



Tutshill C Of E Primary School



Woolaston Primary

Staff Leave and Absence Policy

Forest Edge Federation

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1 Introduction

It is expected that staff will attend their place of work in line with their employment contract. When staff are not at work as expected they are either on approved leave or absent. This policy describes the forms leave may take and the processes supporting them, and the process used to manage staff absence when they are not at work as expected.

The forms of leave covered by this policy are:

- Annual Leave
- Sick Leave
- Special Leave

The head teacher/manager is responsible for managing leave and absence fairly and in a consistent manner.

This policy applies to the following groups of staff:

- Employees,
- Support staff ('green book' [1]),
- Teachers including unattached teachers ('Burgundy Book' [2])

This policy does not form part of any employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Federation at anytime.

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2 Annual Leave

The school recognises that taking annual leave is an important consideration in ensuring the health, safety and wellbeing of its employees. This policy sets out the conditions that generally apply in respect of annual leave entitlement to staff working within schools both term-time only and all year round.

This policy applies to the following groups of staff:

- Employees,
- Support staff ('green book' [1]),
- Teachers including unattached teachers ('Burgundy Book' [2])

2.1 The annual leave year - dates

For support staff the annual leave year runs from 1st April to 31st March.

For teachers, for the purposes of determining leave entitlement during maternity/ shared parental/adoption leave and sickness absence, the annual leave year runs from 1st September to 31st August.

2.2 Annual leave entitlement for support staff ('green book')

Full-time employees (37 hours per week) are entitled to 24.5 days annual leave.

For part-time employees leave will be calculated on the amount of contractual hours (pro rata) in relation to the full-time week (37 hours per week). For example, 18.5 hours per week would equate to a leave entitlement of half of a full-time employee.

2.3 Annual leave entitlement for teachers

There is no entitlement to annual leave for teachers under the School Teachers' Pay and Conditions Document [3]. However, under the Working Time Regulations [4], they are entitled to statutory holidays during periods of maternity, shared parental, adoption leave and long term sickness absence.

2.4 Length of service and annual leave entitlement

For support staff employed continuously for 5 years or more leave entitlement will be increased to 29.5 days. This includes any previous continuous service with another local government employer.

If 5 years continuous service is reached part way through the leave year, additional leave entitlement will be calculated pro-rata from this date for the current leave year. In the following leave year employees will receive the full entitlement of 29.5 days.

2.5 Joining the school part way through the year

Annual leave entitlement in the first year of employment will be in direct proportion to the period worked during the first leave year. For example, if an employee starts half way through the leave year (on 1st October) the entitlement (up to 31st March) will be for half the leave they would be entitled to for a full year. The calculation will be 'rounded' up or down to the nearest half day.

From the following 1st April onwards employees will have the full leave entitlement. A term time working pattern means that although employees are paid the same amount each month of the year, they do not work during the school holidays and their annual leave is taken during the school holiday periods.

2.6 Term time only and annual leave entitlement (support staff)

For support staff, salary is calculated to include payment for all working days and the number of days annual leave and bank holidays they are due under the contract of employment. Entitlement to leave is calculated on a pro rata basis against a full-time employee i.e. the full time equivalent.

The school's payroll provider should carry out this calculation. Other than the bank holidays there is no entitlement to time off during the school term periods. Time off for bank holidays should be calculated on a pro-rata basis.

2.7 Full year contract and annual leave entitlement (support staff)

Annual leave can be taken throughout the year with the agreement of the manager but would normally be taken during the school holidays. Employees should receive a leave sheet informing them of their leave entitlement for the year and for them to record leave taken throughout the year.

2.8 Continuous local government service and annual leave entitlement

Provided there is no break in service leave entitlement will be based on the whole period of continuous local government employment. This means leave entitlement will be set at the

higher level of 29.5 days from the start of the leave year after 5 years continuous local government employment has been completed.

9Unused holiday entitlement from a previous local government service cannot be carried over to a new role within local government. If the previous employer has not already explained the position, an individual should contact their previous employer to check any arrangements they may have for paying for any holiday they were due but did not take before they left.

The previous employer may have made a deduction from the final salary payment to recover any leave taken over and above the amount due up to the last day of employment with them.

2.9 Joining a local government service from an independent school

An individual will join the council as a new employee, there is no transfer of leave or continuous service as an independent school is a separate employer.

2.10 Bank holidays and annual leave entitlement (support staff)

Full-time employees are entitled to paid time off for the standard 8 bank holidays per year (this is pro rated for part time employees). This is in addition to the annual leave entitlement and the head teacher will advise individuals of the details and how this will work in practice.

2.11 Booking annual leave/refusal of a request for annual leave

Requests should be submitted to the relevant manager, giving as much advance notice as possible (normally at least one month). The manager will confirm the arrangements that apply at the school. A request for leave can be refused if taking leave at that time will cause problems for the effective running of the school.

