

East Dunbartonshire Council

Education Procedure Manual 2/11

**Teachers and Employees on Scottish
Negotiating Committee (SNCT)
Conditions of Service**

Education, People & Business



December 2020

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1.0 POLICY STATEMENT

- 1.1 Special leave is available to all employees of the Council to cater for a wide range of circumstances and may be with or without pay. The policy is divided into three sections as follows:
- **Family Life & Domestic**
 - **National, Public and Community Service**
 - **Miscellaneous Situations, Study & Interviews**
- 1.2 Requests for special leave are based on the principle that Teachers should not make personal arrangements which conflict with their contractual duties.

2.0 SCOPE

- 2.1 This Education Procedure Manual 2/11 applies to Teachers and those on SNCT Conditions of Service.
- 2.2 Throughout this procedure manual, the term Head Teacher will be used to include Team Leaders and Senior Managers of those employees on SNCT Conditions of Service. The Term Teacher will refer to the individual requesting the Leave which will include all Teaching employees and those of SNCT Terms and Conditions.
- 3.3 Special Leave is usually available to all Permanent and Temporary Teachers. For Teachers of short term supply the special leave provisions would not normally apply.

3.0 REFERENCES & RELATED DOCUMENTS

- 3.1 This forms part of the Councils Policies and Procedure base surrounding employment and certain policies, procedures and toolkits may be referenced throughout this document. This policy has been developed to ensure compliance with relevant employment legislation.
- 3.2 This Procedure Manual should be applied with reference to the Charter of Roles & Responsibilities for Employment based Policies and Procedures.

4.0 POLICY OUTLINE

4.1 APPLYING FOR & GRANTING SPECIAL LEAVE

- 4.1.1 Applications for special leave should be submitted and discussed with the Head Teacher (A Head Teacher seeking special leave should apply to the Chief Education Officer) and consideration should always be given to the circumstances surrounding the request including the operational requirements of the Service.

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- 4.1.2 Where appointment cards or other similar forms of notification are available these should be shown and where possible the paperwork for the request for special leave will be completed and submitted before the leave is taken but it is appreciated that in a few circumstances, this may not be possible. Please refer to the **Education Special Leave Toolkit for Managers** for the required Special Leave Application Form in all circumstances.
- 4.1.3 All leave, whether it is paid or unpaid should be recorded on iTrent along with the reason for the leave.
- 4.1.4 In all cases a Teacher may request to substitute or extend special leave with any accrued compensation days they have available.
- 4.1.5 A Head Teacher can grant special leave of up to two days provided that the exigencies of the service can be met. Notice of such leave should be sent by the Head Teacher to the Chief Education Officer. All requests for more than two days of special leave, or extensions to the period already authorised by the Head Teacher should be referred by the Head Teacher to the Chief Education Officer. The Head Teacher should provide the Chief Education Officer with a recommendation and any other pertinent details.
- 4.1.6 A Teacher who requests special leave without pay should be informed that such leave may constitute a break in service that can affect superannuation payments and pension and should seek advice from Scottish Public Pensions Agency regarding this. Such leave however, does not affect continuous service within the Council.
- 4.1.7 Teachers and Head Teachers should be aware that where there is reason to believe that the policy is being abused, Disciplinary Procedures may be invoked.

4.2 FAMILY LIFE & DOMESTIC

4.2.1 Personal Business

If the Head Teacher is satisfied that the request is reasonable, short periods of less than a day can be granted, with pay to deal with personal business.

4.2.2 Family & Domestic Emergencies

- 4.2.3. For the purposes of this policy where not specified, a Teacher's family will be defined as a parent, child, spouse, partner, grandchild or someone who depends on the employee for care, however sympathetic consideration can be given to requests involving relatives other than those listed above.
- 4.2.4. Family emergencies are situations which tend to happen when least expected. Examples of these might include (this list is not exhaustive):
- A family member being involved in a serious accident or becoming ill and being admitted to hospital.
 - A family member is ill at home.
 - There is an unexpected problem with the day care normally provided for a dependent.

