



Community Services: Education

Argyll House
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To: Heads of all Educational Establishments

Dear Colleague

School centre-based APT&C staff: leave arrangements

The setting of leave for APT&C staff is by mutual agreement between the member of staff and the head of the establishment or section. It is the member of staff's duty to submit his/her application on the appropriate form as far in advance of the leave date as possible and the leave should be timed to cause the minimum disruption to the service. The head teacher/campus principal, provided the terms of this circular are met, is obliged to consider sympathetically all requests for leave submitted by staff. If at any time the terms of an education management circular are amended, a revised circular will be issued to replace the obsolete one.

1 Basic provisions

The basic rules and policies to be applied are as follows.

- (a) The taking of annual leave is subject to the exigencies of the service and must not give rise to any additional costs to or disruption or diminution of the education service.
- (b) Not less than two-thirds of the period of annual leave shall normally be taken during the months of May to September inclusive. The residue of annual leave is to be taken by agreement with the head teacher/campus principal.
- (c) It is a policy of the Council that a record of entitlement to leave and of leave taken must be displayed in a prominent place in each office.

This visible record will not only enable all staff to plan leave to ensure that the smooth operation of the service is not disrupted but will also facilitate the control of leave.

2 Annual leave

The taking of annual leave will be mutually agreed by the head teacher/campus principal and the member of staff. Intimation of intended leave to be taken should be submitted to the head teacher/campus principal giving reasonable notice of the leave desired.

The conditions of service pertaining to annual leave entitlement are given in clause 42 (Annual Leave) of the NJC Scheme of Salaries and Conditions of Service. An extract setting out the main entitlements is given in appendix 1 to this circular. These will continue until superseded by Argyll and Bute conditions.

No upgrading, temporary replacement or overtime should be arranged to cover the work of staff on holiday except in the case of unforeseen emergencies. Therefore leave will normally be granted during periods of altered workload, eg during school holidays. When staff can cover each other's duties and the period of altered workload during holidays is sufficiently long, staggered holidays are desirable.

3 Special leave

There are a number of leave situations which have been classed as 'special'. These are detailed in clause 44 (Special Leave) of the NJC Scheme of Salaries and Conditions of Service, given in appendix 2. Any request from staff under this category should be carefully scrutinised by the head teacher/campus principal in terms of the Council's conditions as additional costs may have to be incurred.

Head teachers/campus principals are empowered to grant leave in terms of clause 44 except in relation to the circumstances described in sections 10, 12, 19, 20 and 22 where authority is vested in the Executive Director. When considering requests for leave head teachers/campus principals should exercise judgement taking account of the needs of the service as well as the circumstances of the case. Whenever necessary advice should be sought from the HR section.

4 Exceptions relating to particular groups of staff

There are 3 groups of school based APT&C staff who, because of their particular duties have different conditions of service in relation to leave. These special cases are itemised below.

1 Nursery employees in nursery classes and schools

There are no annual leave provisions for this group, it being understood that full time employees should be available for work on 195 days in any year of which 190 days shall be days on which child and young people contact is required.

2 Instructors in special schools

The paragraph pertaining to nursery employees applies. However, it should be noted that staff in schools for children and young people with profound learning

difficulties are required to be in attendance for an additional 2 weeks during the traditional summer vacation.

3 Term-time staff (eg primary school clerical staff)

This group's conditions of service provide that they are on duty when schools are in session and on in-service training days, ie on 195 days per year. They are not expected to attend during school holiday periods. An allowance in lieu of annual leave entitlement and public holidays is included in the annual salary.

For all 3 groups paid annual leave during the school session is not possible. Unpaid leave of absence should only be considered in exceptional circumstances. Advice regarding the application of the provisions for special leave (appendix 2) should be sought from the HR section.

Your assistance in ensuring the smooth implementation of these conditions is much appreciated.

Yours sincerely

Executive Director of Community Services

March 2010

Appendix 1: extract from clause 42 of the National Scheme of Salaries and Conditions of Service

42 Annual leave

The minimum paid full annual leave entitlement will be 20 days. An employee who has at least 5 years continuous service at the commencement of the leave year qualifies for a further 5 days annual leave. An employee who currently has at least 10 years continuous service at the commencement of the leave year qualifies for a further 3 days annual leave.

The leave year will be from 1 January to 31 December and all leave must be taken between the period 1 January of the year to which it relates and 31 January of the following year (this is at the discretion of the Executive Director). Any leave not taken by 31 January of the following year will be forfeited, unless the Executive Director allows the extension of the leave year for special reasons associated with the necessary undertaking of Council services. For these exceptional cases, where an extension is granted, this will be confirmed in writing.

Information and advice on calculating leave entitlements, including broken periods of service, is available from the HR section and may be revised in line with statutory changes to holiday entitlements.

