

## F7 - Leave of Absence Policy for Teachers & Associated Professionals

<b>Author</b>	<i>Lynn McKenzie</i>	<b>Contact</b>	<i>McKenzieL@northlan.gov.uk</i>
<b>Owner</b>	<i>Fiona Whittaker</i>	<b>details</b>	<i>whittakerf@northlan.gov.uk</i>

<b>Date</b>	<i>Feb 2023</i>	<b>Version number</b>	<i>1</i>	<b>Document status</b>	<i>Final</i>
-------------	-----------------	-----------------------	----------	------------------------	--------------

<b>Governance Committee</b>	<i>JNCT</i>	<b>Date approved</b>	<i>29 Nov 22</i>
<b>Review date</b>	<i>One year from implementation</i>		

### 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.*

<b>Consultation process</b>	<i>Consulted with Trade Unions and Employee Equality Forum</i>
	<i>Joint Trade Unions Employee Equality Forum Employees</i>
<b>Distribution</b>	

### Change record

<b>Date</b>	<i>06 April 2024</i>	<b>Author</b>	<i>Linda Cullen</i>
<b>Change made</b>	<i>Introduction of unpaid carer's leave – legislative change</i>		

# Contents Page

1. Introduction
2. Legislation & Associated Policies
3. Our Position
4. Scope
5. Bereavement Leave
  - 5.1 Close Relatives
  - 5.2 Other Relatives of the Employee or their Spouse or Partner
  - 5.3 Friend or Colleague
  - 5.4 Parental Bereavement Leave
6. Unpaid Carer's Leave
7. Time off for Dependants
  - 7.1 Support of Dependant(s)
  - 7.2 Attending Hospital with a Dependant
  - 7.3 Attending Court/Children's Panel with a Dependant Minor
  - 7.4 Terminal Illness of a Dependant
  - 7.5 Serious/Long Term Health Condition of a Dependant
  - 7.6 Post-Operative Recovery
  - 7.7 Applications and Supporting Evidence
8. Family Leave
9. Leave for Medical Purposes
  - 9.1 Non-Emergency Medical/GP Appointments
  - 9.2 Hospital Appointments
10. Personal Leave
  - 10.1 Attendance at Weddings
  - 10.2 Marriage During Term Time
  - 10.3 Accompanying spouse on holidays and business trips
  - 10.4 House Removal
  - 10.5 Interviews
  - 10.6 Other Personal Business
11. Participation in Sporting Events
12. Time off for Public Duties
  - 12.1 Jury Service
  - 12.2 Services as a Witness
  - 12.3 Employment Tribunal/Attendance at Court in Course of Duties
  - 12.4 Justice of the Peace Duties
  - 12.5 Member of Children's Panel
  - 12.6 Election Duties
  - 12.7 Candidates in Elections/ Election Agents
  - 12.8 National Conference of a Political Party
  - 12.9 Local Authority Business
  - 12.10 Service in Non-Regular Forces
  - 12.11 Community Emergency Services

13. Holidays or Festivals of Religious or Ethnic Groups
  - 13.1 Religious ceremonies of a family
14. Participation in Cultural Events
15. Time of for Education Related Matters
  - 15.1 Attendance at exhibitions of the teacher's own work
  - 15.2 Leave to undertake authorised expeditions of an educational nature
  - 15.3 Attendance at the National Mod as a competitor or adjudicator
  - 15.4 Work of the GTC, Education Scotland, SQA or other approved bodies
  - 15.5 Meetings or conferences of an educational or religious nature
16. Learning & Development Leave
  - 16.1 Training Connected with a Course of Study
  - 16.2 Study Tours
  - 16.3 Study Leave
17. Career Break & Self – Funded Sabbaticals
18. Attendance at meetings of trade union or professional associations
19. Other Special Leave
20. Process for Applying for Special Leave

## **1. Introduction**

This policy is based on the principle that teachers 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 policy. Wherever possible, requests for leave should be planned and 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.

