



**THE MORAY COUNCIL LOCAL NEGOTIATING  
COMMITTEE FOR TEACHERS**

**LEAVE OF ABSENCE FOR TEACHERS AND  
ASSOCIATED PROFESSIONALS**

*[ Revised September 2009 ]*

## **0 Introduction**

- 0.1 This policy sets out the procedures to be followed in connection with the granting of leave of absence to teachers and associated professionals [Quality Improvement Officers, Learning and Teaching Officers, Music Instructors etc covered by SNCT] hereinafter referred to as “teachers” in a variety of circumstances. It reflects relevant national and local agreements. The policy does not relate to annual leave and does not cover leave as a result of illness or maternity.
- 0.2 The provisions of this policy 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 without a contract of service will not normally be granted leave of absence.
- 0.3 Teachers who are seeking leave of absence should apply to the Head Teacher, or in the case of teachers not based in schools, to the relevant line manager. Heads of establishment should apply to the Head of Educational Resource Services.
- 0.4 The regulations on leave of absence for all employees of the Council, including teachers, are based on the principle that employees should not make personal arrangements which conflict with the requirement that they be at work at times previously agreed by the employer other than in the circumstances outlined in this policy. Wherever possible, requests for leave should be submitted well in advance. The need to ensure continuity of educational provision makes it particularly important that these general principles should be scrupulously applied in the case of teaching staff.
- 0.5 Misunderstandings may sometimes 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. 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 policy and the exigencies of the service. **It is also important that any teacher who requests unpaid leave of absence should be informed that, for the purposes of superannuation payments and pension, such leave shall not qualify as pensionable service.**
- 0.6 The Scheme of Salaries and Conditions for Teaching Staff in School Education, as amended by SNCT agreements, sets out the contractual position regarding special leave that shall be granted to teachers.
- 0.7 For convenience, this policy divides requests for leave of absence into three categories which are dealt with separately in the sections that follow. It should be noted that, unless advised to the contrary, requests for more than two days leave in any of the categories should be referred to the Head of Educational Resource Services.

### **CATEGORY 1**

Relates to requests for leave under circumstances currently defined in the Scheme of Salaries and Conditions of Service for Teaching Staff in School Education.

### **CATEGORY 2**

Relates to requests for leave of absence of up to two days which the Head Teacher 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 2 the Head Teacher should refer the request for additional leave to the Head of Educational Resource Services.

### **CATEGORY 3**

Relates to all requests for leave not falling into Categories 1 and 2, including all requests for periods of leave of more than two days. All requests for leave in terms of Category 3 must be referred to the Head of Educational Resource Services.

## **1 CATEGORY 1**

### **1.1 Court Attendance**

#### **(a) Jury Service**

A teacher receiving a summons to serve on a jury shall report the fact to the Head Teacher and shall be granted special leave with pay to attend [unless exemption is secured].

The teacher should forward their Loss of Earnings Form to Payroll/Finance for completion of the Loss of Earnings Statement. The teacher is under an obligation to reimburse the authority for any loss of earnings allowance received under the Juror's Allowance Regulations and accordingly must claim this allowance.

#### **(b) Witness**

Where the teacher is called as a witness by the authority the teacher shall be regarded as being on authorised school business. However, when the teacher is called as a witness by other persons the absence will be treated as special leave with pay. The teacher shall be under an obligation to reimburse the authority for any loss of earnings allowance that is recoverable from the person[s] issuing the citation and accordingly must claim the allowance.

### **1.2 Preventative Medical Examinations**

Teaching staff should be entitled to take such reasonable time off without loss of pay as is required for the purpose of preventative medical examinations. The Head Teacher must be satisfied that all such requests are reasonable. Leave of absence granted will normally be less than one day. However, if circumstances dictate, longer periods of leave of absence may be granted.

### **1.3 Family Illness**

Up to five days paid leave of absence may be granted at the discretion of the Head Teacher where an employee has no option due to personal circumstances than to absent him/herself from duty to allow for medical advice or to make special arrangements arising from the illness of a dependent relative, who is either living with the employee or living alone. This provision is intended to alleviate any immediate emergency or crisis situation and to allow time to enable the employee to make longer term arrangements if necessary.

