



Sickness and Absence Policy

Summer 2020

Role	Signature	Print Name	Date
Chair of Management Committee		ANGELA PINNER	
Executive Head		PAUL MORTON	
Head of School		TIM SKAZICK	
Head of School		NICKY HOWES	
Head of School		SANDRA MAHONEY	
Prepared By:		PAUL MORTON	

Adopted on: Summer 2019

Last Adopted: Summer 2020

Next Review Date: Summer 2021

CONTENTS

1. Purpose
2. Scope, aims and principles
3. Exceptions
4. Roles and responsibilities
5. Disability
6. Pregnancy-related absence
7. Absence due to alcohol or drug misuse
8. Referral to occupational health
9. Sickness absence reporting procedure
10. Certification
11. Sick pay
12. Monitoring absence
13. Unauthorised absence
14. Trigger points
15. Short-term and long-term absence definitions
16. Informal stages: return to work / informal meetings
17. Formal stages: ill health capability review procedure
18. Appeals
19. Medical redeployment or retirement
20. Examples of leave of absence

Appendix 1: Procedure for a Hearing

Appendix 2: NLPP Bradford Scales 1

1. Purpose

The use of the term Headteacher throughout this procedure refers to the person who has responsibility for managing attendance within each establishment or across the establishments and refers to either the Executive Headteacher or the individual Head of School in each establishment of an employee or group of employees.

This Sickness and Leave of Absence Management Policy and Procedure has been developed to assist in the management of sickness absence and to create a culture of attendance, underpinned by clear reporting procedures and active management and monitoring of absence throughout the schools. It also aims to help the Management Committee to manage requests in a fair and consistent manner taking into account the educational, operational and budget needs of the school, whilst recognising that the success of the school depends upon the contribution of all staff and acknowledging that a fair and effective policy contributes to the maintenance of staff morale and thereby to the success of the school.

Everyone feels the impact of ill-health and absence. It can significantly affect how the school performs and affects the service the school provides. When managing discretionary leave of absence requests, Headteachers and the Management Committee should consider arrangements in place for granting authorised absence to students. The basic principles attached to authorising absence for students will also apply to staff. It is hoped that most staff will not unreasonably apply for discretionary leave of absence during term time and that staff will recognise the disruption that such a request will cause to learning. However, it is recognised that there will be occasions when leave during term time may be unavoidable and this document is designed to help Headteachers and the Management Committee to deal requests for such leave.

Reference is made to all types of absence within the policy.

2. Scope, aims and principles

This procedure applies to all staff, except during any probationary period, when probation procedures will apply.

The management committee aims to:

- Maintain high levels of attendance;
- Minimise disruption to the education of pupils;
- Treat employees' absence in a consistent, fair and sensitive manner;
- Provide a reasonable and safe working environment, appropriate welfare support, and advice on general health issues
- Enhance employee relations
- Ensure prompt action is taken
- Recognise where relevant training is necessary
- Create a positive culture which supports the health, safety and wellbeing of staff

The school's principles are:

- Good attendance is recognised and valued
- All absences are treated as genuine, unless there is reason to doubt this
- The absence management procedure is designed to be proactive and support rather than punitive
- Management of absence will be dealt with in a non-discriminatory way

- Individuals and health-related information will be treated with respect and in confidence, in accordance with the requirements of the Data Protection Act and the Access to Medical Reports Act
- Open communication between managers and employees is greatly encouraged

In relation to a requested leave of absence the following principles are non-contractual and may be amended at any time

Statutory Obligations are under the following:

- Time off for trade union duties in accordance with provisions in Section 61 and 62 of the Employment Rights Act 1996.
- Time off with pay for safety representatives, appointed/elected by recognised trade unions both to carry out safety functions and to undergo relevant training.
- Paid time off for maternity, paternity, adoption and shared parental leave.
- Paid time off for ante-natal care under section 55 of the Employment Rights Act 1996, as part of the provisions for maternity leave (as substituted or amended).
- Unpaid time off for ordinary parental leave, dependants and domestic emergencies.

The following national provisions currently exist and are incorporated in to this policy.

Teachers (Burgundy Book Section 6)

- External examinations: paid leave for duties in connection with these in certain circumstances
- Jury service: paid leave entitlements should be comparable with other local authority officers
- Trade Union Facilities time: will be paid or unpaid depending on activity (also a statutory provision)
- Other circumstances: such as participation in Parliamentary elections, national representation in sport

Support Staff (Green Book Section 7)

- Public duties: paid leave for jury service, serving on public bodies, undertaking public duties
- Medical screening: paid leave for the purpose of cancer screening
- Special leave: paid or unpaid additional leave may be granted in special circumstances at the discretion of the employing authority

3. Exceptions

This policy does not cover the following:

- annual leave: determined by relevant terms and conditions of employment
- Flexible working arrangements, for which separate arrangements apply
- Leave associated with redundancy, for which separate arrangements apply

4. Roles and responsibilities

The Management Committee is responsible for minimising the disruption to the school due to the absence of its employees. The Management Committee will review the policy regularly to ensure that it remains fit for purpose, that it is being used fairly and consistently for staff whilst at the same time, supporting the educational needs of the students and is sustainable against the school's budget. The purpose of this policy is to ensure that:

- The school exercises its duty of care and has proper regard to the health, safety and welfare of its employees;

- the Management Committee's [and, where appropriate, the Local Authority's broader] responsibility to promote a healthy workforce is acknowledged;
- all members of staff understand that repeated or long term absence has a demotivating impact on other colleagues and impacts on the learning and achievement of pupils;
- all members of staff understand that absence always has a cost, whether direct or indirect.

