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| WDC logo colour**Local Negotiating Committee for Teachers – Agreement No.23** |

**Special Leave Scheme**

**Agreed at LNCT – 5 March 2019**

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1. **Scheme Statement**

1.1 West Dunbartonshire Council recognises that many of its employees balance the demands of work requirements with both caring and domestic responsibilities. The council is committed to facilitating supportive approaches when balancing work and family life.

* 1. The Special Leave Scheme encompasses statutory and organisational entitlements for special leave and indicates where special leave will be granted with or without pay.
	2. All applications made will be considered contingent with the needs of the service being met.
	3. Where service needs are such that an applicant’s request cannot be met / met in full, every effort should be made to arrive at a mutually agreeable outcome. This should be done in the spirit of negotiation and understanding for both the needs of the service and the needs of the individual, exploring all avenues of support.
1. **Scope**
	1. This scheme details the entitlements and approach taken to those covered by the SNCT terms and conditions for Teachers and other professionals.
	2. There should be no less favourable treatment as a result of an employee’s working arrangements (i.e. permanent, fixed-term, part time etc.).
	3. The Council will ensure that good equal opportunities practice underpins the operation of this scheme irrespective of age, disability, sex, gender re-assignment, race, religion and belief, pregnancy and maternity, marriage and civil partnership or sexual orientation.
2. **Aims of the Scheme**
	1. The Special Leave Scheme supports a commitment to providing flexible and adaptable working practices to allow employees to effectively manage their work-life balance.
	2. The scheme is intended to supplement, not detract from, the good working practices that already exist within schools, to facilitate work and life commitments and support the effective delivery of service to young people.
	3. The Council recognises the requirement for fairness and consistency when considering requests for special leave.
	4. While each member of staff is responsible for ensuring that they have appropriate care mechanisms in place to meet their personal responsibilities, the Council will endeavour to assist in circumstances where these arrangements have unavoidably broken down, or where additional pressures arise, outwith the norm, for which time off work may be required.
	5. When approving special leave and considering cover, the Head Teacher must consider the needs of all staff across the school. When considering the approval of special leave and subsequent cover, the Head Teacher must consider the overall impact of the leave, and the needs of all staff across the school to fulfil their remits
3. **General Guidance**

Types of Special Leave

4.1 There are three types of special leave:

* **Non-discretionary** – when an employee has a statutory right to reasonable time off to fulfil a personal or public commitment (e.g. emergencies involving a dependant, jury duty, and Public Duties).
* **Discretionary** – where there is no legal requirement to be able to take time off (e.g. medical and dental appointments or health screening).
* **Term Time** –leave that only applies to term time employees.

Failure to Follow Procedure

* 1. Any leave taken without following the stated procedure and not authorised by the line manager will be considered as unauthorised and unpaid absence. It will be subject to an investigation that may result in disciplinary action being taken.

Unpaid Leave and Superannuation

* 1. For employees that are granted unpaid leave, this period of leave will not count for pension purposes.
	2. For employees within the Scottish Teachers Superannuation Scheme there is no provision to buy back service for strike days or unpaid leave however the scheme does provide for members to purchase additional pension. The minimum value of purchase is £250 and more information is available on or the [Scottish Public Pension Agency](http://www.sppa.gov.uk/) websites.
	3. Employees who are members of the Strathclyde Pension Scheme can elect to pay Additional Pension Contributions to purchase the membership “lost” during the period of unpaid absence. Payment can be spread over a number of years or by making a one-off lump sum payment. Further information and applications can be obtained from your pension provider, noting timescales for applying for Additional Pension Contributions. More information can be found on the [Strathclyde Pension Fund](http://www.spfo.org.uk/) website.

