

**SCHEME OF LEAVE OF ABSENCE FOR
TEACHING STAFF**
(AN EDUCATION SERVICE FOR THE 21ST CENTURY)

2018 UPDATE

INTRODUCTION

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 full-time) basis. Teachers who are employed on a daily temporary basis will not normally be granted leave of absence.

Separate guidance on longer Career Breaks is contained within the [SNCT Handbook](#).

Applying for Leave of Absence

Teachers who are seeking leave of absence should normally apply in the first instance to the **Headteacher**, or in the case of teachers not based in schools, to the relevant line manager. A Headteacher should apply to the Head of Education or their representative.

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 can affect superannuation payments and pension. All leave of absence must be recorded within iTrent and in respect of unpaid leave of absence, an unpaid leave form should be completed and forwarded to the Schools' Resources Team.

Organisation of the document

The [SNCT Handbook](#) sets out the contractual position wherein Family Leave is set out Section (Part 2, Section 7).

Special leave may be granted to teachers (Part 2, Sections 9.19 & 9.20 Special Leave, and specifically 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 three days leave in any of the categories should be referred to the Head of Education.**

Category I relates to requests for leave under circumstances defined in the SNCT Handbook.

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 Head of Education.

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 Head of Education.

For convenience, a “Rapid Reference” guide to the categories is provided on the following page.

This document should be read in conjunction with [SNCT Handbook](#).

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 (requests for leave of up to two days which may be granted by the Headteacher provided that the demands of the service permit)

- 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 / civil partnership ceremony
- 2.6 House removal
- 2.7 To undertake local authority business
- 2.8 To attend meetings of public statutory bodies such as health boards, GTCS 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, Education Scotland, SQA, or other approved bodies
- 2.13 To attend own graduation
- 2.14 To attend dependant's college/ university graduation or passing out parade

3. CATEGORY III (requests for leave of absence which must be referred to the Head of Education)

- 3.1 Marriage / civil partnership ceremony 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 in connection with parliamentary elections
- 3.6 Leave in connection with local authority elections
- 3.7 Attendance at an annual camp of TAVR, RNVR etc
- 3.8 Participation in cultural events
- 3.9 Playing sport in a local championship
- 3.10 Participation in national or international amateur sporting events
- 3.11 Sports coaching
- 3.12 Accompanying a dependant participating in national or international sporting event
- 3.13 Study tours
- 3.14 Family events
- 3.15 Birthing partner
- 3.16 Attendance at meetings of trade unions or professional associations
- 3.17 To attend the national conference of a political party

4. SPECIAL CASES (compelling compassionate grounds must be referred to the Head of Education)

5. APPEALS

1. CATEGORY I

1.1 Court Attendance

Jury Service

The Headteacher should inform the Head of 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.

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, as defined in SNCT Handbook, 9.18.

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 (as defined by the requestee).. .

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

If more than three days leave is required the Headteacher should pass the request to the Head of Education. Leave which is granted beyond three days will normally be without pay, although the Head of 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. If the teacher is required to make funeral arrangements a request to the Head of Education should be submitted..

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

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 Head of Education.**

Headteachers should note that for part time staff, they have discretion to adjust the working week in order to make up any lost hours, on condition that this does not disrupt continuity of education.

Requests for leave which fall outwith the Headteacher's jurisdiction or any requests to extend the conditions outlined must be referred to the Head of 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). In exceptional circumstances the Head of Education will be empowered to grant extended leave of absence. In the first instance the matter should be referred by the Headteacher to the Head of Education with a recommendation and any other details including whether suitable arrangements can be made for the teacher's duties to be covered.

2.5 To attend a wedding civil marriage / civil partnership ceremony

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 / civil partnership ceremony (see section 3.1) These days must include the day of the wedding itself and / or the day after / before.

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 Head of Education should be specifically informed of each absence. The Head of 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.

2.8 To attend meetings of public statutory bodies such as health boards, GTCS 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 Head of 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 Head of 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 Head of 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

Attendance at conferences or meetings during term time is at the discretion of the Headteacher/Line Manager.

2.12 Work of the GTC, Education 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.

2.13 To attend own college/university graduation

Up to two days may be granted, only one of which may be with pay.

2.14 To attend dependant's college/ university graduation or passing out parade

Up to two days may be granted, only one of which may be with pay.

3. CATEGORY III

This section deals with requests for leave of absence which must be referred to the Head of 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/ Line Manager not less than two weeks in advance of the period of absence. When transmitting the request to the Head of Education, the **Headteacher** should state in writing 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 will intimate his decision to the teacher and state whether any leave granted is to be with, or without, salary.

3.1 Marriage / civil partnership during term time

It is not acceptable for teaching staff to arrange their own marriage / civil partnership 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 or where a teacher has commenced employment within

Dumfries and Galloway Council from another authority where the holiday session dates are different) 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 SNCT Handbook Section 2 : 6.37, leave with or without pay will not be granted for this purpose. For this reason, teaching staff should take careful note of agreed holiday dates, as mistakenly booked holidays will not be granted. 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 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.

3.6 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.

3.7 Attendance at an annual camp of Territorial Army Voluntary Reserve, Royal Navy Volunteer Reserve 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.

3.8 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.

3.9 Playing sport in a local championship

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

3.10 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.

3.11 Sports Coaching

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

3.12 Accompanying a dependant under 16 to participate in a National or International sporting event.

Up to two days leave of absence may be granted for this purpose. Such leave of absence will be without pay. This can be extended until the age of 18 if the participant is participating in a disability sporting event.

3.13 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.

3.14 Family events

Leave will not normally be granted for family events / celebrations, such as family gatherings, anniversaries, etc..

3.15 Birthing partner (with no parental responsibility)

Leave will not normally be granted for this purpose.

3.16 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 VOICE, SLS, and AHDS. Please see **Appendix 2**.

3.17 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 Head of Education.

4. SPECIAL CASES

Decision by the Head of 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 Head of 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 Head of Education.

John Thin
Schools' Manager
Agreed by LNCT: January 2015
Format update only: 29 March 2016
LNCT Sub-group Update December 2017
Full Review due: Autumn 2018

Extracts from Scheme of Salaries and Conditions of Service for Teaching Staff in School Education, (SNCT Handbook)

Part 2: Section 9 – Other Provisions

9.18 Reasonable time off with pay should be allowed for the purpose of (i) preventative medical examinations and (ii) medical interventions which support the management of medical conditions which are likely to be covered by the Equality Act 2010. These should, where feasible, be made out with pupil contact time. This may be achieved by using a degree of flexibility around class and non-class contact time.

9.19 Special leave, with or without pay, may be authorised for specified reasons within arrangements agreed by the Local Negotiating Committee for Teachers (LNCT)..

9.20 In addition to paragraph 9.19 above, all employees have a statutory right to take reasonable time off work, without pay, to deal with unexpected or sudden problems concerning a dependant and to make any necessary longer-term arrangements.

Part 4: Devolved Matters – Other Leave and Absence Arrangements

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 Head of 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 Head of Education shall intimate his/her decision to the teacher and state whether the leave granted is with or without pay.

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 Head of 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 Head of Education. Where the teacher accepts with the agreement of his/her Head of 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) Where facility time does not apply, 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 (20) (Full Time Equivalent). 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 Head of 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 or committees of a professional nature, time for attendance must be 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, past 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 Head of 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.