

## **LEAVE OF ABSENCE (TEACHERS)**

(For reasons OTHER than those covered by Leave for Family Care)

### **GUIDE FOR HEAD TEACHERS**



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## **LEAVE OF ABSENCE (TEACHERS)**

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### **GUIDE FOR HEAD TEACHERS**

#### **1. INTRODUCTION**

- 1.1 Head Teachers are authorised to grant up to two days paid leave of absence for reasons other than those covered by Leave for Family Care (see MyToolkit for details – [www.mytoolkit.net](http://www.mytoolkit.net)).
- 1.2 The following notes have been prepared to assist with teachers' requests for leave of absence.

#### **2. METHOD OF APPLICATION**

- 2.1 Teachers requesting leave of absence must on every occasion:
- complete a Leave of Absence Application Form, giving full information relating to the request (see form attached as Appendix);
  - submit completed forms to their Head Teacher.
- 2.2 Head Teachers should:
- consider whether or not a request for leave of absence is covered within the Leave of Absence guidelines (see Sections 4 - 6 below);
  - only indicate their support in cases that meet the guidelines and advise the applicant appropriately;
  - complete the reverse of the form indicating their decision;
  - give the applicant a copy of the completed form;
  - forward completed form to Human Resources
- 2.3 Head Teachers can initially approve leave of absence requests of more than two days, but require to submit the request to the Head of Service for consideration and formal approval.
- 2.3 The teacher will be advised of the decision in writing.
- 2.4 Where teachers are dissatisfied with the decision they can register an appeal to be submitted to the Council's Appeals Committee (see section 11 below).

### **3. TEMPORARY TEACHING STAFF**

- 3.1 The leave of absence provisions apply to temporary teachers, full-time or part-time, who are in continuous employment.
- 3.2 Temporary teachers engaged on a casual basis are excluded from the leave of absence provisions with the exception of Jury Service or citation as a Witness at Court.

### **4. LEAVE OF ABSENCE COVERED BY SCHEME OF CONDITIONS OF SERVICE OF TEACHERS – PART IV**

#### **4.1 Jury Service**

- 4.1.1 Teachers required to undertake jury service will be granted paid leave subject to deduction of loss of earnings allowance under the Jurors Allowance Regulations. Claim forms must be verified by Payroll.
- 4.1.2 The above arrangements will also apply where a teacher is cited to appear as a Witness at Court, except in Civil Court cases in relation to matters of a personal nature where leave of absence without salary will be granted. Loss of earnings may be claimed through the normal litigation procedures.
- 4.1.3 Paid leave is granted to teachers who are cited to appear as a witness in Civil Court cases in their professional capacity as a teacher.

#### **4.2 Sitting Examinations**

- 4.2.1 Paid leave will be granted for the specific dates of examinations appropriate to the teaching service.
- 4.2.2 For the purpose of travelling to an examination centre, special application will require to be made for any leave.

### **5. LEAVE OF ABSENCE FOR OTHER REASONS**

In order that there is uniformity of practice and consistency between establishments throughout the council the following guidelines have been approved:

#### **5.1 Attendance at interviews for other teaching posts**

One day's paid leave for each teaching post. No specific limitation is suggested for the number of days that may be granted to a teacher in any year.

#### **5.2 House removal**

Teachers are encouraged to arrange house removal outwith normal working periods. Where alternative arrangements cannot be made, one day's paid leave may be authorised.

#### **5.3 Attendance at wedding**

Up to one day's paid leave in the case of a close relative, otherwise unpaid leave. Where travelling difficulties are involved, unpaid leave to travel to/from the ceremony may be considered on an exceptional basis.

#### 5.4 **Marriage during term time**

Leave should not normally be granted during school term time.

Exceptionally a limited amount of unpaid leave may be allowed. Such leave will not normally be granted immediately preceding or following a holiday period.

#### 5.5 **Holidays during term time**

Leave should not normally be granted during school term time. However, a limited amount of unpaid leave may be granted in exceptional circumstances. Such leave will not normally be granted immediately preceding or following a holiday period.

#### 5.6 **Member of Children's Panel**

Paid leave for meetings during normal working periods.

#### 5.7 **Member of Attendance Sub-Committee**

Paid leave for meetings during normal working periods.

### 6. **SPECIAL LEAVE**

Special application must be made for leave of absence for the following reasons:

#### 6.1 **Paid Leave**

- To participate as a team member or performer in an International event where selection of the individual has been by a national body or organisation of National status.
- To participate as an official of an International team or cultural organisation at an international event involving the National team or cultural organisation.
- To attend as a delegate to trade union conference.
- To attend approved training courses organised by trade unions e.g. shop stewards, safety representatives.
- For preventative medical examination
- To perform public duties e.g. elected member of council:
  - Limited paid leave in accordance with council's scheme (see section 9 below).
- As a candidate at Local Government Election:
  - One week's paid leave.
- As a candidate at Parliamentary Election (National or European):
  - Three weeks paid leave

## 6.2 Urgent personal business

- Paid or unpaid leave for a period not exceeding one day;
- Consideration will be given to paid leave for attendance at child custody cases.

## 6.3 Unpaid Leave

- As a team member/participant/official at International events not involving National teams.
- For participation in a National group/squad training or preparations as team member:
  - Leave will normally be unpaid but paid leave may be granted in certain circumstances.
- For participation in National group/squad training or preparation as an official:
  - Leave will normally be unpaid but consideration may be given to national coaches in relation to programmes of training immediately prior to a major international event (e.g. Olympic, European or Commonwealth Games).

