



Southend East Community Academy Trust

“Strong Partnerships, Strong Community, Strong Schools”

Managing Sickness and Absence Policy/Absence Entitlement Guidelines

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Part A

Managing Sickness Policy and Procedure

1 Policy

1.1 All pupils deserve the best possible education. To this end, pupils are best served by a healthy and productive work force. We aim to achieve this by providing a safe and healthy working environment and by implementing procedures that will maintain a contact with absent employees and assist them in returning to work.

2. Staff Absences

2.1 Apart from having a direct affect on the quality of education provided, staff absences represent a significant cost to the management of the Academy. These resources could otherwise be used to improve Academy and education services.

2.2 The management of the trust, as a good employer, does not want its employees to attend work when they are too ill to do so. However, it does expect them to account for their absences and to meet their contractual obligations to work.

2.3 As an Equal Opportunities employer it is essential that management treat each case on its merits by taking into account all the circumstances. The SECAT Equal Opportunities Policy states that employees will not be discriminated against on any grounds.

2.4 Every effort will be made by management to ensure that good and fair practices are specified in this procedure and are carried out.

3. Procedure

3.1.1 This procedure applies to all employees of SECAT

3.1.2 Non-teaching staff who are new to local government and are following the Probationary procedures or those who are employed on a casual or temporary basis will be expected to operate within the same ground rules e.g. the sickness reporting procedure and adherence to good practice. However, continuance of their contract will be reviewed in the light of their actual attendance.

3.1.3 All employees within SECAT should continue to use sickness/absence forms that have been implemented in the relevant Academies where they are primarily based.

3.2 General Principles

3.2.1 The following are general principles that the Board of Trustees expect the relevant Headteacher, managers and employees to follow in order to manage sickness absence fairly and effectively.

4. Headteachers

4.1 It is the relevant Headteacher's or their designated person/s role to monitor sickness absence and to take action in accordance with this sickness procedure. This will require the maintenance of sickness absence records and to be responsible for including any absence as a result of an accident at work. Managing absence means being fully informed about the absence, identifying problems and taking prompt action on the basis of this information.

5. Employees responsibility

5.1 Employees are responsible for following the sickness absence reporting procedure and for maintaining contact with the relevant Academy whilst absent.

6. Attendance review

- 6.1 The designated management person/s must meet with an employee whose absence through sickness is of concern and where problems with absence have been identified. This will be referred to as the attendance review meeting.

7. Persistent Short Term Absence

- 7.1 Reasons for persistent short-term absence should be explored as part of an attendance review meeting so that the Manager can decide on the basis of the meeting and information given on what action would be appropriate to resolve the situation. This will include setting targets for improvement, if formal action is seen as appropriate, where continued absence may lead to dismissal.

7.1.1 Persistent Short Term Absences, irrespective of whether they are uncertified or certified by a GP, can occur where there is no obvious evidence of a single medical condition (i.e. where the reasons for the absence appear unrelated). For example, this could be a cold, followed by stomach upset, followed by a throat infection.

7.1.2 As a guideline the following will normally be regarded as persistent short-term absences and will act as a trigger for the Manager to take action if he/she has not done so before.

a) A total of 11 days' absence in a twelve-month period (pro-rata for part time staff). This will be determined from the first day of absence.

b) Regular absence on certain days i.e. Mondays or Fridays, first and/or last day of term.

c) Where a combination of odd days, longer periods and pattern of absence exists which cause the Manager concern (e.g. where sickness absence regularly follows Academy closure periods).

(Note: where a total of 8 days (pro-rata for part time staff) has been reached through one or two separate periods of absence e.g. two periods of five or six working days due to a viral infection) This would not normally be regarded as persistent short term sickness and further action would not be necessary.

7.1.3 The above are only guidelines. Managers should always monitor absence and take appropriate action as soon as they believe there is a problem.

7.1.4 If the absence appears to be persistent and short term, an attendance review meeting should be arranged.

8. Attendance Review Meeting

- 8.1 An attendance review meeting will be held when a total of 8 days of sickness (pro-rata for part time staff) accrues in a rolling twelve-month period, or earlier if an

immediate Manager has reason to be concerned about the employees' attendance record e.g. if a pattern of absence appears to be emerging as outlined above.

8.2 In deciding who should be subject to an attendance review, a Manager should check the records kept by the relevant Academy office to ensure fairness and objectivity amongst employees and to ensure that no individual is being singled out unfairly.

