

Special Leave of Absence for Teachers and Associated Professionals

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1 Introduction

- 1.1 This document represents the Council's policy on special leave during working hours for Teachers and Associated Professionals (referenced in this document as teachers) and must be applied in conjunction with the conditions in the SNCT Handbook:
http://www.snct.org.uk/wiki/index.php?title=Part_2
- 1.2 Requests for special leave which can be approved by the Head Teacher should be applied for and approved in iTrent. Where approval by the Chief Education Officer is required the request should be made by completion and submission of the Request for Special Leave form in Appendix 1 as well as being recorded on iTrent. The line manager is responsible for ensuring all requests are recorded. It is important this is done, especially where there are instances where unpaid leave is sought. Requests for Special leave may be monitored by managers.
- 1.3 Associated professionals, such as Educational Psychologists, Education Support Officers, Quality Improvement Officers and Managers whose leave year is the same as single status employees, and who work 52 weeks, should refer to the Council's Policy on Attendance and Leave detailed on Connect.
- 1.4 Please note that separate arrangements are in place for maternity leave, adoption leave, paternity leave, parental leave, shared parental leave, sick leave, relocation and removal, annual leave, public holidays and career breaks which are contained within the SNCT Handbook.
- 1.5 The Council has a separate procedure in place for Adverse Weather which is applicable to all staff.

- 1.6 This document encompasses statutory entitlements for special leave and indicates whether special leave will be granted with or without pay. Generally a decision as to whether or not to grant special leave will be determined by the needs of the Council, the Service, length of absence and having due regard to the particular circumstances of the teacher with further specific criteria being given in this document. The Chief Education Officer will delegate to Head Teachers or appropriate line managers the power to grant special leave.
- 1.7 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 document. Wherever possible, careful foresight should be exercised and requests for absence submitted well in advance. The need to ensure continuity of educational provision makes it particularly important that these general principles should be consistently applied in the case of teaching staff.
- 1.8 There is no automatic right to leave of absence with or without pay or any supposition that such leave will be granted. It should also be noted that special leave may be granted within these agreed guidelines, provided arrangements suitable to the Council can be made to cover the duties of the teacher seeking such leave of absence.
- 1.9 It should also be noted that this document doesn't cover time off for trade union duties and activities, which will be in accordance with the Council facilities agreement and as defined under TU legislation.
- 1.10 It is also important that any teacher who requests unpaid leave of absence should be informed that a period of unpaid leave of absence will constitute a break in service which can affect superannuation payments and pension.

2 Serious family illness of a near relative (Head Teacher and Chief Education Officer)

- 2.1 Special leave shall be granted in accordance with the following provisions:- in the case of absence of a teacher owing to the serious illness of a near relative, in-law, co-habitee or foster parent, the authority shall pay salary for not more than 3 school days; The Head Teacher will authorise this via iTrent. If more than 3 days' leave is requested, the request for additional leave should be passed to the Chief Education Officer for consideration / authorisation. The Chief Education Officer will notify the Head Teacher of the decision and the Head Teacher will then inform the teacher of the outcome of their application. Any additional leave approved by the Chief Education Officer over and above the 3 days paid leave will be unpaid leave.

3 Illness of a Dependent (Head Teacher and Chief Education Officer)

- 3.1 Up to 2 days can be granted with pay in cases where the Head Teacher is satisfied that alternative arrangements for care cannot reasonably be made. Consideration should be given as to whether the teacher could gainfully carry out any work from home for all or part of the period of absence e.g. preparation and correction, curriculum development.
- 3.2 Further reasonable unpaid time off may be granted at the discretion of the Chief Education Officer.
- 3.3 Employees are entitled to a reasonable amount of time off to take action which is 'necessary' in the particular circumstances: what this means will vary from case to case and is likely to depend on, for example, the nature of the incident and whether anyone else is available to help.

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

4 Public duties

(Head Teacher and Chief Education Officer)

- 4.1 Out of courtesy, an employee who is contemplating undertaking public duties should inform their manager about the likelihood of this. Once an appointment is made, this should be confirmed to the line manager, together with an indication of the approximate number of occasions when time off is likely to be requested. Evidence of occasions when time off is likely to be required must be provided to the Chief Education Officer. Evidence of public duty and voluntary body appointments will be provided by the employee. A teacher should be allowed reasonable time off during working hours to perform any of the duties.
- 4.2 Where the appointment is to a public body and relates directly to a teacher's work, or the work of the service, a teacher should be allowed reasonable time off with salary to perform duties. But where there is no resultant benefit to the education service, leave should be without salary.

