is empowered to grant subject to the exigencies of the service. Should teachers seek a longer period of leave in relation to any of the circumstances defined under category 2 the head teacher should refer the request for additional leave to the head of education services.

CATEGORY 3

Relates to all requests for leave not falling into categories 1 and 2, including all requests for periods of leave of more than two days. All requests for leave in terms of category 3 must be referred to the head of education services.

2. CATEGORY 1

2.1 Court Attendance

(a) Jury Service

A teacher receiving a summons to serve on a jury shall report the fact to the head teacher and shall be granted special leave with pay to attend (unless exemption is secured).

The teacher should forward their Loss of Earnings Form to Payroll/Finance for completion of the Loss of Earnings Statement. The teacher is under an obligation to reimburse the authority for any 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 authority the teacher shall 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 shall be under an obligation to reimburse the authority for any loss of earnings

allowance that is recoverable from the person(s) issuing the citation and accordingly must claim the allowance.

2.2 Preventative Medical Examinations

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. The head teacher 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.

2.3 Serious Family Illness

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

If more than three days leave is required the head teacher should pass the request to the head of education services. Leave which is granted beyond three days will normally be without pay.

2.4 Family Bereavement

Up to five days paid leave shall be granted for the bereavement of a near relative, in-law, co-habitee or foster parent. Other relationships may be taken into account if the teacher is required to make funeral arrangements.

If more than five days leave is required the head teacher should pass the request to the head of education services. Leave which is granted beyond five days will normally be without pay.

2.5 Adoption Leave

An adopter will have an entitlement to up to 26 weeks ordinary Adoption Leave, normally with pay. The adopter is entitled to a further period of 26 weeks Additional Adoption Leave. Additional Adoption Leave is normally without pay.

2.6 Paternity Support Leave

Leave for the purpose of paternity support will be available to fathers or other nominated carers of newly born babies. There is a statutory entitlement to two weeks paid at the Statutory Paternity Pay rate to be taken within 56 days of the date of birth. The 5 days paid leave previously agreed by East Renfrewshire can now be set against one of the statutory weeks.

2.7 Parental Leave

The right to parental leave entitles all eligible teachers who have completed one year's qualifying service to take a period of unpaid leave to care for each child under the age of six (or under the age of 18 for disabled children). Parents are entitled to 13 weeks'

parental leave for each child (18 weeks for each child entitled to a disability living allowance).

Teachers can take parental leave:

- in blocks or multiples of one week (parents of disabled children have the flexibility to take leave a day at a time or longer if they wish).
- after 21 days notice
- up to a maximum of four weeks leave in a year
- subject to postponement by employer for up to six months for service based reasons
- leave taken immediately after the child is born or is placed with a family for adoption cannot be postponed

3. CATEGORY 2

This section deals with requests for leave of up to two days which may be granted by a head teacher provided that the exigencies of the service permit. (Notice of such leave must be sent by the head teacher to the head of education services.)

Requests for leave which falls outwith the head teacher's jurisdiction, or any requests to extend the conditions outlined must be referred to the head of education services along with a recommendation and any other details.

3.1 Less than a full day for personal business

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

3.2 To attend for interview for another post

Up to one day with pay can be granted for each post. (If considerable travelling is involved a second day may be granted.)

3.3 To attend a funeral

Up to two days may be granted, only one of which may be with pay. (Note also the conditions on family bereavement (2.4)).

3.4 To attend a wedding/civil partnership

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 or civil partnership (see section 4.1).

3.5 House removal

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

3.6 To undertake local authority business

Leave can be granted without pay, up to a maximum of two consecutive days at each time of asking, up to a maximum of 208 hours in any one financial year, to teachers who are elected members of local authorities. The head of education services should be specifically informed of each absence. The Director of Education is empowered to agree special arrangements in the case of provosts, council leaders and others holding very senior positions. Any such arrangements will be made known to the head teacher of the school concerned.

3.7 To attend meetings of public statutory bodies such as health boards or community councils.

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 head of education services should be specifically informed of each absence.

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

Leave can be granted without pay, up to a maximum of two consecutive days at each time of asking. The head of education services should be specifically informed of each absence.

3.9 Holidays or festivals of religious or ethnic groups

Two days with pay may be granted by a head teacher in any one year. Requests for leave beyond two days should be referred to the head of education services who will be empowered to grant further leave, not more than one day of which will be with pay. The total leave in any one year should not normally exceed five days.

3.10 Religious ceremonies of a family nature

Up to one day's leave of absence with pay may be granted to attend the ordination of, or similar service for, a near relative. Requests for additional leave, which will normally be without pay, should be referred by the head teacher to the head of education services with a recommendation and any other details.

3.11 To attend the National Mod as a competitor or as an adjudicator

Two days leave of absence with pay may be granted by a head teacher. Requests for leave beyond two days should be referred to the head of education services who will be empowered to grant further leave, not more than one day of which will be with pay.

3.12 To attend the national conference of a political party

Two days leave of absence without pay may be granted by a head teacher. Requests for leave beyond two days should be referred to the head of education services.