Other related council policies

* 1. Managers and employees should be aware of related policies to ensure that leave is being requested through the most appropriate route. These include:
* Disability Leave Scheme
* Annual leave
* Domestic Abuse Scheme
* Carers Leave Scheme
* Bereavement Leave Scheme
* Parental Leave Scheme
* Reservists’ Policy
1. **Roles and Responsibilities**
	1. All employees will:
* Discuss any leave requirements with their line manager, including (where applicable) anticipated travel time and arrangements for working the rest of the day;
* Make a formal application to request special leave, using the [Special Leave Request Form](http://intranet.west-dunbarton.gov.uk/transformation/people-technology/hr-online/hr-connect-payroll/employee-online-forms/special-leave-request-form/);
* Be reasonable and, in all cases, give as much prior notice as possible to the line manager to ensure that all relevant options and support can be considered. If emergency special leave is being sought and no prior notice can be given, contact their manager stating the reason for their request at the earliest opportunity;
* Keep their line manager informed of any changes in their circumstances; and
* Provide relevant information relating to the request for special leave as required, eg appointment letter, citation, etc if it cannot be provided in advance then it would need to be provided retrospectively.
	1. Managers will:
* Consider the relevant information relating to the request for leave.
* Be reasonable and consistent when considering requests, following the guidelines within this scheme, and where necessary, obtaining advice from HR Connect;
* Consider the cover required which may limit the facility to approve leave;
* Consider the operational requirements of their service area;
* Consider the individual circumstances of each request which may include and the number, context , seriousness etc / of applications made to-date and if the leave is with or without pay;
1. **Managers discretion / Personal Business**

6.1 The Head Teacher has the discretion to approve up to 2 days leave of absence with pay providing arrangements can be made to cover the duties at no additional cost to the Authority.

6.2 This discretion is intended to cover circumstances not covered within the specific sections in this policy or where due to the circumstances, the provision is not sufficient.

6.3 When considering the options available the Head Techer can approve leave on a paid or unpaid basis up to a maximum of 2 days paid leave.

1. **Non-discretionary Special Leave**

Emergency Leave for Dependants

* 1. A dependant is defined as someone who lives in the same home as the employee and who is a spouse, partner, child, parent, or any other person who reasonably relies on the employee to make arrangements for the provision of care.
	2. As a statutory provision, where there is an unexpected event involving a dependant, an employee is entitled to reasonable unpaid leave to deal with the emergency. However the council enhances this provision where possible to include up to 1 days paid leave. A further day’s paid leave may be available at Head Teacher’s discretion after which leave will be unpaid.
	3. Dependant emergencies are defined as:
* Disruption of care arrangements;
* Illness, injury or assault;
* Where the employee’s child is involved in an incident during school time such as being involved in a fight, injured on a school trip or suspended from school; or
* Unexpectedly going into labour where they rely on the employee for transport to hospital.
	1. In relation to the disruption of care arrangements, specifically, the Council enhances the statutory right to a paid provision of up to one day of paid leave in order to enable an employee to secure alternative care arrangements. The expectation is that once alternative care is secured the employee returns to work immediately thereafter. If there are problems with an immediate return, the employee must contact their line manager to discuss the circumstances.
	2. Where there is no alternative care available, the employee must discuss options, for continuing the absence from work with their line manager.
	3. Where a dependant is ill, frail or a disabled family member, child, friend or partner then the Carers Leave Scheme should be used.

Court Attendance

* 1. An employee receiving a summons to serve on a jury will be granted special leave with pay to attend unless an exemption is secured. Where leave is paid by the court/other party, employees are not eligible to claim for compensation for loss of earnings.
	2. In terms of being a witness or taking civil proceedings there is no statutory entitlement to leave. The Council will support an employee to attend Court and leave of absence will be granted as follows:
* **Witness on behalf of the Council** - in the case of professional witnesses, time away will be treated as part of normal duties;
* **Witness for any other reason / Jury Citations** - A teacher receiving a summons to serve as a witness or 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; or
* **Taking civil proceedings** - where an employee is taking civil proceedings against the Council or any other party, leave is authorised without pay.
	1. Where an employee is not called as a juror or witness they are expected to return to work immediately.
	2. Where leave has been granted as unpaid, employees would be entitled to claim for loss of earnings. Information on how to claim will be detailed on the back of the citation inviting you to attend court.

