

<b>MANAGEMENT CIRCULAR</b>	<b>No. F7</b>
<b>ALL SCHOOLS</b>	
<b>LEAVE OF ABSENCE FOR TEACHERS</b>	

## **1. Introduction**

1.1 This Management Circular sets out the procedures to be followed in response to applications for absence from teachers in a variety of circumstances. It reflects relevant national and inherited local agreements. The circular does not relate to annual leave and does not cover leave as a result of illness or maternity. In all cases, the period of leave granted is inclusive of any travelling time required.

1.2 The provisions of this circular apply only to permanent teachers and to temporary teachers who are employed in a long-term (part-time or whole-time) basis. Teachers who are employed on a daily temporary basis will not normally be granted leave of absence.

Teachers who are seeking leave of absence should apply to the head of establishment or the relevant line manager. Heads of establishment should apply to the Head of Resources.

1.3 The regulations on leave of absence for all employees of the council, including teachers, are based on the principle that employees should not make personal arrangements which conflict with the requirement that they be at work at times previously agreed by the employer other than in the circumstances outlined in this circular. Wherever possible, requests for leave should be 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.

1.4 In the past some misunderstandings have arisen in applications for leave of absence without pay. While financial considerations are obviously important, the most important consideration is the avoidance of unnecessary disruption to education. Therefore, there is no automatic right to leave of absence without pay nor any supposition that such leave will be granted other than in accordance with the terms of this circular and the exigencies of the service. It is also important that any teacher who requests unpaid leave of absence should be informed that such leave constitutes a break in service which can affect superannuation payments and pension.

1.5 The Scottish Negotiating Committee (SNCT) Handbook sets out the contractual position regarding which special leave may be granted to teachers. The relevant sections of the SNCT Handbook are included as Appendix 1 to this circular.

- 1.6 The circular deals with requests for leave of absence in three separate categories, as detailed below. It should be noted that all requests for more than two days leave in any of the categories should be referred to the Head of Resources.
- (A) CATEGORY I: requests for leave under circumstances defined in the Scottish Negotiating Committee for Teachers (SNCT) Handbook.
  - (B) CATEGORY II: requests for leave of absence of up to two days which the head is empowered to grant subject to the exigencies of the service. Should teachers seek a longer period of leave in relation to any of the circumstances defined under category II the head should refer the request for additional leave to the Head of Resources.
  - (C) CATEGORY III: requests for leave not falling into categories I and II, including all requests for periods of leave of more than two days. All requests for leave in terms of category III must be referred to the Head of Resources.

## 2. **Category I Requests**

### 2.1 Court Attendance

#### (a) Jury Service

The head of establishment should inform the Head of Resources and obtain for the teacher an official note of salary expressed as a daily rate. The teacher is under an obligation to reimburse the authority for any loss of earnings allowance received under the Jurors Allowance Regulations and accordingly must claim this allowance.

#### (b) Witness

Where the teacher is called as a witness by the authority the teacher shall be regarded as being on authorised school business. However, when the teacher is called as a witness by other persons the absence will be treated as special leave with pay. The teacher shall be under an obligation to reimburse the authority for any loss of earnings allowance that is recoverable from the person(s) issuing the citation and accordingly must claim the allowance.

### 2.2 Preventative Medical Examinations

Heads of Establishments are empowered to give reasonable leave of absence with pay for preventative medical examinations. The head must be satisfied that all such requests are reasonable. Leave of absence granted will normally be less than one day. However, if circumstances dictate, longer periods of leave of absence may be granted.

### 2.3 Serious Family Illness

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

The Head of Resources should be informed of the leave granted. If more than two days leave is requested the request should be referred to the Head of Resources. Leave which is granted beyond three days will normally be without pay.

#### 2.4 Family Bereavement

Up to five days paid leave may be granted. A near relative is as defined in 1.3, although other relationships may be taken into account if the teacher is required to make funeral arrangements.

The Head of Resources should be informed of the leave granted. If more than two days leave is requested, the request should be referred to the Head of Resources. Leave which is granted beyond five days will normally be without pay.

### 3. **Category II Requests**

3.1 This section deals with requests for leave of up to two days which may be granted by a head of establishment provided that the exigencies of the service permit. Notice of such leave must be sent to the Head of Resources.

Requests for leave which falls outwith the jurisdiction of the head of establishment or any requests to extend the conditions outlined must be referred to the Head of Resources along with a recommendation and any other relevant details.

#### 3.2 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.

#### 3.3 Interview for another post

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

#### 3.4 Attendance at a funeral

Up to two days may be granted, only one of which may be with pay. The conditions on family bereavement detailed in section 2.4 should also be noted.

#### 3.5 Attendance at a wedding

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 which is covered in paragraph 4.2.