A request for leave submitted at very short notice may be harder to agree to than a request made well in advance. Both the individual and the manager have a shared responsibility to ensure leave arrangements are managed effectively throughout the year.

2.12 Agency workers and annual leave entitlement

Agency workers do not have a contract of employment with the school. Following the introduction of the Agency Worker Regulations [5] in October 2011 they will have the same entitlement to annual leave as other school support employees provided they meet the qualifying period.

To meet the qualifying period they must have worked with the same school for 12 week continuously in the same role. The 12 week qualifying period applies equally to both full and part time employees.

Agency workers should discuss the matter with the agency, which will be responsible for any arrangements there may be regarding leave.

2.13 Casual contracts and leave entitlement

Casual work is short term and paid by claim on an hourly basis. Casual workers are entitled to receive a proportionate leave entitlement which is achieved by paying an enhanced hourly rate to include the leave entitlement.

Supply teachers (short notice teachers) receive a salary based on a daily rate enhanced to include the equivalent of a leave entitlement.

2.14 Moving to another local authority school and leave entitlement

If both schools are under the local authority and there is no gap in employment contracts the leave entitlement will transfer with the employee to the new job.

Depending on the amount of leave the individual has left to take and the requirements of the new job, the manager may ask the employee to use up some or all of the leave before they start in the new post.

2.15 Leaving the school before the end of their leave year

Leave entitlement will be recalculated in proportion to the amount of the leave year that the individual has worked. For example, if an employee leaves half way through the leave year (30th September) the leave entitlement will be half of what they would normally have for a full year.

It is good practice for an employee to take any outstanding leave during the notice period. Payments for outstanding leave should be made only in exceptional circumstances. If there is still a balance of leave owing at the time employment ends this will be included in the final salary payment. If an individual has taken more than their recalculated leave entitlement the relevant amount will be deducted from the final salary payment.

2.16 Carrying over leave and using leave from the following leave year

Both the employee and the manager have a shared responsibility to ensure the leave is managed effectively throughout the year. Therefore, leave must be taken by the individual in the relevant leave year.

Holidays cannot be paid out unless an individual is leaving their employment; statutory regulations (the Working Time Regulations) require for reasons of health and safety that the full leave entitlement is taken as holiday.

At the discretion of the manager, employees may be able to carry forward up to a maximum of 5 days into the next leave year.

At the discretion of the manager, employees may be able to borrow up to a maximum of 5 days from the next leave year.

2.17 Sickness absence and annual leave entitlement

In some circumstances holiday leave can be reclassified as sick leave provided the manager is satisfied the individual has complied with the sickness absence reporting procedure and provided a doctor's fit note confirming the nature and duration of the illness is supplied.

Reclassification of holiday can be a little complicated and the position may vary depending on the circumstances. Under the Working Time Regulations employees are entitled to carry-forward any unused part of their statutory annual leave entitlement (20 days per year). The 8 day bank holiday entitlement can be carried over only at the discretion of the manager.

If an employee has been long term sick from work and unable to take annual leave they must discuss the matter with their manager as soon as possible in order to confirm the appropriate arrangements for any carry-forward of statutory leave entitlement (20 days per year) to which they may be entitled.

It is important to note that under these circumstances carry-forward does not apply to contractual leave, only statutory leave entitlement.

2.18 Maternity/adoption/shared parental/paternity leave and annual leave entitlement

Please see the policies on maternity/adoption/shared parental/paternity leave from GCC for annual leave arrangements in these circumstances.

3 Special Leave

1.1 The School is committed to supporting employees who may need to take time off work for various reasons not covered by the normal annual leave provisions. This model policy describes the various situations in which authorised leave may be granted.

1.2 Entitlements to certain types of leave are covered by statute, whilst other forms of leave are discretionary and may be granted by managers subject to individual circumstances and the needs of the service.

1.3 This policy applies to support staff (Green Book), teachers (Burgundy Book) and teachers in residential schools/establishments (Orange Book).

2.0 Defining a dependent

2.1 Any person living in the household with the employee who is directly dependent on them. This could be a spouse/civil partner, child or parent.

2.2 Any near relative, for example parent, son or daughter who lives separately from the employee but requires their support as a result of an emergency.

3.0 Unpaid leave

3.1 All employees are entitled to take a reasonable amount of unpaid time off work to deal with unexpected or emergency situations involving a dependant.

3.2 Unexpected or emergency situations include illness, injury, break-down of care arrangements or dealing with an unexpected accident involving a child or dependant.

3.3 In exceptional situations the employee may not be able to seek permission prior to the absence but they will be expected to inform the school, as soon as is practicable, of the reason for their absence and how long they expect to be absent. Time off work is expected to be no more than one or two days in these circumstances.

3.4 For leave to deal with unexpected of emergency situations involving a dependant normal care arrangements must have broken down or be suddenly disturbed. Examples are, but not limited to:

3.4.1 Accidents or injuries to a dependant or near relative.

3.4.2 Sudden, urgent closure of a school or day care provision.

3.4.3 Start of sickness of a dependant or near relative where immediate medical treatment is necessary.

4.0 Compassionate leave

4.1 This type of leave is available in certain circumstances and employees may request this from the governors who have the discretion to grant this.