Examples of public duties are:

- Justice of the Peace
- Member of a local Authority
- Member of a statutory tribunal (e.g. member of Children's Panel, Employment Tribunal)
- Member of a Health Board
- Member of an NHS Trust
- Member of a school or college council
- Member of a body of a Higher Education Institute
- Members of Educational bodies

**5 Holidays or festivals of religious or ethnic groups
(Head Teacher and Chief Education Officer)**

- 5.1 Where not covered by other holidays, 2 days may be granted in any 1 year for religious festivals, one of which can be paid, the other if required would be unpaid. This will be submitted to the Head Teacher for authorisation. Requests for leave beyond 2 days must be referred to the Chief Education Officer who is empowered to grant further leave, which can include no more than one additional day of paid leave. Reasonable notice must be given by the employee.

**6 Playing sport in a national championship or in connection with international amateur sporting or cultural events
(Chief Education Officer)**

- 6.1 Leave of absence without salary may be granted to enable a teacher to play in a national sporting championship. Requests should be made to the Chief Education Officer.
- 6.2 Where a teacher is asked to represent his/her country at international level, leave of absence shall normally be given with salary. This may include duties such as being a national coach, umpiring/refereeing at international events, competing in international sporting events, participating in important international cultural or artistic events etc. Where, however, any international event involves a country with which relations are politically sensitive, requests for such leave of absence may have to be refused. The number of days (paid/unpaid) will be at the discretion of the Chief Education Officer, to whom all requests should be made.

**7 Leave in connection with parliamentary candidacies
(Chief Education Officer)**

- 7.1 Leave of absence will be granted to teachers who are parliamentary candidates. This leave will be without salary and will be granted at the time of the general election for a period not exceeding 4 weeks. Requests should be made to the Chief Education Officer. Requests for leave as a spouse of a candidate shall normally be refused.

**8 Leave in connection with Council elections
(Chief Education Officer)**

- 8.1 Leave will be granted as for parliamentary candidacies for those teachers who are candidates. The period of leave shall not exceed 1 week. Requests should be made to the Chief Education Officer.

**9 Compassionate leave
(Head Teacher)**

- 9.1 In the case of absence through the bereavement of a near relative, in-law, co-habitee or foster parent, full salary shall be paid for not more than 5 school days. This will be approved by the Head Teacher.
- 9.2 Where a member of staff is required to make the necessary arrangements for the funeral - winding up the estate etc. a total of 3 working days with pay should be granted for him/her to do so. The day required to attend the funeral is included in this. The Head Teacher will authorise these requests.
- 9.3 The paid element for compassionate leave where both 9.1 and 9.2 apply will not exceed a total of 5 days.

- 9.4 To allow a member of staff to attend a funeral of a relative or close friend, leave of 1 day with pay should be granted by the Head Teacher. A close relative is someone the employee is related to by blood or someone who they have a close emotional relationship with, e.g. their's or their partner's parents/siblings/children (e.g. in laws or stepchildren). Any additional time necessary due to the funeral being out with the area should be granted without pay.

10 Hospital Treatment and Attending Clinic Appointments (Head Teacher)

- 10.1 On the approval of the Head Teacher paid special leave for attendance at Hospitals or Clinics for either out-patient treatment or examination will be granted on the production of evidence of an appointment.

11 Court Attendance (Head Teacher)

- 11.1 A teacher receiving a summons to serve on a jury shall report the fact to the Head Teacher and shall be granted special leave with pay to attend (unless exemption is secured). The teacher shall be under an obligation to reimburse the authority for any loss of earnings allowance received under the Jurors Allowance Regulations and accordingly the teacher must claim such allowance.
- 11.2 When required to attend for jury service a teacher shall be furnished with an official note of salary expressed in terms of a daily rate from Payroll.
- 11.3 Having attended Court, the Court staff will calculate the loss of earnings/other expenses (as appropriate) to be paid and will record these on the citation. On payment of the claim the signature of the claimant will be required and the citation will be retained by the Court. Teachers should make arrangements to pay back the lost of earnings elements from the Court to the Council.

11.4 Where a teacher has been called as a witness by the authority the teacher shall be regarded as being on authorised school business.

