



Education & Learning Service

Highland Local Negotiating Committee for Teachers

**LNCT Agreement No.37
(revised June 2025)**

Special Leave Policy

Special Leave Policy

1. Introduction

- 1.1 This statement represents the Council's policy on special leave during working hours for Teachers and Associated Professionals covered by the SNCT terms and conditions of service. The arrangements must be applied in conjunction with Part 2, Section 9, Paragraphs 9.19 and 9.20 of the SNCT Handbook.
- 1.2 Associated professional whose leave year is the same as local government employees should refer to the corporate policy on special leave.

[Special Leave Policy - People and Transformation](#)

- 1.3 Please note that separate arrangements are in place for family leave, sick leave, relocation and removal, annual leave, public holidays and career breaks which are contained within the SNCT Handbook or separate LNCT agreements.
- 1.4 The policy encompasses statutory entitlements for special leave and indicates where special leave will be granted with or without pay. Generally a decision as to whether or not to grant special leave will be determined by the needs of the Council, the Service, the length of absence and having due regard to the particular circumstances of the teacher with further specific criteria being given in the policy. **The Assistant Chief Executive (ACE) - People will delegate the power to grant special leave to Headteachers and/or Area Quality Improvement Managers.**
- 1.5 As a general principle, teachers should not make personal arrangements which conflict with their contractual requirements in terms of their attendance at their workplace. Personal arrangements including such occasions as weddings, graduations and house removals (with the exception of those that fall within the terms of the relocation and removal policy), should be avoided except in circumstances where neither careful planning or reasonable foresight could have avoided the need to request special leave.
- 1.6 **Applications for special leave will be considered in the overall context of service delivery requirements and may be granted with or without pay.**

2. Personal Business

Leave for the following reasons would normally be expected to be taken during school holiday or closure periods.

2.1 **Weddings**

Leave for weddings, including a teacher's own marriage, should be taken during school holidays or closure periods.

- 2.2 Only in very exceptional circumstances (e.g. where a husband/wife to be is a member of the armed forces and is only able to take leave at a specific time that coincides with the school term) will a limited amount of leave without pay be granted.

2.3 One day with pay may be granted as reasonable time off to attend a wedding of a close relative.

3. *Graduations*

One day special leave with pay may be granted to attend a graduation.

4. *Attending Interviews*

Teachers will normally be granted up to one day paid special leave to attend interviews for posts up to Principal Teacher level within Highland Council. Where the post is of Depute Headteacher or Headteacher level, then up to two days can be granted where the selection process requires this. Where the interview is for a post out with Highland Council, special leave of normally up to one day without pay will be granted.

5. *Public Duties*

A teacher should be allowed reasonable time off with pay during working hours to perform any of the duties of office, as a:

- (a) Justice of the Peace
- (b) Member of a Local Authority *
- (c) Member of a statutory tribunal (e.g. member of Children's Panel, Industrial Tribunal)
- (d) Member of a Health Board
- (e) Member of an NHS Trust
- (f) Member of a Family Practitioners' Committee
- (g) Member of a College Board
- (h) Member of a Visiting Committee in Scotland to Prisons, Remand Centres and Young Offenders Institutions
- (i) Member of the GTCS (The General Teaching Council for Scotland)

*This only applies if a teacher has been elected as a member of another Local Authority. There is an obligation to leave the employment of the Highland Council if elected as a Highland Council member.

5.1 Agreement for leave relating to items (b) to (g) including attendance at Committees/Sub-Committees, will be determined by the ACE- People or delegated Manager as to what constitutes reasonable time off for public duties by examining:

- how much time off is required for the performance of the duties of the officer as a member of the body, and how much time off is required for the performance of a particular duty
- how much time off the teacher has already had in respect of these duties
- the effect of the teacher's absence on the running of the service

5.2 Where time off with pay is granted, it will be subject to the deduction from such pay of any fees or remuneration or like allowances for the exercise of duties of the position which the teacher is entitled to claim from the appropriate body whether or not the teacher makes a claim. Alternatively, the teacher can surrender such fees, remuneration or allowances to the Council.

6. **Jury Service**

A teacher receiving a summons to serve on a Jury must report such fact to the headteacher and must be granted special leave with pay to attend, unless exemption from serving is secured. From such pay will be deducted the Juror's allowance to which the teacher is entitled, and for which the teacher must make claim. Alternatively, the teacher can surrender the allowance to the Council. (Please liaise with Payroll Section directly for this).