4.2 The following table shows examples of circumstances and the number of days paid leave available:

Death or critical illness of immediate family member or near relative	Number of discretionary paid compassionate leave days per leave year (N.B not per occasion)
-----------------------------------------------------------------------	---------------------------------------------------------------------------------------------

Immediate family member i.e. spouse, civil partner, partner, parent, child, sister, brother or grandparent)	Up to five days per leave year
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Near relative i.e. aunt, uncle, parent in law, cousin or dependent where the employee is responsible for funeral arrangements	Up to five days per leave year
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Near relative or dependent where the employee is not responsible for funeral arrangements	Up to three days per leave year
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4.3 In exceptional circumstances governors can grant special paid leave and/or unpaid leave to allow employee to care for their spouse/partner and/or dependant during a prolonged illness. This is discretionary and subject to the needs of the school.

5.0 Parental bereavement leave (PBL)

5.1 Bereaved parents have a statutory right to two weeks PBL regardless of length of service, in the event of the death of a child (under the age of 18) they have parental responsibility for.

5.2 This leave can be taken in the 56 weeks following the child's death. In the event that more than one child dies, a separate entitlement to bereavement leave for each child is available.

5.3 PBL can be taken as:

5.3.1 A single block of two weeks; or

5.3.2 Two separate blocks of one week at different times

5.4 This right applies to employees who come under the following categories: the biological parent; adoptive parent if the child was living with them; person who lived with and had responsibility for them (for at least 4 weeks before they died); the intended parent (due to become legal parent via surrogacy); or the partner of the child's parent if they live with the child and the child's parent in a family relationship.

6.0 Other special paid leave

6.1 The following can be considered by governors:

6.1.1 Removal of household effects – one day at a time

6.1.2 Approved vocational exams – period of exam

6.1.3 Approved vocational courses – duration of course

6.2 Governors and head teachers may also authorise leave of absence with pay, up to a maximum of two days per year, for exceptional circumstances, not covered above.

6.3 Requests for special leave not covered above must be made to the governing board and if granted, will be unpaid unless stated.

7.0 Medical or dental appointments

7.1 Where possible, the employee should make every effort to make appointments outside school hours. Where this is not possible the employee should ensure that the time is minimal and the employee gains approval from their line manager before the appointment.

- 7.2 In addition, paid time off should be made available for cancer screening.
- 8.0 Parliamentary or district council election nominees
- 8.1 Employees taking part in pre-election campaigns will need to request unpaid leave or annual leave if they work all year round.
- 9.0 Elected members of the district/parish council and/or appointed JP
- 9.1 Employees need to give their governors as much notice as possible of their intention to be absent on a particular day, or part thereof, to attend to their public duties. It is recognised that the majority of parish council meetings take place outside normal office hours.
- 9.2 In considering requests for such time off, governors/head teachers will consider the needs of the school as well as the needs of the employee. The maximum amount of time off with pay for full time employees undertaking these duties shall not exceed 208 working hours per financial year (1st April to 31st March) for each duty.
- 9.3 Where employees can demonstrate to governors their public office requires them to spend more than 208 hours working on such duties, their request for additional leave should not be unreasonably refused, although it will be unpaid. For part time employees, this should be calculated on a pro rata basis.
- 9.4 On days where paid leave of absence is approved for being appointed as a Justice of the Peace, the school will not make any deductions from pay and therefore such employees will not need to claim a financial loss allowance.
- 9.5 Where employees are elected council members and claim member allowances on those days where paid leave is approved, an amount equivalent to the allowances claimed will be deducted from their pay. (These employees will need to notify the payroll provider, of the amount of allowance claimed to ensure monthly salary payments are processed correctly).
- 10.0 Other paid activities undertaken by the employee
- 10.1 Employees who volunteer to participate in paid activities, e.g. census; election etc., should request annual leave or unpaid leave.
- 11.0 Army/navy/air cadet/reservist annual camps
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11.1 Employees who are instructors in the Army, Navy or Air Cadet Forces or a reservist, can take special paid leave to attend annual camps. However, this does not apply to voluntary organisations such as the Boys Brigade, Scouts, Guides etc.

11.2 If an employee is a reservist and is mobilised, please see the Local Government Employer's website for guidance on entitlement to pay and other conditions of service.

12.0 School Governors

12.1 As it is regarded as a public duty, unpaid leave of absence can be given to employees who are governors of other schools (i.e. not the one whom they are employed by).

13.0 Religious Festivals

13.1 An employee wishing to observe a religious festival, for which there is no current public holiday, should apply in the normal way to their head teacher.

13.2 Term time only employees, who are not normally allowed to take leave during the school term, may apply for time off to observe a religious festival on the clear understanding that the time off will have to be made up either during the term time or during the school holiday periods. This time off facility will be limited to two days per year.

