



MANAGEMENT CIRCULAR

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Education Services, City Chambers, 40 John Street, Glasgow G1 1JL

December 2018

Management Circular No. 69

To All Heads of Establishment

Leave Arrangements

This Management Circular clarifies the following arrangements for Education Services employees on Glasgow City Council terms and conditions (not SNCT):

- management of annual leave;
- requesting unpaid leave;
- special leave;
- compensatory annual leave for term-time employees;
- flexi-time and time off in lieu (TOIL).

Management of Annual Leave

The granting of annual leave is by mutual agreement between the member of staff and the Head of Establishment/Line Manager, taking into account operational service delivery requirements. It is the responsibility of the employee to submit a request for annual leave via MyPortal, or on the appropriate pro-forma, a minimum of 7 days in advance of the period of leave requested.

The Head of Establishment/Line Manager, should approve leave requests within 5 working days ensuring that there will be no detrimental effect on service delivery.

Employees within Education Services should ensure, wherever possible, that annual leave is taken during school closure periods or at times of reduced service delivery.

Employees are entitled to 25 days annual leave increasing to 28 days after 5 years' service. This is pro-rata for employees with non-standard working patterns. At least two thirds of annual leave should be taken between the months of April to October inclusive.

In addition, 2½ days annual leave will continue to be allocated to cover the festive closure period. Employees in Early Years establishments are not required to use 2.5 days Leave for the festive closure period, and should use this 17.5 hours towards required CPD for SSSC registration.

Public Holidays

Employees within Education Services are entitled to 12½ Public Holiday per leave year. This is pro-rata for employees working a non-standard work pattern.

Purchased Annual Leave

Employees can request the purchase of additional leave up to the equivalent of 15 days. However, requests to purchase additional leave over and above 5 days will normally only be granted in exceptional circumstances.

In addition, requests to purchase additional annual leave will only be authorised where there is no requirement for cover and no impact on service delivery. Term-time employees should be aware that requests to purchase additional annual leave will not be approved to support holidays within term-time.

Employees will be required to complete and submit an application form requesting both unpaid leave or purchased annual leave and submit this to their Head of Establishment/Line Manager.

Further information can be found at

<http://connect.glasgow.gov.uk/article/13083/Worklife-Balance-Options>

Special Leave

Employees may be entitled to paid/unpaid special leave under the following circumstances in line with Glasgow City Council's – Leave Policy:

- fostering
- parental leave
- time off to care for dependants
- bereavement
- medical treatment
- interviews
- service in non-regular forces
- jury and witness service
- employment tribunals
- meetings and public duties
- social purposes
- election duties
- miscellaneous leave.

Further information can be found at <http://connect.glasgow.gov.uk/article/11279/Conditions-of-ServicePolicies-and-Procedures>

Religious Festivals

Employees can request up to three days paid leave per year to celebrate religious festivals that fall on a normal working day. For term-time employees no salary adjustment will be made. Employees should ensure that their Head of Establishment/Line Manager has sufficient notice if they will be requesting time off for a religious festival.

Special Leave for Weddings

Leave of absence for term-time employees will not normally be granted during the school term. However, in 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, a limited period of paid leave may be granted.

Up to one day unpaid leave may be granted to allow a term-time employee to attend a wedding which falls on a normal working day.

Participation in International Sporting Events

Where an employee is asked to represent his/her country at international level, leave of absence will normally be granted with pay subject to the deduction of loss of earnings allowance, or other payments made. If the event involves the employee visiting a country with which relations are politically sensitive, the matter will be referred to the Executive Director of Education.

Leavers

When a term-time employee leaves Glasgow City Council, or moves to a contractual position that is not term-time, the attached working calendar (Appendix 1) should be used to determine whether the employee has received the appropriate proportion of annual leave.

Calculations are based on the current leave year within which the employee's resignation falls.

Customer and Business Services will undertake a payroll calculation to ensure that the employee is paid for any outstanding annual leave due, and where an employee has observed more than their entitlement to annual leave, the additional leave days will be deducted from the final salary.

Maureen McKenna
Executive Director of Education

PART A

ANNUAL LEAVE FOR TERM-TIME EMPLOYEES

The principle around term-time calculations is that term-time employees cannot be treated less favourably than full-time employees.

Full-time (52 week) employees present themselves for work for 220.5 days each year. There are a total of 261 work days available in our leave year minus 40.5 days which accounts for annual leave and public holidays (28 days + 12.5 days) = 220.5 days.

