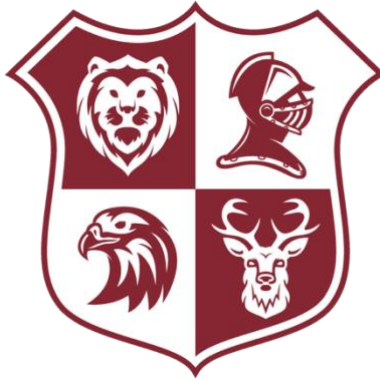


## Staff Leave of Absence



<b>STATUTORY / NON-STATUTORY</b>	<b>STATUTORY</b>
<b>MEMBER OF STAFF RESPONSIBLE</b>	<b>Headteacher</b>
<b>DATE APPROVED BY Head/SLT</b>	<b>June 2021</b>
<b>GOVERNING BODY OR COMMITTEE RESPONSIBLE</b>	<b>P&amp;P</b>
<b>DATE OF FULL GOVERNING BODY APPROVAL</b>	
<b>REVISION DUE DATE</b>	<b>June 2023</b>

## **1. INTRODUCTION**

The Headteacher will ensure that all employees are treated equally and consistently when applying for leave of absence, in accordance with the School's Equal Opportunities Policy and taking account of differing national and local conditions of employment.

The policy sets out how the School will manage sickness absence. Further guidance is available in the How to Guide and this must also be referred to. Please note that the section numbering in the Managing Sickness Absence policy and the How to Guide – Managing Sickness Absence are not aligned. Employees have certain entitlements to leave of absence, in particular circumstances, under their conditions of service. In other circumstances the Governing Body will grant leave of absence on a discretionary basis in accordance with this Policy.

Noadswood expects excellent levels of attendance at work and is committed to supporting the wellbeing of everyone. The School acknowledges that there may be circumstances when an employee is unable to attend work. If this happens, the employee will be treated fairly and sensitively.

## 2. SCOPE

This policy applies to:	Teachers including Leadership, Upper Pay Range, Main Pay Range and Unqualified Teachers Support Staff.
This policy does not apply to:	Volunteers Contractors Agency workers.

This policy is non contractual and does not form part of any employee's terms and conditions.

Employees that have been subject to a TUPE into the School may be excluded from this policy where they have transferred under a contractual policy. In such cases, the employee should refer to their own contractual policies and procedures.

Employees with less than two years service may be subject to a shortened procedure.

Employees are actively encouraged to contact their professional association/ trade union representative at the earliest opportunity to obtain advice and support at any point during this procedure.

The School expects all parties to maintain confidentiality throughout the application of the policy.

### 3. Short term sickness absence

**Definition**            **Short term sickness absence** – is a period or periods of sickness absence that are not continuous and are normally short term in duration. The absences may be for related or unrelated reasons. The impact of the absence is that an employee is unable to attend work regularly and consistently.

**Policy stages and principles**    The possible stages are:  
   informal stage  
   formal stage one  
   formal stage two  
   formal stage three - may result in dismissal  
   appeal after each formal stage.

There is a shortened procedure for employees with less than two years service as detailed in [Appendix One](#).

As a general principle the manager will seek to use the informal stage prior to progressing to the formal stages.

In exceptional circumstances, it may be appropriate to start at the formal stage without using the informal stage. The manager must seek advice from Education Personnel Services in such cases.

The employee must be given a reasonable period of time to achieve the required improvement before moving to the next stage of the policy.

**Trigger points**            A trigger point is a measure set by the School to monitor absence levels, the types of absence and absence trends. The School will set trigger points.

A short term absence trigger point in Hampshire County Council is considered as follows:

**6 working days\* over two or more occasions in the past 12 months\*\***

**9 working days\* or 4 occasions (totalling 6 or more working days) in the past 12 months**

**whenever the level, frequency or pattern of absence causes a concern due to operational impact.**

*\*pro-rata for employees who work part time or in their first two years of service.*

*\*\*the previous 12 month period is calculated from the first day of the current absence.*

A long term absence trigger is considered as follows:

**28 calendar days or more on one occasion.**

The School may choose to apply an alternative trigger point. A Governing Body may wish to operate on different trigger points to those suggested above. In such cases, there will be a requirement to discuss and consult with staff and their representatives to seek their input prior to a governing body determination on trigger points.