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- 4.2.5 All Teachers have a statutory right to take reasonable time off work, to deal with unexpected or sudden problems concerning a dependent and to make any necessary longer term arrangements in accordance with SNCT Conditions of Service. Employees who find it essential to be absent due to a family emergency, leave with pay for up to a maximum of three days will normally be granted. If more than two days is required, the Head Teacher should pass the request to the Chief Education Officer. Leave which is granted beyond three days will normally be without pay. To receive payment, employees must be able to demonstrate and/or provide clear explanation of the nature of the emergency to their manager. Planned and routine medical treatment is not regarded as an emergency and any requests to provide support for this should be submitted in advance.
- 4.2.6 In the case of the emergency hospitalisation of a family member and a Teachers has been advised by medical staff to stay at the hospital, leave with pay for up to 5 days will normally be granted. Where a Teacher attends work in these circumstances but is advised to be contactable by medical staff the Teacher should inform their Head Teacher and arrangements be made for the Teacher to be able to leave at short notice should this be required.
- 4.2.7 Where a Teacher requests time off work to allow them to care for a family member, special leave of absence without pay subject to monthly review may be granted. For long term absence, Teachers may wish to consider the Career Break Policy.
- 4.2.8 If Teachers are required to be absent to deal with necessary arrangements arising from domestic emergencies due to natural or malicious events such as floods, storm damage, fire or burglary, reasonable leave with pay will normally be granted. To receive payment Teachers must be able to demonstrate and/or provide clear explanation as to the nature of the emergency to obtain authorisation for leave by their Head Teacher.
- 4.2.9 If a Teacher has a family/domestic emergency and it does not appear that the council has a policy/procedure in place that will assist the particular case, advice can be obtained from HR Case Advisers. Contact details can be found in the Education Special Leave Toolkit for Managers. Many of the policies and procedures allow a degree of flexibility for special arrangements to be made.

4.3 VICTIMS OF DOMESTIC ABUSE

- 4.3.1 Where a Teacher is required to be absent to make special arrangements arising from being a victim of domestic abuse, leave with pay for up to 5 days will normally be granted with Head Teachers having the discretion to extend this to up to 10 days. In such cases, advice should be sought from your HR Case Adviser, contact details can be found in the **Education Special Leave Toolkit for Managers**. Leave can be taken in blocks or individual days depending on the circumstances. Please refer to the **Domestic Abuse Policy** for further details.

4.4 MEDICAL TREATMENT

- 4.4.1 Teachers requiring non-emergency/routine medical treatment should make arrangements to obtain such treatment out with pupil contact time. This may be achieved by using a degree of flexibility around class and non-class contact time. The Head Teacher has the

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authority to grant such requests and must be satisfied that all such requests are reasonable.

- 4.4.2 Teachers requiring to attend hospital appointments will be granted reasonable time off with pay. A hospital appointment card or letter must be provided to their Head Teacher prior to the leave being taken. Consideration should be given to the time required for any preparatory treatment and /or recovery period for hospital appointments as outlined in the hospital letter or written instructions provided to the Teacher by the hospital in advance of the appointment.
- 4.4.3 Teachers requiring to attend physiotherapy appointments will receive necessary paid time off if the Teacher is referred by their GP or their GP provides a report in support of the treatment. Where possible, these appointments should be made out with pupil contact time to minimise disruption to service delivery.
- 4.4.4 Time off for plastic and elective surgery will be treated in accordance with the Attendance Management Policy as long as the Teacher is referred by their GP or their GP provides a report in support of the treatment. Paid special leave is not granted for elective surgery.
- 4.4.5 A Teacher shall be entitled to time off with pay for the purpose of attending appointments related to fertility treatment.
- 4.4.6 Teachers who have caring responsibility for family members who have a medical condition covered under the Equality Act may be granted time off with pay up to a maximum of 5 paid days per year, to accompany them to appointments as long as they must personally attend as they are a principal carer.
- 4.4.7 Teachers may wish to consider other alternatives for example Parental Leave and/or Career Break should the medical treatment be required over a prolonged period.