3.13 Work of the GTCS, SQA, LTS 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 exigencies of the service permit. Requests for leave beyond two days should be referred by the head teacher to the head of education services with a recommendation and any other details including whether suitable arrangements can be made for the teacher's duties to be covered.

4. CATEGORY 3

This section deals with requests for leave of absence which must be referred to the head of education services. These include:

- requests for leave for reasons not covered in sections 2 and 3
- requests for leave for reasons covered in sections 2 and 3 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 shall be made in writing to the head teacher not less than two weeks in advance of the period of absence. When transmitting the request to the head of education services the head teacher shall 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 head of education services shall intimate his/her decision to the teacher and state whether any leave granted is to be with, or without, salary.

In reaching decisions the head of education services will take account of the following guidelines:

4.1 Marriage/civil partnership during term time

Leave of absence will not normally be granted during the school term time. 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. Requests to attend weddings/civil partnerships as a guest are dealt with in section 3.4.

4.2 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 leave with or without pay is not normally granted during term time.

4.3 Accompanying spouse 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.

4.4 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.

4.5 Leave to undertake authorised expeditions of an educational nature

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. If the expedition involves the teacher in visiting a country with which relations are politically sensitive, the head of education services will refer the matter to the Director of Education.

4.6 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 as the spouse of a candidate will not normally be granted.

4.7 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 as the spouse of a candidate will not normally be granted.

4.8 Attendance at an annual camp of TAVR/RNVR

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.

4.9 Meetings or conferences of an educational or religious nature

Leave may be granted where an applicant has been selected to attend certain significant conferences or meetings of an educational or religious nature in a representative capacity. Leave will be granted with salary subject to the deduction of any bursary or other payments made. Other than in exceptional circumstances the period of leave will not exceed five days. If the conference or meeting involves the teacher in visiting a country with which relations are politically sensitive, the head of education services will refer the matter to the Director of Education.

4.10 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.

4.11 Participation in cultural events

Leave of absence will only be granted where the cultural event is of national or international significance. Such leave of absence will normally be without pay. If the event involves the teacher in visiting a country with which relations are politically sensitive, the head of education services will refer the matter to the Director of Education.

4.12 Playing sport in a national championship

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

4.13 Participation in international amateur sporting events

Where a teacher is asked to represent his/her country at international level leave of absence will normally be given. Requests may relate to duties such as being the national coach or umpiring/ refereeing at national events. Leave shall normally be with pay subject to the deduction of loss of earnings allowance or other payments made. If the event involves the teacher in visiting a country with which relations are politically sensitive, the head of education services will refer the matter to the Director of Education.

4.14 Sports coaching

Leave of absence will not normally be granted for this purpose except in the circumstances outlined in section 4.13.

4.15 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, e.g. under a Churchill Fellowship, Racial Equality Bursary etc. Leave shall normally be with pay subject to the deduction of bursary or other payments made. If the event involves the teacher in visiting a country with which relations are politically sensitive, the head of education services will refer the matter to the Director of Education.

4.16 Study Leave

Study leave with or without pay may be granted to assist teachers undertaking approved qualifying courses. The conditions relating to this are laid down in paragraph 9 of the Scheme of Conditions of Service which deals with post entry training.

4.17 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 shall normally be with pay subject to the deduction of any grants made to the teacher.

4.18 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.

4.19 Compassionate leave

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

5. SPECIAL CASES

Decision by the Director of Education

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

6. APPEALS

Where a teacher feels that extenuating circumstances have not been fully recognised in the consideration of an application, the matter should be referred to the head of education services, or to the director of education if the head of education services made the original decision.

John Wilson
Director of Education

March 2007

SUMMARY INFORMATION

REASON FOR REQUEST	SECTION OF CIRCULAR	MAXIMUM LEAVE WITH PAY	MAXIMUM LEAVE WITHOUT PAY	COMMENTS
CATEGORY 1	2			Teachers Conditions of Service
Court attendance (witness or juror)	2.1	Time required		Teacher to be furnished with an official note of daily rate (Jury service). Teachers must recover loss of earnings allowance and reimburse the authority (Jury or witness).
Preventative medical examinations	2.2	Normally less than 1 day		Head teacher should be satisfied that the request is reasonable
Serious family illness	2.3	3		Requests for leave of more than three days should be forwarded to head of education services by head teacher with recommendation.
Family Bereavement	2.4	5		Requests for leave of more than five days should be forwarded to head of education services with recommendation.
Adoption Leave	2.5	26 weeks	26 weeks	Full particulars can be obtained from the Education Personnel Section
Paternity Support Leave	2.6	1 week full pay 1 week Statutory Paternity Pay		
Parental Leave	2.7		13 weeks (or 18 weeks where child is entitled to a disability living allowance)	
CATEGORY 2	3	Up to 2 days can be authorised by the head teacher	Further leave must be referred to the head of education services	The head of education services should be informed of all leave granted by the head teacher under CATEGORY (2)
Personal business	3.1	Less than 1 day	0	Head teacher should be satisfied that the request is reasonable
Interview for another post	3.2	1	1	Second day only granted if considerable travelling is involved
Attend a funeral	3.3	1	1	Second day only granted if considerable travelling is involved
Attend a Wedding/civil partnership	3.4	1	1	Second day only granted if considerable travelling is involved. Does not refer to the teacher's own wedding/civil partnership
House removal	3.5	1	1	Only where the house removal cannot be arranged during a holiday period
To undertake local authority business	3.6	0	2	Inform head of education services of each absence. The director of education is

