



## **Education & Learning Service**

### **Highland Local Negotiating Committee for Teachers**

#### **LNCT Agreement No.37**

#### **Special Leave Policy**

## Special Leave Policy

### 1. Introduction

- 1.1 This statement represents the Council's policy on special leave during working hours for Teachers and Associated Professionals covered by the SNCT terms and conditions of service with effect from 16 August 2021. The new arrangements replace the existing arrangements contained in Section 5.2.1 Scheme for Special Leave of Absence (Teachers) within the Administration and Policy Handbook, and must be applied in conjunction with Part 2, Section 9, Paragraphs 9.19 and 9.20 of the SNCT Handbook.
- 1.2 Associated professionals, such as Educational Psychologists, Education Support Officers, Quality Improvement Officers and Managers whose leave year is the same as local government employees should refer to the attached corporate policy on special.

[https://www.highland.gov.uk/peopleandperformance/downloads/file/402/special\\_leave\\_policy](https://www.highland.gov.uk/peopleandperformance/downloads/file/402/special_leave_policy)

- 1.3 Please note that separate arrangements are in place for family leave, sick leave, relocation and removal, annual leave, public holidays and career breaks which are contained within the SNCT Handbook or separate LNCT agreements.
- 1.4 The policy encompasses statutory entitlements for special leave and indicates where special leave will be granted with or without pay. Generally a decision as to whether or not to grant special leave will be determined by the needs of the Council, the Service, the length of absence and having due regard to the particular circumstances of the teacher with further specific criteria being given in the policy. **The Executive Chief Officer (ECO) for Education and Learning will delegate the power to grant special leave to Head Teachers and/or Area Managers.**
- 1.5 As a general principle, teachers should not make personal arrangements which conflict with their contractual requirements in terms of their attendance at their workplace. Personal arrangements including such occasions as weddings, graduations and house removals (with the exception of those that fall within the terms of the relocation and removal policy), should be avoided except in circumstances where neither careful planning or reasonable foresight could have avoided the need to request special leave.
- 1.6 **Applications for special leave will be considered in the overall context of service delivery requirements and may be granted with or without pay.**

### 2. Personal Business

Leave for the following reasons would normally be expected to be taken during school holiday or closure periods.

#### 2.1 Weddings

Leave for weddings, including a teacher's own marriage, should be taken during school holidays or closure periods.

2.2 Only in very exceptional circumstances (e.g. where a husband/wife to be is a member of the armed forces and is only able to take leave at a specific time that coincides with the school term) will a limited amount of leave without pay be granted.

2.3 One day with pay may be granted as reasonable time off to attend a wedding of a close relative.

**3. Graduations**

One day special leave with pay may be granted to attend a graduation.

**4. Attending Interviews**

Teachers will normally be granted up to one day paid special leave to attend interviews for posts up to Principal Teacher level within Highland Council. Where the post is of Depute Head Teacher or Head Teacher level, then up to two days can be granted where the selection process requires this. Where the interview is for a post out with Highland Council, special leave of normally up to one day without pay will be granted.

**5. Public Duties**

A teacher should be allowed reasonable time off with pay during working hours to perform any of the duties of office, as a:

(a) Justice of the Peace

(b) Member of a Local Authority

(c) Member of a statutory tribunal (e.g. member of Children's Panel, Employment Tribunal)

(d) Member of a Health Board

(e) Member of an NHS Trust

(f) Member of a Family Practitioners' Committee

(g) Member of a College Board

(h) Member of a Visiting Committee in Scotland to Prisons, Remand Centres and Young Offenders Institutions

(i) Member of the GTCS (The General Teaching Council for Scotland)

\*This only applies if an employee has been elected as a member of another Local Authority. There is an obligation to leave the employment of the Highland Council if elected as a Highland Council member.

5.1 Agreement for leave relating to items (b) to (g) including attendance at Committees/Sub-Committees, will be determined by the ECO or delegated Manager as to what constitutes reasonable time off for public duties by examining:

- how much time off is required for the performance of the duties of the officer as a member of the body, and how much time off is required for the performance of a particular duty
- how much time off the teacher has already had in respect of these duties
- the effect of the teacher's absence on the running of the service

5.2 Where time off with pay is granted, it will be subject to the deduction from such pay of any fees or remuneration or like allowances for the exercise of duties of the position which the teacher is entitled to claim from the appropriate body whether or not the teacher makes a claim. Alternatively, the teacher can surrender such fees, remuneration or allowances to the Council.

## **6. Jury Service**

A teacher receiving a summons to serve on a Jury must report such fact to the delegated Manager and must be granted special leave with pay to attend, unless exemption from serving is secured. From such pay will be deducted the Juror's allowance to which the teacher is entitled, and for which the teacher must make claim. Alternatively, the teacher can surrender the allowance to the Council. (Please liaise with Payroll Section directly for this).

## **7. Election Day Duties**

With the approval of the Service Director or delegated Manager, teachers who have been appointed to assist with polling or counting at Local, National or European Elections may be granted special leave in the basis of the needs of the service.