Public Duties

* 1. There is a statutory right to reasonable, unpaid leave to attend certain public duties such as;
* Local Councillor;
* Member of any statutory tribunal (e.g. employment tribunal);
* Member of the managing or governing body of an educational establishment;
* Member of a health authority;
* Justice of the Peace;
* Member of a school council or board in Scotland;
* Member of a prison visiting committee Scotland;
* Member of the Scottish Environment Protection Agency; or
* Member of Scottish Water.
	1. The Council enhances the right to reasonable unpaid leave by giving up to 10 days (pro rata for part time workers), over a rolling 12 month period, paid leave for public duties associated with membership of the West Dunbartonshire Children’s Panel or to undertake duties as Justices of the Peace within West Dunbartonshire.
1. **Discretionary Special Leave**

Medical/Dental

* 1. Routine medical/dental treatment includes attending your GP, Dentist, Orthodontist or Optician. Every effort should be made for these to be out with working hours. However, if a line manager is satisfied that alternative arrangements are not possible, reasonable leave with pay will be granted. In these circumstances, employees should arrange appointments at times to have the least impact on the service.
	2. In the case of preventative medical treatment, such as one-off health screening (e.g. mammograms, smear tests or prostate checks), where appointments cannot be made out-with working time, time off with pay will be provided in line with the provisions set out below (or the Disability Leave Scheme where applicable).

Clinically Necessary Medical Treatment

* 1. If a procedure, surgery or attendance at an outpatient clinic is clinically necessary to treat a recognised medical problem, and is undertaken for the physical or psychological health of the individual, then reasonable paid time will be granted It is recognised that employees do not always have control over the time of first appointments, however for follow up appointments, employees are expected to make every effort to arrange appointments at times to have the least impact on the service.
	2. In respect of recurring or further appointments employees may have more control over the time of appointment and are expected, if possible to arrange this at a time that has least service impact.
	3. Reasonable time will be given to attend clinically necessary appointments and this will normally be paid
	4. Where appointments are related to a disability, employees should refer to the Disability Leave Scheme.
	5. In line with the Attendance Management Policy, any recovery time, where an employee is not fit to attend work, will be considered as sickness absence and count towards a trigger.

Aesthetic/Cosmetic/Other Elective Procedures or Surgery

* 1. Employees wishing to take time off for appointments and/or treatment relating to aesthetic/cosmetic medical procedures or chosen surgical procedures should be arranged for out with the school term. In the event that this is not possible leave will be unpaid. Time off should be requested well in advance to ensure the leave is authorised for the date of the procedure.
	2. In line with the Attendance Management Policy, any recovery time, where an employee is not fit to attend work, will be considered as sickness absence and count towards a trigger.

Supporting Dependants to Attend Medical/Dental Appointments

* 1. Where a dependant would be unable to attend a medical or dental appointment without the employee’s support, time to take the dependant to such appointments will be granted. As with section 8.1 every effort should be made to organise appointments out with working hours wherever possible. However, If a line manager is satisfied that alternative arrangements are not possible, reasonable leave with pay will be granted
	2. Where a dependant is ill, frail or a disabled family member, child, friend or partner then the Carers Leave Scheme should be used.

Critical Illness

* 1. Up to 1 week paid leave will be granted if the continued attendance at hospital/bedside is required due to critical illness (incapacitating or life threatening) of a close relative or dependant.

Urgent/Unforeseen Domestic Emergencies

* 1. Employees can request leave in order to deal with urgent domestic problems such as burglary, fire, or flooding. It is recognised that on occasion these circumstances pose a security risk to an employee’s home if they are not resolved immediately. Managers would normally grant up to 1 day’s paid leave for this purpose. The expectation is that the security risk is addressed the employee returns to work immediately thereafter. If there are problems with an immediate return, the employee must contact their line manager to discuss the circumstances.