## 7. UNPAID LEAVE - CONSEQUENCES

Cases may arise where leave on an unpaid basis is requested in the belief that such requests will be granted more readily. Head Teachers should make teachers who apply for unpaid leave aware of the fact that:

- unpaid leave can have consequences under the Pension Regulations;
- willingness to forego salary does not necessarily compensate the school for the loss of the teacher's service;
- a temporary replacement teacher may not be available and if one can be recruited it is likely that the pupils will experience some degree of disruption in their education.

## 8. LOCAL AND PARLIAMENTARY (NATIONAL/EUROPEAN) ELECTIONS

- 8.1 Granting paid leave of absence at either Local Government Elections or Parliamentary Elections (National and European) is to enable candidates to participate immediately prior to an election date and the day of the election itself. Where an election date falls during a holiday period, paid leave of absence will not be granted in addition to normal holiday pay arrangements.
- 8.2 Where an election date falls during a public holiday period, paid leave of absence will not be granted in addition to normal public holiday pay arrangements.

## **9. TIME OFF FACILITIES FOR STAFF ELECTED OR APPOINTED TO PUBLIC BODIES**

### **9.1 Introduction**

West Lothian Council's policy is to facilitate time off for employees who are elected members of Local Councils to enable those employees to perform their local council duties thoroughly while establishing a fair balance financially regarding time off from their paid employment. The council has also given a commitment not to impede its employees who are elected councillors in carrying out normal duties appropriate to Local Council work.

### **9.2 Limitation of Paid Time Off**

The limit of paid leave of absence for public duties is 208 hours per annum.

### **9.3 Sick Pay and Leave Entitlements**

In respect of unpaid leave for public duties, the council will:

- protect sick pay and leave entitlements for periods up to and including 30 continuous days; and
- for periods in excess of 30 continuous days, consider each request on an individual basis on report to the Education Executive.

### **9.4 Attendance Allowance**

#### Councillors

West Lothian Council will not seek to recover attendance allowances received by employees who are councillors.

#### Others

West Lothian Council will recover attendance allowances in respect of periods of paid leave of absence on public duties as follows:

- on days where an employee has been granted paid leave of absence, and fulfils additional public duties in their own time, recovery of the attendance allowance will not be required if it is claimed in respect of the employee's own time; and
- where an attendance allowance is greater than the employee's wages for the period of leave of absence, the amount of recovery will be restricted to a sum equal to these wages.

### **9.5 Other Public Duties and Travelling Time**

The approved time off limit of paid leave will include time off for:

- all types of public duties; and
- all associated travelling time

### **9.6 Part-time Employees**

The paid time off limit will be applied pro rata to part-time employees.

## 9.8 Unpaid Leave

In addition to the 208 paid hours of leave of absence per annum for public duties, the council will grant employees unpaid leave of absence by arrangement with Service Managers. Where employees have been appointed to especially demanding offices in council and/or other public bodies, they will be granted the necessary unpaid leave of absence to fulfil all their public duties. The Service Manager will review this situation annually and report to the council.

## 9.8 Exigencies of the Service

It is West Lothian Council's policy that all leave for public duties, whether paid or unpaid, shall be granted by Service Managers subject to the exigencies of the council's services.

## 10. PENSIONS

Any enquiries regarding the effects of paid and unpaid leave on pension arrangements should be made to:

Scottish Public Pensions Agency  
7 Tweedside Park, Tweedbank, Galashiels TD1 3TE

☎: (01896) 893071

## 11. APPEALS PROCEDURE

Should a teacher be dissatisfied with the outcome of their leave of absence request, he/she can register an appeal. An appeal must be made in writing to the Head of Support Services (with a copy to the Director of Education & Cultural Services), indicating the grounds of the appeal, within ten working days of receipt of confirmation of the outcome of the request.

The Head of Support Services shall arrange for the appeal, together with any comments by Education Services, to be considered by the Council's Appeals Committee within twenty working days of receipt of the written notice of appeal.

The decision will, if possible, be made known to the employee at the end of the appeal hearing and will be confirmed in writing within three working days. There shall be no further right of appeal.



**APPLICATION FOR LEAVE OF ABSENCE**  
**(For reasons OTHER than those covered by Leave for Family Care)**

Head Teachers have authority to grant up to TWO days leave of absence

**Requests for Leave for Family Care purposes MUST be submitted on the relevant application form in accordance with the council's Policy & Procedure which is available on MyToolkit ([www.mytoolkit.net](http://www.mytoolkit.net))**

Name:

Post Title:

Work Location:

REASON FOR ABSENCE:

(Give as much information as possible in order that your application receives full consideration)

Total number of **working days** requested:

Date of first day of absence:

Date of last day of absence:

Employee's Signature:

Date:

Please forward completed form to your Head Teacher who will consider your request and advise you of the outcome by completing the page overleaf and returning a signed copy of the form to you for your retention.

**TO BE COMPLETED BY THE HEAD TEACHER**

Outcome of request for leave of absence:

No. of days granted <b>with pay</b> :	No. of days granted <b>without pay</b> :
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If request refused please <input type="checkbox"/> box
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REMARKS ( <i>i.e. reason for refusal</i> ):

**I confirm the applicant has received a signed copy of this form in accordance with the guidelines.**

Head Teacher's Name (please PRINT):	
Head Teacher's Signature:	Date:

**For PAID leave of no more than TWO days, this form should be retained in school.**

**Where Leave of Absence Request is in Excess of Two Days, Head Teacher to forward completed for to the Head of Service for Approval**

Head of Service's Signature:	Date:
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<b><u>For UNPAID Leave or Leave in Excess of TWO Days</u>, completed form must be returned to:</b>		
<b>HR Services, Civic Centre, Howden South Road, Livingston EH54 6FF</b>		
<b>For Human Resources Use Only</b>		
Application received	date:	Initials:
Application recorded	date:	Initials:
Copy form to Payroll ( <b>if LOA unpaid</b> )	date:	Initials: