

HR & OD POLICIES

human resources and organisational development



Special Leave

Procedure – Teachers and Associated Professionals

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1. GENERAL INFORMATION

Recording of Special Leave

For information on the recording of Special Leave (Paid & Unpaid) go to Factsheet [EMIS Recording of Special Leave](#)

Services to the Community

Employees considering positions or appointments to offices or services which will require special leave must discuss such proposals with their Head of Service or Director. New employees holding such offices/appointments must also discuss their continuance in the office/service with their Head of Service or Director. The criteria for assessing requests should be based on there being only limited disruptive impact to the Council and Council Services.

Annual Leave

Annual leave will continue to accrue throughout all periods of special leave up to three months in length. In the case of absences lasting longer than three months, annual leave may be reduced to an amount proportional to the service actually given provided this does not fall below the statutory minimum of 28 days per year (pro rata).

[Annual leave while on a Career Break](#)

Sickness

No substitute special leave will be given if an employee is sick during a period of special leave.

There is no entitlement to sickness allowance during periods of unpaid leave.

If an employee is sick on the day they are due to return from special leave, they will be treated as being on sick leave from that date on provision of a doctor's statement.

Public Holidays

Where a general or Public Holiday falls during a period of Special Leave, no substitute day off will be given.

Continuous Service

Periods of Special Leave count as continuous service, and will therefore be included when calculating holiday/ sickness entitlements etc following the employee's return to work. Likewise, periods of special leave do not interrupt an employee's incremental salary progression.

Return to Work

An employee who has been absent on a period of special leave is entitled to return to their own post or, if this is not reasonably practicable, to a reasonable alternative in duties, status, terms and conditions.

Pension

An employee taking unpaid Special Leave can either continue to contribute during their leave, or can make up payments on their return to work. For breaks of up to a month contributions will automatically continue to be made, whereas if the break is more than one month, the employee must advise the Pensions Section within 30 days of their return to work if they wish to make up their payments. The details can then be arranged with the Pensions and Payroll Sections.

Different arrangements apply in respect of members of the Reserve Armed Forces who are mobilised. For further information please go to Service in Non-Regular Forces (Mobilisation).

Right of Appeal

An employee who believes that their request for Special Leave has been unreasonably denied should address this through the appeals system for Teachers [Right of Appeal Process Information Sheet](#).

Part Time Employees

The amount of leave detailed within the policy is pro-rated in respect of employees who work less than the full time equivalent. 'Working days' refers to days which are working days for the employee or their full-time equivalent. For example, an employee working two and a half days per week (where full time is five days) and who is entitled to five days bereavement leave is not entitled to take two weeks off. It should also be noted that part-time staff who are granted leave and due to the fixed nature of their annual leave this leave falls on a work day (e.g. family wedding) then the employee is not required to 'make the time up'.

Abuse of Policy

Abuse or attempted abuse of the Policy will be dealt with under Aberdeenshire Council's Disciplinary Procedure.

Further Information

Employees requiring further information regarding this Policy should contact their Service, askHR, or their Trade Union.

Exceptional Circumstances

NB: In terms of Education committee's policy, and the appropriate Conditions of Service, Headteachers are empowered to grant paid leave of absence of two days or less. In such circumstances cover will be provided from within the School where appropriate.

There may be occasions when special leave is appropriate but may not be covered by the Special Leave provisions. Service Directors in conjunction with HR&OD have the discretion to authorise special leave, either paid or unpaid up to a maximum of ten days in total, for situations not already covered by this policy. In cases of 'Exceptional Circumstances' the paid special leave form or [LvAp1 form](#) or unpaid special leave form [LvAp2 form](#) must be completed and forwarded to the appropriate person within the Service for recording or, in the case of Unpaid Leave being granted, forwarded to payroll.

Special Leave Forms

Requests for Special Leave must be authorised in advance unless otherwise stated. For monitoring and payroll purposes either the Paid Special Leave form 'LvAp1' or the Unpaid Special Leave and Special Payments form 'LvAp2' must be completed in respect of each absence.

2. UNPAID LEAVE

All unpaid leave that is granted must be recorded on the [LVAP2 Unpaid Leave form](#) and forwarded to the Payroll Section

Career Breaks

Career Breaks, agreed by SNCT for Teachers and Associated Professionals of up to five years are available.