Appendix 2: extract from paragraph 53 of the Scheme of Salaries and Conditions of Service

44 Special leave

a Service in non-regular forces

An employee who is a member of the non-regular forces and attends an annual training camp for a period of not less than 1 week will be granted special leave with pay equal to the period which the employee actually attends the training camp, but not exceeding a period of 15 days and subject to the deduction of service pay and allowances received in respect of the period of special leave.

b Jury and witness service

An employee receiving a summons to serve on a jury must report the fact to the head teacher/campus principal and will be granted special leave with pay to attend, unless exemption is secured, subject to the deduction of the allowances to which the employee is entitled under the Jurors' Allowances Regulations, and accordingly the employee shall claim such allowances.

Where an employee is cited to attend as a witness leave of absence will be granted as follows:

- in the case of professional witnesses, leave with pay, on the understanding that witness fees received (excluding travelling and subsistence expenses) are paid to the Council;
- otherwise, leave without pay, it being left to the employee to claim from the person citing him/her an allowance in respect of loss of remuneration.

Administrative note

Upon receipt of a citation, and after having reported the fact to the head teacher/campus principal, an employee should present the document to the Payroll Supervisor, Witchburn Road, Campbeltown whereupon the individual's current daily or hourly rate of pay will be entered in the loss of earnings section and certified as correct by an official stamp.

Having attended court, the court staff will calculate the loss of earnings/other expenses (as appropriate) to be paid and will record these on the citation. On payment of the claim the signature of the claimant will be required and the citation will be retained by the court. All monies paid by the court should be made payable to Argyll and Bute Council as employees will not be deducted loss of earnings.

Any other expenses received, ie travelling and subsistence payments, should be retained by the individual.

c Examinations

Leave with pay will be granted to employees for the purpose of sitting appropriate examinations applicable to the local government service plus study, ie time of 4 hours per month during working hours for Council supported courses plus 2 days study leave prior to diet of exams.

Administrative note

Leave with pay will only be granted on the day(s) of the examination(s) on the basis of a half day or full day as appropriate.

d Meetings

In appropriate cases, leave of absence with pay will be granted to employees attending meetings concerned with National Joint Council or Scottish Council affairs or meetings of the Council's staff joint committees.

Leave without pay, as necessary, will be granted to employees to facilitate their attendance at meetings as members of unitary authorities, community councils, health councils, DSS appeals tribunals, schools/college councils, parent councils, board of visitors for prisons and young offenders institutions, meetings of children's panels or to undertake duties as justices of the peace, or business arising therefrom.

e Preventative medical examination

Employees shall be entitled to take such reasonable time off without loss of pay as is required for the purpose of preventative medical examination.

f Bereavements

Leave with pay will be granted on the following basis.

- In the case of a close relative, such as husband, wife, mother, father, adopter, adoptee, guardian, special guardian, parent in law, son, son in law, daughter, daughter in law, brother, brother in law, sister, sister in law, uncle, aunt or grandparents - partners, step relatives, adoptive relationships and half blood relatives are also included - 3 days paid leave.
- Where an employee is required to conduct business in connection with a bereavement, leave as necessary will be allowed, due regard being taken of the circumstances.

Illness of a relative/partner and parental leave

Illness of a relative

A short amount of time (usually 1 or 2 days) of unpaid leave may be granted to employees in order to deal with domestic emergencies.

Medical etc treatment

Employees requiring optical, dental, orthopaedic or other medical treatment should make arrangements to obtain such treatment outwith normal working hours. But where a head teacher/campus principal is satisfied that this is impracticable, leave with pay may be granted.

An employee who is pregnant and who, on the advice of a doctor, midwife or health visitor, attends a clinic or other place for ante-natal care will be granted reasonable time off with pay.

Interviews

Time off with pay will normally be granted for interviews within Argyll and Bute Council. Unpaid leave may be granted for interviews with other local authorities.

Visiting relatives overseas

Employees visiting relatives overseas must use their annual leave entitlement. Where an extension of leave is necessary, employees who have completed 5 years' continuous service at the date of commencement of the proposed leave may be granted reasonable leave without pay.

Removal of home

Leave required in connection with an employee moving home will normally be set against the employee's annual leave entitlement, except where, in the opinion of the Council, it is necessary for the employee to move home as a direct result of a transfer or on entry to the Council's service (relocation allowance/transferred officers allowance).

Trade union duties and activities

Time off with pay will be granted to trade union officials for duties related to employee relations matters directly affecting the Council as undernoted.

- (a) To attend meetings of the Employee Joint Consultative Committee and departmental Joint Consultative Committee including pre-meeting of staff side.
- (b) Acting on behalf of members in disciplinary or grievance hearings at local or area levels, and employment tribunals.
- (c) Meetings with management outwith EJCC, for collective bargaining or employee relations matters affecting members.
- (d) Consequential meetings with members to obtain or relay information for or on collective bargaining or employee relations meetings or matters.
- (e) Meetings with full time union officers, or lay officials, concerning employee relations between the Council and its employees, who are the officials' members.

