

F7 - Leave of Absence Guidance Note for Teachers & Associated Professionals

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Strategic Alignment

Improving the Council's Resource Base – A Workforce Strategy that is built around the needs of the Council (as a single resource base) to deliver the priority outcomes, ensuring future workforce requirements, new skills and innovative approaches, and succession planning are recognised.

Change record

Date	6 April 2024	Author	Linda Cullen
Change made	Introduction of unpaid carer's leave – legislative change from 6 april 2024		

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1. Introduction

- 1.1 The following guidance provides additional assistance when making a request for or granting leave of absence and should be read in conjunction with the Leave of Absence for Teachers and Associated Professionals Policy.
- 1.2 For further clarification on any aspect of the policy, please contact People Resources.

2. Bereavement (Section 5 of the Leave of Absence Policy)

- 2.1 By the very nature of this category of special leave, care will be taken to consider all the circumstances surrounding your request for time off.
- 2.2 The list of relationships included in the policy is provided as a guideline only and leave of absence will not be limited to the relationships detailed. Close relationships will vary from person to person and consideration will be given to each individual case.
- 2.3 It is expected that bereavement leave is to be taken at or around the time of the funeral and is not to be used to deal with business relating to the estate of the deceased which may arise sometime after the funeral.
- 2.4 It is expected that travel time to attend a funeral, within the United Kingdom, will be included in the amount of any paid leave of absence granted, up to the maximum detailed in the policy for each category of bereavement leave. However, if leave is required over and above the amount of leave already authorised, consideration may also be given to a period of additional leave under Section 19 of the policy.
- 2.5 If you must travel abroad because of a bereavement, for example to attend a funeral or to make arrangements to retrieve remains of the deceased, it is expected that the necessary travel time will be included in the amount of any paid leave of absence granted, up to the maximum detailed in the policy. However, if leave is required over and above the amount of leave already authorised, consideration may also be given to a period of additional leave under Section 19 of the policy.

2.6 Parental Bereavement Leave (Section 5 of the Leave of Absence Policy)

As detailed at Section 5.4 of the Leave of Absence for Teachers and Associated Professionals Policy, employees who suffer the loss of a child under the age of 18 are entitled to 2 weeks Parental Bereavement Leave (PBL). This includes parents who suffer a stillbirth after 24 weeks of pregnancy.

Employees will be entitled to the maternity pay and leave that they would have been entitled to in the event of a live birth or in the event that a child dies following the birth.

- 2.6.1. You can take the leave at the time(s) you choose within the 56 weeks after your bereavement. However, the leave must be taken in blocks of at least one week, it cannot be taken as individual days.
- 2.6.2. If you wish to take the leave within the first 56 days after your bereavement, you do not need to provide any notice, however you must advise your line manager no later than when you are due to start work on the first day on which you wish to take leave or, if that is not feasible, as soon as you can.
- 2.6.3. To take leave more than 56 days after your bereavement, you must give your line manager at least one week's notice.

- 2.6.4 If you change your mind about taking the leave you can cancel it and take it at a different time (within the 56 weeks after your bereavement). Where your leave was due to begin during the first 56 days after your bereavement, you must let your line manager know you no longer wish to take it before your normal start time on the first day of the leave.
- 2.6.5 Where your leave was due to begin more than 56 days after your bereavement leave you must advise your line manager at least one week in advance that you wish to cancel it. You cannot cancel any week of parental bereavement leave that has already begun.
- 2.6.6 The Council recognises the need to provide bereaved parents with as much support as possible, and therefore you will continue to receive your normal contractual pay during the period of Parental Bereavement Leave.
- 2.6.7 During your leave, all the terms and conditions of your contract will continue. For example, holiday entitlement continues to accrue and pension contributions will continue to be paid.

