

ANGUS JOINT NEGOTIATING COMMITTEE FOR TEACHERS

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26 September 2024

Dear Colleague

AJNCT/36 SPECIAL LEAVE POLICY

This new local agreement sets out the new Special Leave Policy to replace 'Request for Leave of Absence for Teachers Guidance'. This new policy provides more thorough guidance to decision makers and fully reflects council provisions, SNCT conditions and employment legislation.

This new local agreement was approved by the Angus Joint Negotiating Committee for Teachers at its meeting on 13 June 2024, and subsequently ratified by the Staffing Sub-Committee on 24 September 2024.

Yours sincerely

**JIM HAMMOND
MIKE CALLAGHAN**

Joint Secretaries

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cc: Chief Executive
Director of Education and Lifelong Learning and Chief Education Officer
Director of HR, Digital Enablement and Business Support

Special Leave Policy – Teachers, Music Instructors & Other Educational Professionals

The council is committed to supporting teachers to balance their personal and work lives as it recognises that this helps to maintain teachers' productivity, loyalty and motivation. We acknowledge that teachers may require time off work during term time for a variety of reasons, including where an emergency or additional pressure arises, meeting commitments outside work, serving on a statutory panel or being required to undertake public duties.

Where there is no specific entitlement to leave, it is discretionary, and the most important consideration is the continuity of education and the potential impact on attainment and achievement. Teachers should always try to arrange personal arrangements to non-school days. A teacher's willingness to forego salary does not make the granting of a request more likely as continuity of education is still impacted, particularly where there is no replacement teacher available.

The Council will reflect diversity, equality and inclusion practices irrespective of age, disability, sex, gender re-assignment, race, religion and belief, pregnancy and maternity, marriage and civil partnership or sexual orientation in applying this policy.

Scope

This policy applies to permanent and temporary teachers and music instructors employed under Scottish Negotiating Committee for Teachers (SNCT) terms and conditions. It includes SNCT entitlement in addition to statutory and organisational provisions for special leave with or without pay. Some of the leave in this policy may apply to other education professionals and educational psychologists where stated.

Depending on the nature of the leave, those with an annual leave entitlement (e.g.: Educational Psychologists, Education Officers, Improvement Service) would be expected to use this where appropriate.

Some leave is subject to qualifying service with the council and where this applies details will be found in the relevant policy or scheme.

Where 'teacher' is used this refers to all individuals within the scope of the policy.

How to Apply for Leave

All requests for leave, whether paid or unpaid, are subject to approval and requests should be made in advance giving as much notice as possible. For most types of leave, please use the [Special Leave Request Form \(Teachers, Music Instructors & Associated Educational Professionals\)](#).

For family leave, please refer to the application processes detailed in the relevant sections. Applications for career breaks and self-funded sabbaticals should be made separately in writing.

All requests should be made to the Head Teacher/Manager, who will liaise with a Service Leader where this level of approval is needed. A request for leave from a Head Teacher/Manager should be made to their Service Leader.

Part-Time Teachers

Generally, leave is pro-rated for teachers who work less hours than the full time equivalent. For example, a teacher working two and a half days per week (where full time is five days) and who is entitled to five days bereavement leave would be entitled, pro rata, to 2.5 days leave.

Some leave, due to its nature, is based on the actual working day of the teacher, specific to their working hours on the date the leave of absence falls. For example, a teacher working two and a half days per week and who is entitled to a working day off for moving house, is entitled to either one full day, or a half day depending on the date requested. Another example is a teacher who is granted leave of absence due to their child's illness on a day they normally work a half day, which means they will have used the available entitlement to paid leave.