### **1.4 Family Bereavement**

Up to five days paid leave shall be granted for the bereavement of a near relative, in-law, cohabitee or foster parent. Other relationships may be taken into account.

If more than five days leave is required the Head Teacher should pass the request to the Head of Educational Resource Services. Leave which is granted beyond five days will normally be without pay.

### **1.5 Adoption Leave/Paternity Leave/Parental Leave**

See separate individual policies and SNCT Agreements relating to above.

## **2 CATEGORY 2**

This section deals with requests for leave of up to two days which may be granted by a Head Teacher provided that the exigencies of the service permit.

Requests for leave which fall outwith the Head Teacher's jurisdiction, or any requests to extend the conditions outlined must be referred to the Head of Educational Resource Services along with a recommendation and any other details.

### **2.1 Less than a full day for 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.

### **2.2 To attend for interview for another post**

Up to one day with pay can be granted for each post. [If considerable travelling is involved a second day may be granted.]

### **2.3 Other family medical appointments**

Up to one day with pay may be granted to accompany children/dependents or near relatives to significant planned medical appointments.

### **2.4 To attend a funeral**

One day [or part day] with pay may be granted. [Note also the conditions on family bereavement (1.4)]. Any request for additional unpaid leave to be submitted to Head of Educational Resource Services.

### **2.5 To attend a Wedding/Civil Partnership**

One day with pay may be granted. This paragraph does not refer to the teacher's own wedding or civil partnership [see section 3.1]. Any request for additional unpaid leave to be submitted to Head of Educational Resource Services.

### **2.6 House Removal**

Where a removal cannot be arranged for a holiday period, one day with pay may be granted. Any request for additional unpaid leave to be submitted to Head of Educational Resource Services.

### **2.7 To serve on Children's Panels or as a Justice of the Peace**

Leave can be granted with pay, up to a maximum of ten days in any one school session.

### **2.8 Holidays or Festivals of Religious or Ethnic Groups**

One day with pay may be granted by a Head Teacher. Any request for additional unpaid leave to be submitted to Head of Educational Resource Services.

### **2.9 Religious Ceremonies of a Family Nature**

Up to one day's leave of absence with pay may be granted to attend the ordination of, or similar service for, a near relative. Requests for additional leave, which will normally be without pay, should be referred by the Head Teacher to the Head of Educational Resource Services with a recommendation and any other details.

## **2.10 Work of the GTCS, SQA, LTS or other Approved Bodies**

Leave of absence, with pay will normally be granted to teachers who have been invited to participate in the work of such professional bodies.

## **2.11 Royal Gathering, Investiture, Garden Party etc**

- (a) Self - one day with salary in Scotland or up to 2 days with salary if in London.
- (b) Accompanying spouse, son, daughter, parents – one day without salary in Scotland or up to 2 days without salary if in London.

## **3 CATEGORY 3**

This section deals with requests for leave of absence which must be referred to the Head of Educational Resource Services. These include:

- o requests for leave for reasons not covered in categories 1 and 2
- o requests for leave for reasons covered in categories 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 in this category shall be made in writing to the Head Teacher not less than two weeks in advance of the period of absence. When transmitting the request to the Head of Educational Resource Services the Head Teacher shall state if he/she approves 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 Educational Resource Services shall intimate his/her decision to the teacher and state whether any leave granted is to be with, or without, salary.

In reaching decisions the Head of Educational Resource Services will take account of the following guidelines:

### **3.1 Marriage/Civil Partnership during Term Time**

Leave of absence will not normally be granted during the school term time. 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. Requests to attend weddings/civil partnerships as a guest are dealt with in section 2.5.

### **3.2 Holidays during Term Time**

Apart from compensatory time off in lieu as defined in The Scheme of Salaries and Conditions of Service for Teaching Staff in School Education leave with or without pay is not normally granted during term time.