3. Unpaid Carer's Leave (Section 6 of Leave of Absence Policy)

- 3.1 Employees who have caring responsibilities of a 'dependent' with a long-term care need will be entitled, from the onset of their employment with the Council, to take one week's unpaid leave to provide care or arrange care in a 12-month rolling period. A 'week' means the length of time they usually work over 7 days, for example, if someone usually works 3 days a week, they can take 3 days of unpaid Carer's Leave.
- 3.2 A dependent of an employee has a long-term care need if:
- They have an illness or injury (whether physical or mental) that requires or is likely to require, care for more than three months.
 - They have a disability for the purposes of the Equality Act 2010 or
 - They require care for a reason connected with their old age.
- 3.3 Employees must take a minimum of half a working day at a time and a working day means the employees usual working pattern. The leave does not need to be used on consecutive days.
- 3.4 Employees are required to give notice of when they require the leave, which is either twice the length of time being requested or three days, whichever is the longest. However, there is recognition that it may not be possible to give the appropriate level of notice in certain situations but where possible, line managers are asked to approve the requested leave.
- 3.5 All unpaid Carer's Leave must be approved by the relevant line manager.

4. Time Off for Dependants (Section 7 of the Leave of Absence Policy)

- 4.1 The right to request time off for dependant's falls into three categories, one is time off work to deal with unforeseen matters or genuine emergencies, and the second is time off for a pre-arranged situation such as time to attend a pre-arranged hospital appointment with a dependant (Sections 7.1 and 7.2 of the policy). The third category is to deal with the care or support of a dependant (Sections 7.4-7.6 of the policy).

4.2 A specific amount of time off is allowed for the different types of leave under Section 7 of the policy, however Heads of Establishment/Senior Officers must consider the amount of time off available where the person for whom the employee is providing support or care to, has a disability. Further advice is available from People Resources.

4.3 It may not always be necessary or possible to take a full day's leave on each occasion. It may be necessary to grant a half day of leave, allowing more flexibility both for the service and for you. It should be noted that if you choose to take half days, this will be counted as one occasion, and the maximum number of occasions per leave year prescribed within the policy cannot be exceeded.

4.2 Support of Dependant(s)

4.2.1 Section 7.1 of the policy allows employees to request time off to deal with the immediate situation/problem and make longer term arrangements for the care of the dependant. If necessary, and subject to the exigencies of the service, employees may be able to take the three occasions allowed over consecutive days. If you choose to do so, there will be no further special leave available under this category for a further 12 months from the first day of consecutive leave taken.

4.2.2 Section 7.2 of the policy allows employees to request time off to attend a pre-arranged medical examination or hospital appointment with a dependant. Paid leave will be granted for up to three occasions in a 12-month rolling period.

4.2.3 Section 7.4 to 7.5 allows employees to request time off to support or care for a dependant who has been diagnosed with a terminal illness or has a serious/long term health condition, as defined in the policy. The amount of time off for each of these circumstances is detailed in the policy, however Heads of Establishment/Senior Officers should seek advice from Employee Relations before referring applications to the Chief Officer for approval to ensure consistency of application.

4.2.4 Post-Operative Recovery

Employees can also request time off to care for a dependant who is recovering from an operation (Section 7.6 – Post-Operative Recovery). The table below provides a list of the types of operations that may require a dependant to have support at home following their operation. Whilst the list of operations is not exhaustive it covers the most common operations and should provide a good overall guide for managers.

Details of the anticipated timescales for leave that may be required in each circumstance and the factors that could affect the recovery times are also provided.

Chief Officers must ensure that a fair and consistent approach is taken when approving leave for this purpose, whilst taking individual circumstances into account, including whether the dependant has a disability.