14.0 Jury Service

14.1 Leave should be provided unless the employee gets an exemption from serving on the jury.

14.2 The employee will receive, with their jury summons, a Certificate of Loss of Earnings or Benefit, which should be completed, with a copy provided to the line manager, to recover the wages that would otherwise be lost in respect of the period of jury service. This should be submitted to HM Courts and Tribunals Service (HMCTS) to receive reimbursement, up to a limit, for loss of earnings incurred due to being absent from work due for jury service.

14.3 The employee will be paid as normal until reimbursement has been processed by HMCTS, whereupon the receipt for the reimbursement should be given to the school who will then make the appropriate deduction to the employee's pay.

15.0 Head teachers

15.1 Head teachers may take leave under the above provisions with the agreement of the Chair of Governors.

16.0 Absence requiring the closure of a school

16.1 Where the absence of any teacher would require the closure of a school, no such closure should be made without reference to the Director of CYPD.

4 Absence other than through sickness

This section provides a framework for the head teacher/manager to manage:

- An employee's unacceptable level of short-term absence in order to encourage a high attendance level
- An employee's long-term absence to support their recovery and return to work
- The occasions where an employee cannot return to work

The Governing Board recognizes the importance of managing attendance in a supportive manner, promoting fairness and transparency in the treatment of employees and ensuring that acceptable standards are sustainable and maintained.

It is based on the principles of the ACAS Code of Practice on discipline and grievance and current employment and educational legislative requirements. The policy applies to the following employees:

- Support staff: where there are concerns which informal action has been unable to address or which are serious enough to require formal action
- Teachers: where there are concerns which the appraisal process has been unable to address or which are serious enough to require formal action

Please note if the federation/school has purchased legal insurance which covers employment issues you should refer to the terms and follow any requirements of the policy.

4.1 Informal action

Informal action would normally be taken when an employee has had:

- Periods of short-term absence that are of concern to the head teacher/line manager, such as recurring patterns of absence
- A period of long-term absence where the prognosis is good and a return to work is expected within 12 weeks and there is otherwise a history of good attendance

Informal action to address the situation should be taken as soon as a concern arises about an employee's absence and should not be delayed. For teachers, informal action should be taken straight away but should also be discussed as part of the teachers' appraisal process regular

meetings. A similar process can be used for support staff appraisals via one to one/supervisory meetings. Informal action may include:

- An in-depth return to work meeting,
- A verbal warning, and
- The reinforcement of expectations surrounding an employee's attendance

Expectations agreed during a return to work meeting are developed to suit the individual circumstances, but would normally include the criteria for success, time scales for improvement and support available.

Whilst the manager determines the criteria, it is important that the employee understands what is required to achieve success and helps to identify ways in which they can be supported. Arrangements for monitoring and review will be agreed.

If improvement is not achieved at this stage, or sustained, then progression to formal action may be taken.

4.2 Formal action

Formal action should be taken when the employee has:

- Repeated periods of short-term absence and attendance which does not meet the required standard following informal action
- A period of long-term absence where a return to work is not expected within 12 weeks
- A period of long-term absence in addition to an attendance history that does not meet the required standard
- Previous formal warnings on file for any reason that are still current and there is a continued or new performance concern

Any formal meeting for a long-term sickness absence will focus on reviewing available medical advice, prognosis for recovery and likely timescale for any return to work.

No formal action should commence against a trade union representative until the circumstances of the case have been discussed with the appropriate branch or full-time officer, with the prior permission of the employee. If the employee does not wish there to be any prior discussion with the branch or full-time officer then formal action will proceed in the normal way under this procedure.

Although there is an expectation that formal action is generally progressive, formal action may start at either of the first two stages, dependent on the circumstances of the situation. There may be exceptional circumstances when formal action is initially taken at stage three (without having gone through stage one or two), for example where the employee has been declared medically unfit for their post having been assessed for ill health retirement.

At each stage, a formal meeting will be arranged with the employee.

If the concern is established the outcome would normally result in a warning and sanction or ultimately dismissal. The maximum warning for each stage is detailed in the table below, however the chair has the flexibility to apply lesser sanctions if appropriate (i.e. issuing a first

written warning at a stage two meeting, if the concern was not enough to warrant a final warning as detailed).

Sanctions (including associated financial outcomes) will not disproportionately impact employees covered under the Equality Act 2010, for instance in some circumstances it may be that trigger points are altered as part of a reasonable adjustment towards disability related absences. This will be treated on a case by case basis.

The stages of formal action and potential sanctions are given below:

Formal Stage	Maximum level of sanction at each stage
One	Could lead to a first written warning. Withholding an increment for support staff and preventing progression to the next pay point/grade for teachers.
Two	Could lead to a final written warning. Withholding an increment for support staff and preventing progression to the next pay point/grade for teachers.
Three (will normally progress to this stage after a final written warning has been issued at stage two).	Could lead to dismissal.