The School can exclude an absence for the purposes of the absence triggers and any action being taken under this policy at that time. This is a management decision. Each case will be treated separately and no precedents will be set.

### **Return to work interview**

The manager must contact the employee and complete a return to work interview following each occasion of sickness absence.

## 4. Informal stage for short term sickness absence

**Reference must be made to the How to Guide - Managing Sickness Absence for the full procedural information.**

<b>Informal stage</b>	The manager should speak to the employee by having an informal discussion known as a managerial support discussion. Depending on the circumstances, this could become a series of informal discussions.
<b>Right of within representation when</b>	The employee is not usually accompanied at any discussions the informal stage of the policy. There may be circumstances the employee asks to be accompanied and consideration should be given to any requests. This should be accommodated where it does not cause a delay to the process.
<b>Outcome of must the informal stage</b>	The manager undertaking the managerial support discussion(s) decide on the outcome.  A record must be made of each discussion. The manager must share the record with the employee. A copy must be kept on the employee's personnel file.

## 5. Formal stage for short term sickness absence

Reference must be made to the How to Guide - Managing Sickness Absence for the full procedural information.

**Formal stage** At each formal stage of the policy, the employee must be invited to attend a meeting/ hearing.

### **Meetings/ meeting/ hearing arrangements**

The employee must receive in writing the invitation to the hearing.

The letter must give the employee **7 working days'** notice of the meeting/ hearing.

### **Formal record may of the meeting/ taker. It hearing arrangements.**

A formal record must be taken during the meeting/ hearing. This may be made by audio recording the meeting/ hearing or by a note taker. It is the School's responsibility to make the appropriate

If an audio recording takes place, a copy of the recording must be retained by the School. The School must comply with all relevant retention and storage requirements.

For governor hearings in maintained schools, there remains a legal requirement to have a written record of the meeting of the Governor Committee.

### **Alternative will date**

The School expects that the employee and their representative will make all reasonable efforts to attend the first scheduled meeting/ hearing date and time.

If it is not possible, the employee may propose an alternative date and/ or time. This should be within **5 working days** of the original meeting/ hearing.

The meeting/ hearing will be rescheduled.

**Sharing of information**  
hearing.

The manager and employee are required to exchange all relevant papers and supporting evidence in advance of the meeting/

Management documents will be supplied with the invitation letter.

The employee or their representative must submit all relevant papers and supporting evidence to arrive with the chair at least **3 working days** before a meeting/ hearing.

**Right of representation**  
a

The employee has the right to be represented/ accompanied at a formal stage meeting/ hearing or appeal meeting. This can be by

a professional association/ trade union representative or a work colleague.

It is the employee's responsibility to:  
arrange their own representative

liaise with their representative to agree the formal meeting/ hearing or appeal meeting date and time  
advise management of the representative's details.

There is no right to legal representation at any stage of this policy.

**Attending hearing, it formal meetings/ hearings**  
will attend.

If the employee is not well enough to attend the meeting/

may be deferred until they are able to attend. A meeting/ hearing

not be deferred indefinitely because the employee is unable to

**Outcome of a formal meeting/ hearing**  
all

The chair of the formal stage meeting/ hearing must fully consider all evidence presented and decide on an outcome.

A written warning may be issued and this can be:

a first written warning of 12 months OR

a final written warning of between 12 – 24 months

**For employees with less than two years service** - a final written warning of between 12 – 24 months.

At a stage three hearing the employee may be dismissed on the grounds of medical capability.

The chair must confirm the outcome in writing within **5 working days** of the meeting/ hearing. A copy of the outcome letter and any warning must be placed on the employee's personnel file.

If the outcome is dismissal, any sums owing to the School from the employee will normally be deducted from their final pay.



**Review  
hold  
meetings**

Following the formal stage meeting/ hearing the manager must  
scheduled review meetings with the employee.