Post-Operative Recovery		
Type of Surgery	Timescale for Leave	Main Factors that could affect timescales
Major Abdominal Surgery e.g. removal of bowel	Up to 2 weeks	Case by case basis
Gall Bladder removal	Up to 1 week	Type of Surgery i.e. Keyhole or open Any complications

Stent	Up to 1 week	Nature of underlying condition Any complications
Major Cardiovascular surgery i.e. heart bypass	Up to 4 weeks	Case by case basis
Breast Cancer - Mastectomy	Up to 4 weeks	Nature of surgery i.e. open or keyhole Any additional treatment inc. psychological
Breast Cancer - Lumpectomy	Up to 1 week	Nature of surgery Any additional treatment inc. psychological
Hysterectomy	Up to 4 weeks	Nature of surgery i.e. open or keyhole Any additional treatment inc. psychological
Prostatectomy	Up to 1 week	Nature of underlying condition Any complications
Kidney transplant/removal	Up to 4 weeks	Nature of surgery Any complications Any ongoing treatment
Eye Surgery (not elective)	Up to 1 week	Nature of surgery Any complications
Hip Replacement	Up to 2 weeks	Nature of Surgery i.e. total or part replacement Any complications
Knee Replacement	Up to 2 weeks	Nature of Surgery i.e. total or part replacement Any complications

4.2.5 Application process for Leave under Section 7.4 to 7.6

26 weeks continuous service is required to apply for time off under Sections 7.4 to 7.6, and employees must complete the application form attached to this guidance note (Appendix 1).

Applications for such leave will be considered where an employee has the **primary care** responsibility for a dependant who has a terminal or serious illness or is recovering from an operation as detailed at Section 7.6 of the policy.

The application form, which is attached as an appendix to this guidance note, should be submitted to the Head of Establishment/Senior Officer at least four weeks prior to the proposed date of commencement of leave. However, if this is not feasible, reasonable notice should be provided. You are also required to provide appropriate medical evidence such as a letter from a GP, Hospital or other medical/care provider. This information should contain details of the nature of the care/support required and anticipated timescales if possible. The application form requires to be approved by the Chief Officer. Further information is available from Employee Relations.

5. Family Leave (Section 8 of the Leave of Absence Policy)

5.1 Please refer to [Part 2 Section 7 of the SNCT Handbook](#) for further information.

5.2 In addition to statutory paternity leave as detailed within the SNCT Handbook, a father, husband or partner of an expectant mother is entitled to two additional week's occupational paternity leave at full pay. Occupational paternity leave must be taken within 12 months of the birth and must be taken in blocks of no less than one week

(subject to the exigencies of the service). If the father or partner of the expectant mother meets the criteria for statutory paternity leave, an employee can apply for occupational paternity leave by requesting this through myself. This will be recorded as special leave – occupational paternity leave.

6. Leave for Medical Purposes (Section 9 of the Leave of Absence Policy)

- 6.1 If you are requesting leave for non-emergency medical purposes, appointments should be arranged out with normal working hours. If this is not possible, appointments must be made at the start or end of the working day.
- 6.2 You should discuss time required with your Head of Establishment/Senior Officer – time will be given on a paid basis.
- 6.3 Leave to attend a hospital appointment will be authorised on the production of an appointment card or letter. There is no requirement for your manager to retain a copy of the appointment details on file.
- 6.4 There may be circumstances when you require time off to attend a hospital appointment, but due to the nature of the appointment, you may not wish to show the appointment card or letter to your Head of Establishment/Senior Officer. In these circumstances it may be appropriate for you to contact your HR representative, who will check the details on the appointment card or letter and then notify and confirm with your manager that leave may or may not be authorised.
- 6.5 Where you are required to attend hospital on more than 4 occasions in a rolling 12-month period, the ongoing availability of leave of absence for this purpose should be discussed with the Head of Establishment/Senior Officer in the first instance. Each case will be considered on its own merits.
- 6.6 It is recognised that disabled employees may require an increased number of hospital appointments due to ongoing medical treatment. The Equality Act 2010 requires that the employer makes reasonable adjustments in order to retain disabled employees in employment. Each case will be considered on its own merits

7. Personal Leave (Section 10 of the Leave of Absence Policy)

- 7.1 As referred to in section 10 of the Leave of Absence policy, examples of personal leave include:

- Attendance at Weddings
- Marriage during Term-time
- Accompanying Spouse on Business trips and Holiday
- House Removal
- Interviews
- Other Personal Business

The entitlement associated with each type of leave is detailed in the Leave of Absence Policy.