Stage One:

- The warning cautions the employee that if their absence record does not improve, it may be necessary to consider further formal warnings, up to and including dismissal
- A decision can be made to issue a first written warning at stage one depending on the severity of the issue
- If improvement is not achieved at this stage, or sustained thereafter, then progression to stage two is likely
- A decision can be made at this stage to withhold any incremental or salary progression at the next salary review date.

Stage Two:

- A decision can be made to go straight to stage two (without a first warning being in place) depending on the circumstances of the attendance issue
- The maximum sanction at this stage is a final written warning
- A decision can be made at this stage to withhold any incremental or salary progression at the next salary review date.

Stage Three:

- The maximum sanction at this stage is dismissal.
- Lesser sanctions can be applied if during the meeting it is concluded that the absence does not justify dismissal (i.e. final written warning)

- Any notice will be in line with normal contractual arrangements or statutory notice depending on which is greater

The start date of the formal warning will commence when the related action plan and support programme is finalised. Therefore any outcome will be confirmed in writing to the employee within three working days of the decision, including as appropriate:

- The nature of the concern
- The required improvement/expectations
- Support arrangements
- The monitoring arrangements and if appropriate a review date
- What will happen if there is insufficient improvement, including possible further formal action
- How long the warning will remain in force
- Any effect on pay
- The right of appeal

A written warning will remain live for the duration as set out in the outcome letter, usually 12 months.

If an employee appeals against an outcome, the sanction will remain in place until the outcome from the appeal is known.

4.3 Right to representation

The employee has a right to be represented/supported by a trade union representative or workplace colleague during formal attendance meetings.

If the employee's representative is unavailable for any of the formal meetings, an alternative date (usually within five working days) will be arranged. There will normally be only one postponement allowed for this reason. If the representative subsequently becomes unavailable for the re-arranged meeting the employee may be advised they will need to find a different representative and it is the union's responsibility to ensure an alternative representative is provided.

The employee does not have a specific right to be accompanied at an investigatory meeting by a trade union representative or workplace colleague. However it is recommended they be given the opportunity to be accompanied if there is the possibility of formal action being taken at a later date.

4.4 Formal meeting

The head teacher and/or a governor, or a panel of governors can conduct a formal meeting. The Governing Board may delegate responsibility to the head teacher for formal action including the decision to dismiss.

For the formal stages up to stage two, the holding of formal meetings and the issuing of warnings may be delegated to an appropriate member of the leadership team e.g. business manager.

Where the head teacher is the subject of the formal meeting, the Governing Board may delegate responsibility for formal action to one (usually the chair of governors) or more governors.

However, the head teacher or same governing board representatives cannot take dismissal decisions if they have been directly involved in making decisions on previous formal warnings. And where practicable, different people should carry out the investigation and disciplinary hearing.

The manager should make it clear to the employee that formal action is being taken:

- At least five working days' notice will be given to the employee attending the formal attendance meeting. For a formal meeting where dismissal is being considered, at least 10 working days' notice should be given.
- The letter should include details of the right to representation, the Attendance Policy and the documents to be discussed at the meeting (i.e. absence report). There should be an additional copy for the representative that the employee can send, or it can be sent directly to the representative if the employee has advised the school who their representative is, provided the employee has agreed.
- The letter must state the formal stage at which the meeting is being held and the potential outcome/sanction that may result.
- The employee must be given a date by which to provide any documentation to support their case (five working days). Sufficient time should be given to allow papers to be distributed to the chairperson/panel to be read prior to the formal meeting. If this is not possible they should contact a relevant person to make appropriate arrangements.
- For a formal meeting where dismissal is being considered, the employee must ensure the school receives any documents at least five working days before the meeting to ensure all parties receive the final bundle of documents in advance. This allows time for all parties to read the content of the bundle.
- Any formal action taken and the reasons for the decision will be confirmed in writing to the employee, including details on how they can appeal. The employee should be informed of the consequences of failing to improve in line with the agreed levels of attendance within the set period following a final warning, including confirmation that it may result in dismissal.

It is good practice to make a note of informal meetings to inform future proceedings. Where a formal meeting takes place, minutes must be taken. Where dismissal is a potential outcome, minutes should be kept and consideration should be given to having note-taker present. Employees are not permitted to make their own audio recording of an attendance meeting.

4.5 Action plan

Action plans are developed to suit individual circumstances but would normally include clear expectations regarding work standards and practices, the criteria for success, time scales for improvement and any agreed support and review arrangements. The employee may be given the opportunity to discuss the content of this plan with their trade union representative before agreeing to it.

Whilst it is for the manager to determine the criteria it is important for the employee to understand what is required of them and to help identify potential support. Employees are expected to co-operate with the process and engage fully with any agreed support.

Should the employee not achieve a successful outcome following the action plan they would normally progress to the next stage of the attendance policy, and ultimately could be dismissed.

Arrangements for monitoring and review will be agreed as part of the action plan.