8.3 It is important to remember that this review meeting is not about challenging the reason for sickness or disputing that the employee has been sick. It is concerned with obtaining any information that may allow both parties to agree ways of improving attendance. The review should be on a one to one basis between the employee and the designated Manager or Headteacher. It is an informal meeting and should be kept confidential. The designated Manager or Headteacher may wish to keep his/her own confidential note of the discussion, especially if they are committed to taking any action. It must be recognised that although the meeting is in itself informal, it has formed status as part of a procedure, which could lead to disciplinary action. The employee has the right to representation at this meeting and should be advised of their right to be represented by a Trade Union representative or work colleague.

9. Aims of the Attendance Review Meeting

9.1 The aims of the review meeting will be to: -

- (a) Signal that the employees' time off is a cause for concern.
- (b) Advise the employee about the implications of their absence.
- (c) Allow the employee to inform the Manager or Headteacher if there is medical problem
- (d) Give the employee an opportunity to explain any other reasons for sickness e.g. domestic difficulties, work, stress, alcohol or drug related problem.
- (e) Offer support such as assistance with making arrangements for assisting with the problem (e.g. referral to specialist counselling, special leave or temporary adjustments to working hours etc.)

9.2 When it is established that absence has been a result of a condition which has now cleared up and the sickness record is otherwise good, no further action is needed. This should be properly recorded as such.

9.3 Where it is discovered that the employees' absences are as a result of a medical condition likely to be ongoing it is usually appropriate to treat such individuals as having a long term illness (see long term absence section).

9.4 Where it is not evident that there is a medical condition the Manager or Headteacher will need to consider whether the application of other employment procedures would be a more appropriate course of action to follow.

9.5 Where the individual attendance record has not sufficiently improved following the attendance review meeting, then the Manager or Headteacher must set up a formal meeting known as a First Formal Review. Reasonable time should be allowed to give scope to demonstrate improvement

9.6 Before a First Formal Review is called the relevant Manager or Headteacher must liaise with the human resources service provided, in order to take advice on the most reasonable course of action to take. It is important that a consistent approach is taken with all employees.

10. First Formal Review

10.1 At the First Formal Review the reasons given for absence should continue to be explored together with any action that may be possible for the relevant Headteacher to take in terms of work issues. The relevant Manager or Headteacher or even the individual may feel it appropriate to refer the matter to Occupational Health, but this is not always necessary if they believe there is sufficient information already available about the case. Such referrals will normally be undertaken in parallel with any formal action, not as an alternative.

10.2 The employee should be given five working days' notice of the review and should be advised of their right to be represented by Trade Union Representative or work colleague at the meeting, in writing.

11. Purpose or Process of the First Formal Review

11.1 The purpose of this stage is to: -

- (a) Continue to discuss the sickness absence and reasons for it.
- (b) Identify any reason for the lack of improvement.
- (c) Refer the employee to Occupational Health if fitness does emerge as the main issue.
- (d) Advise the employee of the service implications of their absence.
- (e) To check the potential for re-deployment (although the appropriateness of this is likely to be minimal in short term persistent sickness cases)
- (f) Warn the employee that if there is not a substantial and sustained improvement a Contractual Review will take place and to inform them that it is possible that this could lead to their employment being terminated.
- (g) Inform the employee that their attendance will be closely monitored over an agreed time and period.

11.2 The outcome of the first formal review should be confirmed by the relevant Manager or Headteacher to the employee and their representative in writing within five working days of the meeting.

11.3 Where a sustained improvement to the required level has been achieved to the extent that a contractual review has not been necessary the procedure would have been exhausted after a period of six months from the first formal review. Until then, the ongoing situation will be monitored on a quarterly basis. After a year has elapsed, any action subsequently required will recommence at the attendance review meeting stage.

12. Medical Advice Following the First Formal Review

12.1 If it is agreed at the Review that medical advice is to be sought this action should be taken immediately. The meeting should be adjourned for this part of the process to be completed. The meeting should be reconvened within five working days of receipt of the medical advice.

12.2 Where it emerges that the employees' absence is as a result of a medical condition and likely to be ongoing then it is appropriate to treat such individuals as having a long-term illness. Where fitness to continue in the same job is in doubt, a re-deployment option should be investigated according to any guidance which may have been received from Occupational Health. Where re-deployment is not possible or acceptable to the employee then the relevant Manager or Headteacher should proceed with the contractual review which will be conducted by the relevant Headteacher or, if they have acted as the Manager in the case, by a panel of Trustees.