The council recognises that there will be times when teachers may require leave of absence to undertake obligations or attend events outside of their working life. While it is expected that there will be instances where such responsibilities/events can be supported there is an obligation to ensure that such events cannot take place out with the pupil day or holiday period.

## **2. Legislation and Associated Policies**

This policy complies with the legal requirements set out in the legislation detailed below:

- Children and Families Act 2014
- The Shared Parental Leave Regulations 2014
- The Parental Bereavement Leave Regulations 2020
- Maternity/Adoption/Paternity Leave Legislation
- Equality Act 2010
- Work and Families Act 2006
- Employment Act 2002
- Employment Relations Act 1999
- Employment Rights Act 1996
- Employment Protection (Consolidation) Act 1978
- Trade Union and Labour Relations (Consolidation) Act 1992
- Juries Act 1974
- Time Off for Public Duties Order 2018
- Carer's Leave Act 2023
- Carer's Leave Regulations 2024

This policy should be read in conjunction with the SNCT Handbook, relevant sections of the council's Smarter Working Policy, Managing Attendance Policy for Teachers and Leave of Absence for Teachers Guidance Note.

## **3. Our Position**

The Council recognises the requirement for fairness and consistency when considering requests for leave of absence. All applications for leave of absence will be examined on an individual basis, having due regard to the council policies on Equality of Opportunity in Employment and Dignity at Work.

In authorising leave of absence, Head of Establishment/Line Manager should consider:-

- all the circumstances surrounding the request,
- the need to ensure that services are minimally disrupted, and
- consistency of application of this policy throughout the council

Head of Establishment/Line Managers are required to ensure that, in line with responsibilities under the Equality Act 2010, special consideration is given to requests from disabled employees (or employees supporting a disabled dependant), where that request is linked to a

matter arising from the disability. This will include the requirement to consider reasonable adjustments, as appropriate.

The Equality Act 2010 defines a disability as “a physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities.” If clarification is required on this or any area of the policy, Head of Establishment/Line Manager should contact People Resources.

#### **4. Scope**

This policy is available to all teachers and associated professional of the council, regardless of length of service or contractual status, with the exception of single status staff who are covered by a separate policy. There are, however, eligibility criteria for Time off for Dependents (Section 6.4 to 6.6).

All leave of absence granted will be to a maximum of a teacher’s contracted daily hours and calculated on the basis of a “normal working week.”

#### **5. Bereavement Leave**

It is expected that the Head of Establishment/Line Manager will take all circumstances into account when granting paid leave for bereavement, such as the closeness of the relationship and whether the employee is responsible for making the funeral arrangements.

The following guidelines should be adhered to bearing in mind the conditions detailed above:-

##### **5.1 Close Relatives**

- 1 day to attend the funeral
- Up to 4 compassionate days

However, the amount of leave granted will depend on the individual circumstances of each case, such as the closeness of the relationship. Close relationships would generally include:

Parent(s)  
Sibling(s)  
Child/ren  
Spouse or partner  
Spouse or partner’s parent(s) or child/ren  
Grandparents or grandchildren

These relationships would also include step or foster relationships.

Additional leave of up to 2 days will be granted to conduct business in connection with the funeral if undertaking this responsibility. This leave will normally only be granted to employees who are the designated next of kin of the deceased person.

Bereavement leave for part time/job share/flexible working employees will be authorised as the equivalent of up to one of their normal working weeks. In all circumstances, paid leave will be up to a maximum of contracted daily hours.

##### **5.2 Other Relatives**

Paid leave to attend the funeral up to a maximum of one day per occasion, with a maximum of three occasions in a rolling 12-month period.

Consideration will be given to individuals who need to travel a long distance.

### **5.3 Friend or Colleague**

Paid leave to attend the funeral up to a maximum of one day per occasion with a maximum of three occasions in a rolling 12-month period.

The above allowances for each category of leave for bereavement are inclusive of any travel time necessary to attend the funeral.

Consideration will be given to individuals who need to travel a long distance.