Types of Leave

[Family Leave and Pay](#)

[Appointments related to Health](#)

[Compassionate Leave](#)

[Family illness/Time off for Dependents](#)

[Carer's Leave](#)

[Bereavement Leave](#)

[Parental Bereavement Leave and Pay](#)

[Court Appearances](#)

[Job Interviews](#)

[Maternity / Adoption Support Leave](#)

[Moving House](#)

[Fertility Treatment](#)

[Religious Observance](#)

[Foster and Kinship Care](#)

[Gender Based Violence](#)

[Trade Union and Professional Association Activities and Duties](#)

[Military Reservist Forces Training & Mobilisation](#)

[Leave for Exams/Study Leave](#)

[Public Duties](#)

[Leave for Weddings/Civil Partnerships](#)

[Political Activity](#)

[Royal Gathering \(Investiture, Garden Party etc\)](#)

[Graduation Ceremony/Passing Out Parade](#)

[Career Breaks](#)

[Self-Funded Sabbaticals](#)
[Sporting Cultural Activities](#)
[Other Requests for Leave](#)

[General Information](#)

Family Leave and Pay

Entitlement: SNCT Part 2, Section 7

Further Information on provisions and qualifying criteria for family leave and pay, in connection can be found in the following paragraphs of Part 2, Section 7 of the SNCT Handbook:

- Antenatal and Appointments for Qualifying Partners (Paragraphs 7.2.13 – 7.2.16)
- Maternity Leave and Pay (Paragraphs 7.2.1 – 7.2.29) (also see Angus Council [Application Form](#))
- Adoption and Pay (Paragraphs 7.3.1 – 7.3.23)
- Maternity and Adoption Support Leave and Pay, incorporating Ordinary Paternity Leave and Pay (7.6.3 – 7.6.14)
- Shared Parental Leave and Pay (Paragraphs 7.4.1 – 7.4.20) (also see Angus Council: [Guidance and Forms](#))
- Surrogacy Leave (Paragraphs 7.5.1 – 7.5.9)
- Parental Leave (7.7.1 – 7.7.7) (also see Angus Council [Guidance and Application Form](#))

Appointments related to Health

Entitlement: SNCT Part 2, Section 9.18 and Part 4, Section 11.11

Approved by: Head Teacher/Manager

Paid leave will be granted where the appointment relates to:

- a) a preventative medical examination or,
- b) medical interventions which support the management of medical conditions which are likely to be covered by the Equality Act 2010

These appointments should, where feasible, be made out with pupil contact time and may be achieved by flexibility in class and non-class contact time.

Reasonable time to attend such appointments will be given, including travelling time to and from the appointment, which would be up to one day of paid leave.

Compassionate Leave

**Approved by: Head Teacher/Manager (Service Leader beyond 5 days)
Pro-Rated for Part Time Teachers**

Where a teacher is facing a major unplanned family situation, such as acute illness of family member/partner, life endangering accident/serious illness, relationship breakdown, need for extended bereavement leave, related to gender-based violence, damage to home by flood, fire, burglary or criminal actions against teacher / spouse / partner / child / close relative, paid leave may be granted.

The amount of leave granted will be assessed depending on the circumstances of the employee. A head teacher/manager can grant up to 5 paid working days initially, following which the situation should be reviewed by the manager and employee.

Further compassionate leave of up to a further 5 paid working days could be considered but must be approved by the service leader. When compassionate leave is requested, managers may wish to make employees aware that confidential support is available through the council's [Employee Assistance Programme, PAM Assist](#).

Family illness/Time off for Dependents

**Entitlement: Time of Dependents Leave
Approved by: Head Teacher/Manager
Pro-Rated for Part Time Teachers**

Up to 1 working day paid leave of absence can be provided in the case of illness of a dependent, for example normal childhood illness. Any additional leave is unpaid and requested as Time off For Dependents Leave where appropriate. This statutory provision applies where there is an unexpected event involving a dependant and a teacher is entitled to reasonable unpaid leave to deal with the emergency.

For serious family illness, see '[Compassionate Leave](#)'

Carer's Leave

**Entitlement: Carer's Leave
Approved by: Head Teacher/Manager
Pro-Rated for Part Time Teachers**

The Carer's Leave Act 2023 makes provision for employees who balance work with significant caring responsibilities to take at least **one week of unpaid carer's leave per year, over a 12-month rolling period**. The leave may be taken as half days, full days or in a block.