13. Contractual Review

13.1 By this stage the employee would have been given every opportunity to improve their attendance to a sustainable level. If all efforts have failed the employer has a duty to consider termination of the contract of employment on the grounds that the employee is unable to meet their contractual obligation to work.

13.2 The relevant Manager or Headteacher will show that the employee has been given a reasonable chance to improve their attendance by allowing a reasonable time between the first formal review and the contractual review.

13.3 Decisions about whether to terminate the employees' contract for poor attendance are based on medical evidence, the impact of the absence on education delivery, workloads, effect on other staff, effect on cost etc.

14. Contractual Review Process to be followed

14.1 A contractual review meeting will be conducted by the relevant Headteacher or, if they have acted as the Manager in the case, by a panel of Trustees, and the employee will be informed in writing (with ten working days notice) of arrangements for the meeting, this will include: -

- (a) Complete sickness records to date including the Occupational Health report.
- (b) Advice on representation for the employee.
- (c) A warning about the implications of a contractual review.

14.2 Reference should be made to the fact that should the interview not identify a solution acceptable to both parties for improved attendance, a decision may be made by the relevant Headteacher or member of the board of Trustees to bring the contract of employment to an end.

14.3 A HR Officer should be present at the contractual review to ensure fairness and consistency.

14.4 Any new information given at the meeting regarding ill health or a change in the nature of sickness may need to be reassessed by Occupational Health. In this case an adjournment may be appropriate.

14.6 Having considered re-deployment and any other education service implications, the relevant Headteacher or member of the board of Trustees may decide that there is no alternative but to terminate the employee's contract on the basis of their incapability to attend work regularly and recommend dismissal.

14.7 A formal letter confirming this decision must be sent to the employee within five working days of the meeting. The letter will set out details of notice pay to which the employee is entitled and details of the right of appeal against the decision.

15. Right of Appeal

15.1 The employee will be advised that any appeal against the decision must be registered within ten working days of receipt of the letter. Appeals will be heard by a Trust panel in accordance with the rules and procedure laid down for appealing against dismissal in accordance with the dismissal procedure. The employee will be given 15 working days notice of the meeting.

15.2 Should the contractual review identify a possible solution for improved attendance the relevant Headteacher or Trustee may defer any decision to terminate the contract. If attendance improves and no further action has been necessary within one year of the contractual review, the relevant Headteacher or Trustee will write to the employee confirming that there will be no further action under the sickness procedure. Any later absences will trigger the process of fresh starting again with the attendance review. Where there has been no improvement the relevant Headteacher or Trustee will write to the employee to confirm the decision to terminate employment.

16. Long Term Absences

16.1 Long term absence cases are those where: -

- (a) An employee has been continuously absent for four weeks.
- (b) It is known an employee is likely to be absent for such a period due to illness.
- (c) Where there are persistent short-term absences due to a medical condition.

17. Contact

17.1 It is vital in these cases that employees should be treated with sympathy and understanding with regard to individual circumstances.

17.2 The relevant Academy should keep in contact with the employee (by telephone or by home visit) at least once a month from the first stage of the absence. However the employee should not be harassed. Home visits should only take place by prior arrangement with the employee and by a manager or relevant Academy employee acceptable to the member of staff.

18. Management Implications

18.1 One of the most difficult problems experienced by Academy management is where an employee is absent for a long period of time due to ill health. Although long term absence should be treated sensitively, it should also be subject to this procedure.

18.2 How long management can wait until taking action will depend on many factors e.g. the nature of the employee's job and impact upon education delivery, costs of using a temporary replacement, the likelihood of the employee ever returning to work in the foreseeable future, length of service etc.

