

## **ABSENCE POLICY**

*Last review: October 2021*

The School's Absence policy, as agreed by the Trustee Body, covers family, compassionate, emergency and other miscellaneous leave. Annual leave will be in accordance with the current national Teachers' or Local Government Employees' pay and conditions documents.

The intention of this policy is to provide clear guidance as to the circumstances under which paid leave will be granted beyond contractual provisions. There are also circumstances under which unpaid leave may be granted for teaching staff or, for associate staff, unpaid leave taken or leave taken with time made up in lieu. Staff should be aware that while such leave may not have a direct financial implication for the school, it inevitably causes some disruption to pupil learning and/or to the general operation of the school and therefore is always discretionary.

### **Compassionate, Emergency or Exceptional Leave**

Staff will normally be granted up to 5 days paid leave per year in compassionate or emergency circumstances, such as the death or serious illness of a close relative or equivalent (partner, brother, sister, parent or child, grandparent or grandchild). The leave is to deal with the immediate issues and to sort out long term arrangements if necessary. Examples of the circumstances that this would include are, but are not limited, as follows:

- if a dependant falls ill or has been involved in an accident or assaulted, including where they are hurt or distressed rather than physically injured;
- to make care arrangements for a dependant who is ill or injured;
- to deal with the death of a dependant, for example to make funeral arrangements or attend a funeral;
- to deal with an unexpected disruption or breakdown in care arrangements for a dependant, for example when the child minder fails to turn up;
- to deal with an incident involving the employee's child during school hours, for example if the child has been hurt, or is being excluded from school;
- to accompany a close relative to a medical appointment which is urgent or which relates to a serious or particularly sensitive condition.

Only in exceptional circumstances would the allowance of 5 days be exceeded. In some cases a longer period of absence may be approved on an unpaid basis.

### **Weddings**

Paid leave will be granted for up to 1 day for attendance at the wedding of a close relative (brother, sister, parent or child, grandparent or grandchild). Under exceptional circumstances, this may be extended to 2 days. Discretionary unpaid leave may be granted to attend the weddings of other relatives or close friends. It is expected that members of staff will arrange for their own weddings to take place outside school time.

### **Antenatal Care**

A woman who is experiencing a difficult pregnancy, or who has a health condition which could lead to problems as she approaches childbirth, may be advised by her doctor or registered midwife to attend a clinic (or similar establishment) for ante-natal care. A reasonable amount of time off work on full pay will be granted to enable her to keep her appointments at the clinic (per s.55, Employment Rights Act 1996). The right is available to every pregnant employee (part-time, full-time, temporary, permanent, or casual). Before agreeing to a woman's request for time off work in these circumstances, other than for the first visit, the school will expect to see or have seen:

- a Certificate of Expected Confinement (Form Mat B1, or the equivalent) signed by her doctor or midwife confirming that she is pregnant;
- an appointment card or equivalent document showing that she has made one or more appointments at an ante-natal clinic.

It is appreciated that the above documents may not be available on the first occasion a pregnant employee asks for time off work (if only because those documents will not necessarily be available until after she has made her first visit to her doctor or to the clinic in question).

In addition to the above, paid leave will be granted for female staff to attend ante-natal appointments for scans. Partners will normally be granted a maximum of 2 days leave to accompany the above to

such ante-natal appointments for each pregnancy. Accompanying partners to further appointments may be granted as discretionary leave.

### **Maternity Leave**

The arrangements for maternity leave are as detailed in the Conditions of Service for School Teachers in England and Wales (Burgundy Book). Members of staff who are adopting one or more children below the age of 5 will be granted the same leave and pay arrangements as those taking maternity leave.

### **Paternity Leave**

Paternity leave will be granted after the child's birth or adoption. This must be taken as a single block of one or two weeks and it must finish within 56 days of the birth or date of adoption. For staff on part time contracts, each week of leave corresponds to their normal working week. This right arises if the employee is the child's biological father or the current spouse or partner of the child's mother. That same qualified right extends to an employee who has adopted a child or who is one of a couple that have jointly adopted a child (whether from within the UK or from overseas). To qualify for paternity leave, the employee must have been employed by the school for at least 26 weeks by the end of the 15<sup>th</sup> week before the mother is due to give birth.

While the entitlement during paternity leave is to pay at the Statutory Paternity Pay, this school will grant paternity leave as fully paid leave.

### **Shared Parental Leave**

The mother can opt to end her maternity leave and pay and, instead, take shared parental leave (SPL) and receive shared parental pay (ShPP) with her partner. SPL can only come into effect after the period of compulsory maternity leave (2 weeks) and before the child's first birthday.

