



MANAGEMENT CIRCULAR

68

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

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Management Circular No. 68

To Heads of all Educational Establishments

Leave of Absence for Teachers (Paid and Unpaid)

This Management Circular sets out the procedures to be followed in connection with the granting of leave of absence to teachers in a variety of circumstances. It reflects relevant national and local agreements. The circular does not relate to annual leave and does not cover leave as a result of illness or maternity (more information on these provisions can be found in the SNCT Handbook at www.snct.org.uk). In all cases, the period of leave granted is inclusive of any travelling time required.

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

Teachers who are seeking leave of absence should apply to the Headteacher, or in the case of teachers not based in schools, to the relevant line manager. A Headteacher should apply to their Head of Service. If a Headteacher requires any further guidance when considering leave, they should seek advice from the Human Resources team.

The terms and conditions 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, careful foresight should be exercised and requests for leave submitted well in advance. The need to ensure continuity of education makes it particularly important that these general principles should be scrupulously applied in the case of teaching staff.

At times misunderstandings can arise in the granting of leave of absence without pay. While financial considerations are obviously important, the most important consideration in the mind of those granting leave of absence should be the avoidance of unnecessary interruption of education and the potential impact on attainment and achievement. There is not, therefore, any automatic right to leave of absence without pay nor any supposition that such leave will be granted other than in accordance with 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 that can affect superannuation payments and pension.

The National Scheme of Salaries and Conditions of Service for Teachers and Associated Professionals sets out the contractual position when special leave may be granted to teachers and can be found in the SNCT handbook at www.snct.org.uk. For convenience, this Management Circular divides requests for leave of absence into three categories that are dealt with separately in the sections that follow. It should be noted, however, that all requests for more than two days leave in any of the categories should be referred to the Head of Human Resources (Education).

Category I

Relates to requests for leave under circumstances defined in the National Scheme of Salaries and Conditions of Service for Teachers and Associated Professionals.

Category II

Relates to requests for leave of absence of up to two days which the Headteacher 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 Headteacher should refer the request for additional leave to the Head of Human Resources (Education)

Category III

Relates to all 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 Human Resources (Education)

1. CATEGORY I

1.1 Court Attendance

a) Jury Service

A teacher receiving a summons to serve on a jury must report this to their Headteacher and will be granted special leave with pay to attend (unless exemption is secured). The teacher must reimburse the authority for any loss of earnings allowance received under the Jurors Allowance Regulations and accordingly the teacher must claim such allowance.

When required to attend for jury service a teacher will be issued with an official note of salary expressed in terms of a daily rate, by Customer and Business Services. This note will be endorsed by the Court Authorities to show the amount paid and must be returned by the employee to CBS to ensure that the salary is adjusted.

b) Witness Service

Where the teacher is cited to attend as a witness by the authority, the teacher shall be regarded as being on authorised school business.

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 is 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(s) citing them.

1.2 Medical Treatment

Appointments for optical, dental, orthopaedic, or other medical treatment should be arranged, where possible, outside normal working hours. If this is not possible, then Headteacher must be satisfied of the reasons for this before agreeing to paid leave for the treatment. An appointment letter should always be presented to the Headteacher.

If a teacher is having a preventative medical examination, such as a hospital appointment, they will be entitled to attend during working hours.

1.3 Family Illness

If a teacher is absent due to the **serious** illness of a near relative, in-law, partner or foster parent, then special leave with pay may be granted for not more than three school days. The Headteacher should contact the Head of Human Resources if the absence is longer than two days.

1.4 Bereavement

If a teacher is absent due to the bereavement of a near relative, in-law, partner or foster parent, then special leave with pay may be granted for not more than five school days.

1.5 Parental Bereavement

Parents can take up to two week's paid leave following:

- The death of a child under the age of 18
- A miscarriage (loss of a baby before 24 weeks of pregnancy)
- A still birth (loss of a baby from 24 weeks of pregnancy)
- An ectopic or molar pregnancy.

Leave can be taken anytime in the 56 weeks after the death; and in one continuous two-week period, or two separate blocks of one week each.

1.6 Leave to move house

If a teacher has to move as a result of their place of employment being changed, then the Head of Human Resources may grant 2 days paid leave.

1.7 Leave for Examinations

Special leave with pay may be granted to teachers for the purpose of sitting examinations applicable to their teaching service. Special leave, with or without pay, may be granted for the purposes of final revision in the period preceding an examination, according to the circumstances of each case.

2. CATEGORY II

This section deals with requests for leave of up to two days which may be granted by a Headteacher provided that the exigencies of the service permit. Requests for leave which fall outwith the Headteacher's jurisdiction, or any requests to extend the conditions outlined must be referred to the Head of Human Resources (Education) together with a recommendation and any other details.

2.1 To attend a funeral

In cases not covered at 1.4, teachers would be allowed to take an appropriate period of time off, to attend the ceremony.

Headteachers may, taking the circumstances into account, allow paid time off to allow teachers to conduct business in preparation for the ceremony.

2.2 Interviews

If a teacher attends an interview with another local authority, they will be entitled to up to one day's paid leave. If they need more than one day, because of travel, for example, then leave without pay may be requested.

2.3 Public duties

a) Leave with Pay

Teachers, who are appointed Justices of the Peace, or members of Children's Panels, will be granted paid leave of absence. This will be limited initially to the equivalent of 24 half days per year, to undertake duties in connection with their appointments. If they need more than 24 half days per year, the Head of Human Resources (Education) will decide whether further leave of absence should be granted and whether this leave is with or without pay.