[Further information](#)

Political Candidature

An employee who has been nominated and is standing for election to a political post (e.g. member of a Council including Aberdeenshire, Member of Parliament, Member of Scottish Parliament, Member of European Parliament) will be entitled to up to two weeks unpaid leave during the Election Campaign.

Any requests for leave outwith the Election Campaign period will be considered and decided by the Head of Service. The agreed additional leave may be taken as further unpaid leave.

Any request for leave for representatives at National Party Political Conferences will be considered. The additional leave may be taken as further unpaid leave.

NB: Employees in 'politically restricted' posts may not seek election as a Councillor, MP, MSP or MEP, and must resign prior to nomination. Politically restricted posts include:

1. Chief Officials including Chief Executive.
2. Posts involving regular provision of advice to Councillors.
3. Posts involving regular contact with the media.
4. Post reporting directly to the Chief Executive, an Area manager or Director.
5. Posts reporting directly to full Council or a council committee or sub-committee.
6. Secretarial, clerical and support posts, head teacher and teaching posts are exempt unless falling into category two or three.

The leave provisions above will therefore not apply in such cases.

Please note under the Local Governance (Scotland) Act 2004 any Aberdeenshire Council employee wishing to become an Aberdeenshire Council Councillor is not required to resign prior to being nominated as a candidate.

They must, however, resign from their post as an Aberdeenshire Council employee no later than the day after they have been elected as stated in the Local Governance (Scotland) Act 2004, Part 2, Section 7, 31A: Disqualification of officers, employees etc. from remaining members of local authority.

Employees should be aware that Council premises are not to be used to promote the election of any candidate.

Service in Non Regular Forces (Mobilisation of Reservists)

The Council recognises that a number of its employees have a commitment as members of the Volunteer Reserve Forces (Royal Naval Reserve, Royal Marines Reserve, Reserve Air Force and Territorial Army) that may result in them being called upon in support of the Regular Forces at times of increased operational demands.

An employee who is mobilised as a member of the Volunteer Reserve Forces will receive unpaid leave but will be paid during their absence by the Ministry of Defence (MOD).

Please refer to [Service in Non Regular Forces \(Mobilisation of Reservists\) Teachers & Associated Professionals Fact Sheet](#) for further guidance and information.

Service in Non Regular Forces (Training Camp)

Employees who are members of the non-regular forces and who attend an annual training camp should be entitled to paid leave, for the duration of the camp, which must last not less than a week and not more than 15 days. [This is subject to the deduction of service pay and allowances received.](#) Employees are requested to give as much notice as possible, to allow cover to be arranged as required.

Procedure **prior** to attending the annual training camp:

- LvAp2 form should be completed by the employee, Head Teacher/QIO and the relevant Armed Forces Official.
- LvAp2 form is then sent to payroll who will deduct the amount from the employees next salary.

Procedure **after** attendance at the annual training camp:

- LvAp2 form (Section B) to be completed by the relevant Armed Forces Official to verify payment made (travel & subsistence payments should not be included).
- LvAp2 form (Section A) to be completed by the employee and Head Teacher/QIO and sent to payroll who will then make the appropriate adjustments in the employees next salary.

Should the allowance paid to the employee by the Armed Forces exceed the amount paid by the Council during the relevant period, the employee will retain the difference.

Any records for Service purposes should be passed to the appropriate person.

Other Unpaid Leave

Teaching staff will normally be granted Unpaid Leave for purposes such as getting married, sitting a driving test or accompanying an immediate family member to an Investiture.

NB: QIO's and Educational Psychologists who are not on fixed annual leave would be expected to use their Annual Leave for the purposes of getting married, sitting a driving test or accompanying an immediate family member to an investiture please refer to [Special Leave Procedures](#) for further information.

Wedding/Civil Partnership

Own - Consideration of any such requests are subject to the requirements of the service. All such requests must be made in writing and reasonable notice given to the Authority. Such additional leave shall be without salary.

Others - One day's unpaid leave on day of wedding.

Immediate family – See Family Wedding/Civil Partnership (paid leave).