In all circumstances consideration will be given on a case-by-case basis whereby an employee either requires more than 3 occasions in a leave year or more the maximum time allowed per occasion. The circumstances of the bereavement and the nature of the relationship will be taken into account.

### **5.4 Parental Bereavement Leave**

Parental Bereavement Leave (PBL) is a new entitlement for bereaved parents to be absent from work, for up to two weeks. The new statutory right is available to the parents of a child who dies on or after 6 April 2020. To qualify for this leave you must be:

- The biological parent or adult with parental responsibility i.e. adoptive parent, foster parent, guardian who has suffered the loss of a child under the age of 18, or
- The biological father or the mother's (or adoptive mother's) husband, partner or civil partner who has suffered a stillbirth after 24 weeks of pregnancy. N.B Female employees who suffer a stillbirth from the 24th week of pregnancy, are still 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.

Teachers are entitled to this leave regardless of length of service and the Council has enhanced the statutory pay entitlement so that employees will receive their normal contractual pay during the period of parental bereavement leave.

The leave must be taken within 56 weeks of the date of the child's death and either in one block of two weeks, or as two separate blocks of one week each. For eligible parents as the result of the death of more than one child, the employee is entitled to leave in respect of each child.

Further guidance is contained in the Leave of Absence for Teachers Guidance Note.

## **6. Unpaid Carer's Leave**

Employees who have caring responsibilities of a "dependant" with a long-term care need will be entitled 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.

They can either take a whole week off or take individual days or half days throughout the year.

The definition of "dependant" mirrors the definition used for the right to time off for dependants. This includes a spouse, civil partner, child, parent, a person who lives in the same household as the employee (other than by reason of them being their employee, tenant, lodger, or boarder), or the wider catch-all provision, of a person who reasonably relies on the employee for care.

A “long-term care need” is defined as an illness or injury (either physical or mental) that requires or is likely to require care for more than three months, a disability under the Equality Act 2010, or issues related to old age.

Employees will be entitled to this leave regardless of length of service.

Employees must take a minimum of half a working day at a time; a working day meaning the employee’s usual working pattern. There is no need for the leave to be used on consecutive days.

Employees are required to provide notice, although this does not need to be in writing. The notice must include the fact that the employee is entitled to take unpaid carer’s leave and the day(s) or part of a day that will be taken.

Employees are required to give notice which is either twice the length of time being requested, or three days, whichever is the longest.

## **7. Time Off for Dependants**

A dependant is someone who depends on the teacher for care. Normally, this will be a spouse, partner, child, or parent, however a dependant may also be someone who reasonably relies on the teacher to make arrangements for the provision of care i.e an elderly neighbour or a friend that has no other support network.

Where leave of absence is required for the purposes of supporting or caring for a dependant, special consideration to appropriate provision must be made where the person for whom the teacher is providing support or care to, has a disability. Further advice is available from People Resources.

In all circumstances, paid leave will be up to a maximum of contracted daily hours.

It is accepted that in certain limited circumstances a teacher may be unable to discuss the requirement for leave of absence in advance with their Head of Establishment/Line Manager. In such circumstances, the teacher must contact the appropriate Head of Establishment/Line 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, or within 1 hour of normal starting time. Failure by the teacher to contact their Head of Establishment/Line Manager could result in the employee taking unauthorised leave of absence which may lead to disciplinary action.

Establishments should have arrangements in place for when the Head of the Establishment or Line Manager is not available for the employee to contact directly. An “occasion” as defined within the policy is one instance where a teacher is required to apply for and take leave of absence. The number of occasions provided for relates to each teacher and not each dependant. An occasion may be as little as one hour up to a maximum of one day – there is not an automatic entitlement to a full day off.

Applications for leave of absence under category 6.4 – 6.6 require to be authorised by the Chief Officer.

A teacher is eligible to time off during working hours to take necessary action for the circumstances listed below.