11.5 Where the teacher has been called as a witness by persons other than the authority the absence will be treated as special leave with pay. The teacher shall be under an obligation to reimburse the authority for any loss of earnings allowance received during the period of absence where such a loss of earnings allowance is recoverable from the person issuing the citation to attend as a witness.

**12 To attend for interview for another post
(Head Teacher)**

12.1 Teachers will normally be granted up to 2 days paid special leave to attend an interview.

**13 To attend a wedding
(Head Teacher)**

13.1 Up to 2 days can be granted by the Head Teacher, only 1 of which may be with pay, unless it's the teacher's own wedding which should normally be arranged for holiday periods. Only in very exceptional circumstances (for example when the spouse to be is in the armed forces and is unable to take leave during the school holiday period) will a limited period of leave without salary be granted.

**14 To attend an honorific occasion of a close relative
(Head Teacher)**

14.1 One day of paid leave can be granted by the Head Teacher.

15 House removal
(Head Teacher)

15.1 Where the removal cannot be arranged for a holiday period, 1 day of paid leave of absence may be granted by the Head Teacher. If a second day is necessary it shall be without pay.

16 Attendance at annual camp of TAVR/RNVR
(Head Teacher)

16.1 Teachers who are members of the non-regular forces and who attend an annual training camp will be granted special leave with salary equal to the period for which they attend the training camp, but not exceeding a period of 15 days in any school session and subject to the deduction of service pay and allowances received in respect of the period of leave. Applications will be authorised by the Head Teacher.

17 Study leave
(Head Teacher)

17.1 Study leave with or without pay may be granted by the Head Teacher to assist teachers undertaking extended qualification-bearing courses of immediate relevance to the teacher's work.

18 Accompanying groups of children
(Head Teacher)

18.1 Leave will normally be granted by the Head Teacher where the applicant has been selected to accompany groups of children other than the teacher's immediate pupils. Leave will be granted with salary except where full costs are being met from another source.

19 Holidays during term time

- 19.1 Apart from compensatory time in lieu of illness, as defined in the SNCT Conditions of Service, leave with or without salary will not be granted for holidays during term time.

20 Accompanying spouse on holidays and business trips

- 20.1 Leave of absence will not normally be granted to allow a teacher to accompany his/her spouse on a holiday or business trip during term time. Any leave granted in exceptional circumstances will be without salary.

21 Leave in connection with sports coaching

- 21.1 Leave of absence will not be granted to a teacher to enable him/her to undertake the coaching of sport except in connection with international sporting events as indicated above.

22 Urgent Domestic Distress (Head Teacher)

22.1 Teachers may also request time off on occasion to deal with an accident or other domestic crisis. No two such situations are the same, so Head Teachers have to exercise judgement in each individual situation. In deciding how to respond to such requests Head Teachers have to take a number of factors into consideration so as to secure fairness, consistency and honest reporting of reasons for absence, to be sympathetic to the individuals personal needs and to reconcile all of these with service delivery requirements.

22.2 Head Teachers should be satisfied that the situation is a genuine/urgent crisis or problem which could not be pre-planned, and that the teacher is the most appropriate person to deal with the problem, and that the time sought is the minimum to deal with the problem. The time allowed would be up to 1 day (paid) to a maximum of 2 occasions per school session (August – July). Reasonable further unpaid time off may be granted at the discretion of the Head Teacher.

23 Special Cases (Chief Education Officer and Head Teacher)

23.1 In exceptional circumstances which are not governed by the above guidelines, or where compelling compassionate grounds are advanced in support of an application which would normally be refused, application can be made via the Head Teacher to the Chief Education Officer who shall have discretion to determine what leave, if any, should be granted.

23.2 Requests for leave for reasons not covered by the categories above will always be referred to the Chief Education Officer. Other than in exceptional circumstances (when the period of advance notice may be reduced or waived) all applications for leave of absence for any period of more than 2 school days shall be made in writing to the Head Teacher not less than 2 weeks in advance of the period of absence. When forwarding

the request to the Chief Education Officer the Head Teacher shall state if he/she recommends approval of the request and, in the event of permission being granted, whether or not suitable arrangements can be made for the teacher's duties to be covered. The Chief Education Officer shall advise on their decision stating whether any leave granted is with, or without, pay.

23.3 The Chief Education Officer should be consulted in any case where the legitimacy of a request is in doubt.

Name

Signed *Joint Secretary (Management side)*

Date

Name

Signed *Joint Secretary (Teachers' side)*

Date