Driving Test

Where possible this should be arranged for outwith the school day. Where this is not possible employees will be granted unpaid leave to attend the test. Where an employee wishes to undertake the test during work time they should discuss this with their head teacher/QIO, giving as much notice as possible.

Investiture (accompanying an immediate family member)

Teachers can request up to one days unpaid leave to attend an investiture in Scotland or up to two days unpaid leave if in London. No travel costs will be paid by the Council to accompany an immediate family member.

3. PAID LEAVE

All paid leave that is granted must be recorded on the [LVAP1 Paid Leave form](#) and forwarded to the appropriate person within the relevant Service to input the data into EMIS.

Bereavement Leave

An employee is entitled to bereavement leave on the death of a family member or partner, or to attend a funeral such as that of a friend or neighbour. The amount of leave given is dependent on the relationship.

Relatives

Following the death of a relative up to five days paid leave is available to make funeral arrangements, attend the funeral, give support to spouse/ partner/ family member, or act as executor. The leave may be taken as one period at the time of the death or funeral, or part may be reserved for use thereafter in connection with winding up the estate.

Each situation will be assessed individually and appropriate leave given. However, general guidelines for leave are listed below:

- **Spouse/partner, child, parent, sibling, parent/son/daughter/brother/sister-in-law:** up to five working days.
- **Grandparent/grandchild:** up to three working days.
- **Aunt/uncle, niece/nephew, cousin:** up to one working day.
- **Non-Relatives:** up to half a working day.

Travel

Paid leave may be extended to take account of necessary travel.

General

If an employee is already absent from work (e.g. through annual leave, other special leave or sickness) when bereavement leave would otherwise be requested, bereavement leave will not be given instead.

'Working days' refers to days which are working days for the employee or their full-time equivalent. For example, an employee working two and a half days per week (where full time is five days) and who is entitled to five days bereavement leave is not entitled to take two weeks off.

Compassionate Leave

Paid leave may be granted where an employee is facing an extreme family situation (e.g. immediate family member/partner is seriously ill or is missing). Appropriate leave to a maximum of two weeks may be given initially by the employee's Head Teacher/QIO, following which the situation should be reviewed by the QIO, employee and an HR Advisor.

At this point, alternatives such as a temporary reduction in hours or unpaid leave should be considered, although further Compassionate Leave may be given.

Each situation will be assessed individually, and managers should seek guidance from an HR Advisor regarding situations where Compassionate Leave may be appropriate.

Elections

Paid leave is available to employees who wish to assist at elections and for attendance at required briefings. Employees wishing to volunteer for election duties should discuss this matter with their Head Teacher/QIO and, insofar as that person's absence would not affect basic levels of Service provision, they should be released from substantive duties. Please see the [Elections Fact Sheet](#) within the Resource Pack for further information and guidance.

Constituency Officer (Election Team)

Temporary posts within the Council's Election Team of Constituency Officer and Assistant Constituency Officer become available at specified times to undertake election duties for Aberdeenshire Council. Any employees who wish to apply for these roles will be required to undertake Election Team duties both during their substantive work hours and occasionally in the evening or at weekends, especially close to election time.

These vacancies are filled following the usual recruitment and selection processes. In the period immediately prior to major elections, employees appointed to these posts will spend a significant proportion of their core time fulfilling essential election duties and, therefore, it is imperative that any employee who would like to apply for the post/s has the full support of their line manager and Service before progressing their application.

For further information please refer to [the Constituency Officer \(Election Team\) Fact Sheet](#).

Jury Service/Witness

Employees summoned to serve on a Jury or as a witness must report such fact to their Head Teacher/QIO showing the documentation sent by the court. They will be granted Special Leave to attend, unless exemption from serving is secured. Employees will continue to be paid whilst on Jury Service at their normal contractual rate of pay, **subject to the deduction of any monies received from the court in respect of loss of earnings.**

Accordingly if an allowance is offered in respect of attendance the employee must claim these monies.

Procedure **prior** to attending Court:

- Employee sends court documentation to payroll for completion.

- Payroll complete and return court documentation to employee. Employee takes completed court documentation and the LvAp2 form to the Court.