4.5 ATTENDING A WEDDING

- 4.5.1 1 day with pay may be granted by the Head Teacher for an employee to attend a wedding as a guest. A second day with pay may be granted where attendance at the wedding requires an extended period of travel. The provisions in this paragraph do not refer to a teacher's own wedding.
- 4.5.3 Leave will not normally be granted for a Teachers own wedding during the school term-time. Only in very exceptional circumstances (for example when the partner 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. 1 day shall be with pay; any further leave granted will be without pay. Such requests must be referred to the Chief Education Officer.

4.6 MOVING HOUSE

- 4.6.1 Where a house removal cannot be arranged for a holiday period, up to 2 days leave may be granted by the Head Teacher. 1 day shall be with pay, the second, if required shall be without pay.

4.7 HOLIDAYS DURING TERM TIME

- 4.7.1 Apart from compensatory time off in lieu, as defined in SNCT Handbook of Conditions of Service (Part 2, Section 5), leave with or without pay for going on holidays is not normally granted during term-time.
- 4.7.2 Leave will not normally be granted to allow a Teacher to accompany a partner on holidays or business trips. Any leave granted in exceptional circumstances will be without pay. The Head Teacher should pass such a request to the Chief Education Officer.

4.8 BEREAVEMENT

- 4.8.1 In dealing with cases of bereavement it is expected that Head Teachers will be sympathetic to the situation. If a Teacher is experiencing difficulties in coming to terms with the bereavement, confidential support can be accessed through the Employee Assistance Programme. Advice can be sought from your HR Case Adviser. Contact details can be found in the **Education Special Leave Toolkit for Managers**.
- 4.8.2 A Teacher will be given reasonable time off as necessary with pay, up to 5 working days, including the day of the funeral in cases where the funeral is of a family member. Other relationships may be taken into account if the employee is required to make funeral arrangements or is required to travel. The Chief Education Officer should be informed of any leave granted over 2 days. If more than 2 days are required, the request should be passed to the Chief Education Officer. Leave which is granted beyond 5 days will normally be without pay.
- 4.8.3 In all other cases, Head Teachers will be able to grant the necessary paid time off to attend the funeral. 1 day with pay may be granted by the Head Teacher for a Teacher to attend a funeral. A second day with pay may be granted where attendance at the funeral requires an extended period of travel. Any leave requested beyond 2 days must be referred to the Chief Education Officer and if granted will be without pay.

4.9 NATIONAL, PUBLIC AND COMMUNITY SERVICE

4.9.1 Reserve Forces

The Council recognises the valuable contribution reservists make to the UK Armed Forces, their communities and civilian workplace.

- 4.9.2 The Council recognises their obligation towards all employees who are members or wishing to become members of the Reserve Forces and supports these employees with their commitment to train regularly when they are mobilised.

They are two types of Reservists:

- Volunteer Reservists -civilians recruited into the Royal Naval Reserves, Royal Marine Reserves, Territorial Army and Royal Auxiliary Air Force.
- Regular Reservists – ex-regular servicemen who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.

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- 4.9.3 The Council will not disadvantage reservists who provide notification of their reserve status or those reservists who are made known to the Council directly by the Ministry of Defence (MoD).
- 4.9.4 If a Teacher is a Reservist, and is considering renewing their reservist commitment or is interested in joining the Reserve Forces, they must discuss this with their Head Teacher prior to any action. Reservists must also seek approval if they intend to volunteer for High Readiness Reservist Status (they accept an increased liability for mobilisation making them liable to be deployed with minimal notice).
- 4.9.5 The Council recognises the importance of the training undertaken by reservists permitting the development of skills and abilities that are of mutual benefit to their respective Reserve Force, the individual and the Council.
- 4.9.6 Reservists should give as much notice as possible to allow appropriate absence planning and must provide evidence of training requirements. Once permission is given it will not be withdrawn unless there are exceptional circumstances.
- 4.9.7 Line managers should support the reservist employee and aim to facilitate training requests and longer periods of absence for mobilisation (please refer to the Manager's Checklist within the **Reserve Forces Toolkit**). However, it is the reservist employees responsibility to manage these requests by providing adequate notice for training commitments to enable line managers to plan accordingly.
- 4.9.8 A Teacher who is a member of Reserve Forces and attends an annual training camp for a period of 1 week or more will be granted up to 15 days special leave with pay. The entitlement is only for the time they actually spend at the training camp. This will be subject to the deduction of service pay and allowances received in respect of the period of special leave (Application for Special Leave Form).
- 4.9.9 When a reservist is mobilised they should inform their line manager as early as possible. The line manager should receive a mobilisation pack from the MoD (please refer to the Reservist's Checklist within the **Reserve Forces Toolkit**).
- 4.9.10 A reservist who has been mobilised has the right to be re-employed in the type of job in which they were last employed on their return and on terms and conditions no less favourable to that previously.