### **3.3 Accompanying Spouse on Holidays and Business Trips**

Leave of absence will not normally be granted for this purpose. Any leave granted in exceptional circumstances will be without pay.

### **3.4 Attendance at Exhibitions of the Teachers' own work**

Leave of absence will not normally be granted for this purpose. Any leave granted in exceptional circumstances will be without pay.

### **3.5 Leave in connection with Parliamentary Elections**

Leave of absence, without pay, will be granted to teachers who are parliamentary candidates or election agents. The leave will be granted at the time of an election and will be for a maximum period of four weeks. Requests for leave as the spouse of a candidate will not normally be granted.

### **3.6 Leave in connection with Local Authority Elections**

Leave of absence, without pay, will be granted to teachers who are local authority candidates or election agents. The leave will be granted at the time of an election and will be for a maximum period of one week. Requests for leave as the spouse of a candidate will not normally be granted.

### **3.7 Attendance at an annual camp of voluntary forces and/or active military service**

Teachers who are members of the non-regular armed forces and who attend an annual training camp or are called up for active service will be granted special leave with pay. The salary paid will be subject to the deduction of service pay and allowances received in respect of the period of leave.

### **3.8 To undertake Local Elected Member duties**

Leave will be granted without pay, up to a maximum of two consecutive days at each time of asking, up to a maximum of 210 hours in any one financial year, to teachers who are elected members of local authorities.

### **3.9 To attend meetings of Public Statutory Bodies such as Health Boards or Community Councils**

Leave of absence will normally be granted without pay to teachers who are members of public statutory bodies. Where there is a considerable benefit to the education service leave of absence with pay can be granted. The Head of Educational Resource Services should be specifically informed of each absence.

### **3.10 To attend the National Conference of a Political Party**

Two days leave of absence without pay may be granted.

### **3.11 Participation in Cultural Events**

Leave of absence will only be granted where the cultural event is of national or international significance. Such leave of absence will normally be without pay. If the event involves the teacher in visiting a country with which relations are politically sensitive, the Head of Educational Resource Services will refer the matter to the Director of Educational Services.

### **3.12 Participation in National or International Sporting Events**

Leave of absence may be granted and shall normally be with pay subject to the deduction of loss of earnings allowance or other payments received. If the event involves the teacher in visiting a country with which relations are politically sensitive, the Head of Educational Resource Services will refer the matter to the Director of Educational Services.

### **3.13 Sports Coaching**

Leave of absence will not normally be granted for this purpose except in the circumstances outlined in section 3.12.

### **3.14 Study Tours**

Leave of absence 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, eg under a Churchill Fellowship, Racial Equality Bursary etc. Leave shall normally be with pay subject to the deduction of bursary or other payments made. If the event involves the teacher in visiting a country with which relations are politically sensitive, the Head of Educational Resource Services will refer the matter to the Director of Educational Services.

### **3.15 Study Leave**

Study leave with or without pay may be granted to assist teachers undertaking approved qualifying courses.

### **3.16 Compassionate Leave**

In exceptional circumstances the Head of Educational Resource Services will be empowered to grant extended leave of absence without pay, following discussion with the Director of Educational Services. In the first instance the matter should be referred by the Head Teacher to the Head of Educational Resource Services with a recommendation and any other details including whether suitable arrangements can be made for the teacher's duties to be covered.

## **4 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 Head of Educational Resource Services or to the Director of Educational Services if the Head of Educational Resource Services made the original decision.