19. Action Needed

- 19.1 When monitoring indicates a long-term absence or a developing long-term ill health problem the Manager should notify the relevant Headteacher and their HR Service provider as appropriate. After a period of sickness absence of four weeks (or as soon as it is known the illness is going to be long term) the relevant Academy will invite Occupational Health to establish the state of the employee's health and receive an opinion on the expectations for a sustained return to work.
- 19.2 The employee will need to be informed of the approach to Occupational Health. A letter, telephone call or visit at home by the relevant Manager or Headteacher to allay any concerns the employee may have, will be necessary. The manner in which this is done, particularly in the case of a home visit, is extremely important. Primarily the aim is to maintain the contact with the employee and check their current position.
- 19.3 When it seems clear that the employee is going to be off for a long period or where a long-term illness has been diagnosed, the relevant Manager or Headteacher will need to assess the situation in conjunction with the HR service provider. If there is a clear prognosis of recovery within a reasonable time span no further action will be necessary apart from maintaining a level of contact which is reasonable with the employee.
- 19.4 If the prognosis is uncertain the relevant Manager or Headteacher will write calling the employee to a first formal review giving a minimum of five working days' notice. The employee should be advised of their right to be represented by a Professional Association, Trade Union or work colleague and sickness records should be sent to them.
- 19.5 Efforts to contact the employee will largely be determined by the individual circumstances and particularly the nature of the illness. A sensitive approach should be applied, especially when attempting to contact employees with serious illnesses. Advice and possible assistance can be sought from Occupational Health in such cases.
- 19.6 The employee will need to indicate whether they are to attend the meeting, or if not whether they would prefer it to take place in their home or alternatively they could arrange for their Trade Union or work colleague to attend on their behalf.
- 19.7 The first formal review may take place in the employee's absence but this will only be appropriate where the employee has indicated that they are unable to attend. When the employee indicates that they would wish to attend the meeting in person but are unable to do so e.g. because they have a hospital appointment, the meeting should be rearranged. The relevant Academy does however have the right to conduct the meeting in the employee's absence depending on the circumstances.
- 19.8 The Teachers Pay and Conditions Document states that a teacher's sickness entitlement for long-term absence amounts to a maximum of 100 days full pay and 100 days half pay. There may be an exceptional circumstance whereby the Headteacher wishes to extend this entitlement and this will require the Headteacher to seek the approval of the Local Governing Body before implementation.

20. First Formal Review

20.1 Under the long-term absence procedure the first formal review is meant to determine: -

- (a) The treatment of the employee and the prognosis of the recovery within a reasonable length of time.
- (b) The likely length of continuing or repeated absence.
- (c) The level of need for the post holders work to be covered as applicable.
- (d) Whether in all the circumstances the employer can be expected to wait for the employee to return to work.

20.2 This long-term absence may end but shorter repeated absence due to a chronic long-term complaint may persist afterwards and should be considered as part of the overall long-term sickness period.

21. Aim of the First Formal Review Meeting

21.1 The first formal review meeting will need to obtain answers to the questions given above as well as explain the medical referral process to the employee. The relevant Manager or Headteacher must at all times treat the employee with sensitivity but at the same time explain their concern about implications for education delivery.

21.2 All parties must agree a time when the position will be reviewed including consideration for possible re-deployment.

21.3 The outcome of the meeting should be confirmed to the employee in writing by the relevant Manager or Headteacher within five working days of the meeting.

22. Medical Advice and Review Period

22.1 During the review the relevant Manager or Headteacher if appropriate maintain contact with the employee to keep them up to date with developments of work and continue to show concern. Also during this time Occupational Health will continue to give medical advice to the relevant Manager or Headteacher.

22.2 The purpose of the Occupational Health report is to: -

- (a) Establish the nature of the illness.
- (b) To determine if the employee is fit to return.
- (c) To determine how soon the employee might be fit to work again.
- (d) To clarify what future treatment is envisaged.
- (e) Recommend specific arrangements e.g. light duties for a period of time, alternative work or a phased return to full duties.

22.3 In preparing the report Occupational Health will take account of the views of the employees GP or specialist. The Equality Act 2010 (Disability) Regulations 2010 places a requirement upon employers to consider making reasonable adjustments to their employment arrangements or premises if these substantially disadvantage a disabled person.

23. Contractual Review

- 23.1 A contractual review meeting will be conducted by the relevant Headteacher or, if they have acted as the Manager in the case, by a panel of Trustees, and should be held after a period of time long enough to establish the likely prognosis.
- 23.2 Occupational Health should be asked as to whether a further review of progress is necessary before any prognosis of the employee's future state of health can be given.
- 23.3 It may be appropriate to consider reducing working hours. Alternatively, consideration should be given to either identifying an alternative type of job or redesigning the employee's substantive post to suit the employee's capabilities.
- 23.4 Whatever the situation it would be sensible to view the contractual review meeting as a "case conference" involving the employee, their representative, the relevant Manager (or Headteacher acting as the Manager), support from the HR service provider, and the conducting Headteacher (or if they have acted as the Manager in the case, by a panel of Trustees) and with relevant medical advice to consider all the options.