Domestic Violence and Abuse

* 1. Where an employee is required to be absent from duty to make arrangements arising from being a victim of domestic violence, leave with pay for up to 5 days, pro rata, will normally be granted for appointments related to the circumstances (e.g. re-arranging housing or childcare, court appointments, attending solicitor or support agencies meetings). Additional information can be found in the [Domestic Violence and Abuse Policy](http://intranet.west-dunbarton.gov.uk/transformation/people-technology/hr-online/support-for-employees/domestic-violence-and-abuse/).

Academic Examinations

* 1. Special leave with pay will be provided for the purposes of attending for an examination for approved qualifying courses in relation to a person’s employment. This does not include study time. This is outlined in the [Sponsorship of Further Professional Development for Employees Policy](http://intranet.west-dunbarton.gov.uk/transformation/people-technology/organisational-development-change/learning-development/workforce-development/sponsorship-framework/).

 Participation in Sporting Events

* 1. The Council will support employee requests to:
* Participate in national or international sporting or cultural events;
* Undertake the role of team manager or coach at national or international sporting or cultural events;
* Attend as the parent/guardian of a child under the age of 16 who requires to be accompanied while participating in such an event; and
* Attend disabled sporting events where the employee is the carer of a disabled participant.
	1. Employees may be granted up to 10 days, pro rata, unpaid leave in a rolling year.
	2. Every effort should be made to support employees to ensure that attendance at these events does not detrimentally affect pay. Additional leave required over and above this amount may be taken in the employees own time.

Community Emergency Services

* 1. All employees who participate in community emergency services (e.g. retained fire-fighters, lifeboat crew) will be granted leave of absence with pay to attend emergencies which occur during working hours.

Volunteering

8.20 Employees who volunteer within West Dunbartonshire may be granted up to 10 days, pro rata, unpaid leave in a rolling year. The organisation may put in place specific arrangements in the case of one-off local events. A separate policy exists for reservists [Reservist Policy](http://intranet.west-dunbarton.gov.uk/transformation/people-technology/hr-online/employee-information/reservist-policy/).

Interviews

8.21 Reasonable time off with pay will be provided to attend for interviews within the Teaching / Education Profession or within West Dunbartonshire Council and its affiliated bodies.

8.22 All other interviews should be on an employee’s own time with permission sought from their line manager to attend

8.23 Special leave will not be granted to allow an employee to prepare for interview.

1. **Leave and Support of the Democratic Process**

Election Duties

* 1. Paid leave will be granted to allow employees to undertake official duties such as Presiding Officer, Polling Clerk or Enumerator at West Dunbartonshire Council elections/referenda for which an Officer of the Council is returning.
	2. Employees undertaking these official duties at other local authorities will have to use their own time.

Election Candidates and Agents

* 1. Employees who are standing for election or undertaking the duties of an election agent for a candidate for Scottish, Westminster or European Parliaments or Local Elections within West Dunbartonshire Council will be granted unpaid leave for a period not exceeding 2 weeks. Any requests for leave will be considered in line with the needs of the service.

Councillor Duties

* 1. Employees who require to undertake duties in connection with being a Councillor with another Local Authority will be allowed reasonable time off under Section 10 of the Local Government and Housing Act 1989. The amount of leave with pay is limited to 208 hours in any financial year. This limit does not apply to employees who are appointed as Chair of a Local Authority (e.g. Leader or Provost).
1. **Term Time Provisions**
	1. It is recognised that term time employees do not have the same flexibility with regard to their annual leave and there may be occasions when events take place outwith their control. Leave may be granted in the following circumstances:
* **Employee’s Own Wedding** – It is expected that an employee would arrange their wedding during holiday periods. However in exceptional circumstances, e.g. where a spouse is in the armed forces and unable to take leave out with the term-time period, one day’s paid leave may be granted at the Head Teacher’s discretion.
* **Holidays in Term Time** – leave within term time will only be granted in exceptional circumstances and will be unpaid.