4.6 The role of Governors

The school may delegate the head teacher (or manager), a single governor or a panel of governors to hear a formal case as appropriate (see above).

A panel of governors (up to three) will hear any appeal.

Where collaborative arrangements with another Governing Board are in place regarding staff attendance, governors from any of the collaborative schools may be delegated to conduct a formal meeting or appeal.

4.7 The role of GCC and the Diocese

A representative from GCC is entitled to attend and provide advice at all proceedings in Community, Community Special, and Voluntary Controlled schools, relating to any dismissal decisions.

Similarly, The Diocese, through a representative, may be given the right to attend proceedings to give advice for Voluntary Controlled church schools.

The Governing Board or, via delegation, the head teacher (in applicable schools as above or where rights of attendance have been given), must consider any advice given by the GCC and/or diocesan representative before a decision to dismiss is made.

4.8 Dismissal

In all Schools, Governors will send the employee a dismissal notice. The Governing Board will also send an instruction to GCC and the employee will receive a confirmation of dismissal notice from GCC.

Where dismissal is with notice, any notice period will be in accordance with the employee's contractual arrangements, or the statutory period, whichever is greater. The employee will receive normal pay throughout the period of notice.

4.9 Right of appeal

There is a right of appeal at every stage of the formal absence process as specified in the warning or dismissal letter.

The appeal is not a rehearing of the case but is a review of the reasonableness of the decision. Determining reasonableness may include consideration of procedural irregularities or any relevant new evidence which could not have been available at the time of the formal meeting.

Whilst the outcome of the appeal is pending, any action plan, warning or dismissal will remain in force.

The appeal letter must be received within five working days of the date of the outcome letter and should specify the grounds of the appeal including why and in what respects the decision of the original meeting was unreasonable. The appeal needs to be sufficiently clear to enable the initial chair whose decision is being appealed to respond at the appeal meeting.

Any supporting documents or information should be provided with the appeal letter. If this is not possible, documents should be submitted to allow reasonable time for the employer to prepare their case and collate, paginate and distribute the bundle for receipt by all parties at least three working days before the appeal meeting.

Where the appeal period overlaps with a pre-determined holiday period (i.e. out of term-time for term-time only employees), the letter of appeal needs only to register the intention to appeal. A fully detailed letter should arrive within five working days following the end of the holiday period.

A panel of up to three governors not previously involved with the case will conduct appeal meetings. Where there has been an appeal at an earlier stage of the procedure, the same governors may conduct the appeal.

Arrangements for the appeal meeting should normally be notified to the employee within ten working days of receipt of the request for an appeal and should confirm the right to be accompanied by a trade union representative or workplace colleague.

At appeal, the original sanction will be reviewed and may be confirmed, amended or withdrawn but cannot be increased.

The decision of the appeal panel will be final, and will be confirmed in writing to the individual within three working days. Should the outcome of the appeal change the original decision, the panel will need to make clear the terms of and reasons for the decision.

If an appeal is successful, any outcome will be amended or withdrawn without any detriment to the employee. In the case of dismissal, there will be no detriment to pay or continuous service.

5 Sickness Absence

5.1 Reporting

The head teacher/manager must be informed of sickness absence as soon as possible, no later than 7.00am on the day of absence.

If an employee is sick and unlikely to be well enough to return the next working day they must ring and update the manager by 15.30 on first day of sickness, otherwise it will be assumed they will return to duties the next day.

Employees must self-certify for absences up to seven calendar days. For absences of eight calendar days or more, the employee must:

- give their manager/head teacher a 'fit note' or appropriate document
- speak to their manager on the eighth day
- continue to update the manager and provide a continuous fit note (including absence during a school closure period).

If someone is physically incapable of calling in, a friend, relative or medical professional can call in on their behalf but, as soon as possible, the employee must call and provide evidence (for example, a Fit Note) of their circumstances.

Failure to follow the reporting procedure may result in the absence being treated as unauthorised, and sick pay may be withheld and/or disciplinary action taken.

5.2 Doctor's 'fit note'

From the eighth day of absence onwards, a doctor's fit note must be submitted to their manager until the employee is fit to return to work. The fit note will provide guidance on the employee's level of fitness and how this may affect their ability to work.

The manager will discuss with the employee the contents of the fit note and whether any guidance can be accommodated wholly or with some adjustment, in line with the needs of the school. If for any reason it is not possible to accommodate the employee's return to work at this stage, the employee will remain "off sick".

If the school is able to accommodate the advice/guidance the employee must return to work. Should they refuse, the school may consider taking action under the Conduct Policy.