24. Process for Contractual Review

- 24.1 The letter convening the contractual review meeting should outline the employee's sickness record to date and should inform them that as a result of the review a decision may be made by the Headteacher or Governors to bring the contract of employment to an end.
- 24.2 The purpose of the meeting is to: -
- (a) Explain the medical advice received.
 - (b) Where the advice is not encouraging to explain the implications for the employees colleagues and on the service.
 - (c) To determine the likely duration of the absence or continuation of the condition.
 - (d) Check the potential for re-deployment within the Academy or job re-design.
 - (e) Check the appropriateness of ill health retirement.
- 24.3 Where a full return is expected but not within the near future or where the prognosis is indeterminable or where there is a medical condition causing persistent short term sickness the Headteacher or Trustees must assess whether in all the circumstances the employees continued absence is tolerable.
- 24.4 A decision regarding the contractual review should take account of: -
- (a) Length of service.
 - (b) The impact on the Academy.
 - (c) The need for the work to be covered.
 - (d) The effect of the absence on other members of staff.
 - (e) Past incidences of sickness if relevant.
 - (f) The skills and value (e.g. in terms of relevant experience) of the employee.

25. Termination of Contract

26.1 Where a decision to terminate the contract is made by the Headteacher or Governors this will be made on the grounds of capability due to sickness. The Academy will follow the agreed managing sickness procedures. A formal letter confirming this decision must be sent to the employee within five working days of the hearing.

25.2 The letter will set out details of any notice pay to which the employee is entitled (this may be paid in lieu of notice if the employee is not able to attend work due to their sickness).

25.3 The letter will also advise the employee of the right of appeal against the decision. Appeals will be heard by a Trust panel in accordance with the rules and procedure laid down for appealing against dismissal in accordance with the dismissal procedure, as for Appeals against dismissal for persistent short term sickness absence.

26. Variations

26.1 There will occasionally be cases, which are not straight forward when it comes to applying the sickness procedure. The management of such cases must be considered first and foremost on an individual basis taking into account all circumstances.

26.2 Whilst the recommendation is for flexibility to allow scope for a range of situations it is important that the relevant Manager or Headteacher endeavour to maintain the Trust's guidelines as laid down in this procedure. This includes trying to maintain a level of consistency across the Academy. In reality the occasions that such variations arise should be minimal but it is important that the ground rules for applying the procedure are observed.

Appendix 1

Guidance on Employees Returning to Work after Long term Illness or Injury

1. Introduction

1.1 The majority of employees who return to work after a period of illness or injury will return to their original employment and cope effectively with the full range of duties and responsibilities. However some will require a period of re-adjustment, particularly in cases where work stresses may have contributed to the illness.

1.2 This need for a phased return will normally, be recommended either by the employees GP, or Consultant, and confirmed by the Academy's Occupational Health service.

2. Benefits of a phased return to work

2.1 Potentially these arrangements may reduce the duration of sick leave, and achieve some output by the employee who otherwise would remain absent from work.

2.2 A phased return aims to restore the employee's confidence in their ability to do their job and will benefit both the relevant Academy and the employee.

2.3 This procedure gives a defined period of time, normally a **maximum** of up to 6 weeks, where full pay will be paid to an employee on phased return.

2.4 It therefore gives the relevant Manager or Headteacher, and the employee, a clear timetable to achieve a successful return to work, and a reasonable length of time where full pay can be sustained, even if the medical advice for a phased return extends beyond the initial 6 week period.

3. Arrangements during the phased return

3.1 Long term sickness cases or complex sickness issues are referred to the Occupational Health under the Sickness Policy.

3.2 Requests for a phased return may come from the employee's GP or Consultant, or from discussions arising between the employee and the Manager.

3.3 The relevant Manager or Headteacher will seek specific advice from Occupational Health regarding potential return to work arrangements. Types of arrangements that need to be considered can include: -

- Carefully monitored part time work
- Simple adjustment of working hours, including reduced hours
- Job modifications ('light duties')
- Re-organisation of work station