APPENDIX

SUMMARY INFORMATION

REASON FOR REQUEST	SECTION OF POLICY	MAXIMUM LEAVE WITH PAY	MAXIMUM LEAVE WITHOUT PAY	COMMENTS
<b>CATEGORY 1</b>	1			<b>Teachers Conditions of Service</b>
Court attendance [witness or juror]	1.1	Time required		Teacher to be furnished with an official note of daily rate [jury service]. Teachers must recover loss of earnings allowance and reimburse the authority [jury or witness].
Preventative medical examinations	1.2	Normally less than 1 day		Head Teacher should be satisfied that the request is reasonable.
Family illness	1.3	5		
Family Bereavement	1.4	5		Requests for leave of more than five days should be forwarded to Head of Educational Resource Services with recommendation.
Adoption Leave/ Paternity/ Parental Leave	1.5			Full particulars can be obtained from the Personnel Section.
<b>CATEGORY 2</b>	2	Up to 2 days can be authorised by the Head Teacher	Further leave must be referred to the Head of Educational Resource Services	
Personal business	2.1	Less than 1 day	“	Head Teacher should be satisfied that the request is reasonable.
Interview for another post	2.2	1	“	Second day only granted if considerable travelling is involved.
Other family medical appointments	2.3	1	“	
Attend a funeral	2.4	1	“	Second day only granted if considerable travelling is involved.
Attend a wedding/ civil partnership	2.5	1	“	Second day only granted if considerable travelling is involved. Does not refer to the teacher's own wedding/civil partnership.
House removal	2.6	1	“	Only where the house removal cannot be arranged during a holiday period.
To serve as a Justice of the Peace or on a Children's Panel	2.7	Up to a maximum of 10 per school session		
Holidays or festivals of religious or ethnic groups	2.8	1		
Religious ceremonies of a family nature	2.9	1		



REASON FOR REQUEST	SECTION OF POLICY	MAXIMUM LEAVE WITH PAY	MAXIMUM LEAVE WITHOUT PAY	COMMENTS
To carry out the work of bodies such as the GTCS, SQA, LTS	2.10	As required		
Royal Gathering, Investiture, Garden Party etc	2.11	Self - one day with salary in Scotland or up to 2 days with salary if in London.	Accompanying spouse, son, daughter, parents – one day without salary in Scotland or up to 2 days without salary if in London.	
<b>CATEGORY 3</b>	<b>3</b>			<b>MUST BE REFERRED TO THE HEAD OF EDUCATIONAL RESOURCE SERVICES</b>
Marriage/civil partnership during term time	3.1	0		Referral to the Head of Educational Resource Services by the Head Teacher with a recommendation. Leave will only be granted in very exceptional circumstances. This refers only to a teacher's own marriage/civil partnership.
Holidays during term time	3.2			Leave will not normally be granted.
Accompanying spouse on business trips	3.3			Leave will not normally be granted.
Attendance at exhibitions of teacher's own work	3.4			Leave will not normally be granted.
To be a parliamentary candidate or election agent	3.5	0	20	Requests for leave as the spouse of a candidate or agent will normally be refused.
To be a candidate or election agent in a local authority election	3.6		5	Requests for leave as the spouse of a candidate or agent will normally be refused.
Attendance at annual camp of voluntary forces and/or active military service	3.7			Service pay and allowances should be deducted in respect of the period of leave.
To undertake local Elected Member duties	3.8	2 days at any one time up to a maximum of 210 hours per annum		
To attend meetings of public statutory bodies such as Health Boards or Community Councils	3.9			Leave of absence may exceptionally be granted for teachers holding important office.

REASON FOR REQUEST	SECTION OF POLICY	MAXIMUM LEAVE WITH PAY	MAXIMUM LEAVE WITHOUT PAY	COMMENTS
To attend the national conference of a political party	3.10	0	2	
Participation in cultural events	3.11		as required	Only granted if the event is of significant national or international importance.
Participation in national or international sporting events	3.12	as required subject to deduction of any payment/ earnings allowance received	as required	Only granted if the event is of significant national or international importance. Consideration will also be given to requests to referee, umpire or coach at a national level.
Sports coaching	3.13			Not normally granted
Study tours	3.14	as required subject to deduction of any payment/ bursary available		Only granted where the study tour will be of direct benefit to the education service.
Study leave	3.15	as required	as required	To assist teachers undertaking approved qualifying courses.
Compassionate leave	3.16		as required	Referral to the Head of Educational Resource Services by the Head Teacher with a recommendation including whether the teacher's duties can be covered.
Appeals	4			Referred to the Head of Educational Resource Services/Director of Educational Services