This applies where:

1. Care is provided to the dependent of an employee (defined as a spouse, partner, civil partner, or child of the employee, who lives in the same household as the employee, but are not the employee's boarder, employee, lodger or tenant, or someone who reasonably rely on the employee to provide or arrange care)
2. The dependent has a long-term care need where:
 - they have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months,
 - they have a disability for the purposes of the Equality Act 2010, or
 - they require care for a reason connected with their old age.

Full details of these provisions are contained in the [Carer's Policy](#) and [Carer's Support at Work Guidance](#).

Bereavement Leave

Approved by: Head Teacher/Manager Pro-Rated for Part Time Teachers

Up to 5 working days for a near relative and up to 1 working day for others. The leave may be taken as one period at the time of the death or funeral, or part may be kept for use later if dealing with the deceased's estate.

The amount of leave granted depends on the specific circumstances, e.g., the relationship between the teacher and the deceased, responsibilities for the estate, and the distance to be travelled in dealing with matters. It is recognised that family situations differ and there may be occasions when the next of kin fall outside of these guidelines or there are particularly distressing circumstances to be taken into account.

As a guideline:

- Spouse/partner, child, parent, sibling, parent/son/daughter/brother/sister-in-law/grandchild - up to 5 working days
- Aunt/uncle, niece/nephew, cousin, grandparent/grandparent-in-law- up to 1 working day
- Other – up to half a working day

Head Teachers/Managers will be fair and sympathetic in applying this policy, based on the individual circumstances. Additional leave, with or without pay, may be made available where circumstances merit such leave. See ['Compassionate Leave'](#)

Parental Bereavement Leave and Pay

Statutory Entitlement

Approved by: Head Teacher/Manager

Parent/primary carer entitled to statutory leave of two weeks in event of loss of a child under the age of 18 years or a still birth from 24 weeks of pregnancy, within 56 weeks of the bereavement. The leave can be taken as a single block of 2 weeks or discontinuously as 2 separate blocks of 1 week.

Enhanced entitlement to full pay for the two weeks of leave, subject to qualifying service criteria. Full details of the provisions are contained in the [Parental Bereavement Leave and Pay policy](#).

Court Appearances

Entitlement: SNCT Handbook Part 4, 11.10.1, 11.10.3 and 11.10.04

Approved by: Head Teacher/Manager

A teacher receiving a summons to serve on a jury shall be granted special leave with pay to attend, unless exemption is secured.

Where the teacher has been called as a witness by the council 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 council the absence will be treated as special leave with pay.

Job Interviews

Approved by: Head Teacher/Manager (any additional leave to be approved by Service Leader)

Up to one day paid. Remainder paid in exceptional circumstances by approval of Service Leader.

Maternity / Adoption Support Leave

Approved by: Head Teacher/Manager

Support leave of one week with normal pay will be granted to the spouse or partner or nominated carer of an expectant mother or of someone taking adoption leave at or around the time of birth or placement. The nominated carer is the person nominated by the mother or the person taking adoption leave to assist in the care of the child and to provide support to her/him. Leave can be taken from the date of the birth of placement or from another date after the birth or adoption.

See:

- Maternity and Adoption Support Leave - SNCT Handbook, Part 2, 7, 7.61 – 7.62
- [Time off for Dependents](#) Leave

Moving House

Approved by: Head Teacher/Manager

Up to one day paid leave for the day of moving house. Any remaining leave needed should be requested as unpaid.

Fertility Treatment

Approved by: Head Teacher/Manager

A teacher undergoing fertility treatment will be granted paid leave for related absences during one cycle of treatment. Appointments should be scheduled out with their working hours wherever possible.