**Progression  
at  
through the  
formal stages**

The manager can progress to the next formal stage and re-enter  
the appropriate point if:  
the employee does not achieve the required improvement  
there is further absence which may be for a different  
reason if an improvement is not sustained for a 12  
month period  
following a formal stage one meeting  
if an improvement is not sustained for a 12 - 24 month  
period following a formal stage two meeting  
the employee has not been successfully redeployed and/  
or has refused a reasonable offer of alternative  
employment.

## 6. Appeal stage

Reference must be made to the **How to Guide - Managing Sickness Absence** for the full procedural information.

**Appeal stage** The employee has the right to appeal against the outcome of a formal meeting/ hearing.

**Right of appeal** The employee must submit their appeal in writing within **10 working days** following receipt of the written outcome of the formal meeting/ hearing. This must include the full reasons for the appeal.

Following an appeal of a formal stage three hearing, there is no further right of internal appeal.

**Appeal meeting** The employee must be invited to attend a meeting. The letter must give the employee **7 working days'** notice of the meeting.

**Meeting arrangements** The principles of the [formal stage meeting/ hearing arrangements](#) will apply.

**Formal record of the meeting** The principles of a [formal record of the meeting/ hearing](#) will apply.

**Alternative date** The principles of [alternative date](#) will apply.

**Sharing of information** The principles of [sharing of information](#) will apply.

**Right of representation** The principles of the [formal stage right of representation](#) will apply.

**Outcome of the appeal meeting** The chair must fully consider all evidence presented and decide on an outcome.

The outcome cannot impose a higher sanction than issued at the formal meeting/ hearing.

The chair must advise the employee of the outcome at the appeal meeting unless otherwise agreed. The outcome must be confirmed in writing within **5 working days** of the meeting.

A copy of the outcome letter must be placed on the employee's personnel file.

## 7. Long term sickness absence

Reference must be made to the **How to Guide – Managing Sickness Absence** for the full procedural information.

<b>Definitions</b>	<p><b>Long term sickness absence</b> - occurs when an employee is unable to return to work over an extended period due to an underlying medical condition or conditions.</p> <p><b>Health conditions without sickness absence</b> - occur when an employee's underlying medical condition has an impact on their ability to fulfil the full duties of their role but does not affect their attendance at work. Such cases can be managed under this <b>long term sickness absence</b> section. These concerns may originate as a performance concern but further review might indicate they are more appropriately managed using the Managing Sickness Absence policy.</p>
<b>Policy stages and principles</b>	<p>The possible stages are:</p> <ul style="list-style-type: none"><li>absence review stage</li><li>formal stage three meeting - may include a mutual agreement discussion and may result in dismissal</li><li>appeal - only following a formal stage three meeting.</li></ul> <p>A formal decision about the employee's future employment must not be taken at the absence review stage. Such decisions must be made at a formal stage three meeting.</p>
<b>Absence review stage</b>	<p>The School should speak to the employee by having an absence review discussion. Depending on the circumstances, this could become a series of discussions. A record must be made of each discussion.</p>
<b>Right of representation</b>	<p>The principles of the <a href="#">informal stage right of representation</a> will apply.</p>
<b>Formal stage 3 meeting</b>	<p>The principles of the <a href="#">formal stage</a> will apply.</p>
<b>Formal record of the stage 3 meeting</b>	<p>The principles of a <a href="#">formal record of the meeting/ hearing</a> will apply.</p>
<b>Alternative date</b>	<p>The principles of <a href="#">alternative date</a> will apply.</p>
<b>Sharing of information</b>	<p>The principles of <a href="#">sharing of information</a> will apply.</p>
<b>Right of representation</b>	<p>The principles of the <a href="#">formal stage right of representation</a> will apply.</p>
<b>Attending a formal meeting</b>	<p>The principles of <a href="#">attending a formal meeting/ hearing</a> will apply.</p>

**Outcome of the formal meeting**

The principles of [outcome of the formal meeting/ hearing](#) will apply.

**Appeal**

The employee has the right to appeal against the outcome of a formal stage three meeting only of the long term sickness absence section of this policy.