REASON FOR REQUEST	SECTION OF CIRCULAR	MAXIMUM LEAVE WITH PAY	MAXIMUM LEAVE WITHOUT PAY	COMMENTS
				empowered to agree special arrangements in the case of teachers holding very senior positions.
To attend meetings of public statutory bodies	3.7		1	Leave without pay is normally granted. However, if there is an obvious resultant benefit to the education service leave with pay can be granted. Requests for leave with pay should be forwarded to the head of education services by the head teacher with recommendation including whether the teachers duties can be covered.
To serve as a Justice of the Peace or on a Children's Panel	3.8	0	2	The head of education services should be informed of each absence
Holidays or festivals of religious or ethnic groups	3.9	2 (in any one year)	3	The head of education services is empowered to grant a further days leave with pay. Total leave should not exceed 5 days.
Religious ceremonies of a family nature	3.10	1		The head of education services is empowered to grant a further days leave without pay.
To attend the National Mod.	3.11	3		The head of education services is empowered to grant a further days leave without pay. Total leave should not exceed 5 days
To attend the national conference of a political party	3.12	0	2	The head of education services should be informed. Additional leave without pay may be granted by the head of education services. Requests for further leave should be forwarded to the head of education services by the head teacher with recommendation including whether the teachers duties can be covered.
To carry out the work of bodies such as the GTCS, SQA, LTS	3.13	As required		Requests beyond 2 days should be referred to the head of education services by the head teacher with a recommendation including whether the teacher's duties can be covered.
CATEGORY 3				MUST BE REFERRED TO THE HEAD OF EDUCATION SERVICES
Marriage/civil partnership during term time	4.1	0	A short period only.	Referral to the head of education services by the head teacher with a recommendation. Leave will only be granted in very exceptional circumstances. This refers only to a teacher's own marriage/civil partnership.
Holidays during term time	4.2			Leave will not normally be granted.
Accompanying spouse on business trips	4.3			Leave will not normally be granted.
Attendance at exhibitions of teachers' own work.	4.4			Leave will not normally be granted.
To undertake	4.5		as required	Leave without pay may be granted.

REASON FOR REQUEST	SECTION OF CIRCULAR	MAXIMUM LEAVE WITH PAY	MAXIMUM LEAVE WITHOUT PAY	COMMENTS
expeditions				Referral to the head of education services by the head teacher with a recommendation including whether the teacher's duties can be covered. Where there is significant benefit to the authority some leave with pay may be granted.
To be a parliamentary candidate or election agent	4.6	0	20	Requests for leave as the spouse of a candidate or agent will normally be refused.
To be a candidate or election agent in a local authority election.	4.7		5	Requests for leave as the spouse of a candidate or agent will normally be refused.
Attendance at annual camp of TAVR/RNVR	4.8	15	0	Service pay and allowances should be deducted in respect of the period of leave.
To attend meetings or conferences of a religious or educational nature	4.9	5		Leave may be granted with pay, although any bursary or grant should be deducted.
Attend meetings or organisations such as Ladies Circle, Rotary or Round Table	4.10	0	0	Leave of absence may exceptionally be granted for teachers holding important office.
Participation in cultural events	4.11		as required	Only granted if the event is of significant national or international importance.
Playing sport in a national championship	4.12			
Participation in amateur sporting events	4.13	as required subject to deduction of any payment/ bursary available	as required	Only granted if the event is of significant national or international importance. Consideration will also be given to requests to referee, umpire or coach at a national level.
Sports coaching	4.14			
Study tours	4.15	as required subject to deduction of any payment/ bursary available		Only granted where the study tour will be of direct benefit to the education service
Study leave	4.16	as required	as required	To assist teachers undertaking approved qualifying courses. The conditions relating to this are laid down in paragraph 9 of the Scheme of Conditions of Service which deals with post entry training.
Accompanying groups of children other than the immediate charges	4.17	as required subject to deduction of		Will be granted where there has been an award from an external body

REASON FOR REQUEST	SECTION OF CIRCULAR	MAXIMUM LEAVE WITH PAY	MAXIMUM LEAVE WITHOUT PAY	COMMENTS
of the teacher		any payment/ bursary available		
Voluntary service overseas	4.18		23 months	Will only be granted where suitable educational arrangements can be made.
Compassionate leave	4.19		as required	Referral to the head of education services by the head teacher with a recommendation including whether the teacher's duties can be covered.
Special cases	5			Referred by the head of education services to the Director of Education.
Appeals	6			Referred to the head of education services/Director of Education.