The leave can be split in a continuous way by one partner taking a period of leave and then the other partner takes the remainder of the leave. Alternatively, a request may be made for discontinuous blocks of leave shared between the two partners. In most cases, requests to take discontinuous leave will not be accepted as this is likely to be contrary to the efficient operation of the school. If it is approved, this may include both partners taking leave at the same time. Each partner can take up to three blocks of leave. The school will not allow the leave to be split into more than three blocks. The total leave taken must not be more than 52 weeks and leave must be taken in minimum units of one week.

In order to start SPL, at least 8 weeks' notice must be given of the plans for SPL. These plans can be changed later but at least 8 weeks' notice is required before beginning a block of leave.

Each parent when giving notice of their intention to take SPL must give the following information to the school:

- how much leave is available
- how much leave they are entitled to take
- how much leave their partner is taking
- how they expect to take the leave
- their partner's name, and confirmation that they are sharing childcare responsibility with this child
- a signed declaration from the partner stating their name, address and National Insurance number, that they satisfy the requirements for SPL and ShPP and that they agree to the employee taking SPL and ShPP.
- the name and address of the partner's employer or a declaration that they have no employer.

Full details concerning shared parental leave are published on the government's website at:

<https://www.gov.uk/shared-parental-leave-and-pay/overview>

## **Parental Leave**

The school will follow the statutory provisions which allow for up to 13 weeks unpaid parental leave which apply until:

- the child's fifth birthday:
- in adoption cases, for five years after the child is first placed with the family for adoption, or until the child's 18th birthday, whichever is sooner:
- in the case of a child with a disability, up to the child's 18th birthday (for the purposes of parental leave, a disabled child is one for whom disability living allowance has been awarded).

In addition to the above, paid leave may be granted for staff to accompany their child to the first day at their primary school.

## **Graduation ceremonies**

Parents will be granted one day of paid leave to attend one graduation ceremony for each child. Staff will be granted one day of paid leave to attend their own graduation ceremony.

## **Other personal reasons**

Exceptionally, there may be other personal reasons for requesting leave of absence. Examples might be attendance at a relative's graduation ceremony or "once in a lifetime" visit to relatives overseas. Such leave, where granted, will normally be unpaid and subject to adequate notice so that replacement staff can be employed if necessary.

## **Funerals**

Paid leave will be granted for attendance at the funeral of a close relative (partner, brother, sister, parent, parent-in-law, child, grandparent, grandchild, uncle or aunt). For other funerals, leave will be considered and, if granted, will be on an unpaid basis.

## **Extended leave of absence**

Requests for longer periods of leave will be considered on an unpaid basis, for example, in the case of a lengthy period of caring for a chronically sick, disabled, or terminally ill, dependent relative. Extended leave can be for up to a year's duration. Sufficient notice that allows the appointment of a replacement should be given wherever possible.

## **Moving house**

One day of paid leave will be granted for each house move subject to a maximum of 1 move in a period of one year. Additional days may be granted on an unpaid basis.

## **Service with Auxiliary Forces**

Volunteer members of UK Armed Forces are allowed two weeks paid leave to attend an annual training camp. Teaching staff are only granted paid leave if the force's unit cannot arrange exercises during holiday periods.

## **Mobilisation**

When reservists are needed to fulfil their part of the UK's defence strategy, they are 'mobilised' or 'called out' into full time service with the regular forces or military operations. While the reservist is mobilised the school does not have to continue to pay them, the Ministry of Defence will pay their salary.

## **Carry-over of annual leave**

Employees who are covered by Local Government terms and conditions of employment should take their full entitlement of leave in each leave year, which runs from April to March. Where this is not possible, employees may carry forward 5 days to the next annual leave year.

## **Religious Festivals**

Where staff can show that they are bona fide adherents of an organised religion and that they require leave for the purpose of an official holy day, the Trustee Body will allow up to 2 days paid leave.

## **Sporting Events**

Up to 18 days paid leave per year may be granted for staff who represent their country in recognised sporting events.

## **Attendance at Court Proceedings**

### Jury Service

Staff required to attend for jury service should arrange for the loss of earnings certificate to be forwarded to the school's finance office. The certificate will be returned to the member of staff completed to show to what extent the salary will be stopped during their absence. The amount will then be claimed from the court.

### Witness summonses and subpoenas

Staff subject to a witness summons or subpoena should be allowed paid time off work to attend court.