- (f) To make initial contacts with new employees to explain the role of the union(s) in the workplace and the employee relations structure.
- (g) Attendance at meetings of the Scottish Joint Council or Committees of the SJC including national negotiating bodies.
- (h) To attend approved shop stewards training courses.
- (i) Involvement in employee relations duties affecting other local authorities requiring attendance at meetings outside the Council.

Time off without pay will be given to trade union officials to take part in trade union activities as undernoted.

- (a) Annual conferences of trade unions.
- (b) Other specifically convened conferences or meetings of the policy making body of the union which do not directly concern the Council.
- (c) Branch or district meetings of the trade union convened during normal working hours but not dealing predominantly with local authority matters.
- (d) All reasonable requests for time off will be granted subject to the exigencies of the service provided all requests are submitted timeously in advance and are accompanied by satisfactory supporting documentation - these provisions should be read in conjunction with the ACAS code of practice.
- (e) Provision/access to office accommodation, telephone facilities etc, including access to Council email address, to be subject to local/departmental determination.

Youth organisation holiday camps etc

Leave of absence without pay may be granted at the discretion of the Executive Director to employees who are required to organise or assist at youth organisation holiday camps etc, provided the exigencies of the department can be met.

Election duties

Employees who participate in elections such as polling clerks or presiding officers will be granted leave with pay at the discretion of the Executive Director.

Parliamentary candidates

Unpaid leave for a period not exceeding 4 weeks at the time of the election may be granted to employees who are parliamentary candidates at the discretion of the Executive Director.

Parliamentary election agents

Unpaid leave for a period not exceeding 4 weeks at the time of the election may be granted to employees who are parliamentary election agents at the discretion of the Executive Director.

Community emergency services

Employees who participate in community emergency services, eg retained fire-fighters, coast guard lifeboat crew, will be granted leave of absence with pay to attend emergencies which occur during working hours, provided they leave their place of work in a safe and secure state and have notified their line manager or other appropriate contact.

Voluntary Service Overseas

Employees applying for voluntary service overseas with the Voluntary Service Overseas organisation, shall be granted leave of absence without pay for a period of up to 2 years, provided they have at least 2 year's continuous service with the Council. This leave will be at the discretion of the Executive Director.

Following completion of the period of leave of absence, resumption of duties with the Council will be on the basis that the employee will be reinstated on the salary grade and placing held immediately prior to the commencement of the period of leave, but not necessarily to the same post. During the period of absence, the employee's post may be filled.

Employees adopting babies

To qualify for adoption leave an employee must have been continuously employed for 26 weeks up to and including the week in which they are notified of being matched with a child for adoption.

Where a couple jointly adopt a child, the couple must choose one person to take leave (the adopter). Their partner may be entitled to adoption support leave and/or paternity leave. Where more than one child is placed as part of the same adoption arrangement, only one period of leave will be granted.

For further information regarding family leave please contact HR on 01369 708581.

Nursery schools and classes - religious festivals

Nursery nurses and nursery assistants employed in nursery schools or classes who are members of non-Christian religions and who have fixed annual leave confined to periods when the nursery schools are on holiday, shall be allowed, subject to the requirements of the service, up to a maximum of 3 separate days leave of absence without pay per year to participate in certain principal religious festivals which fall within term time.

Maternity support leave

Fathers or partners of an expectant mother who have worked for the Council for 26 continuous weeks at the start of the 15th week before the baby is due are entitled to 2 weeks statutory paternity leave. Statutory paternity leave must be taken within 56 days of the actual birth of the child. If the child is born early, leave must be taken within the period from the actual date of birth up to 56 days after the expected week of birth.

Please note: only 1 week of statutory paternity leave can be taken in addition to maternity support leave.

Other purposes

Requests for special leave for purposes other than those detailed above must be passed to the Executive Director for consideration.

Weddings

Leave for weddings, including an employee's own marriage, must be set against annual leave entitlement. Where no annual leave entitlement is given, special consideration is necessary and the head of establishment should pass a detailed submission to the Executive Director.

Appendix 3: relocation expenses

The Council's relocation package is as follows.

- 1 Estate agency fees*/advertising, removal, legal and other costs to cover for the sale and purchase of principal residence, plus removal and storage. Total allowance £3,500 (excluding VAT), subject to production of invoices directly charging Argyll and Bute Council to full amount for the goods or services in question (*currently under review*).

Plus

- 2 Rental allowance of £85.00 per week subject to PAYE and NI deductions up to a maximum of 13 weeks. This period can be extended by a further 13 weeks at the discretion of the Chief Executive.

Plus

- 3 Three days paid leave for removal.

Conditions

- (1) Claims to be made within 2 years of date of appointment.
- (2) Invoices to be directly charging Argyll and Bute Council, who will arrange for payment.
- (3) Payment marked with an asterisk will be repayable to the authority on the undernoted sliding scale where an officer leaves within 2 years of date of appointment:
 - (a) within 1 year - full refund;
 - (b) 1 year to 18 months - 50%;
 - (c) 18 months to 2 years - 25%.