Term-time employees present themselves for work for 195 days each year, therefore, they work 195 days divided by 220.5 days = 88% of the working year. Based on this calculator, term-time employees are due 25 days annual leave and 11 public holidays each leave year. The attached working calendar should be used for reference (Appendix 1).

Term-time employees also incur a pro-rata reduction on the full time salary, therefore, there are circumstances when term-time employees are entitled to compensatory annual Leave. Term-time employees are due compensatory annual leave following maternity leave and may be due compensatory annual leave following a period of sick leave.

Annual leave days for term-time employees are identified by using the attached working calendar.

Maternity Leave for Term-Time Employees

When a term-time employee applies for maternity leave, they should complete a maternity leave application form and submit the completed application, accompanied with a **MatB1** certificate, to their Head of Establishment/Line Manager.

Please click on the following link for further information:

<http://connect.glasgow.gov.uk/article/11353/Employee-Guides-and-Forms>

Compensatory annual leave is accrued from the date that the maternity leave commences. A term-time employee will accrue three days leave, a combination of annual leave and public holidays, for each completed month of maternity leave up to a maximum of 36 days.

An entitlement of 36 days accrued leave occurs when a term-time employee observes 12 months of maternity leave. If the employee works on a part-time basis and does not work five days per week, the entitlement is pro-rata.

For the purposes of accrued maternity leave, a full month is the start date of the maternity leave until the same date the following month.

For example, an employee commences maternity leave on 10 February and returns to work on 1 December. This employee has taken nine completed months of maternity leave and is due 27 days compensatory leave to be allocated against normal working days (excludes holiday periods).

In advance of return from maternity leave, Customer and Business Services will advise the employee and their Head of Establishment/Line Manager when they will be returned to payroll, and when they are required to return to the workplace.

In normal circumstances, accrued leave due as a result of maternity leave should be taken immediately following the period of maternity leave and only in exceptional circumstances can a Head of Establishment/Line Manager approve the retention of annual leave to be used at another time. This would only be considered in exceptional circumstances and on the basis that no cover is required, and there is no detriment to service delivery.

For term-time employees working a non-standard work pattern, a pro-rata calculation will be applied.

COMPENSATORY ANNUAL LEAVE FOLLOWING SICKNESS ABSENCE

Term-time employees may accrue compensatory annual leave days due to a period(s) of sickness absence incurred during school closure periods.

The full year entitlement for a term-time employee working 5 days per week is 25 days annual leave and 11 public holidays.

Schools are normally closed for 66 days per academic year, of which 36 of these days have been identified as leave days. No compensatory annual leave is due for the remaining school closure days. The attached working calendar (Appendix 1) should be used for the purposes of calculating compensatory leave.

All employees must receive the pro-rata statutory minimum entitlement of 25 days leave. Employees who are absent in excess of 13 continuous weeks will incur a reduction in their annual leave entitlement, however, this should not be less than the 25 days statutory minimum entitlement for term-time employees.

Should a period of long-term sickness absence straddle two leave years, a calculation should be completed for each year.

The leave year for term-time employees will remain from 1 January to 31 December in line with Glasgow City Council's Conditions of Service.

PART B

This section provides guidance on the use and management of flexi-time and time off in lieu within Education Services.

TIME OFF IN LIEU (TOIL)

Flexi-time is not a suitable option in the delivery of frontline Education Services at schools and nurseries. However, it is acknowledged that, on occasion, employees may be required to work beyond their contractual hours and wish to claim time back TOIL for these hours.

Where an employee works additional hours and is intending to reclaim these hours, the Head of Establishment/Line Manager must ensure that an appropriate manual recording system must be in place at local level.

It should be noted that the use of TOIL should not be a regular feature of working practice, but should be incurred by exception. This should be applied as follows:

- where an employee is accruing time that they intend to take as TOIL, this should be authorised by their Head of School/Line Manager in advance.
- the only exception to this would be in unforeseen circumstances and in such instances authorisation should be sought the following working day.
- the majority of accrued time will be incurred on a planned basis e.g. support for parents' nights, school/nursery outings, additional CDO cover required.
- TOIL is generally accrued in small quantities and should be taken off in the same manner it was accrued e.g. where the above employee has an additional two hours, the manager should agree a suitable time off taking cognisance of any impact in operational service delivery.
- under normal circumstances, TOIL should not be accumulated into a full days' leave.
- all TOIL should normally be authorised at times when there are reduced pupil numbers present within the establishment and within 1 month of accrual.