7. **Election Day Duties**

There is an expectation that teachers are in school during term time to deliver learning and teaching to pupils which normally means teachers would not be released for election duties. However in exceptional circumstances, where the headteacher is in agreement, a teacher may be granted special leave. If the election falls within school holidays or closure periods, teachers will not be eligible for time off in lieu should they wish to assist with polling or counting at elections.

8. **Volunteer Reserve Forces**

Teachers who are members of the volunteer reserve forces and attend an annual training camp for a period of not less than one week will normally be granted special leave with pay with the approval of the ACE - People or delegated Manager equal to the period of time which the teacher actually attends the training camp, but not exceeding a period of 15 days.

9. **Voluntary Emergency Service**

Teachers who are members of an approved Voluntary Emergency Service Organisation are expected to ensure that their availability to attend actual emergencies is outside their normal working hours and that any involvement does not affect their work performance.

Approved bodies are currently:

- British Red Cross Society
- St Andrew's Ambulance Association

- St John's Ambulance Association
- Voluntary Fire Service
- Retained Fire Service
- HM Coastguard
- Royal National Lifeboat Institution
- Mountain Rescue Services

As recognised by the relevant Police authority.

Special Constables are deemed to be a Voluntary Support Service rather than a Voluntary Emergency Service. Employees are therefore expected to schedule any voluntary support in their spare time. However, for training purposes only, special leave with pay for up to 10 days (pro-rata) will be granted.

10. Bereavement

10.1 Paid Leave (Family Members)

If a teacher seeks special leave with pay in the event of a death of a relative, it will be at the discretion of their headteacher.

The following is a guide to the number of days bereavement leave:

Up to 10 working days paid leave (pro rata) on the death of a:

- husband, wife, civil partner or partner (incl. same sex partners*)
- son or daughter**
- parent or step-parent
- brother or sister, step-brother/sister
- mother/father-in-law
- grandparents, grandchildren
- son-in-law, daughter-in-law
- any person with whom the teacher is in a relationship of domestic dependency

*Includes a partner with whom the teacher is co-habiting, but who is not the teacher's legal spouse/partner.

** Includes where the child is stillborn after 24 weeks' pregnancy and in respect of whom the teacher is the:

- biological parent
- adoptive parent, if the child was living with them
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'intended parent' – due to become the legal parent through surrogacy
- partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship

If more than 1 child dies, the teacher is entitled to 10 working days Statutory Parental Bereavement Leave for each child.

Headteachers have the right to exercise discretion and extend beyond 10 days in exceptional circumstances.

10.2 (Any other relative/non-relative)

Up to 1 days paid leave may be agreed on the death of any other relative to facilitate attendance at the funeral.

- **In the event of funerals of non-relatives**, it is at the discretion of the headteacher to approve short periods of paid leave to attend local funerals.
- Not all teachers will need to take the full allowance, and some teachers will need additional time, depending on their relationship with the person who has died and/or the circumstances of the death.
- In considering the amount of leave, the headteacher should consider the specific circumstances e.g. the relationship, where the teacher has responsibility for funeral arrangements and/or the estate or where it is necessary for the teacher to travel to attend a funeral.
- A teacher should notify their headteacher of the need to take leave as soon as possible or, at latest, on the first day of absence. In exceptional circumstances, applications for leave will be considered after the first day of absence.
- Headteachers have the right to exercise discretion in exceptional circumstances as outlined above.
- Leave days do not have to be taken consecutively.

11. Time off for Support of Dependents

11.1 Serious Illness

At the discretion of the ACE - People or delegated headteacher up to 5 days special leave with pay in a leave year will be permitted in the event of a sudden serious illness of a husband, wife, partner (incl. same sex partner*), son or daughter**, parent, step-parent, brother or sister, step brother/sister, father/mother-in-law, grandparents, grandchildren, son/daughter-in-law, or a person with whom the teacher is in a relationship of domestic dependency.

*includes a partner with whom the teacher is cohabiting, but who is not the teacher's legal spouse/partner.