## **7.1 Support of Dependant(s)**

Paid leave will be granted on up to 3 occasions in a rolling 12-month period, limited to a maximum of up to 1 working day on each occasion. Leave of absence may be granted to support the following circumstances:

Consideration can be given on a case-by-case basis to extending the number of occasions an employee can take time off for dependants, however this would be unpaid.

- To provide assistance or make arrangements for the provision of care for a dependant who is ill, falls ill or is injured.
- To make alternative arrangements for the care of a dependant whose normal care arrangements are unexpectedly and unavoidably disrupted, i.e. illness of the usual carer.
- To make arrangements to deal with an incident which involves a child of the teacher, and which occurs unexpectedly in a period during which an educational establishment which the child attends have responsibility for that child.

Category 7.1 may be taken as 3 consecutive days with the agreement of the Head of Establishment/Line Manager. However, each occasion cannot be authorised in advance and the employee is required to contact their line manager by telephone (text messaging and email are not acceptable unless alternative arrangements have been agreed as a reasonable adjustment) on a daily basis. This should be done as soon as possible and not later than the commencement of core time on the day the leave is required or within 1 hour of normal starting time.

Establishments should have arrangements in place for when the Head of the Establishment or Line Manager is not available for the employee to contact directly.

Leave of absence taken over consecutive days will only be granted subject to the exigencies of the service. Teachers who are required to take this leave over consecutive days must be aware that they will not have any further leave of absence provision available to them under this category for a further 12 months.

Teachers who wish to provide support to dependants recovering from short term illness or incapacity may also be granted a temporary change in working hour's e.g. later start or earlier finish, to assist in the provision of care or to assist with childcare responsibilities. Alternatively, unpaid leave may be granted.

## **7.2 Attending Hospital with a Dependant**

Paid leave will be granted on up to 3 occasions in a rolling 12-month period, limited to a maximum of up to 1 working day on each occasion, to attend a pre-arranged medical examination or hospital appointment with a dependant.

A hospital appointment card or a letter from the hospital will require to be produced, to be checked by the employee's manager prior to authorisation of leave.

## **7.3 Attending Court/Children's Panel with a Dependant Minor**

Time off may be granted to a teacher who is required to attend court/children's panel hearing with a dependant, and that dependant is a minor. A minor for this purpose is someone under the age of 16.



Paid leave will be granted on up to 2 occasions in a rolling 12-month period, limited to a maximum of up to 1 working day on each occasion.

#### **7.4 Terminal Illness of a Dependant**

A terminal illness is defined as an illness which has a finite duration in terms of life expectancy, and normally of no more than 12 months.

Up to a maximum of 16 working weeks leave in a rolling 12-month period may be granted. The time taken may be broken down into smaller periods e.g. 1 day or 3 hrs, but the cumulative total cannot exceed 16 working weeks.

Subject to the appropriate evidence being provided, payment for leave under 6.4 may be available for up to 8 weeks paid and 8 weeks unpaid. This period of leave may be extended to a maximum of 13 weeks paid leave, and 8 weeks unpaid leave in exceptional circumstances. Each case will be considered on its own merits, taking into account the individual circumstances, and following discussion with the Employment and Policy Team. All applications require to be approved by the Chief Officer.

#### **7.5 Serious/Long Term Health Condition of a Dependant**

A "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves one or more of the following:

- A period of illness or incapacity of more than 3 consecutive days requiring treatment\* from a GP, Hospital, Specialist etc.
- Multiple Treatments (including any period of recovery) e.g. chemotherapy, radiation, etc., kidney dialysis, physical therapy, serious physiological treatment,
- Permanent or Long-Term Conditions e.g. cancer, dementia, Parkinson's stroke, heart condition, multiple sclerosis. Time off may be required to provide respite care, make arrangements for long term care.
- Hospital Stays. This will normally only apply where a child is required to stay in hospital for more than 3 days. Time off for dependants receiving end of life care in a hospital or hospice is covered by Terminal Illness of a Dependant.

Up to a maximum of 8 working weeks leave in a rolling 12-month period may be granted. The time taken may be broken down into smaller periods e.g. 1 day or 3 hrs, but the cumulative total cannot exceed 8 working weeks.