EMERGENCY CIRCUMSTANCES

It may not always be possible for an employee to obtain authorisation prior to working additional hours and in such instances authorisation should be sought on the next working day.

AUTHORISATION

The following authorisation will apply in schools/nurseries where TOIL is in use:

- authorisation for TOIL can only be provided by the Head of School/Line Manager;
- the Head of Establishment/Line Manager should agree with the employee at the outset when the compensatory time off in lieu may be taken in order to avoid any future disputes arising
- the Head of Establishment/Line Manager needs to agree that it is necessary for the employee to work the additional hours as there be an impact on operational service delivery
- for Heads of Establishment/Line Managers, any accrued additional hours where TOIL is expected, approval must be granted by the Head of Service or Area Education Officer, in advance and an appropriate manual recording system maintained
- the Head of Service/Area Education Officer must be satisfied that there is a service delivery requirement for the Head of School/Line Manager to work additional hours and also agree an appropriate time for TOIL to be taken. For staff with 52 week contractual status, this should be taken during closure periods, wherever possible;
- the Head of Service/Area Education Officer should be satisfied that Heads of School/Line Managers, are not accruing considerable TOIL and where this is identified this should be raised with the Human Resources Manager;
- the exception to this would be where an emergency situation occurs.

FLEXI-TIME

The purpose of flexi time is to allow employees to vary start and finish times according to the needs of the service and achieve work-life balance /home life commitments.

The majority of employees who participate in a flexi-time system will be office based, as flexi-time is not a suitable option to support front line service delivery.

Where flexi-time is in operation there must be an electronic or manual recording system, and the appropriate guide must be adhered to:

<http://connect.glasgow.gov.uk/article/11353/Employee-Guides-and-Forms>

In particular, employees who have a non-standard work pattern to suit the needs of the service e.g. term- time, nine day fortnight, four day week, should not accrue additional days off as a result of participating in a flexi-time scheme. In such circumstances employees may continue to vary start and finish times or take an extended lunch break where service delivery permits.

Where employees accrue additional flexi-days, this will normally be 1 day per accounting period and no more than 13 days in any leave year, these should be taken at school closure periods or times of reduced workload.

Flexi-time is not a condition of service or contractual entitlement but an employee benefit, and at all times, is governed by the exigencies of the service.

EXAMPLE 1

A term-time employee is absent from work due to illness from Monday, 1st February to Friday, 13 May inclusive. In order to establish the leave entitlement due to the employee upon return to work, we need to apply the following:

1. Establish if the period of absence exceeds 13 continuous weeks within one leave year, or straddling two leave years, therefore triggering a reduction in annual leave entitlement in line with policy. Please note, any reduction in annual leave entitlement will be calculated based on the period of service given in the leave year, provided the leave entitlement due for the period of service given does not fall below the statutory minimum of 25 days for term-time employees.
2. In order to calculate the leave entitlement due we need to establish the following: What is the total period of absence?

1st February to 13 May inclusive = 15 weeks, therefore, annual leave entitlement is subject to a reduction, which is calculated as follows:

$$52 \text{ weeks} - 15 \text{ weeks} = 37 \text{ weeks}$$

$$37 \text{ weeks} \div 52 \text{ weeks} \times 100 = 71\%$$

$$71\% \times 25 \text{ days} = 18 \text{ days annual leave due (+ 11 days P/H entitlement)}$$

$$\text{Total combined leave} = 29 \text{ days (18 A/L + 11 P/Hs)}$$

3. How much annual leave was allocated, as detailed on the working calendar, prior to the absence commencing? 0 days
4. How much annual leave is allocated, as detailed on the working calendar, from return to work until the end of the leave year? 20 days (Note: The leave year runs from 1st January to 31 December)

In this example the employee has received two days annual leave in excess of the reduced entitlement of 18 days i.e. 20 days allocated from return to work to the end of leave year less 18 days due = 2 days.

However, during the period of absence the employee was due to access three P/Hs, therefore, the two A/L days received in excess of entitlement are off-set against the three P/Hs which fell during the period of absence, resulting in one P/H due to the employee.

EXAMPLE 2

A term-time employee is absent from work due to illness from Wednesday, 2 March to Friday, 1 July inclusive. In order to establish the leave entitlement due to the employee upon return to work, we need to apply the following:

1. Establish if the period of absence exceeds 13 continuous weeks within one leave year, or straddling two leave years, therefore triggering a reduction in annual leave entitlement in line with policy. Please note, any reduction in annual leave entitlement will be calculated based on the period of service given in the leave year, provided the leave entitlement due for the period of service given does not fall below the statutory minimum of 25 days for term-time employees.