5.3 Sick pay entitlement

Provided the requirements of the policy are followed, sick pay will be paid in line with the employee's conditions of service. Sick pay includes, where appropriate, statutory sick pay (SSP) and will not exceed normal pay. It will be paid for the following period of absence dependent on length of service:

	Full Pay	Half Pay
First year	1 month	2 months (after 4 month's service)
Second year	2 months	2 months
Third year	4 months	4 months
Fourth and fifth year	5 months	5 months
Sixth year onwards	6 months	6 months

Table 1: Support staff sick pay in any rolling 12 months' period

	Full Pay	Half Pay
First year	25 working days	50 working days (after 4 month's service)
Second year	50 working days	50 working days
Third year	75 working days	75 working days
Fourth year onwards	100 working days	100 working days

Table 2: Teachers' sick pay in any year 1 April – 31 March

For the purpose of the sick pay scheme, "service" includes all aggregated teaching service with one or more local education authorities.

Sick pay may be suspended if in the opinion of the governing board of trustees the injury/condition has arisen due to the employee's misconduct, the employee has failed to comply with the conditions of this scheme, or they have behaved in a way prejudicial to their recovery. In this case the employee will be allowed to meet with the governing board to respond to the concerns.

5.4 Absence due to injury sustained at work

Occupational sick pay for absence as a result of an accident at work, confirmed by an approved medical practitioner is treated completely separately to pay for normal sickness absence. However all sickness absences are reckonable for entitlement to SSP.

5.5 Referral to Occupational Health (OH)

Managers should refer employees to the school's OH service if they feel their input would be helpful, particularly if:

- The employee has had a total of eight or more days' absence (whether on one occasion or across several occasions) during the last 12 months
- Absence is related to mental illness or musculoskeletal issues
- The school becomes aware that the employee has a medical condition that is likely to result in long term absence
- Absence continues for more than four weeks.

Non-attendance or failure to cooperate with an OH referral without good reason may result in disciplinary action and, if the employee is currently on sick leave, could mean their sick pay being suspended. In some circumstances, if the employee fails to attend any appointments without prior notice and a good reason they may be liable for full costs incurred.

The school may ask for the employee's consent for OH to contact their doctor to access their medical records. These will remain confidential to OH. The purpose of requesting medical information is to ensure that any advice given by OH regarding the effect of the employee's health on their employment is fully informed. However, the employee has the option to view and comment on the report before their doctor sends it to OH, and a legal right to refuse consent for OH to contact their doctor. The school can only make decisions about an employee's employment based on the information they have.

The OH advice and guidance is used by the manager to discuss managing the employee's health and/or return to work and to make informed decisions about the potential effect on their employment.

An employee who unreasonably fails to co-operate with their employer in the appropriate management of their sickness absence may have their contractual sickness pay suspended.

5.6 Phased return

Where a short (normally no longer than two to four weeks) period of rehabilitation is recommended by OH or the employee's doctor, the school will, in discussion and agreement with the employee, implement it (wholly or in part) if possible, giving due consideration to the needs of the school/service. This may include temporary adjustments to normal duties and working hours with appropriate support.

For teachers, a phased return is classified as sickness absence until they are fit for work. In these circumstances the employee normally continues to submit fit notes and will receive normal entitlement to sick pay.

For support staff, there are a number of options for pay arrangements during a phased return to work:

- Return on full pay (if an extension to this initial period is required, or if the person has had more than one phased return in the previous 12 months, then the phased return could require a temporary reduction in hours)
- Return on pay for hours worked and can claim sick pay for the remainder (though they can only claim sick days for full days not worked)
- Return on sick pay until completion of a phased return.

The manager may use their discretion to agree an appropriate arrangement for a phased return on order to allow:

- The opportunity to return to work in a structured way when the employee has recovered after a long period of absence, helping to build stamina and confidence for a full return to work
- The employee to gradually return to work to test their ability to do the job in relation to the medical condition
- The head teacher (or Chair of Governors - in the case of a head teacher), manager and OH provider to assess the employee's actual level of fitness and the timescale for a return to normal duty
- The school to meet its obligations under the Equality Act 2010.

Where longer periods of rehabilitation are required, the school may agree a temporary adjustment to the employee's contract of employment.

5.7 Contacting an employee during sickness absence

Regular contact should be maintained during any period of sickness absence and this could reasonably include a meeting with the employee.

5.8 Return to work and return to work meetings

If during the period of a 'not fit' fit note the employee feels they have recovered sufficiently to return to work, the employee should discuss this with their manager.

In considering a return to work the employee and manager will undertake a risk assessment. Any early return to work should be confirmed in writing.

Managers will discuss sickness absence with the employee on their return to work and may ask the employee to attend a return to work meeting after any period of sickness absence, but particularly when:

- Short term absence totals eight days accumulated over the last 12 months
- A single period of absence is more than 14 consecutive calendar days.

The purpose of the meeting is to:

- Welcome the employee back to work and check they are well enough to work
- Clarify the cause of the absence
- Together address issues that may be causing or contributing to the absence
- Agree any initial support that may be needed
- Discourage unjustified absence and demonstrate the importance of absence management to the school.

5.9 Failure to follow sickness procedure

If the employee fails to follow the sickness procedure, the absence will be unauthorised and dealt with as a conduct matter and sickness pay will be suspended.