The principles of the [appeal stage](#) will apply.

## **8. Entitlements**

The Headteacher will grant leave of absence in accordance with national conditions of service in the following circumstances:

### **Examiners and Moderators for Examining Bodies**

Chief Examiners and Chief Moderators will be given up to 10 school days' leave with pay in any one financial year. Examiners and Assistant Moderators will be given up to 5 school days' leave with pay in any one financial year.

Employees shall not be required to pay the School any fees or expenses received for examining and moderating duties.

### **Jury Service and Other Public Service**

An employee receiving a summons to serve on a jury must report this to the Head who will grant them leave of absence unless exemption from jury service is secured. The Head should report the dates of jury service to the payroll provider so that the necessary financial adjustments can be made. An employee serving as a juror is required to claim the allowance for loss of earnings to which they are entitled under the Juror Allowance Regulations currently in force. The School will deduct from the employee's full pay an amount equal to the allowance received for loss of earnings.

### **Witness Summons**

An employee who is subpoenaed as a witness to appear before the court should report this immediately to the Head, who will grant them leave of absence with pay for such time as is necessary to discharge the duty as witness.

### **Service in Non-Regular Forces**

Employees must obtain the Governing Body's consent before joining the Non-Regular Forces (e.g. Territorial Army, Royal Air Force Volunteer Reserve). The Governing Body will grant two weeks' additional paid leave to volunteer members of the Non-Regular Forces who are required by the Forces to attend summer camp.

Such employees are required to show the Head a copy of their Forces' payslip for the period of the summer camp, so that the Head can arrange for a deduction to be made from the employee's salary of an amount equal to the pay received from the Forces for each normal working day of the absence (i.e. without making any deductions for days when the employee would not normally be working).

Any such employees who are called-out by the Secretary of State for service with the armed forces will be granted leave of absence without pay for the duration of that service (unless the Governing Body applies for and gains exemption, deferral or discharge on the grounds that their absence would cause serious harm to the school).

## **Magistrates and Members of Public Bodies**

Employees who are appointed as magistrates or who undertake duties connected with the work of district councils or other public bodies, including governing bodies, will be granted leave of absence with pay for the equivalent of up to 208 hours per year in the case of staff on the School's Support Staff Pay and Conditions of service, and 10 school days a year for other staff, unless special approval is given by the Governing Body which will only be given in exceptional circumstances.

## **Union Duties**

See the School's Trade Union Recognition statement on the School's website.

## **Job Interviews**

Leave with pay will be granted as necessary.

## **Examination Leave**

All staff will be granted a maximum of 5 days' leave with pay in any academic year to sit approved examinations: this is normally half a day per examination subject.

## **Maternity, Parental, Paternity and Adoption Leave**

The School will follow national legislation.

## **Appointments with Dentist, Doctor etc.**

These appointments should be made outside normal working time except in emergencies or where consultants etc. are inflexible over timing.

## 9. DISCRETIONARY LEAVE

The Headteacher will normally apply a limit of 5 days' discretionary leave with pay per academic year, although additional time (either with or without pay) may be granted in exceptional circumstances. Applications for leave must be made 2 weeks before the proposed date(s) of leave, except in emergencies.

The Headteacher may grant leave (either with or without pay) for a period of time in excess of the limits quoted in paragraph 4 above, and for any other good reason. These could include any of the circumstances listed below:

### DISCRETIONARY: WITH PAY

#### Compassionate Leave

- Absence necessary as a result of the death or serious illness/injury of a close member of the family, close friend or partner.
- Breakdown of normal childcare arrangements.
- Leave associated with their spouse's/partner's maternity at short notice to deal with unforeseen circumstances.
- Other occasions when care of dependants is necessary.

#### Revision/Study Leave

- This is available to employees undertaking work-related qualifications.

#### Religious Festivals

- Leave will be granted. A limit of 5 days' paid leave in any academic year is normally applied, although additional time may be granted in exceptional circumstances.

#### Special Family Occasions

- Leave will be granted at the discretion of the Head.

#### Participation in National Sporting, Cultural and Similar Events

#### Moving House

- For employees whose contractual arrangements do not allow them to take annual leave during term-time and where the move cannot be effected in a school closure period, 1 day's leave will be granted

## **DISCRETIONARY: WITHOUT PAY**

### Parliamentary Candidates

- Leave will be granted, but without pay, from the date when the candidate's nomination is accepted until the date of the election.

### Secondment for Other Paid Employment

- Leave may be granted without pay for an agreed period of time.



## 10. Other Policy Requirements

**Reference must be made to the How to Guide – Managing Sickness Absence for further information relating to this section.**

<b>Confidentiality</b> sickness	<p>It is expected that all parties involved in the managing absence process will maintain confidentiality as appropriate. This is both within and outside of the School (including social media).</p> <p>If any party does not maintain confidentiality action may be taken under the Disciplinary policy.</p>
<b>Right of professional Representation</b> opportunity	<p>Employees are actively encouraged to contact their association/ trade union representative at the earliest to obtain advice and support at any point during this procedure.</p> <p>The employee is not usually accompanied at any discussions within the informal stage of the policy. There may be circumstances when the employee asks to be accompanied and consideration should be given to any requests. This should be accommodated where it does not cause a delay to the process.</p> <p>The employee has the right to be represented/ accompanied at a formal stage meeting/ hearing or appeal meeting. This can be by a professional association/ trade union representative or a work colleague.</p> <p>It is the employee's responsibility to:</p> <ul style="list-style-type: none"><li>arrange their own representative</li><li>liaise with their representative to agree the formal meeting/ hearing or appeal meeting date and time</li><li>advise management of the representative's details.</li></ul> <p>There is no right to legal representation at any stage of this policy.</p>
<b>Sick Pay</b> Burgundy	<p>Details of sick pay entitlements are found within the and Green Books.</p>
<b>Reporting sickness</b> soon as <b>absence</b>	<p>An employee must report their absence to the School as possible and prior to their normal start time.</p>
<b>Recording</b> dates of	<p>The School is responsible for recording the start and end</p>

**sickness absence system** the absence to ensure that the payroll provider or payroll is updated. This is essential to ensure that the employee is paid correctly.

**Keeping in touch during sickness absence.**  
**absence** The School and the employee are required to engage in and maintain appropriate contact during periods of sickness absence.

**Statement of fitness for work certificate**  
Fitness A Statement of Fitness for Work certificate is required for sickness absences of more than 7 calendar days. A medical practitioner will provide the employee with a Statement of

for Work certificate. The employee must retain the original and provide a **copy** of the Statement of Fitness for Work certificate to the School in a timely manner.

If the employee does not provide a Statement of Fitness for Work certificate when requested, they may lose their occupational sick pay entitlement. Action may also be taken under the Disciplinary policy.

**Medical are**  
**Appointments** An employee must obtain consent from the School if they are required to attend a medical appointment during work time.

The employee is not entitled to paid time off to attend planned dentist, doctor or hospital appointments. Where possible, such appointments should be taken in the employee's own time unless it is covered by another leave provision.

**Planned operations**  
advance of An employee is responsible for notifying the School in advance of a planned operation.

**Emergency relative/ operations** If an employee has an emergency operation, they or a friend must notify the School at the earliest opportunity.

**Referral to Occupational Health/ medical practitioner** It may be necessary to refer the employee to Occupational Health/ medical practitioner to obtain medical advice and information.

If an employee does not co-operate with the referral, any assessment or decision taken will be based on the information available.

**Phased return to adjustments work will**

A phased return involves a temporary adjustment or to an employee's role. It may not always be necessary as it depend on the nature of the sickness absence and the employee's needs.

**Reasonable and adjustments**

The School and the employee will work together to identify consider any reasonable adjustments.

**Adjustments to support an employee to remain at work**

Adjustments can be considered to support an employee to remain at work to avoid sickness absence. Adjustments may be of a temporary or permanent nature. Any adjustments must be discussed with the employee before implementing.