Teachers, who are local authority Councillors, will be granted leave of absence as and when required, to undertake approved duties with the local authority concerned. This will be for a maximum of 208 paid hours in any financial year. Teachers who are engaged by government departments, in an advisory capacity, will be granted leave of absence with pay to undertake such duties as agreed with the Executive Director of Education.

Where possible, all such leave should be planned and agreed in advance with the Headteacher so that appropriate cover can be sourced

b) Leave without Pay

Teachers who are members of Parent Councils, will be granted leave of absence without pay for related duties which occur during their working hours.

Teachers who are members of visiting committees to prisons, remand centres and young offender's institutions, will be granted unpaid leave of absence, as and when required, for related duties which occur during their hours of work.

c) Other public duties

Headteachers and Education Services Human Resources may grant leave with or without pay, for other public duties not specified above. An example of this is where a teacher is a member of a Fostering and Adoption Panel.

Before granting the leave, Headteachers, in conjunction with Human Resources, must take into account the needs of the Service, and get approval from the Executive Director of Education.

If the leave isn't granted, the Executive Director, or the teacher concerned, can refer the matter to the Executive Director of Corporate Services.

2.4 Religious Festivals

Up to three days paid leave per school session may be granted in circumstances where religious observance is required outwith current leave and school closure days.

2.5 Time off to care for dependants

Headteachers may agree to teachers having time off, during working hours, to care for a dependant - particularly in unforeseen emergencies. A dependant is defined as a wife, a husband, a civil partner, a child, a parent, someone who lives in the same household as you or anyone else who reasonably relies on you for help or support. Teachers should advise their Headteacher as soon as possible, explain the circumstances, and discuss how much time off they're likely to need.

Before agreeing to any leave, the Headteacher must discuss the circumstances with the teacher, to determine what's "*reasonable*" and "*necessary*". Further advice from Human Resources is available to Headteachers, if required. The teacher may then be granted up to one day's paid leave. Any further leave will be unpaid, and shouldn't normally last more than two or three days in total.

Unforeseen emergency situations may include:

- a dependant falls ill, is injured or assaulted; or
- there is an unexpected disruption or termination of their care arrangements; or
- there is an unexpected incident involving the teacher's child whilst at nursery or school.

Please note that this type of leave should only be granted for unforeseen emergencies. Headteachers have the right to refuse requests, if the same teacher makes them on a regular basis.

2.6 To attend a wedding

Up to one day unpaid leave may be granted to allow a teacher to attend a wedding. This paragraph does not relate to the teacher's own wedding (see section 3.1).

3. CATEGORY III

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

- requests for leave for reasons not covered in sections 1 and 2
- requests for leave for reasons covered in sections 1 and 2 but where the terms requested exceed those already granted.

Other than in exceptional circumstances (when a period of advance notice may be waived or reduced) all applications for leave of absence for in this category should be made in writing to the Headteacher not less than two weeks in advance of the period of absence. When sending the request to the Head of Human Resource (Education), the Headteacher should 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 Human Resources (Education) will confirm the decision to the teacher and state whether any leave granted is to be with, or without, pay.

In reaching decisions the Head of Human Resources (Education) will take account of the following guidelines:

3.1 Marriage during term-time

Leave of absence will not normally be granted during the school term. 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 be granted.

3.2 Employment Tribunal

Where a teacher has to attend an employment tribunal, not relating to their employment with the council, or are called as a witness, they may be given reasonable leave of absence, with pay. Where a teacher is required to attend an employment tribunal because of a submission that they have made against the Council, they may be granted unpaid leave of absence.

3.3 Election duties

Leave of absence, without pay, will be granted to teachers who are parliamentary candidates or parliamentary election agents. The leave will be granted at the time of an election and will be for a maximum of four weeks.

Teachers who stand as a candidate at other Council elections will be entitled to one day's unpaid leave, on the day of the election.

In all cases, Headteachers must take the needs of the Service into account, before agreeing any leave.

3.4 Service in Non-Regular Forces

Teachers who are members of the Non-Regular Forces and who need to attend an annual training camp for at least one week, will be entitled to additional paid leave, up to a maximum of 15 days. The entitlement is only for the time they actually spend at the training camp. The teacher may receive separate “*service pay and allowance*” from the Non-Regular Forces, for attending camp. Therefore, the equivalent amount will be deducted from their pay.

Superannuation contributions on normal full salary are payable either by deduction from civil pay make-up, or if service pay and allowances exceed civil pay, by the teacher.

Teachers granted leave in these circumstances must provide the Head of Human Resources (Education), on their return, with an official note from their Commanding Officer, of their attendance and any pay and allowances received.

3.5 Social purposes

If a teacher carries out duties or services of an honorary, charitable, or philanthropic nature, they are entitled to up to one day’s paid leave per school session.

3.6 Meetings or conferences of an educational nature

Leave may be granted where an applicant has been selected to attend certain significant conferences or meetings of an educational 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.

3.7 Participation in international amateur or professional sporting events

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

4. SPECIAL CASES

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 may be considered, by exception, by the Head of Human Resources (Education) or referred to the Executive Director of Education.

5. APPEALS

Teachers have the right of appeal especially where the teacher feels that extenuating circumstances have not been fully recognised in the consideration of an application. Requests that are not granted:

- a) at school level, should be referred to the Head of Human Resources (Education) for consideration.

- b) Declined by the Head of Human Resources (Education) should be referred to the Executive Director of Education for consideration.

Douglas Hutchison
Executive Director of Education