**Includes children in respect of whom the teacher is the adoptive parent, legal guardian or carer.

11.2 Special Leave for Carers

[The Carer Positive Policy](#) outlines support and assistance available to teachers who have a responsibility of caring for a dependent affected by long-term illness, disability or addiction. All teachers are entitled to 5 days statutory **unpaid** carer's leave per year (pro rata), which must be taken as full or half days. A teacher does not need to be on the Carer Positive Register to be eligible for this leave. In addition teachers who are unpaid carers may request up to 5 working days paid Carer Positive Leave per year (pro-rata). A teacher who wishes to benefit from this must meet the criteria and apply to join the Carer Positive Register for our Carer Positive Scheme. Further details are available in the [The Carer Positive Policy](#)

12. Hospital Treatment including Attending Clinic Appointments

Teaching staff shall be entitled to take such reasonable time off without loss of pay as required for the purpose of preventative medical examinations. The teacher may be requested to provide verification of appointment date, time and medical establishment.

- 12.1 When there is a requirement for teachers to accompany close family or dependant to hospital or clinics for either out-patient treatment or examination, then up to 5 days special leave with pay may be granted by the headteacher, where it is essential that the teacher accompanies the relative.
- 12.2 For incidental or routine appointments at Dentists, Doctors and other approved medical treatment appointments, teachers will be expected to attend such appointments in their own time.

13. Gender Based Violence – Safe Leave

Public Health Scotland defines Gender based violence (GBV) as a “major public health, equality and human rights issue. It covers a spectrum of violence and abuse, committed primarily but not exclusively against women by men. This includes, but is not limited to:

- domestic abuse
- rape and sexual assault
- childhood sexual abuse
- stalking and harassment
- commercial sexual exploitation
- harmful practices – such as female genital mutilation, forced marriage and so called “honour” based violence.

Gender based violence can be carried out by anyone of the same sex, a different sex or anyone of any gender identity.

(Source: acas.org.uk)

Teachers who are victims of any form of Gender Based Violence may be granted Safe Leave up to 5 days.

Reasons for requesting Safe Leave may include but are not limited to:

- attending medical appointments/counselling
- attending legal appointments/proceedings
- seeking safe accommodation/housing

- visiting legal/financial advisors or support agencies, for housing or childcare provision
- attending to matters as a result of family violence.

Based on the needs of the affected person, Safe Leave may be taken as a block of up to 5 days or as intermittent periods of absence over a calendar year (pro rata for part time teachers).

The Council may request supporting documentation, such as from healthcare professionals, the police and/or the relevant support agencies, as appropriate.

Requests for leave will be handled sensitively and in confidence and any related personal information will be secured in line with GDPR requirements.

Teachers should discuss Safe Leave with their headteacher in the first instance or contact Workforce Planning and Staffing Team.

14. Trade Union Duties

The Council will have due regard to the prevailing [ACAS \(Advisory, Conciliation and Arbitration Service\) Code of Practice](#) on time off for trade union duties and activities for teachers who are members of trade unions recognised by the Council and teachers who act as officials of such recognised trade unions. Generally, time off with pay will be granted only to teachers exercising duties as officials of the recognised trade unions, and not for participation in trade union activities.

15. Exceptional Circumstances

Where there is any request for special leave not covered by the policy the headteacher will refer this to their Area Quality Improvement Manager, who in consultation with the Workforce Planning and Staffing Team will consider the appropriateness of the request and who may authorise additional paid or unpaid leave of absence.

16. Recording Special Leave

All requests for special leave must be recorded on MyView. Recording is confidential and in line with GDPR requirements. Reporting of reasons for leave will not identify individuals.

17. Legislation

The development and application of this policy is guided by:

- ACAS Code of Practice
- Children and Families Act 2014
- Employment Act 2008
- Employment Relations Act 1999
- Equality Act 2010

- Protection from Redundancy (Pregnancy and Family Leave) Act 2023
- Reserve Forces (Safeguard of Employment) Act 1985
- Trade Union Act 2016
- Work and Families Act 2006

18. Monitoring and Review

The operation of this policy will be subject to periodic monitoring and review by the LNCT to ensure continued relevance and consistency of application.

Signed on behalf of The Highland Council		Signed on behalf of the Teachers' Side	
Name	Fiona Grant	Name	Alistair Bell
Designation	Joint Secretary LNCT	Designation	Joint Secretary LNCT
Date	3.6.2025	Date	3.6.2025