If a teacher's partner is undergoing treatment the teacher will be granted paid leave to attend related appointments during one cycle of treatment including accompanying their partner to appointments, either through choice or by requirement. Qualifying service criteria applies. Further details can be found in the [Fertility Policy](#).

Religious Observance

Approved by: Head Teacher/Manager

Subject to reasonable notice being given and operational needs being met, teachers will not be unreasonably refused time off to observe special holidays, festivals and annual meetings connected to religion or belief. As set out in the Equality Act 2010 such requests will be looked at favourably. Time off for religious observance, where granted, will normally be unpaid.

Foster & Kinship Care

Approved by: Head Teacher/Manager

A teacher who wishes to be, or is, an approved foster or kinship carer may request paid leave or flexibility in their working pattern. The amount of paid leave granted is specific to the stage in the process and qualifying service criteria also applies. Leave is subject to operational requirements. Further details can be found in the [Foster & Kinship Care Policy](#).

Gender Based Violence

**Approved by: Head Teacher/Manager
Pro-Rated for Part Time Teachers**

All teachers, regardless of the length of service, who have been subjected to any form of violence, such as domestic abuse, rape and sexual assault or harassment/stalking, may be granted paid safe leave where, depending on the circumstances of the teacher, a manager can authorise **up to 10 paid days**, as set out under Compassionate Leave. This is in addition to up to one day's paid leave granted in an emergency situation under Gender Based Violence Policy. Requests for safe leave and any information disclosed will be handled in the strictest confidence. Further details can be found in the [Gender Based Violence Policy](#).

Trade Union and Professional Association Activities and Duties

Approved by: Service Leader

A teacher who is a representative of a trade union recognised by the council can request time off work to carry out trade union-related duties/activities and to undergo training relevant to carrying out trade union duties. Details can be found in the [Time Off for Trade Union Duties, Activities and Training](#) Policy.

Leave for examinations/revision leave

Entitlement: SNCT Handbook, Part 2, 9.3

**Approved by: Head Teacher/Manager
Pro-Rated for Part Time Teachers**

Special leave with pay shall be granted to teachers for the purpose of sitting examinations applicable to their teaching service.

Special leave, up to 2 days paid leave for each exam diet may be granted for the purposes of final revision in the period preceding an examination, according to the circumstances of each case.

Military Reservist Forces Training & Mobilisation

Approved by: Service Leader

Teachers who are members of the following military reservists may be able to take leave to fulfil their obligations with these organisations.

Royal Naval Reserves	Royal Marine Reserves
Royal Auxiliary Air Force	Army Reserves

Paid leave is provided. Further details can be found in the [Military Reservists Forces Training & Mobilisation Policy](#).

Public Duties

Statutory Entitlement

Approved by: Service Leader

A teacher is legally entitled to reasonable paid time off work to undertake public duties as defined in the Teacher Rights Act 1996.

Section 50 of the Act provides teachers with a positive right to a reasonable amount of time off from work to pursue the duties of their office, or duties as a member of the public body concerned, if the teacher is or is a member of one of the following – the list is not exhaustive:

- A Justice of the Peace
- A Local Authority
- A Statutory Tribunal
- A Police Authority
- A Board of prison visitors or a person visiting committee
- A relevant Health Body
- A relevant Education Body
- The Environment Agency or the Scottish Environment Protection Agency

The Local Government and Housing Act 1989 allows a Council to grant paid leave to A teacher for the purpose of performing duties as a member of another Local Authority up to a maximum of 208 hours in any financial year.

There is no statutory limit placed on the amount of unpaid leave which the Council may grant in this regard.

Criteria for determining reasonable time off are:

- How much time off is required to perform the particular public duty
- How much time off the teacher has already been permitted for this purpose or any other activities
- The effect of the teacher's absence on the operation of the Service

Weddings/Civil Partnerships

Approved by: Head Teacher/Manager

The following requests for leave can be made:

- Up to one day unpaid for own wedding/civil partnership
- Up to one day paid for travel, and up to one day paid for wedding/civil partnership of immediate family member
- Up to one day paid and remainder unpaid for wedding/civil partnership for others

Political Activities

Approved by: Service Leader

Parliamentary candidates or election agents or Representatives at National Party Political Conference can request reasonable unpaid leave, with approval subject to the needs of the service.