5.10 Ill Health retirement

Employees who are members of the Teachers Pension Scheme (TPS) or the Local Government Pension Scheme (LGPS) can be considered for ill health retirement.

All ill health retirements have to be explored with medical advice from OH, as there are very specific criteria around ill health retirements which only the OH doctor can apply.

5.11 Absence dismissal

The aim of this policy is always to secure sustained improvement in attendance at work. However, poor attendance or an inability to carry out the role can result in dismissal.

5.12 Employees with a disability

The school will comply with The Equality Act 2010 and seek to make reasonable adjustments to support employees in their job. When appropriate, advice will be taken from OH and HR.

The Access to Work Service offers financial and practical assistance to people with a disability to support them to continue in work. More information can be found on this website:

<http://disabilityrightsuk.org/access-work>

If an employee is unable to carry out their current duties after reasonable adjustments have been fully explored, the school will seek redeployment. However if no suitable employment is available then the employee may be dismissed. For permanent disability, the school may seek advice from OH in respect of ill health retirement.

5.13 Sickness for non-essential elective surgery

Occupational sick pay will not be paid for non-essential surgery such as cosmetic surgery unless it is deemed necessary on medical grounds by a GP or other medical practitioner.

Evidence of this is required before occupational sick pay will be issued. SSP will be issued if a fit note is provided, regardless of the reason for the cosmetic surgery.

In the event that there are complications after non-essential surgery resulting in the employee being unfit for work for longer than normal (i.e. post surgery infection) then occupational sick pay will apply for the excess recovery period.

5.14 Absence due to an accident for which a third party is liable

The employee should advise the school immediately in these circumstances. The school will expect the employee to provide details of any compensation received related to the injury/condition which has caused the absence and may require the employee to pay back part or all of the sick pay paid but this amount will not exceed any damages recovered.

5.15 Annual leave entitlement during sickness absence

If the employee is on annual leave, they can elect to have some or all of the absence as sick leave provided the manager is satisfied they have complied with the sickness absence reporting procedure. The position may vary depending on the circumstances (please contact your HR Adviser for advice).

When an employee is on sick leave, their annual leave entitlement accrues at the same rate as if they were performing their normal hours of work. Under the Working Time Regulations, if a period of sick leave runs over the end of the current leave year, employees are entitled to carry forward any unused part of their 'statutory' annual leave entitlement (20 days per year). The eight day bank holiday entitlement can be carried over at the manager's discretion.

1.0 Annex A - Sickness Absence flowchart – Manager/employee responsibilities

Manager	Time scale	Employee
Record sickness absence Initiate Sickness Absence Declaration form Consider fast track referral to OH if absence relates to mental health or musculoskeletal	Day One	Ring and speak to manager or senior person on site before normal start time (or in line with the school's procedure) Notify them of the date and time illness started (including Saturday, Sunday and holidays) and the precise reason for absence
Continue to record absence as appropriate	Day Four	Ring and speak to manager to confirm or amend information given on day one
Keep fit notes until employee returns to work Continue absence recording	Day Eight	Ring and speak to manager to confirm or amend information given on day four Must provide doctor's fit note from day eight onwards and update manager prior to expiry of each fit note
If employee returns to work days 1 – 14 conduct a return to work discussion or if appropriate conduct return to work meeting on day of return. Complete sickness recording process attaching fit notes	Return to work: Absence duration 1 – 14 days	Return to work discussion and complete relevant absence recording documents
If employee returns between days 15 – 28 conduct return to work meeting. Complete absence recording process attaching fit notes	Return to work: absence duration 15-28 days	Return to work meeting and complete absence recording documents
If employee remains absent, contact them. Consider OH referral. Liaise with payroll about any changes to pay arising from ongoing absence	If employee still absent after four weeks	Attend any OH appointments
Contact the employee on a regular basis Manage the employee's long term absence in line with the Attendance Policy – contribute to and comply with any action plan agreed Continue absence recording / keep payroll informed	Ongoing requirements throughout the absence	Employee must continue to keep in regular contact with the manager and must be available to meet with the manager, as requested, during the employee's normal working times unless otherwise agreed The employee must maintain the submission of doctor's fit notes and follow any medical advice to improve health Advise manager / OH of any new medical information including when fit note states you may be fit for work
Conduct structured return to work meeting and complete absence recording process. Advise payroll	Return to work after four weeks absence or more	Attend meetings i.e. performance reviews with manager and OH appointments and contribute to and comply with any action plan agreed Attend structured return to work discussion and complete Sickness Absence Declaration form

Note: Reporting sickness absence

In certain cases it may be necessary to warn an employee that failure to notify sickness absence as outlined above will result in loss of pay and/or exclusion from the relevant sick pay scheme and that formal action may also need to be taken under the Attendance Policy.

References

- [1] Education (Pupil Registration) (England) Regulations, 2006.
- [2] Complaints Policy.
- [3] Education Act, 1996.
- [4]