Subject to the appropriate evidence payment for leave under 7.5 may be available for up to 4 weeks paid and 4 weeks unpaid. All applications require to be approved by a Chief Officer.

#### **7.6 Post-Operative Recovery**

Time off to support a dependant who is recovering from a more serious operation and who requires support at home following release from hospital may be granted.

Whilst not exhaustive a list of the types of operations that may require support at home are detailed in the Leave of Absence Guidance Note, Section 4.1.3, along with the timescales for leave that may be required.

Head of Establishment/Line Manager must ensure that a fair and consistent approach is taken when approving leave for this purpose, whilst taking individual circumstances into account.

It is not intended that time off under this category would be granted where the dependant has had a minor operation e.g. bunion removal, ingrown toenail removal, hernia repair (keyhole), haemorrhoidectomy etc.

Teachers who wish to provide support to dependants recovering from these types of surgery may be granted a temporary change in working hours e.g. later start or earlier finish, to assist in the provision of care or to assist with childcare responsibilities. Alternatively, unpaid leave may be granted.

Categories 7.4 to 7.6 above seeks to help balance the needs of teachers with serious/longer term responsibilities for dependants with their role as an employee of North Lanarkshire Council.

Leave under these categories, either paid or unpaid, will not be available until the applicant has accrued 26 weeks continuous service. All applications require to be approved by a Chief Officer.

## **7.7 Applications and Supporting Evidence**

Teachers applying for leave under categories 7.4 to 7.6 are required to complete an application form and provide appropriate supporting/medical evidence. Please refer to the Leave of Absence guidance note for more information on the application process and appropriate supporting evidence.

In all circumstances, the Head of Establishment/Line Manager must discuss the particulars of each request with the teacher requesting leave to clarify the reasons for the application and to ensure that the type of leave requested is the most appropriate option in the circumstances.

On receipt of an application, the line manager must pass a copy to the Employment and Policy team and discuss the application before forwarding any requests to the Chief Officer for approval.

Leave for part time/job share/flexible working employees will be authorised as the equivalent of their normal working weeks. In all circumstances, any paid leave will be up to a maximum of contracted daily hours.

All leave granted will be counted as continuous service for contractual purposes.

## **8. Family Leave**

For information relating to entitlement to Maternity Leave, Adoption Leave, Shared Parental Leave, Surrogacy Leave, Maternity and Adoption Support Leave including Paternity Leave please refer to Part 2 Section 7 of the SNCT Handbook here: [Part 2 Section 7 - SNCT Handbook](#)

## **9. Leave for Medical Purposes**

### **9.1 Non-Emergency Medical/GP Appointments**

Employees requiring non-emergency medical treatment from opticians, dentists or GPs should make arrangements to obtain such treatment out with working hours. Where this is not possible, appointments must be made for the beginning or end of the working day.

### **9.2 Hospital Appointments**

A teacher who has been referred to a hospital for examination/treatment should, where feasible, try to arrange appointments out with normal working hours. If this is not possible,

then paid leave, up to a maximum of contracted daily hours, will be granted for attendance at hospital.

A hospital appointment card or a letter from the hospital may be asked to provide an appointment card, to be checked by the Head of Establishment/Line Manager prior to authorisation of leave.

Where a teacher is 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/Line Manager in the first instance.

## **10. Personal Leave**

### **10.1 Attendance at Weddings**

Up to two days may be granted in a rolling 12-month period although only one of which may be with pay for attendance at a wedding

### **10.2 Marriage during term-time**

Leave of absence will not normally be granted during the school term time. Only in very exceptional circumstance, for example when the spouse to be is unable to take leave during the school holiday period, will a limited period of leave be granted.

### **10.3 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.

### **10.4 House removal**

Where a removal cannot be arranged for a holiday up to two days leave of absence may be granted in a rolling 12-month period. One day shall be with pay, the second, if required, shall be without pay.