\*The only exception to this is compensatory time in lieu of illness in line with SNCT guidelines.

* **Attendance at Religious Ceremonies or Weddings** – It is recognised that teachers can be invited to weddings and ceremonies that take place out with their control. In these circumstances paid leave of up to one day may be granted
* **Participation in Religious Festivals or Holidays –** where time off for the purposes of religious observance is required during the term-time period up to two days paid leave per school year may be granted
* **Moving House** – It is expected that an employee would arrange any house move to occur during holiday periods. In circumstances where the removal cannot be arranged for a holiday period, paid leave of up to one day may be granted, at the Head Teacher’s discretion. Previous applications of this nature will also be considered.
* **Funerals –** in line with the council’s bereavement policy up to one 1 days paid leave is approved for a close relative / close relationship. Attendance at other funerals will be managed through normal working practices or discretionary leave as appropriate. Further guidance for supporting employees with the personal distress of bereavement and the organisation of funeral arrangements can be found in the Council’s bereavement policy.
1. **Professional Development**

11.1 Teachers are regularly expected to support study tours, educational expeditions, working with professional bodies, attendance at conference or exhibitions. Special leave is not required in these instances as this expectation would be part of the teacher role. If however an individual wishes to attend an event that is not directly linked to their role the Head Teacher may use their discretions to support this request and every effort should be made to avoid unpaid leave.

1. **Review**
	1. This scheme will be updated to incorporate any relevant change to legislation or best practice as required.

**Summary Table**

The Head Teacher has the discretion to approve up to 2 days leave of absence with pay providing arrangements can be made to cover the duties at no additional cost to the Authority.

It is anticipated that this can be used for personal business not covered by the table below or to allow for additionality if circumstances dictate up to a maximum of 2 days paid leave.

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| --- | --- | --- |
| **Special Leave** | **Provision** | **Page** |
| Emergency leave for Dependants | Up to one days paid leave | 5 |
| Witness | Required paid leave | 6 |
| Civil Proceedings | Unpaid leave | 6 |
| Public Duties | Up to 10 days unpaid leave in 12 months (pro-rated for part time) | 6 |
| Medical / Dental /Clinically necessary appointment  | Routine appointments outwith work and reasonable paid time off where this is not possible  | 7 |
| Elective Procedures | Unpaid leave | 8 |
| Supporting Dependants - medical / Dental | Routine appointments outwith work and reasonable paid time off where this is not possible | 8 |
| Critical illness | Up to 1 weeks paid leave | 8 |
| Unforeseen Domestic Emergencies | Up to one days paid leave | 9 |
| Domestic Violence | Leave with pay up to 5 days (pro rated)  | 9 |
| Exams relating to employment  |  Special leave with pay  | 9 |
| Participation in sporting events | Up to 10 days unpaid leave in any 12 month period (pro rated for part time) | 9 |
| Community emergency Services | Leave with pay to attend emergencies which occur during working hours | 10 |
| Volunteering (WDC) | Up to 10 days pro rata unpaid leave | 10 |
| Interviews | Reasonable time off to attend interviews within Education Profession or within WDC | 10 |
| Election Duties | Paid leave will be granted to allow employees to undertake official duties for WDC  | 10 |
| Own Wedding | One day in exceptional circumstances | 11 |
| Holidays in term time | unpaid and will only be approved in exceptional circumstances  | 11 |
| Attendance at Religious Ceremonies or weddings | Up to one days paid leave | 11 |
| Participation in religious Festivals / holidays | Up to 2 days paid leave | 11 |
| Moving house | Up to one days paid leave can be given at Head Teachers discretion | 11 |
| Funerals | Up to 1 days paid leave for a close relative / relationship(bereavement leave scheme) | 12 |