#### 3.6 House removal

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

### 3.7 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 Resources should be specifically informed of each absence. The Executive Director of Learning and Leisure Services 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.

### 3.8 Meetings of public statutory bodies such as health boards or community councils

Leave of absence will normally be granted without pay to teachers who are members of public statutory bodies. Where there is a considerable benefit to the education service leave of absence with pay can be granted. The Head of Resources should be specifically informed of each absence.

### 3.9 Justice of the Peace and membership of children's panels

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

### 3.10 Holidays or festivals of religious or ethnic groups

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

### 3.11 Religious ceremonies of a family nature

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

### 3.12 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 Head of Resources who will be empowered to grant further leave, not more than one day of which will be with pay.

### 3.13 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 Head of Resources.

### 3.14 Work of the GTC, LTS, 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 Head of Resources with a recommendation and any other details including whether suitable arrangements can be made for the teacher's duties to be covered.

#### 4. **Category III Requests**

4.1 This section deals with requests for leave of absence which must be referred to the Head of Resources. These include:

- (a) requests for leave for reasons not covered in sections 2 and 3
- (b) requests for leave for reasons covered in sections 2 and 3 but where the terms requested exceed those already granted.

4.2 Other than in exceptional circumstances (when the period of advance notice may be reduced or waived) all applications for leave of absence in this category should be made in writing to the head of establishment not less than two weeks in advance of the period of absence. In the submission to the Head of Resources the head of establishment must state if he/she supports 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 Resources shall inform the teacher of his/her decision and state whether any leave granted is to be with, or without, salary.

4.3 Marriage/Civil Partnership during term-time

Leave of absence will not normally be granted during the school term time. Only in very exceptional circumstances, for example when the spouse to be is unable to take leave during the school holiday period, will a limited period of leave be granted. Requests to attend weddings as a guest are dealt with in section 3.4.

4.4 Holidays during term-time

Apart from compensatory time off in lieu as defined in Scottish Negotiating Committee for Teachers Section leave with or without pay is not normally granted during term-time.

4.5 Accompanying spouse/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.

4.6 Attendance at exhibitions of the teacher's own work

Leave of absence will not normally be granted for this purpose. Any leave granted in exceptional circumstances will be without pay.

4.7 Leave to undertake authorised expeditions of an educational nature

Leave may be granted without pay, for this purpose. Where the teacher undertakes work which is of significant benefit in educational terms a limited amount of leave with salary may be granted. If the expedition involves the teacher in visiting a country with which relations are politically sensitive, the Head of Resources will refer the matter to the council's Chief Executive.

4.8 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 one week. Requests for leave as the spouse of a candidate will not normally be granted.

#### 4.9 Leave in connection with local authority elections

Leave of absence without pay will be granted to teachers who are local authority candidates or election agents. The leave will be granted at the time of an election and will be for a maximum period of one week. Requests for leave as the spouse/partner of a candidate will not normally be granted.

#### 4.10 Attendance at an annual camp of TAVR/RNVR

Teachers who are members of the non-regular armed forces and who attend an annual training camp will be granted special leave with pay for the period during which they attend the camp but for not more than fifteen days. The salary paid will be subject to the deduction of service pay and allowances received in respect of the period of leave.

#### 4.11 Meetings or conferences of an educational or religious nature

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

#### 4.12 Participation in cultural events

Leave of absence will only be granted where the cultural event is of national or international significance. Such leave of absence will normally be without pay. If the event involves the teacher in visiting a country with which relations are particularly sensitive, the Head of Resources will refer the matter to the council's Chief Executive.

#### 4.13 Playing sport in a national championship

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

#### 4.14 Participation in international amateur sporting events

Where a teacher is asked to represent his/her country at international level leave of absence will normally be given. Requests may include the duties of a national coach and umpiring/refereeing at national events. Leave shall normally be with pay subject to the deduction of loss or earnings allowance or other payments made. If the event involves the teacher visiting a country with which relations are particularly sensitive, the Head of Resources will refer the matter to the council's Chief Executive.

#### 4.15 Sports coaching

Leave of absence will not normally be granted for this purpose except in the circumstances outlined in section 4.14.

#### 4.16 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 e.g. under a Churchill Fellowship, Racial Equality Bursary etc. Leave shall normally be with pay subject to the deduction of bursary or other payments made. If the event involves the teacher visiting a country with which relations are particularly sensitive, the Head of Resources will refer the matter to the council's Chief Executive.

#### 4.17 Study Leave

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

#### 4.18 Accompanying groups of children/young people

Leave may be granted to teachers who have been selected to accompany groups of North Lanarkshire children/young people, other than the immediate charges, who have gained a study trip from an external body approved by Learning and Leisure Services. Leave shall normally be with pay subject to the deduction of any grants made to the teacher.