### **10.5 Interviews**

Paid leave will be granted to teachers called to attend a job interview for a post. The teacher will be required to produce an interview letter prior to authorisation of leave.

### **10.6 Other Personal Business**

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

## **11. Participation in Sporting Events**

If a teacher is selected to participate in a sporting event at national or international level as a representative of their country, up to a maximum of 5 days paid leave (or the equivalent of one of the teacher's normal working weeks) in a rolling 12-month period may be granted.

This provision includes team managers or coaches required to attend the event. It also includes time off for a teacher who is the parent/guardian of a child under the age of 16, and who is required to accompany the child while participating in the sporting event.

There is no age limit if required to accompany a disabled participant.

## **12. Time off for Public Duties**

### **12.1 Jury Service**

If a teacher is called to serve on a jury, there is a requirement for a teacher to attend by virtue of the Juries Act 1974. The teacher must notify their Head of Establishment/Line Manager of the summons.

The jury citation letter will require to be produced, to be checked by the teacher's Head of Establishment/Line Manager prior to authorisation of leave.

A teacher will be granted leave with pay to attend unless exemption is secured. The teacher will claim the allowance payable under the Jurors Allowances Regulations and this amount will be deducted from pay.

### **12.2 Service as a Witness**

If a teacher is cited to attend court as a witness, leave of absence will be granted as follows:

- If a teacher is attending as a witness on behalf of the council, leave with pay will be granted, on the understanding that witness fees received (excluding travel and subsistence expenses) are paid to the council.
- In the case of a teacher called as a Crown Court witness, cited by the Procurator Fiscal or equivalent, leave with pay will be granted, on the understanding that loss of earnings received by the teacher from the Court, will be paid back to the council
- In all other cases where the teacher is called to attend court as a witness, leave without pay will be granted. Teachers can claim from the person citing them, the relevant amount in respect of loss of earnings.

### **12.3 Employment Tribunal/Attendance at Court in Course of Duties**

If a teacher is required to attend court as a witness on behalf of the council, then paid leave will be granted.

### **12.4 Justice of the Peace Duties**

All employers must, by law, allow time off work to enable a Justice of the Peace to undertake their role. Time off without pay will be provided. Employees can claim for loss of earnings from the court service.

### **12.5 Membership of children's panels**

Paid time off for members of any statutory tribunals such as a Children's Panel is available in conjunction with the Time off for Public Duties Policy which can be found here: [Time off for Public Duties Policy – My NL](#)

## **12.6 Election Duties**

Subject to the exigencies of the service, and authorisation by the Head of Establishment/Line Manager, paid leave will be granted to allow teachers to undertake official duties at elections or referenda of North Lanarkshire Council.

## **12.7 Candidates in Elections/ Election Agents**

Subject to the exigencies of the service, unpaid leave for a period not exceeding up to 10 days (or up to the equivalent of two of the teacher's working weeks) will be granted at the time of the election to teachers who stand for election or undertake the duties of an Election Agent for a Local Authority/Parliamentary/Scottish Parliamentary/European Candidate.

## **12.8 National conference of a political party**

Two days leave of absence without pay may be granted. Requests for leave beyond two days should be referred to the Chief Officer.

## **12.9 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 Chief Officer should be specifically informed of each absence. The Depute Chief Executive 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 of Establishment.

## **12.10 Service in Non-Regular Forces**

A teacher who is a member of the non-regular forces and who attends annual training camp for a period of not less than one week, will be granted leave with pay for the period of actual attendance at the training camp, up to a maximum of 15 days (or up to the equivalent of three of the employee's working weeks) and subject to deduction of service pay and allowances received.

## **12.11 Community Emergency Services**

A teacher who is a member of a community emergency service, for example retained fire fighters, will be granted paid leave to attend emergencies during working hours.

## **13. Holidays or Festivals of Religious or Ethnic Groups**

Teachers who celebrate holidays or festivals on days other than those allocated by the Council and who have fixed annual leave will be allowed, subject to the requirements of the service, up to a maximum of two of their working days, with pay to participate in such religious festivals. Other requests for leave of absence will be considered following discussion with the Employment and Policy team. The total leave in any one year should not exceed five days.