4.10 ROLE & RESPONSIBILITIES

- 4.10.1 Reservists are encouraged to maintain contact with their employer while mobilised and to notify their employer of their last day of permanent service and when they intend to return to work. The reservist must write to the Council by the third Monday after their last day of military service making their request to return to work and proposing a date which should fall within 6 weeks of their last day of full time service.
- 4.10.2 Reservists are also encouraged to informally contact the Council to discuss their return to work via a method agreed with their line manager. The formal application must be made in writing for it to be valid under SOE 85 and is available within the **Reserve Forces Toolkit**.

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- 4.10.3 If a Reservist is not satisfied with the offer of alternative employment they must write to the Council stating where there is reasonable cause for them not to accept it. If a Reservist believes that the Council's response to their application denies their rights under the Safeguard of Employment Act 1985, an application can be made to a Reinstatement Committee for assessment.
- 4.10.4 For reservists who are mobilised please refer to the mobilisation process within the **Reserve Forces Toolkit**. Please contact HR Case Advisers for further information. Contact details can be found in the Education Special Leave Toolkit for Managers.

4.11 EMERGENCY SERVICES

- 4.11.1 In the event a Teacher is a retained employee in any of the emergency services, they should not be on-call during their working hours with East Dunbartonshire Council. However, paid time off will be given in circumstances where there is no risk to business continuity and client base; should the services of retained employees be required where a national emergency or critical incident be declared and the emergency services request further resources from their retained employee base, authorisation should be sought from their Head Teacher or an alternative Manager prior to leaving. The Chief Education Officer should be informed of such leave at the time.

4.12 JURY & WITNESS SERVICE

- 4.12.1 A Teacher receiving a citation to serve on a jury must advise their Head Teacher and will be granted special leave with pay to attend (unless exemption is secured), subject to the deduction of the allowances to which the Teacher is entitled under the Jurors Allowance Regulations. The Teacher should claim these allowances.
- 4.12.2 Where a Teacher is cited to attend as a witness leave of absence will be granted as follows:
- In the case of professional witnesses, leave with pay will be granted on the understanding that witness fees received (excluding travelling and subsistence expenses) are notified to the appropriate resource to allow the equivalent deduction from pay.
 - When Teachers are called as a witness by persons other than the council leave without pay will be granted. The Teacher must claim an allowance to cover loss of remuneration from the person citing them.
- 4.12.3 Teachers who are required to attend an Employment Tribunal either as a witness or an appellant in cases involving East Dunbartonshire Council may be given reasonable leave of absence with pay.
- 4.12.4 Any other expenses received (i.e. travelling and subsistence payments) should be retained by the individual.
- 4.12.5 Details of how to process loss of payment and expenses given is detailed in the Education Special Leave Toolkit for Managers.

4.13 PUBLIC DUTIES

- 4.13.1 Leave without pay, as necessary, will be granted to Teachers to facilitate their attendance at meetings as members of Community Councils, Health Councils, Benefits Agency Appeals Tribunals, College Board of Management, Independent Monitoring Boards for Prisons and Young Offender Institutions or removal centres, or business arising there from.
- 4.13.2 Leave with pay, as necessary will be granted to all employees to attend meetings as members of School Boards and up to 10 days leave with pay to undertake duties associated with membership of the Children's Panel or to undertake duties as Justices of the Peace.