Royal Gathering (Investiture, Garden Party etc)

Approved by: Head Teacher/Manager

Up to one day paid for event and up to one day paid for travel, where appropriate.

Where accompanying spouse, son, daughter, parents – grant one up to one day unpaid leave for the event and up to one day unpaid leave for travel, subject to approval.

Graduation Ceremony/Passing out Parades

Approved by: Head Teacher/Manager

The following requests for leave can be made:

- For own ceremony, up to one day paid if relevant to teaching and up to one day unpaid if not relevant to teaching
- For family member, up to one day paid

Career Breaks

Entitlement: SNCT Handbook, Part 2, Appendix 2.15

Approved by: Service Leader

A Career Break is defined as a period of special leave without pay which provides a formal opportunity to obtain an extended break of up to 5 years. The purpose of a career break is to provide teachers and associated professionals with an opportunity to obtain an extended break. While there are no prescribed activities that a career break must involve, examples might include the care of children (or other family members), voluntary work, travel or study. A career break should not normally be used to undertake full time paid employment. Any proposed paid employment during a career break is subject to Service Leader agreement. Further information, application and eligibility criteria can be found within [Appendix 2.15 of the SNCT handbook](#).

Self-Funded Sabbaticals

Entitlement: SNCT Handbook, Part 2, Appendix 2.23

Approved by: Service Leader

The purpose of a self-funded sabbatical is to provide teachers with an opportunity to refresh and re-energise their careers and as such, there are no prescribed activities that a sabbatical must involve.

A self-funded sabbatical (minimum of 3 months and a maximum of 1 year) is separate and distinct from family leave or Career Breaks. AJNCT will agree, on an annual basis, the number of self-funded sabbaticals which may be approved each year, subject to a minimum provision. Further information, application and eligibility criteria can be found within [Appendix 2.23 of the SNCT handbook](#).

Professional Sporting/Cultural Activities

Approved by: Service Leader

The council supports employees to take part in events which enhance the reputation of the council, Angus or Scotland as a result of the employee's participation.

Teachers should apply to their head teacher/manager for time off which may include:

- Presenting papers or otherwise taking part at events organised through a professional or trade body which the employee is associated with and has been invited by the organisers;
- Attending meetings of committees and working groups formed by a professional or trade body;
- Participate at sporting events, as a competitor, coach, referee or other official position;
- Participate at cultural events where the employee has been invited to display special skills or talents or officiate.

The amount of leave granted will depend on the benefit to the teacher, the council, Angus or Scotland from their participation, any support provided in the past to the teacher, support provided to other employees and the operational impact on service delivery of the teacher's absence.

Whilst there is no qualifying service required to request leave, head teachers/managers should consider whether it can support an teacher's participation if they are new to a job or new to the council and the impact that granting this leave may have on their colleagues/team and the delivery of the service.

The amount of leave should be adequate for preparation and training, travel, location of the event, duration of the event and return travel. Leave granted will usually be a combination of paid and/or unpaid leave.

The types of occasions that an teacher will request time off for will vary, some requiring only limited time off work and others which require a longer period of leave. As a guide no more than 10 days paid leave can be provided as a maximum allowance per year. The Service Leader should be satisfied that the event brings considerable benefit to the employee and the council by linking to one or more of the council local outcomes and national agenda.

Any fees, remuneration or allowance accepted by the teacher for which paid time off was granted will be deducted from pay and the employee should notify their head teacher/manager of the details of any remuneration received.

Other Requests for Leave

Entitlement - SNCT Handbook, Part 4, 11.13

Approved by: Head Teacher/manager (for requests beyond 2 days, Head Teacher/manger will refer to Service Leader)

Leave without pay can be requested where the request does not fall within this or another policy and it cannot be accommodated using annual leave (where relevant). Where possible at least 2 week's notice should be provided.