**Permanent adjustments** recommend a is a

Where Occupational Health/ medical practitioner permanent adjustment, the School must consider whether it is a reasonable adjustment which can be made.

If the adjustment cannot be made, this will be managed under a formal stage three hearing.

**Redeployment and:**

Redeployment can be considered at any stage in this policy must not be used as a sanction should result in satisfactory attendance in the new role is subject to a suitable opportunity being available.

**Working whilst off sick employee**

An employee may have more than one role/ or another employer. Due to the difference in the nature of the two roles, the employee may be on sickness absence from one role whilst still being able to work in the other role.

Where an employee is off sick from a role, they must not work in a second role, either for the School or another employer, during the normal working hours of the first role.

**Extenuating taking any circumstances**

Extenuating circumstances must be considered before formal action under this policy.

Once a period of absence has been determined as an extenuating circumstance:  
that period of absence cannot later be redefined unless clear evidence to the contrary emerges at a later date  
the absence cannot be taken into consideration when assessing total days absence over a given period of time. There are specified exclusions where extenuating circumstances do not apply.

**Health & Safety accordance**

Any Health and Safety issues must be dealt with in with the relevant Health & Safety procedures.

**Disability related considering absence**

The School must take a disability into account when an employee's absence.

**Pregnancy related reviewing absence**

A pregnancy related absence must be excluded when the employee's absence record.

An employee may have pregnancy related sickness during the last four weeks before the expected week of childbirth. This will automatically trigger the start of the employee's maternity leave.

**Instructions to instructed to leave work on health grounds**

In exceptional circumstances, an employee may be leave work where they:  
present as unwell or  
have a condition which causes concern and poses a risk to them and/ or others.

The employee will remain at home and receive their entitlement to occupational sick pay until it is appropriate for them to return.

**Medical  
necessary.  
suspension**

In some circumstances, medical suspension may be

Medical suspension decisions must only be taken by the Headteacher. This will be on the basis of medical advice.

Suspension can only be lifted by the full governing body.

The Headteacher must seek immediate advice from Education Personnel Services before making any decision to suspend the employee.

**For Teachers only** - a teacher who has been absent from duty for a period of more than three months arising from a psychiatric disorder (including that arising from alcohol, drug or other substance misuse) must not be permitted to resume teaching until there is evidence of their fitness to do so.

**Mutual agreement  
School**

As an alternative to a formal stage meeting/ hearing, the and the employee may discuss a mutual agreement. The contract of employment may be ended by mutual agreement between the employee and the School.

There is no right to appeal a mutual agreement as it is entered into with the consent of both parties.

**Ill health retirement  
(IHR)**

Any action under this policy will be temporarily suspended if ill health retirement is being considered or a decision about ill health retirement is being appealed. Relevant action under this policy will resume at the point ill health retirement is not approved or when the outcome at an appeal stage is known.

**Sickness during  
annual leave**

**For Support Staff who do not work term time only** – if an employee is sick during a period of annual leave, they are entitled to have their annual leave entitlement reinstated.

The principles of recording sickness absence will apply.

**Sickness and  
annual  
accrual of annual  
including  
leave**

**For Support Staff who do not work term time only** – leave will continue to accrue during sickness absence during periods of half or nil pay.

**Formal action –  
association/  
professional  
association/ trade  
union  
representative**

Where there are concerns involving a professional trade union representative, must notify and seek advice from Education Personnel Services before taking formal action.

## 11. Appendix One - Managing sickness absence for employees with less than two years service

Reference must be made to the How to Guide – Managing Sickness Absence for further information relating to this section.

### Short term absence

- Policy stages**            The possible stages are:  
                                      informal stage  
                                      formal stage – may result in dismissal  
                                      appeal only against a dismissal.
- Informal stage**            The principles of the [informal stage](#) will apply.
- Formal stage**              The principles of the [formal stage](#) will apply.
- Appeal stage**              The principles of the [appeal section](#) will apply. An employee only has the right of appeal against a dismissal decision. There is no right of appeal against a warning.

### Long term absence

**Managing long term absence** The principles of [long term sickness absence](#) will apply.