4.14 INTERNATIONAL SPORTING/CULTURAL EVENTS

- 4.14.1 A Teacher who is representing their country at an amateur international sporting event or an important international cultural event may be granted reasonable leave with pay on production of documentation depending on the nature and duration of the event as follows:
- Where individuals are representing their country at international events then a period of up to 10 working days paid leave in any annual leave year may be granted.
 - In the case of special events e.g. Commonwealth Games, Olympic Games, World and European Championships, employees may be entitled to up to a further 10 working days paid leave, which would mean that in a year where employees have a combination of Championships at a significant level they could receive up to a maximum of 4 weeks paid leave within an annual leave year.
 - Requests may relate to duties such as being a national coach and umpiring/refereeing at sporting events.
 - Leave without pay may be granted for playing sport in a national Championship or an unofficial sport.

4.15 YOUTH ORGANISATION HOLIDAY CAMPS ETC.

- 4.15.1 Leave of absence without pay may be granted to Teachers who are required to organise or assist at Youth Organisation Holiday Camps, etc., provided the needs of the service can be met.

4.16 ELECTION DUTIES

- 4.16.1 Subject to the needs of the service being met, paid leave will be granted to allow teachers to undertake official duties such as Presiding Officer, Polling Clerk or Enumerator at elections/referenda for which an Officer of the Council is returning Officer or Depute. Authorisation must be obtained from the line manager prior to applying for election duties.
- 4.16.2 2 days leave without pay may be granted by a Head Teacher to allow a teacher to attend the national conference of a political party. Requests for leave beyond 2 days should be referred to the Chief Education Officer.

4.17 ELECTION CANDIDATES & AGENTS

- 4.17.1 Leave of absence without pay for a period of no more than 4 weeks at the time of the election shall be granted to Teachers who are candidates or election agents for the Local, Scottish, Westminster or European Parliaments subject to the needs of the Service.

4.18 COUNCILLOR DUTIES

- 4.18.1 Teachers undertaking duties in connection with being a Councillor with another Local Authority will be allowed reasonable time off subject to the needs of the service. A Teacher, who is elected as a Councillor with East Dunbartonshire Council, must resign from their post.
- 4.18.2 Under Section 10 of the Local Government and Housing Act 1989 the amount of leave with pay is discretionary and requires management consent. This leave is subject to the needs of the service and is limited to 208 hours in any financial year. Thereafter any further leave will be without pay. This limit does not apply to employees who are appointed as Chair of a Local Authority, for example, the Leader or Provost. Form PER/SPL/2/ should be used for record keeping purposes.

4.19 VOLUNTARY SERVICE

- 4.19.1 Teachers who participate in improving the quality of life of others will be supported in their action where reasonably practicable. Leave without pay will be granted to allow a Teacher to undertake duties or services of an honorary, charitable, philanthropic and civic character to be undertaken. Normally this leave will not exceed 5 days in any one year.
- 4.19.2 Teachers applying for voluntary service overseas with the Voluntary Service Overseas Organisation, shall be granted leave of absence without pay for a period of up to 2 years, provided they have at least 1 years continuous service with the Council (please refer to the **LNCT 50 Career Break Scheme**).

4.20 MISCELLANEOUS SITUATIONS, STUDY & INTERVIEWS

4.20.1 Interviews

A Teacher seeking employment within local government and who is required to attend for interview will be granted reasonable time off with pay and subject to production of the interview letter. Up to 1 day with pay can be granted by the Head Teacher for each post. If considerable travelling is required, a second day, without pay, may be granted

4.21.2 Study, Exam and Educational Expedition Leave

Study Leave - Leave of absences with pay will be granted by the Head Teacher subject to operational conditions within the department, for the purpose of final revision prior to sitting a formal examination (not a class examination). This will be limited to 1 day's leave per examination.

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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 Education Procedure 2/13 – In Service Training of Teachers: Leave of absence and payments of expenses.

Leave 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 experience relative to the teaching post held. Leave shall normally be with pay subject to the deduction of bursary or other payments made. Such a request should be referred to the Chief Education Officer with recommendations and an indication of whether duties can be covered.