8. Participation in Sporting Events (Section 11 of the Leave of Absence Policy)

- 8.1 This provision is not exclusive to those detailed in the policy. All requests received for paid leave under this category will be considered on an individual basis. If you request

leave under this category, you may also make use of Section 19 of the policy, if required.

9. Jury Service/Service as a Witness (Section 12 & 13 of the Leave of Absence Policy)

- 9.1. If you attend court either to serve on a jury or as a witness or a witness on behalf of the Council, paid leave will be granted, on the understanding that the equivalent of any monies received, either witness fees or loss of earnings, will be paid back to the Council.
- 9.2. Payroll will be advised by your Head of Establishment/Senior Officer, of the details of your attendance at court, attaching a copy of the letter from the court advising the amount of fees or earnings paid. Payroll will then deduct this amount from your earnings to ensure that you are not paid twice.
- 9.3. Not all court or witness leave will be paid. An example which would not qualify you for paid leave could be attending court to deal with divorce proceedings. If you are cited to attend as a witness for another party, it is expected that loss of earnings will be reimbursed by the individual requesting your attendance as a witness and that unpaid leave will be granted to attend court.
- 9.4. There may be occasions when you must attend legal proceedings, not as a witness, but to accompany a minor. Examples are accompanying a minor who has been called as a court witness or accompanying a minor attending a Children's Panel Hearing, and paid time off will be granted for this purpose.
- 9.5. Non regular forces or the Volunteer Reserve Forces consist of the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), the Territorial Army (TA) and the Reserve Air Forces.
- 9.6. If you are a Reservist and are called for duty into full-time service with the Regular Forces, a call out notice will be issued to you. In addition, the Council will be issued with an acknowledgement notice, to be returned to the Ministry of Defence, as the consent of your employer is required.
- 9.7. Leave for the duration of Reservist duty will be paid leave. At the end of your period of duty, you have the right to return to your former employment or suitable alternative employment. For further advice on Reservists, contact People Resources.

10. Holidays or Festivals of Religious or Ethnic Groups (Section 13 of the Leave of Absence Policy)

- 10.1. If you celebrate holidays or festivals on days other than those allocated by the Council and have fixed annual leave, you will be allowed, subject to the requirements of the service, up to a maximum of two of your working days, with pay, to participate in such festivals. The total leave should not exceed five days within a 12-month period.
- 10.2. It should be noted that there may not always be a requirement for an employee to have time off during working hours for religious observance. Consequently, due consideration should be given prior to authorisation of leave on this basis to avoid setting precedents.

11. Career Breaks & Self-Funded Sabbaticals (Section 17 of the Leave of Absence Policy)

11.1 Please refer to [Part 2 Section 15 of the JNCT Handbook](#) for further information.

11.2 A Career Break is defined as a period of special leave without pay. The purpose of a career break is to provide teachers and associated professionals with an opportunity to obtain an extended break. While there are no prescribed activities that a career break must involve, examples might include the care of children (or other family members), voluntary work, travel or study.

11.3 Eligible employees are required to have at least 2 years' continuous employment, on a permanent or temporary basis, with the Council. In the case of teachers, the employee is required to have at least 2 years' continuous employment after achieving the Standard for Full Registration with the General Teaching Council for Scotland.

11.4 A career break will last for a minimum of 6 months and a maximum of 5 years. Breaks of a shorter duration will be covered by special leave requests (see paragraph 1.3 above). The length of the intended career break should be identified at the point of application.

12. Attendance at Meetings of Trade Union or Professional Associations (Section 18 of the Leave of Absence Policy)

Details on what leave is available is outlined within Leave of Absence Policy for Teachers.