### **13.1 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 will normally be without pay following discussion with the Employment and Policy team.

## **14. Participation in Cultural Events**

Leave of absence will only be 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 particularly sensitive, the Chief Officer will refer the matter to the Depute Chief Executive.

## **15. Time off for Education Related Matters**

### **15.1 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.

### **15.2 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 Chief Officer will refer the matter to the Depute Chief Executive.

If a teacher is taking pupils on an educational expedition as part of their work, then no leave of absence is required.

### **15.3 Attendance at the National Mod as a competitor or adjudicator**

Two days leave of absence with pay may be granted. Requests for leave beyond two days should be referred to the Chief Officer who will be empowered to grant further leave.

### **15.4 Work of the GTC, Education Scotland, SQA or other approved bodies**

Leave of absence, with pay will normally be granted to teacher who has 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 to the Chief Officer with a recommendation and any other details including whether suitable arrangements can be made for the teacher's duties to be covered.

### **15.5 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 Chief Officer will refer the matter to the Depute Chief Executive.

## **16. Learning & Development Leave**

### **16.1 Training Connected with a Course of Study**

The Council has a Learning and Development Policy which can be viewed on [myNL](#). You can also access LearnNL which provides details of the training courses available to employees of the Council.

## **16.2 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 abilities relative to the teaching post held. Leave shall normally be with pay subject to the deduction of bursary or other payments made. If the event involves the teacher visiting a country with which relations are particularly sensitive, the Chief Officer will refer the matter to the Depute Chief Executive.

## **16.3 Study Leave**

Study leaves with or without pay may be granted to assist teachers undertaking approved qualifying courses. The conditions relating to this are laid down in Standard Circular F16.

## **17. Career Breaks & Self-Funded Sabbaticals**

Please refer to Part 2 Section 9 of the SNCT Handbook for further details which is available here: [Part 2 Section 9 - SNCT Handbook](#)

## **18. Attendance at meetings of trade union or professional associations**

Teachers may request leave of absence for several purposes because of their membership of trade unions/professional associations. The term 'professional association' is used in this context to define bodies such as EIS, SSTA, NASUWT, AHTS and SLS rather than interest groups such as the Association of Advisers etc.

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 as amended by the 1996 Employment Act. 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 consider 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

- (a) Release of teachers in connection with the business of trade unions and professional associations will be subject to the exigencies of the service and will require the specific permission of the Depute Chief Executive or in consultation with the headteacher.
- (b) Subject to the conditions 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 employment 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) in connection with other duties directly concerned with industrial relations matters,
  - (vi) attendance at the annual conference of the trade union at no additional cost to the school.
- (c) Teachers will be granted leave of absence, which will normally be without pay, for certain union activities such as:
- (i) attendance at other specially convened conferences or meetings of the policy 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.

## **19. Other Special Leave**

There may be occasions when special leave is appropriate but may not be covered by the Special Leave provisions. In these exceptional circumstances, the relevant Chief Officer has the discretion to authorise special leave, either paid or unpaid, up to a maximum of 10 working days in total (or up to the equivalent of two of the employee's normal working weeks), within a 12-month rolling period for situations not already covered by this policy.

Applications for special leave which exceed 10 working days, either paid or unpaid, and which are not covered in the above provisions, must be authorised by the Depute Chief Executive. It is requested that, prior to any approval of a request for more than 10 days leave is given that the merits of the request be discussed with People Resources to ensure that no unintentional precedent is established.

## **20. Process for Applying for Special Leave**

Please note that the process for applying for special leave will vary dependent upon the type of special leave requested. Details of how to apply are contained in the relevant guidance notes which should be read in conjunction with this policy.

Please note that leave granted in accordance with the terms of this policy, will be considered as continuous service with this council. The one exception to this is leave taken under Section 20, Career Breaks, where the period of leave will not be counted as continuous service.