Leave without pay will be granted for re-sitting examinations.

Leave may be granted by the Chief Education Officer to teachers who have been selected to accompany groups of children, other than their immediate charges, who have gained a study trip from an external body. Leave shall normally be with pay subject to the deduction of any grants made to the teacher.

Leave with pay will normally be granted to teachers who have been invited to participate in the work of professional bodies such as GTCS, Education Scotland etc, provided that the exigencies of the service permit. Requests for leave beyond 2 days should be referred by the Head Teacher to the Chief Education Officer with a recommendation and any other details including whether suitable arrangements can be made for the teachers duties to be covered.

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 pay subject to the deduction of any bursary or other payments made. Other than in exceptional circumstances the period of leave will not exceed 5 days.

Leave will not normally be granted for an employee to attend an exhibition of their own work. Any leave granted in exceptional circumstances will be without pay.

4.22.3 Third Party Claims

Teachers absent on sick leave due to a third party's negligence and who are successful in their claim against the third party's insurers for their injuries, must reimburse the Council for pay loaned to them during this period. They will then have their sick leave recorded retrospectively as special leave. Annual leave or public holidays will not accrue during this special leave and as such, this loss should form part of the claim against the negligent party's insurers.

4.22.4 Severe Weather/Adverse Conditions

Leave relating to adverse weather conditions is covered in the Local Negotiating Committee for Teachers (LNCT) paper – Adverse Weather and Options for Teachers Who Haven't Attended Work (February 2013).

4.22.5 Religious Festivals or Holidays

Teachers who celebrate festivals or holidays on days other than those allocated by the Council each year will be entitled to a maximum of 3 separate day's leave of absence without pay per year to participate in religious festivals or holidays. This includes 1 day allowance for the ordination or similar service of a near relative. Requests for additional leave, which will normally be without pay, should be referred by the Head Teacher to the Chief Education Officer with a recommendation and any other details.

4.22.6 Other Special Leave

In exceptional circumstances, the Chief Education Officer will be empowered to grant extended leave of absence without pay, following discussion with the Depute Chief Executive Education, People & Business. In the first instance the matter should be referred by the Head Teacher to the Chief Education Officer with a recommendation and any other details including whether suitable arrangements can be made for the teacher's duties to be covered.

There may be occasions when special leave is appropriate but may not be covered by the special leave provisions. If appropriate, Head Teachers may grant leave in special circumstances, with or without pay, subject to the needs of the Service.

Where this is the case, this should be discussed with a HR Case Adviser. Contact details are available in the **Education Special Leave Toolkit for Managers** and approval is required from the Chief Education Officer.

4.22.7 Appeals

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 Chief Education Officer or Depute Chief Executive, Education, People & Business as appropriate for consideration.

5.0 GDPR STATEMENT

- 5.1 East Dunbartonshire Council holds, uses and processes information in accordance with the General Data Protection Regulations and all other relevant national data protection laws. Further information detailing how East Dunbartonshire holds and uses personal information and copies of privacy notices used throughout the Council are available on our website: www.eastdunbarton.gov.uk/council/privacy-notices.

6.0 POLICY REVIEW STATEMENT

- 6.1 This policy will be reviewed in two years or in line with:
- Legislative Change.
 - Other external factors.
 - Evaluation of the effectiveness of the policy

Other Formats & Translations

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages.

Please contact the Council's Corporate Communications Team at:

East Dunbartonshire Council, 12 Strathkelvin Place, Southbank

Kirkintilloch G66 1TJ Tel: 0300 123 4510

本文件可按要求翻譯成中文，如有此需要，請電 0300 123 4510。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر 0300 123 4510 پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0300 123 4510 ਫੋਨ ਕਰੋ।

Gabhaidh an sgriobhainn seo cur gu Gàidhlig ma tha sin a dhith oirbh. Cuiribh fòn gu 0300 123 4510

अनुरोध करने पर यह दस्तावेज हिन्दी में भाषांतरित किया जा सकता है। कृपया 0300 123 4510 पर फोन कीजिए।