Procedure **after** attending Court:

- LvAp2 form (Section B) completed by Court Official verifying 'Loss of Earnings' payment
- LvAp2 form (Section A) completed by employee & Head Teacher recording the length of absence
- LvAp2 form is then sent to payroll who will deduct the amount from the employee's next salary payment.

Should the allowance paid to the employee by the court exceed the amount paid by the Council during the relevant period, the employee will retain the difference.

Emergency Service Volunteers

Employees who are members of the approved Voluntary Emergency Service Organisations listed below may be entitled to take paid leave to fulfil their obligations with these organisations and will be granted special leave with pay to attend actual emergencies during working hours.

Approved bodies are:

- British Red Cross Society
- St John's Ambulance Association
- Voluntary Fire Service and the Retained Fire Service
- HM Coastguard
- Royal National Lifeboat Institution
- Mountain Rescue Services (as recognised by the relevant police authority)
- Special Police Constables
- Non-Regular Armed Forces, e.g. Territorial Army

Arrangements will be subject to the approval of the Service Director, who will be satisfied with provisions for service delivery in the absence of the employee during a call-out, and will review the situation regularly.

Once the emergency has been dealt with, the LvAp1 form should be completed by the employee and their HT/QIO, and passed to the appropriate person within the Service for recording. The employee may retain any pay or allowances received from their Emergency Service in addition to receiving their Council pay for the relevant period.

Investiture

In recognition of their achievement, employees who receive Honours in the Queen's Honours List (e.g. an MBE) in recognition of their Council work may take two days paid leave to attend their Investiture. If a travel allowance is offered then this should be claimed.

Job Interviews (Internal)

Teaching Staff may attend internal job interviews within their working day, but must give their Head Teacher/QIO as much notice as possible of their absence and only be away from work for the minimum time necessary to attend the interview and associated procedures (e.g. candidates being shown round the School prior to interview).

Job Interviews (External)

Paid leave up to a maximum of three days per school year will normally be given for attendance at external interviews and associated procedures (e.g. candidates being shown round the School prior to interview). Unpaid leave will normally be granted for any additional interviews.

NB: For QIO's and Educational Psychologists who are not on fixed annual leave please refer to [Special Leave LGE \(Job Interviews\)](#) for further information.

Medical Appointments

Reasonable time off without loss of pay should be allowed for the purpose of preventative medical examinations:

[http://www.snct.org.uk/wiki/index.php?title=Part 2 Section 9](http://www.snct.org.uk/wiki/index.php?title=Part_2_Section_9)

Where an employee wishes to attend a medical appointment during work time they should discuss this with their Head Teacher/QIO, giving as much notice as possible.

Paid time off will not be given under this policy for purposes such as assessments connected to insurance claims, where no treatment is to be offered.

Fertility Treatment

If an employee is undergoing fertility treatment, paid leave will be granted for related absences during one cycle of treatment. Employees are however required to schedule appointments outwith their work hours where possible.

If an employee's partner is undergoing fertility treatment the employee will be granted paid leave to attend related appointments during one cycle of treatment. This includes appointments to which he/she accompanies his/her partner for support, as well as those at which he/she is required to be present. Should further treatment be undertaken, it will be necessary for the employee to take Unpaid leave (at the HT/QIO's discretion) to cover the above situations.

Dependants

Planned medical appointments:

[http://www.snct.org.uk/wiki/index.php?title=Part 2 Section 9](http://www.snct.org.uk/wiki/index.php?title=Part_2_Section_9)

Sudden/emergency admissions/appointments see Family Illness and Compassionate Leave.

Disability Leave Scheme

If an employee is absent from work as a result of their disability paid time off may be granted under the [Disability Leave Scheme](#).

Public Duties

Employees are entitled to reasonable time off to fulfil duties as a Justice of the Peace or member of a statutory panel (e.g. Children's Panel, Employment Tribunal) subject to the discretion of the Service.

An employee should be allowed reasonable time off with pay during working hours to:

- Perform any of the duties of their office as a Justice of the Peace.

or

If a member of one of the following bodies, to attend meetings of these (or of their committees or sub-committees) or to complete tasks approved by the body, committee or sub-committee in connection with discharging its functions:

- a local authority.
- a statutory tribunal (e.g. Children's Panel, Employment Tribunal).
- a police authority.
- a board of prison visitors or a prison visiting committee.
- a relevant health body.
- a relevant education body.
- the Environment Agency or the Scottish Environment Protection Agency.

also

- Other requests may be considered on an individual basis.