- 3.4 The recommendation must be supported by the employee's GP or Consultant, and the GP must provide the employee with a certificate stating they are fit for work, on a phased return basis.
- 3.5 A phased return to work will normally be a maximum of 6 weeks, and it may be advisable to adopt a staged approach to both working hours and range of duties and responsibilities.
- 3.6 There should be no modification to the employee's pay during the initial 6 week period. However Occupational Health may recommend a longer period of phased return. The Manager or Headteacher will need to decide :
- whether to continue paying full pay for the rest of the phased return period,
 - whether to reduce pay to what the employee is actually working
 - whether to agree with the employee to offset accrued annual leave, to offset the time when the employee is not at work.
- 3.7 It is expected that an extension of full pay will be limited and only for extenuating circumstances. Any extension must be agreed in consultation with the Headteacher and Chair of Governors.
- 3.8 In reaching that decision the relevant Headteacher and Chair of Trustees need to consider the revised period of phased return, whether funding is available to pay for that period, the individual employee's personal circumstances, and the effect that extending the period of full pay has on morale of close colleagues.
- 3.9 A phased return is intended to facilitate the employee's return to their substantive post. However, in exceptional circumstances, there may be agreement for the employee to return on a phased basis to a lower graded post. If this is the case then salary/pay will be that of the lower graded post from their date of return to work on a phased basis.
- 3.10 Occupational Health will review the employee at the end of the phased period of return and advise whether the employee is fit to return to their full duties. If so the employee may then return to their normal working arrangements.

4. Obligations of the Manager

- 4.1 Prior to the employee's return, the relevant Manager or Headteacher should invite the employee for a visit. This is likely to 'break the ice', and reduce any anxiety the employee may experience following a lengthy absence
- 4.2. The relevant Manager or Headteacher needs to advise employees in writing of the details of the phased return that should include the warning that full pay may be withdrawn after the 6 week period.
- 4.3 During the phased return period, the relevant Manager or Headteacher shall meet with the employee at least every fortnight to review how the arrangements are working, and whether further adjustments/review is necessary. These meetings should be documented so that the Manager or Headteacher and employee have a clear record of their discussions.
- 4.4 Normally Occupational Health will arrange at least one interim review with the employee during the phased period, but the Manager or Headteacher or employee may initiate a further review with Occupational Health if any concerns arise.

5. Issues that may arise

Annual Leave

- 5.1 Annual leave accrues during the period that the employee is off sick. Employees on long term sick leave are allowed to take their annual leave during their sick leave and should be made aware of this. However, an employee must request their leave, but when they do so will **not** be able to claim sick pay as well as annual leave. An employee does **not** have to provide signing off/on certificates and therefore Departments will need to set up clear processes with Payroll to ensure they are kept informed and the employee receives their correct pay and entitlements.
- 5.2 On their return from sick leave, the employee would be entitled to their full leave entitlement for the current year at **full pay**, irrespective of the hours that the employee may be working. However if the phased return extends beyond the initial 6 week period, annual leave may be offset to make up time when the employee is not at work.

Sickness during phased return period

- 5.3 If an employee is unwell during their phased return period, then normal sickness reporting and payments procedures will apply. If the sickness is of the same or similar nature to their long-term ill health, the Manager will notify Occupational Health requesting them to review the situation with the employee and report back to them.

Disability arises

- 5.4 On the employee's return, it may be clear that the employee has a condition that is a disability as defined in the Equality Act 2010 (Disability) Regulations 2010. Under those provisions the Academy has a legal responsibility to make reasonable adjustments to meet the individual's needs. This may mean providing specialised equipment or permanent changes in the hours an employee works beyond a phased return. Every effort must be made to accommodate the employee's disability.

6. Further Information and Advice

- 6.1 Advice and guidance may be obtained from the relevant Academy's HR Service Provider.

PART B

Guidelines for Absence Entitlement

Introduction

This policy covers annual leave, family leave and miscellaneous leave.

The policy applies to:

- all employees of the Academy, including the Headteacher;
- staff employed in units or bases that are attached to a Academy

The procedure does not apply to:

- employees of external contractors and providers of services.(Such staff are covered by the relevant procedures of their employing body)

2. PURPOSE SCOPE & PRINCIPLES

- SECAT recognises and values the contribution of each member of staff to the education of the children in the SECAT Academies.
- Annual leave and occupational sick leave will be in accordance with the relevant conditions of service for teachers and support staff.
- Other leave of absence will normally be on an unpaid basis, unless otherwise specified.
- The operational needs of the Academy will be paramount and, except in emergency circumstances, adequate notice of a request for leave of absence must be given.
- The responsibility for exercising discretion on behalf of the Local Governing Body is the Headteacher's, in accordance with the professional duties defined in the School Teachers Pay and Conditions Document.
- Any dispute or grievance about a request for leave of absence or payment during leave of absence will be dealt with through the SECAT Grievance Procedure.
- A principal purpose in setting out this Policy is to ensure that requests are dealt with fairly and consistently.

- All staff within SECAT will be required to follow the relevant Academy's procedures for requesting leave of absence and for reporting absence where they are primarily based.