These general guidelines will be applied in specific circumstances 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 Depute Chief Executive. Where the teacher accepts with the agreement of their Depute Chief Executive a convenorship or vice convenorship 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.

(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 Depute Chief Executive. The twenty days will include time for all activities. Where a teacher is appointed by the trade union to represent it on an outside body such as the LTS, SQA or committees of these or other bodies of a professional nature, time for attendance shall be included within the twenty days. Where teachers who are trade union officials are separately elected to such bodies, time for attendance shall 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, SNCT national and local meetings etc. Thereafter, the remaining time may be requested for other activities in which the teacher is involved as a result of their 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. For this purpose, Form PS16 – Time Off For Trade Union Duties, Training and Activities should be completed by the applicant and given to the head teacher for onward transmission to the **Employee Service Centre**. The form reproduced as Appendix 2 will be used for this purpose.
- (e) Where difficulties arise in handling individual applications, reference should be made to the Depute Chief Executive of education. In certain cases, the Depute Chief Executive will contact the general secretary of the professional association union or their nominated representative to clarify the situation before a final decision is reached.

13. Other Special Leave (Section 19 of the Leave of Absence Policy)

- 13.1 Section 19 of the policy is the provision of leave for other occasions that are not categorised within the policy.
- 13.2 Examples of instances when this section of the policy could be accessed are additional bereavement leave; additional leave to participate in a sporting event. These are examples only and applications under this section should be given individual consideration before any decision is taken.
- 13.3 The relevant Chief Officer has the discretion to authorise leave of up to a maximum of 10 days, either paid or unpaid. If you are seeking leave of up to 10 days, either paid or unpaid, you should forward a request in writing to your Chief Officer, stating the reasons for the request for leave. The Chief Officer will consider the request and respond in writing to you.
- 13.4 If the requested leave exceeds 10 days, either paid or unpaid, approval must be sought by the Depute Chief Executive. You should forward a request in writing to the Depute Chief Executive stating the reasons and the amount of leave requested. For requests for leave exceeding 10 days, the Depute Chief Executive will consult with People Resources. If, following consultation, agreement is reached on a recommendation, the Depute Chief Executive will respond in writing to you.
- 13.5 If, following consultation, agreement cannot be reached to recommend leave, the Depute Chief Executive will respond in writing to you. You have the right to appeal against this decision, using the council's Grievance Framework for Teachers.

14. How to apply for a period of leave of absence

- 14.1 The majority of applications for leave of absence can be made by using Myself, however, application forms must be completed and approved prior to this for some categories of special leave such as Time for Dependants, Maternity/Adoption Support Leave, Shared Parental Leave and Career Breaks.

- 14.2 Where special leave is requested in advance, you must ensure you provide adequate time for your Head of Establishment/Senior Officer to consider your request if this is feasible. You should also submit any supporting documentation to your Head of Establishment/Senior Officer at the same time. There is no requirement for your manager to retain a copy of appointment details on file.
- 14.3 It is accepted that in certain limited circumstances you may be unable to discuss the requirement for leave of absence in advance with your Head of Establishment/Senior Officer. In such circumstances, you must make contact with your manager by telephone (text messaging and email are not acceptable unless alternative contact arrangements have been made as part of a reasonable adjustment) as soon as possible and not later than the commencement of core time on the day the leave is required. Failure to make contact with your manager could result in you taking unauthorised leave of absence which may lead to disciplinary action.
- 14.4 Leave granted within the terms of the Leave of Absence Policy will be considered as continuous service with this council.
- 14.5 The one exception to this is leave taken under Section 17, Career Breaks & Self-Funded Sabbaticals. The period leave will **not** be counted as continuous service, however, service prior to and following the leave will be linked and these two periods will count as continuous service for contractual purposes, even although there has been a break in service. Please refer to SNCT for further guidance.

F7- Leave of Absence Policy

Application for Time off for Dependant(s) - (7.4 – 7.6)

Leave may be available for employees with 26 weeks continuous service.