For further advice regarding whether a particular position is designated as 'public service', please contact askHR.

Applications will be considered on an individual basis, but it should be noted that the two attendances per month required by the Children's Panel will generally be seen as reasonable. Two days paid leave may also be given when induction or refresher training is required in connection with Children's Panel membership.

When determining whether the time off requested is reasonable, the Service Director or nominated Senior Officer will have regard to the following:

1. how much time off is required in general to perform the particular public duty and how much time off is required on the particular occasion in question; and
2. how much time off the employee has already been permitted for this purpose or any other activities.
3. operational requirements of the Service.

Arrangements will be subject to review by the Service Director.

Educational Duties

For members of Educational bodies, examination boards, National Working parties or for School Councils staff should be granted paid leave for the purposes of attending meetings in work time.

Sporting Activities

An employee who is a member of an official national team (e.g. as competitor, manager or coach) will be entitled to up to 15 days paid leave per year for the purpose of attending training and competitions as a member of a national team (five days in the case of representing their Region).

Religious Festivals

For the purposes of holidays or festivals of religious or ethnic groups employees will be granted paid leave up to a maximum of two days in any one school year subject to reasonable notice having been given. Unpaid leave will normally be granted for any further days, however, agreement for the unpaid leave will be subject to the needs of the service.

Trade Union and Health & Safety Duties

Time off for the above work-related activities is available in certain circumstances: please refer to separate policies on these subjects.

[Time off for Trade Union Duties](#)

[Time off for Health & Safety Representatives](#)

4. OTHER PAID LEAVE

Teaching staff may be granted Paid Leave for purposes such as attending a family wedding/civil partnership, graduation and moving house:

Attending a Family Wedding/Civil Partnership - Immediate Family (As a general guide this would include son, daughter, father, mother, sibling) - One day's paid leave on day of wedding/civil partnership.

Graduation - One day's paid leave will be authorised for attending own or graduation of immediate member of family (As a general guide this would include son, daughter, spouse, mother, father).

Moving House - One day's paid leave, if the moving day falls on a working day, will be authorised for the purpose of moving house. In special circumstances one additional day, unpaid, may be approved. If the moving day is during a school holiday period you are not entitled a paid day in lieu.

If you are moving house at the request of the authority please refer to:

http://www.snct.org.uk/wiki/index.php?title=Part_4

Transfusion Service Visits to Council Premises

When Council premises are visited by the Blood Transfusion Service employees will be allowed paid time off to make a donation. Employees must obtain permission to attend from their line manager, but this will not be withheld provided there is adequate cover. An employee is expected to attend their workplace before and after the donation is made.

In Emergency (donation of blood or bone marrow)

Where an employee is called upon to make an immediate donation of blood or bone marrow (e.g. in response to an emergency situation) they should be released immediately for the time required.

No travelling expenses may be claimed for journeys made for the above purposes, and the time taken may not be reclaimed by employees making a donation during a period of annual leave. Employees should be prepared to provide record cards etc. as evidence of visit.

Information regarding blood transfusion services may be obtained at:

<http://www.scotblood.co.uk> or from the Aberdeen Donor Centre on **01224 685685**

5. FAMILY FRIENDLY INITIATIVES TIME OFF FOR DEPENDANTS

Purpose

Time off for Dependants is **unpaid** leave taken by an employee for urgent family reasons where their immediate presence is indispensable. This entitlement may be used in addition to any relevant paid special leave provided by the Council, and is intended to help employees in reconciling the demands of work and home life.

When Leave may be taken

An employee is entitled to take time off in order to take necessary action:

- a. Because of the unexpected disruption or termination of arrangements for the care of a dependant.
- b. To deal with an unexpected incident at an educational establishment involving a child/foster child of the employee. NB: If the unexpected incident is due to adverse weather then please go to [Adverse Weather Arrangements](#)
- c. To accompany a dependant to a medical appointment.

Who is a dependant?