## **Public Duties**

School employees may be granted up to 18 days per annum paid leave to carry out the duties of the office of Leader, Mayor, JP or Chairman of Local Authorities. For employees who are School or College Trustees/Governors, up to 3 days per annum will be paid. In addition to this, unpaid leave can be granted for employees carrying out public duties.

## **Study/Examination Leave**

For employees who are sitting examinations relevant to their current post or career, providing the employer is paying the fees, half a day study leave per examination plus half a day per examination will be paid.

## **Public Examination Duties & Activities**

For teachers who are engaged in activities for examining groups, paid leave will be granted in those cases for which the examination board will make an appropriate payment to the school to cover the employment of a replacement teacher.

## **Interviews**

Paid leave will be granted for members of staff to attend interviews for new employment which will replace their position at this school and will be their main source of income. Unpaid leave may be granted for employees to attend interviews for posts which are additional to their employment at this school.

## **Induction days for a new job**

Employees who are appointed to work in another maintained school or academy will be granted one day of paid leave in advance of taking up their new position in order to prepare for their new post. The day for which leave is granted will be subject to negotiation and will be determined by other demands for staff cover.

## **Time off for Trade Union duties**

The school recognises the legal requirement for employers to allow reasonable time off work for the school's elected representatives of recognised trade unions to carry out their duties. Duties that warrant time off with pay include:

- consultation on terms and conditions of employment or the physical conditions of work;
- consultation on recruitment and selection policies, redundancy and dismissal arrangements;
- meetings with school management or LA officers on matters of joint concern;
- representing a union member at grievance, capability or disciplinary interview;
- attendance at relevant training courses organised by the trade union.

County union representatives are allowed time off each week to carry out their duties and the school is reimbursed from a Local Authority budget.

## **Time off for medical appointments**

Where possible, school employees are expected to make appointments out of school time. Where this is not possible, reasonable (defined as up to 5 absences in a year) paid time off will be allowed. Staff may be asked to show evidence of their appointment, for example an appointment card.

## **Long Term Sick Leave**

Contact will be maintained with an employee on long term sick leave and every effort will be made to ascertain a return date. After a period of time (as a guide – a continuous absence of 6 weeks) the school will contact the LA to consider referral to the Occupational Health medical team.

## **Bad weather conditions**

There may be circumstances when the employee is unable to attend work due to bad weather, but the school remains open as usual. All reasonable efforts should be made to attend work. Alternative arrangements may be agreed with the Headteacher, e.g. working from home or at a different location. Where this is not possible, non-attendance will normally be treated as unpaid leave, but exceptional circumstances may warrant paid leave.

## **Sickness**

The entitlements and pay arrangements for sick leave are detailed on staff contracts and they are as in the Conditions of Service for School Teachers in England and Wales (Burgundy Book) for teaching staff and the NJC National Agreement on Pay and Conditions of Service (Green Book) for associate staff. If staff are absent due to sickness they can self-certify for up to 7 calendar days of absence (including non-working days). A self-certification form should be completed on return to work giving the reasons for the absence. For absence exceeding 7 days, a medical certificate is required.

## **Documentation concerning planned absence**

Requests for compassionate or discretionary leave known in advance will be made using the Request Form for Leave of Absence. It must be completed and returned to the Cover Administrator. The member of SLT will return the form to the staff member with the decision written on it.

## **Return to Work Interview**

When staff return to work after an absence of more than 5 days, they will have a return to work discussion with the Headteacher, a member of the SLT or, in the case of associate staff, the relevant line manager. This will take the form of a brief discussion to ensure that the employee is fit to return to work and to establish if any support is required.

## **Unauthorised Absence**

If an employee takes leave of absence without the prior consent of the Headteacher or, for associate staff, the Headteacher's Secretary, this may warrant an investigation under the School's Disciplinary procedure.

This also applies to the contractual commitment of a member of teaching staff to attend activities during directed time for which their contribution or involvement would be reasonably expected. Examples of this include twilight INSET, department meetings and parents' evenings which are relevant to the classes taught by the teacher.

## **Absence monitoring**

The absence patterns of staff will be monitored. In cases where there is a regular pattern to absence or where absence is frequent (as a guide, more than 10 absences in a 12 month period), employees will be asked to discuss the reasons for the absences with the Headteacher or a member of the SLT.

Related policies

Conduct Policy - Staff

*Discussed and approved by Trustees' Finance, Staffing and Premises committee: 13 October 2021*

*Next review: October 2023*