- Terminal Illness of a Dependent - Subject to the appropriate evidence a maximum of 16 working weeks leave be taken. Payment for leave may be available for up to 8 weeks paid and 8 weeks unpaid. The maximum period of leave may be extended in exceptional circumstances.
- Serious/Long Term Health Condition of a Dependant - Subject to the appropriate evidence a maximum of 8 working weeks leave may be taken. Payment for leave may be available for up to 4 weeks paid and 4 weeks unpaid.
- Post-Operative Recovery – The available time off in these circumstances will depend on the nature of the operation. (See section 4.2.4 of this guidance note)
- Leave for all categories may be broken down into smaller periods of leave i.e. 1 day but cannot exceed the maximum working weeks.

Part 1 – Employee details (to be completed by employee)

You can apply for dependants leave if you have 26 weeks continuous service at the date of commencement of your period of leave. You must submit this application to your line manager for authorisation by the **appropriate Chief Officer** or nominated officer, at least four weeks prior to the proposed date. However, if this is not feasible, reasonable notice should be provided.

Employee name:	
Service/Division:	
Job title:	
Employee number:	
Continuous service start date*	

*This is recognised continuous service detailed in NLC Core Conditions of Service

Part 2 – Reason(s) for leave (to be completed by employee)

I am applying for carers' leave for the following reason: (Please select the relevant reason below and provide further detail)

- 6.4 Terminal Illness of a Dependant(s)
- 6.5 Serious/Long Term Condition
- 6.6 Post-Operative Recovery

Further Information

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Evidence attached (please tick): <input type="checkbox"/> Letter from GP <input type="checkbox"/> Letter from hospital <input type="checkbox"/> Letter from consultant	Evidence attached (please tick): <input type="checkbox"/> Supporting memo from line manager <input type="checkbox"/> Other (please give details below):
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Leave requested:	
Date from:	
Date to:	
Number of working days if less than a full week:	
Full day / part day (please delete)	
Times requested if less than a full day:	
No of weeks:	
Other arrangement:	

Do you have any other relatives or friends who can share the caring responsibility? YES <input type="checkbox"/> NO <input type="checkbox"/> Please give details:

If you answered yes to the above question, does your relative or friend work for North Lanarkshire Council? YES <input type="checkbox"/> NO <input type="checkbox"/>

If your relative or friend works for NLC, please provide further details:
Employee name: _____ Service/division: _____
Job title: _____
Has the above named –
<ul style="list-style-type: none">▪ Applied for time off to support your dependant? YES <input type="checkbox"/> NO <input type="checkbox"/>▪ Has it been approved? YES <input type="checkbox"/> NO <input type="checkbox"/> DECISION PENDING <input type="checkbox"/>▪ If it has been approved, please detail the dates to/from and the amount of leave being taken:

<p>If you have taken time off to support a dependant under 6.4-6.6 in the last twelve months, provide dates when leave was taken and reason:</p>	
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_____ Employee Signature

_____ Date

Part 3 – Authorisation

<p>A - Line manager considered application - approve YES <input type="checkbox"/> NO <input type="checkbox"/> (If not approved please provide reason)</p>		
	Requested	Approved
Date from:		
Date to:		
Number of working days if less than a full working week:		
Full day / part day (please delete)		
Times requested if less than a full day:		
Total No of weeks:		
Other arrangement:		
<p>Signature – Date -</p> <p>If approval varies from request please give details and any review period agreed –</p> <p>If yes, what, management action will be taken in order to maintain service provision during period of leave (this will apply more often during prolonged period of leave) –</p>		

<p>B – Chief Officer / Nominated Officer considered application – approve YES <input type="checkbox"/> NO <input type="checkbox"/></p>	
<p>Signature –</p> <p>If no, reason(s) –</p>	<p>Date –</p>

<p>C – Copy of completed form with decision to be provided to employee by line manager: Date form provided to employee –</p>

____/____/____

Line manager will advise payroll of the period of leave authorised.