#### 4.19 Leave for adoption purposes

Female teachers who have more than one year's continuous service may be granted leave of absence without pay for up to twenty-nine weeks when adopting a child/young person. The period of leave will commence on the day on which the adoptive mother receives the child/young person. A teacher wishing to apply for leave in these circumstances should do so in writing to the Head of Resources as soon as approval in principle has been given by the authorities in relation to the adoption.

#### 4.20 Voluntary Service Overseas

Where suitable educational arrangements can be made which would allow the teacher to be released, leave of absence without pay for up to 23 months may be granted.

#### 4.21 Compassionate Leave

In exceptional circumstances the Head of Resources will be empowered to grant extended leave of absence without pay. The matter should be referred by the head teacher to the Head of Resources with a recommendation and any other details including whether suitable arrangements can be made for the teacher's duties to be covered.

#### 4.22 Attendance at meetings of trade union or professional associations

4.22.1 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, HAS and AHTS rather than interest groups such as the Association of Advisers etc.

4.22.2 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.

4.22.3 The authority's policies are based on 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

- (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 Head of Resources 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 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) 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.

4.22.4 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 Head of Resources. Where the teacher accepts with the agreement of the Head of Resources 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.

- (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 Head of Resources. 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 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 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. 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 Personnel Section. 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 Head of Resources. In certain cases, he/she will contact the general secretary of the professional association union or his/her nominated representative to clarify the situation before a final decision is reached.

## **5 Special Cases**

- 5.1 Where an application is not strictly governed by the guidelines contained in this circular, or where compelling compassionate grounds are advanced in support of an application which would normally be refused, the request will be referred by the Head of Resources for consideration by the Executive Director of Learning and Leisure Services.

## **6. Appeals**

- 6.1 Where a teacher feels that extenuating circumstances have not been fully recognised in the consideration of an application the matter should be referred to the Head of Resources for consideration.

Head of Resources  
29 September 2011

EXTRACT FROM THE SCOTTISH NEGOTIATING COMMITTEE FOR TEACHERS (SNCT)  
HANDBOOK

**“Special Leave” – (paragraph 19)**

(a) Jury Service

A teacher receiving a summons to serve on a jury must report the fact to his/her head teacher and shall be granted leave to attend, unless exemption is secured. The salary payable during such leave shall be subject to the deduction of the loss of earnings allowance to which the teacher is entitled under the Juror's Allowance Regulations and accordingly the teacher should claim this allowance. For this purpose, a teacher shall be furnished with an official note of his/her salary expressed in terms of a daily rate.

(b) Family Illness or Bereavement

Special leave shall be granted in accordance with the following provisions:

- (i) In the case of absence of a teacher owing to the serious illness of a near relative the authority shall pay salary for not more than three school days.
- (ii) In the case of absence through family bereavement full salary shall be paid for not more than five school days.

(c) Other Reasons

- (i) Special leave with or without salary may be authorised for other reasons at the discretion of the authority.
- (ii) The head teacher shall be empowered to grant paid or unpaid leave of absence for periods of two days or less provided arrangements suitable to the authority can be made to cover the duties of the teacher who has been granted leave of absence. Notice of such leave of absence must be sent by the head teacher to the Head of Educational Resources.
- (iii) 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 head teacher not less than two weeks in advance of the period of absence. When transmitting the request to the Head of Educational Resources the head teacher shall state if he/she approves 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 Educational Resources shall intimate his/her decision to the teacher and state whether any leave granted is with or without pay.

**Time Off For Trade Union Duties,  
Training and Activities**

**Both Managers and Trade Union representatives are referred to the Council's Policy and associated Guidance Notes on this subject**

<b>Section 1</b>		<b>To be completed by the Employee Requesting Time Off</b>						
Name:				Employee Number:				
Department				Section				
Period of Absence(s) Requested From Work								
		Start		End				
	<b>Date</b>	<b>Time (From)</b>	<b>Date</b>	<b>Time (To)</b>	<b>Hours Requested</b>	<b>Duty</b>	<b>Training</b>	<b>Activity</b>
1								
2								
3								
Nature of Union Duty/Training/Activity:								
Location:								
Signature of Employee						Date		

<b>Section 2</b>		<b>To be completed by the Employing Department</b>					<b>Date</b>
Time off Authorised by:	1	PAID		UNPAID			
	2	PAID		UNPAID			
	3	PAID		UNPAID			
Time off refused by:	1						
	2						
	3						
Where time off is refused please indicate the reason:							

White copy	-	forwarded to Corporate Services, Human Resources Division, Civic Centre, Windmillhill Street, Motherwell ML1 1AB
Yellow copy	-	retained by employing Service
Pink copy	-	retained by union official/member who requested time off