As a guide:

- Holidays during term time will be refused unless last minute change by travel operator, in which case unpaid. Where medical reasons exist [compassionate leave](#) provisions may apply.
- Leave to visit relatives will be refused unless [compassionate leave](#) provisions apply.
- Where leave is approved in exceptional circumstances or for a 'chance of a lifetime trip' any leave granted would be unpaid

General Information

Working Days – Working days refers to days which are working days for the teacher in any one week and so for part-time workers the entitlement is pro rata. A working day may less than full-time.

Advising Payroll of Unpaid Leave - If unpaid leave is being approved the manager must send the authorised Special Leave Request Form to PayrollSection@angus.gov.uk. Unpaid leave will be deducted in the month, or the following month or months the unpaid leave is being taken.

Example - A teacher requires 3 days off work (1-3 July) relating to the illness of a dependant. The teacher is granted 1 day paid leave and 2 days unpaid leave via 'time off for dependants'. The manager must advise PayrollSection@angus.gov.uk of the unpaid leave by the payroll deadline of no later than 10 July. The 2 days unpaid leave will be deducted from the teacher's July salary.

Unpaid Leave Calculations: During unpaid leave, a teacher will receive a deduction of $1/235^{\text{th}}$ of the full-time scale point uprated by 0.20513 ($40/195^{\text{th}}$). This equates to $1/195^{\text{th}}$ of the full-time scale point. This means the teacher is not paid for the day they take as unpaid leave and also have their annual leave reduced as a result of taking a day's unpaid leave. This is calculated in accordance with [Appendix 2.19, 14](#) of the SNCT Handbook.

Record of Special Leave Taken – The Special Leave Request Form (Teachers) should be retained by the manager in the teachers working file held confidentially by them. There is no requirement to send a copy to Central Staffing to be held on the teacher's main personal file. If unpaid leave is approved the manager must send a copy of the authorised form to PayrollSection@angus.gov.uk.

Evidence of Appointments etc. - A teacher requesting time away from work may be asked to show appointment letters/records etc. to their manager where applicable.

Annual Leave – For those with annual leave entitlement, annual leave will continue to accrue throughout all periods of special leave up to three months in length. Where the period of leave is more than three months, annual leave will be reduced to an amount proportionate to the service actually given during the leave year, provided this does not fall below 28 days per year (pro rata).

Sickness – There is no entitlement to sickness leave or pay when a teacher is on special leave.

Inservice Days/Public Holidays/School Closure – No substitute day off will be given for any special leave approved on these days.

Continuous Service – Taking unpaid leave does not affect continuous service within the council.

Failing to Follow Request and Approval Procedures – if a teacher has not followed the correct request and approval procedure, without good reason, the absence from work may be classed as unauthorised. Where appropriate, this may be dealt with under the disciplinary procedure.

Request Refused – A teacher who believes that their request for leave under this policy has been unreasonably refused may raise this through the Grievance procedure.

Monitoring & Review of Policy

This policy will be continually monitored and reviewed as necessary to ensure compliance with relevant legislation and business requirements.

Data Protection

When managing and processing a teacher's application for leave, the council processes personal data collected in accordance with its data protection policy, human resources data protection policy and teacher privacy notice. Data collected from the point at which the council receives an application is held securely and is accessed by, processed by and disclosed to, individuals only for the purposes of approving and managing the request for leave and handling any refusal. Further information can be found at Teacher Matters - Human Resources – Data Protection or contact Human Resources.

April 2024

Document Control

Date	Brief Summary of changes Review	Review Date
April 2024	New Special Leave Policy to replace 'Request for Leave of Absence for Teachers Guidance'. New policy provides more thorough guidance to decision makers and fully reflects council provisions, SNCT conditions and employment legislation.	April 2026