For all of the situations described above, a dependant is a person who is the employee's spouse, child (including foster child), or parent, or a person who lives in the employee's household. (This does not include someone who is the employee's tenant, lodger, boarder or employee.)

'Dependant' can also mean any person who reasonably relies on the employee for assistance (again this would not include someone who is the employee's tenant, lodger, boarder or employee):

- if they fall ill, are injured or assaulted.
- to make arrangements for the provision of their care in the event of illness or injury.
- because of the unexpected disruption or termination of arrangements for their care.

Unpaid leave may be taken to provide assistance in these situations.

Length of Leave

The length of leave given is at the discretion of the Service. Usually one or two days will be considered reasonable, although other periods may be appropriate in particular circumstances. Head Teachers/QIO should seek advice from an HR Advisor.

Procedure

An employee wishing to take unpaid leave for any of the above reasons must inform their manager of their absence, and the reason for it, as soon as is reasonably practicable. They must also advise how long they expect to be absent for (unless they have already returned to work).

Family Illness

Employees are entitled to one day of **paid leave** to care for a close relative/ spouse/ partner/child/foster child who has been taken ill suddenly or been injured and is unable to look after themselves, and to make care arrangements for further days if necessary. (The leave may be taken as one full day or as an afternoon plus the following morning if required). However, employees should endeavour to have alternative arrangements already in place so that leave is not required. If the employee is facing an extreme family situation then please refer to Compassionate Leave.

Parent Council Duties

An employee who is a member of the Parent Council of an Aberdeenshire Council school will be entitled to **paid leave** for the purposes of attending Appointment Committees or Sub Committees. Leave for other Parent Council activities occurring within working hours will be unpaid.

Foster Carers Leave

Approved Foster Carers will be entitled to request **paid leave** (if their presence is required in relation to their Foster child) for the purpose of attending Looked after Children's Reviews and Children's Hearings. Foster Carers may be asked to provide their HT/QIO with evidence that their presence is required at the Looked after Children's Review and/or Children's Hearing before the leave is granted. This evidence may include the letter:

A letter that is sent to the approved Foster Carer requesting their attendance at the Looked after Children's Review and/or Children's Hearing.

NB: If there is a confidentiality issue regarding information on any placed child then the Line Manager may request verification through contact with the Family Placement Worker or relevant Team Manager.

Looked after Children's Reviews

A half a days leave per review up to a maximum of four half days per calendar year.

Children's Hearing

A half a days leave per hearing up to a maximum of two half days per calendar year.

Maternity/Adoption Support Leave

Five days paid leave irrespective of length of service. A further five days paternity/adoption support leave may be granted if the employee has 26 weeks continuous service at the start of the 15th week before the baby is due or the week official notification is received of the adoption or the date of placement. Please refer to the following for further information:

<http://arcadialite.aberdeenshire.gov.uk/wp-content/uploads/2012/03/PaternityMaternityGuidanceT.pdf>

<http://arcadialite.aberdeenshire.gov.uk/wp-content/uploads/2012/03/PaternityAdoptionGuidanceT.pdf>

Parental Leave

Parental Leave is unpaid leave taken by a parent to care for their child or foster child, or make arrangements for the good of the child or foster child. Please refer to the Parental Leave Fact Sheet for further information and guidance. [Parental Leave Fact Sheet](#)

Maternity Leave

<http://arcadialite.aberdeenshire.gov.uk/wp-content/uploads/2012/03/MaternityGuidanceT.pdf>

Adoption Leave

<http://arcadialite.aberdeenshire.gov.uk/wp-content/uploads/2012/03/AdoptionGuidanceT.pdf>

Additional Paternity Leave

<http://arcadialite.aberdeenshire.gov.uk/wp-content/uploads/2012/03/PaternityMaternityGuidanceT.pdf>

For further advice and guidance on any of the above please contact **Human Resources and Organisational Development.**

Special Leave

Index of Documents

Policy

Revision Date	Previous Revision Date	Summary of Changes
01-12-2003	-	Creation of all Documents
22-07-2011	01-12-2003	Political Candidature changed
13-04-2012	22-07-2011	Revision of Procedure
08-11-2013	13-04-2012	Addition of Constituency Officer (Election Team) as a new category of special leave
01-05-2015	08-11-2013	Revision of Procedure