3 Annual Leave Entitlement for Employees Covered by local Government Terms & Conditions

For support staff that have a contract for 52 weeks per year, the leave entitlement is dependent on continuous Local Government service. See schedule with contract. Term time only staff must take their leave during the Academy holidays. Only in exceptional circumstances and with the express consent of the Headteacher can leave be taken at other times and this would be unpaid. Full time staff must follow the procedure for request of holiday leave.

The Academy is entitled to direct an employee to take annual leave to meet the needs of the Academy and will provide a minimum of 14 days' notice.

4 Teachers' Working Time

A Teacher employed full-time must be available for work for 195 days in any Academy year.

190 of those days must be days of which he/she may be required to teach pupils and perform other duties and 5 days must be days on which he/she may only be required to perform other duties. The same applies for a Teacher employed part-time, except the number of hours he/she must be available for work must be a proportion of full-time hours.

In addition to the hours a teacher is required to be available for work, he/she must work such reasonable additional hours as may be necessary to enable him/her to discharge effectively his/her professional duties.

These provisions do not apply to Deputy Headteachers, Assistant Headteachers, Advanced Skills Teachers or Teachers in receipt of an acting allowance for carrying out the duties of a Headteacher, Deputy Headteacher or Assistant Headteacher.

5. Special Occasional Leave of Absence

The entitlement applies to each occasion. However, if an employee puts in a number of applications within a year the manager may be justified in making a judgement on whether the amount of leave requested was excessive. An employee must be capable of performing the job they are employed to do and, like excessive sickness absence, an excessive amount of special leave, is not acceptable.

The Trust's policy as agreed by the board of Trustees is:

Each request for leave must be considered on its merits. The type of circumstances that are covered, and the maximum leave that is advised to be approved by either the relevant Headteacher or a Trustee include:

5.1 Time off for a sick child

The first day within a term is normally paid to allow the employee to make arrangements for child care. Any further absence should be unpaid except in exceptional circumstances e.g. hospitalisation.

5.2 Compassionate, Emergency or Exceptional Leave

Staff can be granted leave in compassionate, emergency or exceptional circumstances, such as the death or serious illness of a close relative or equivalent. The leave is to deal with the immediate issues and to sort out long term arrangements if necessary. In some cases a longer period of absence may be approved on an unpaid basis.

(a) Bereavement

- (i) Dependent or immediate family member e.g. parents (in law), sister/brother (in law), (step) parent, foster parent, (step) child, (step) brother, (step) sister, (step) grandparent.

Headteachers may approve: up to 5 days- Pay at discretion of Headteacher
Trustees may approve: up to 15 days- Pay at discretion of Trustees

- (ii) Other relatives

Headteachers may approve: up to 3 days - Pay at discretion of Headteacher
Trustees may approve: up to 10 days - Pay at discretion of Trustees

Leave is to be taken at the time of bereavement only (i.e. if bereavement takes place during an Academy closure the leave of absence permitted when the Academy re-opens will be calculated from the actual date of bereavement). Additional unpaid leave may be granted at the Headteachers/Governors discretion.

(b) Serious Illness (including urgent hospital/dental/medical treatment)

- (i) Dependent or immediate family member (e.g. Husband, Wife, Son, Daughter, Father, Mother)

Headteachers may approve: up to 5 days - Pay at discretion of Headteacher
Trustees may approve: up to 15 days - Pay at discretion of Trustees

- (ii) Other relatives

Headteachers may approve: up to 3 days – Pay at discretion of Headteacher
Trustees may approve: up to 10 days - Pay at discretion of Trustees

Absence of staff must be shown to be necessary and unavoidable for leave of absence with pay to be granted. Additional unpaid leave may be granted at the relevant Headteachers/Trustees discretion.

(c) Attendance at a funeral

Paid leave of absence will be granted for attendance at a funeral in a representative capacity. Leave of absence for attendance at a funeral of any other relative (other than those listed above) or friend may be granted at the discretion of the board of Trustees but would normally be unpaid.

5.3 Other personal reasons

Exceptionally, there may be other personal reasons for requesting leave of absence. Examples might be attendance at a child's graduation ceremony - pay for one day, or accompanying a partner on official engagement – leave without pay, 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.

5.4 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.

5.5 Moving house

Up to 1 day paid leave (during your employment at the Academy) will be granted.