## **8. Service in Volunteer Reserve Forces**

Teachers who are members of the non-regular forces and attend an annual training camp for a period of not less than one week will normally be granted special leave with pay with the approval of the ECO or delegated Manager equal to the period of time which the teacher actually attends the training camp, but not exceeding a period of 15 days.

## **9. Voluntary Emergency Service**

Teachers who are members of an approved Voluntary Emergency Service Organisation are expected to ensure that their availability to attend actual emergencies is outside their normal working hours and that any involvement does not affect their work performance. Approved bodies are currently British Red Cross Society; St Andrew's Ambulance Association; St John's Ambulance Association; the Voluntary Fire Service and the Retained Fire Service; Police Scotland (Special Constable); HM Coastguard; Royal National Lifeboat Institution; and Mountain Rescue Services as recognised by the relevant Police authority.

## 10. Bereavement

### 10.1 Paid Leave (Family Members)

**The following is a guide to the number of days bereavement leave:**

**Up to 10 working days paid leave** (pro rata) on the death of a

- husband, wife, civil partner or partner (incl. same sex partners\*)
- son or daughter\*\*
- parent or step-parent
- brother or sister, step-brother/sister
- mother/father-in-law
- grandparents, grandchildren
- son-in-law, daughter-in-law
- any person with whom the employee is in a relationship of domestic dependency

\*Includes a partner with whom the employee is co-habiting, but who is not the employee's legal spouse/partner.

\*\* Includes where the child is stillborn after 24 weeks' pregnancy and in respect of whom the employee is the

- biological parent
- adoptive parent, if the child was living with them
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'intended parent' – due to become the legal parent through surrogacy
- partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship

If more than 1 child dies, the employee is entitled to 10 working days Statutory Parental Bereavement Leave for each child.

Line managers have the right to exercise discretion and extend beyond 10 days in exceptional circumstances.

### 10.1 (Any other relative/non-relative)

**Up to 1 days paid** leave may be agreed on the death of any other relative to facilitate attendance at the funeral or, where attendance at the funeral is not possible due to Covid-19 related restrictions, time to reflect and remember their loved one.

- **In the event of funerals of non-relatives**, it is at the discretion of the line manager to approve short periods of paid leave to attend local funerals or, where attendance is not possible due to COVID-19 restrictions, reflect and

remember their loved one. Otherwise, time off will require to be taken using annual leave or flexi time.

- Not all employees will need to take the full allowance, and some employees will need additional time, depending on their relationship with the person who has died and/or the circumstances of the death. Every bereavement is different.
- In considering the amount of leave, the line manager should consider the specific circumstances e.g. the relationship, where the employee has responsibility for funeral arrangements and/or the estate or where it is necessary for the employee to travel to attend a funeral.
- An employee should notify their line manager of the need to take leave as soon as possible or, at latest, on the first day of absence. In exceptional circumstances, applications for leave will be considered after the first day of absence.
- Line managers have the right to exercise discretion in exceptional circumstances as outlined above.
- Leave days do not have to be taken consecutively. Managers should be flexible in terms of when and how staff take bereavement leave.

## **11. Time off for Support of Dependants**

### **11.1 Serious Illness**

At the discretion of the ECO or delegated Manager up to 5 days special leave with pay in a leave year will be permitted in the event of a serious illness of a husband, wife, partner (incl. same sex partner\*), son or daughter\*\*, parent, step-parent, brother or sister, step brother/sister, father/mother-in-law, grandparents, grandchildren, son/daughter-in-law, or a person with whom the employee is in a relationship of domestic dependency.

\*includes a partner with whom the employee is cohabiting, but who is not the employee's legal spouse/partner. \*\*Includes children in respect of whom the employee is the adoptive parent, legal guardian or carer.

## **12. Hospital Treatment and Attending Clinic Appointments**

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

- 12.1 When there is a requirement for a member of staff to accompany close family or dependant to hospital or clinics for either out-patient treatment or examination, then up to 5 days special leave with pay may be granted by the Line Manager, where it is essential that the employee accompanies the relative.
- 12.2 For incidental or routine dental, optical, orthopaedic, physiotherapy or other medical treatment appointments, teacher will be expected to attend such appointments in their own time.

**13. Trade Union Duties**

The Council will have due regard to the prevailing ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice on time off for trade union duties and activities for teachers who are members of trade unions recognised by the Council and employees who act as officials of such recognised trade unions. Generally, time off with pay will be granted only to teachers exercising duties as officials of the recognised trade unions, and not for participation in trade union activities.

Please find link to the Code of Practice:

<http://www.acas.co.uk/CHttpHandler.ashx?id=274&p=0>

**14. Exceptional Circumstances**

Where there is any request for special leave not covered by the policy the Line Manager will refer this to their Line Manager, who in consultation with the HR Manager will consider the appropriateness of the request and who may authorise additional paid or unpaid leave of absence.

**15. Monitoring and Review**

The operation of this policy will be subject to periodic monitoring and review by the LNCT to ensure continued relevance and consistency of application.

Signed on behalf of the Highland Council

Signed on behalf of the Teachers' Side

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Name Alistair Bell

Designation Joint Secretary LNCT

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Date 16 June 2021

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