2. In order to calculate the leave due we need to establish the following:

What is the total period of absence?

2nd March to 1st July inclusive = 17 weeks and three days, therefore, annual leave entitlement is subject to a reduction, which is calculated as follows:

$$52 \text{ weeks} - 17.6 \text{ weeks} = 34.4 \text{ weeks}$$

$$34.4 \text{ weeks} \div 52 \text{ weeks} \times 100 = 66\%$$

$$66\% \times 25 \text{ days} = 17 \text{ days annual leave due (+ 11 days P/H entitlement)}$$

Total combined leave = 28 days

3. How much annual leave was allocated, as detailed on the working calendar, prior to the absence commencing? 0 days
4. How many annual leave days much annual leave is allocated, as detailed on the working calendar, from return to work until the end of the leave year? 15 days (Note: The leave year runs from 1st January to 31 December)

In this example the employee is due a balance of two days annual leave in order to receive the reduced entitlement of 17 days i.e. 17 days due less 15 days allocated from return to work to the end of the leave year = 2 days.

However, during the period of absence the employee was due to access four P/Hs, therefore, the employee is due a total of two A/L days plus four P/Hs.

EXAMPLE 3

A term-time employee is absent from work due to illness from Monday, 14 March to Tuesday, 6 September inclusive. In order to establish the leave entitlement due to the employee upon return to work, we need to apply the following:

1. Establish if the period of absence exceeds 13 continuous weeks within one leave year, or straddling two leave years, therefore triggering a reduction in annual leave entitlement in line with policy. Please note, any reduction in annual leave entitlement will be calculated based on the period of service given in the leave year, provided the period of leave does not fall below the statutory minimum of 25 days for term-time employees.
2. In order to calculate the leave due we need to establish the following:

What is the total period of absence?

14 March to 6 September inclusive = 17 weeks and three days, therefore, annual leave entitlement is subject to reduction, which is calculated as follows:

$52 \text{ weeks} - 25.4 \text{ weeks} = 26.6 \text{ weeks}$

$26.6 \text{ weeks} \div 52 \text{ weeks} \times 100 = 51\%$

$51\% \times 25 \text{ days} = 13 \text{ days annual leave due (+ 11 days P/H entitlement)}$

Total combined leave = 24 days

3. How much annual leave was allocated, as detailed on the working calendar, prior to the absence commencing? 0 days
4. How many days annual leave are allocated, as detailed on the working calendar, from return to work until the end of the leave year? 4 days (Note: The leave year runs from 1st January to 31 December)

In this example the employee is due a balance of nine days annual leave in order to receive the reduced entitlement of 13 days, plus one additional days leave in order to receive the statutory minimum of 25 days (14 A/L + 11 P/Hs).

However, during the period of absence the employee was due to access five P/Hs, therefore, the employee is due a total of 10 days A/L and five P/Hs.

EXAMPLE 4

A term-time employee is absent due to illness from Wednesday, 11th May to Friday, 16th September inclusive. In order to establish the leave entitlement due to the employee upon return to work, we need to apply the following:

1. Establish if the period of absence exceeds 13 continuous weeks within one leave year, or straddling two leave years, therefore triggering a reduction in annual leave entitlement in line with policy. Please note, any reduction in annual leave entitlement will be calculated based on the period of service given in the leave year, provided the period of leave does not fall below the statutory minimum of 25 days for term-time employees.

Please note this employee's work pattern is Monday to Wednesday only (three days per week), therefore, they are due 3/5ths of the statutory leave entitlement for term-time employees, i.e. 3/5ths of 25 days = 15 days annual leave due. In addition, this is also applied to the P/H entitlement, i.e. 3/5ths of 11 days = 7 P/Hs due.

2. In order to calculate the leave due we need to establish the total period of absence?

11th May to 16th September inclusive = 18 weeks and three days, therefore, annual leave entitlement is subject to reduction, which is calculated as follows:

$52 \text{ weeks} - 18.6 \text{ weeks} = 33.4 \text{ weeks}$

$33.4 \text{ weeks} \div 52 \text{ weeks} \times 100 = 64\%$

$64\% \times 15 \text{ days} = 10 \text{ days annual leave due (+ 7 days P/H entitlement)}$

Total combined leave = 17 days

In this example the same principles apply, however, it is necessary to review the employees work pattern in order to establish the annual leave days allocated before and after the period of absence.