5.6 Service with Auxiliary Forces

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

5.7 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 relevant Academy does not have to continue to pay them, the Ministry of Defence (MOD) will pay their salary. For

further information on mobilisation, please refer to the SaBRE (Supporting Britain's Reservists and Employers) website: www.sabre.mod.uk

5.8 Carryover of annual leave

SECAT expects all non-teaching employees to take their full entitlement of leave in each leave year, which runs from April to March. In exceptional circumstances an element can be carried over by arrangement with the relevant Headteacher. Carry forward must be taken prior to 31 May.

5.9 Religious Festivals

Where staff can show that they are bona fide adherents of any organised religion and that they require leave for the purpose of an official holy day, the Board of Trustees/Governors will allow up to 2 days. Staff taking such leave are asked to make up this time at a later date or take unpaid leave.

5.10 Doctors, hospital and dental appointments

Routine appointments should be made outside working hours (for urgent treatment see 5.2 serious illness). In exceptional circumstances staff may be granted permission.

5.11 Attendance at Court Proceedings

5.12.1 Jury Service

Staff required to attend for jury service should arrange for the loss of earnings certificate to be forwarded to the Academy's payroll team. 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.

5.12.2 Witness summonses and subpoenas

Staff subject to a witness summons or subpoena – leave without pay. Claim should be submitted to court for loss of earnings as appropriate.

5.12 Public Duties

Academy employees may be granted up to 10 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 Academy Governor's, up to 3 days per annum will be paid. In addition to this, unpaid leave, can be granted for employees carrying out public duties.

5.13 Study/Examination Leave

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

5.14 GCSE Duties & Activities

For Teachers who are engaged in activities for examining groups, please refer to appendix II of the Burgundy Book, Memorandum of Agreement for the Release of Teachers.

5.15 Time off for Trade Union duties

SECAT recognises the legal requirement for employers to allow reasonable time off work for the relevant Academy'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 Academy management or LEA 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.

5.16 Bad weather conditions

There may be circumstances when the employee is unable to attend work due to bad weather, but the Academy remains open as usual. All reasonable effort 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.

6 Maternity, Paternity, Adoption, Carers Leave & Antenatal Care

There are specific entitlements for maternity, paternity, adoption, carer's leave and antenatal care contained in the Carers Guide for Schools, a copy of which can be obtained from the SECAT office.

7 Interviews

The Board of Trustees recognises the increasing tendency for prospective employers to require interviewees to attend for more than one day, especially for management posts. There is also a growing tendency to expect prospective candidates to undertake a preliminary visit before the formal interviews.

In order to maintain a fair balance between the operational needs of the relevant Academy and to minimise the burden on other staff, and to be fair to employees who will be seeking to further their career, the Board of Trustees will grant leave of absence for interviews as follows:

- a) The relevant Headteacher is empowered to approve up to a maximum of 6 days paid leave of absence for interviews, to cover both formal and informal stages of the process, during any one academic year.
- b) Further leave of absence for this purpose will normally be agreed and will be on an unpaid basis.
- c) For support staff any days beyond the initial 6 days could be made up during holiday periods, instead of being on an unpaid basis, provided that their work can be carried out during holiday time.

8 Unauthorised Absence

If an employee takes leave of absence without the prior consent of the relevant Headteacher this may warrant an investigation under SECAT's Disciplinary procedure. .

APPENDIX 2

Type of Leave	Legal Requirement	No Legal Requirement	Paid	Unpaid	Paragraph
Annual Leave entitlement for Local Government staff	✓		✓		3
Time off for sick child		✓	✓		5.1
Compassionate, Emergency or Exceptional Leave	✓		✓		5.2
Other personal reasons		✓		✓	5.3
Extended Leave of Absence		✓		✓	5.4
Moving House		✓	✓		5.6
Service with Auxiliary Forces	✓		✓		5.7
Mobilisation	✓		✓		5.8
Carry over of annual leave		✓	✓		5.9
Religious festivals		✓		✓	5.10
Sporting Events – work related		✓	✓		5.11

Attendance at Court Proceedings - work related		✓	✓		5.12
Type of Leave	Legal Requirement	No Legal Requirement	Paid	Unpaid	Paragraph
Public Duties	✓			✓	5.13
Study/ Examination Leave		✓	✓		5.14
GCSE Duties & Activities		✓	✓	✓	5.15
Trade Union Duties	✓		✓		5.16
Bad Weather Conditions		✓		✓	5.17
Time off for appointments (Doctor, Dentist etc.) See relevant section for detailed explanation		✓	✓		5.18
Maternity, Paternity, Adoption, Carers leave & ante-natal care	✓		✓		6
Interviews		✓	✓		7