The **Management Committee** will delegate to the Headteacher the necessary discretion to operate absence management procedures and arrangements; and ensure that fair and consistent standards are applied to the management of absence.

The **Headteacher** (with the assistance of senior staff) is responsible overall for the day-to-day management of absence, both sickness and requested. They will also ensure that all management employees have appropriate training/coaching on this policy and its guidelines to ensure consistency of its application. The Headteacher is also responsible for ensuring that should an employee require a return to work meeting on returning from absence, they have it as soon as reasonably practicable, and that the relevant forms are completed and then passed to the Bursar/Business Manager in a timely manner for recording and monitoring absence.

The Headteacher, or relevant nominee, will consider all requests for discretionary leave of absence and approve or refuse in line with this policy in a fair and consistent manner, having regard to: the nature of the request; any statutory obligations; pupil/student educational provision; service needs; eligibility, any previous requests, and the degree of flexibility that the Headteacher already has in current working arrangements.

Except in emergencies, on receiving a Leave of Absence Request Form from a member of staff, the Headteacher, or relevant nominee, will complete the form and return to the individual setting out the decision. If further information is required before making a decision the Headteacher, or relevant nominee, will arrange a meeting with the member of staff as soon as is practicable and with due regard to the timing of the intended absence. They will discuss the circumstances of the request, gather all the necessary information and document the outcome of the meeting on the request form.

Where the leave of absence request is made by the Executive Headteacher the request should be made to the chair of the Management Committee.

Once authorised the request form will be passed to the Business Manager, or other appropriately designated role, for processing.

The Headteacher will ensure that there are proper records of all requests for time off and that a copy is placed on the individual's personal file on each occasion. This will include retrospective consideration in cases of emergency.

The **Bursar/Business Manager** will ensure that the school has suitable arrangements for enabling employees to notify sickness absence; for communicating information about absence in a timely manner for payroll and other necessary purposes; and for following up absence in appropriate circumstances in line with HR guidance.

Employees have a duty to attend for work unless they are unable to do so through sickness or injury, or unless their absence has been otherwise approved. They have a responsibility to report their own absence through sickness or other emergency using the school's procedures, and to produce medical evidence as required. Employees are also expected to participate fully in any occupational health or other appropriate medical review process/provision offered by the school, or other agencies, in support of their health and

attendance at work. Failure to do so may limit the support or information that the school is able to consider when making decisions under this procedure.

Employees are expected to take steps to avoid requesting time off during term time wherever practicable. It must be understood by all that absences from work have an adverse effect on service delivery.

Unless there are exceptional circumstances preventing the employee from doing so, any requests must be submitted at least one week in advance of the proposed date(s) of absence, in order to allow the Headteacher or relevant nominee, adequate time for consideration.

A template Leave of Absence Request Form can be found at Appendix A. The employee should complete it as fully as possible, in order to assist the Headteacher, or relevant nominee, in considering the circumstances of the request.

If an unexpected emergency arises and the employee is unable to request the leave of absence in advance, he/she must inform the Headteacher, or relevant nominee, as soon as is practicable, by telephone if necessary.

On returning to work, the employee will need to account for the time off in the same way as he/she would normally have done, had the request been submitted in advance, in accordance with this policy. Further information about monitoring is set out in section 11.

5. Disability

The Equality Act 2010 makes it unlawful for the school to unjustifiably treat a person with a 'protected characteristic', such as a disability, less favourably than a person who does not have a disability for any reason related to the person's disability. Disability should not be equated with poor health.

The Act also requires employers to consider all reasonable adjustments in the school which would enable an employee with a disability to continue to work. Therefore, the school will ensure that all reasonable adjustments are considered and, where possible, provided, in discussion with the employee.

The definition of disability, according to the Equality Act 2010 is "a physical or medical impairment which has a substantial and long-term negative effect on his or her ability to carry out normal daily activities". Long-term in this definition is taken to mean more than 12 months (i.e. where from the diagnosis, the illness is likely to last more than 12 months). This definition also includes long-term illness such as cancer; HIV; and mental health problems such as clinical depression.

6. Pregnancy-related absence

It is recognised that a pregnancy may result in various medical absences at different stages and the school will treat these supportively. No action under the provisions of this procedure will be taken against a female employee who is absent from work due to a pregnancy related illness. However, absence levels will continue to be monitored and where the school has concern about the reasons or lengths of absence, it reserves the right to formally investigate the nature and cause of the absences. Absences in the four weeks leading up to the expected week of childbirth may result in maternity leave starting early at the request of the employer. For further information, see separate Maternity guidance.

7. Absence due to alcohol or substance misuse

Where poor attendance is related to alcohol or drug use, the headteacher should seek advice from their HR Caseworker.

8. Referral to occupational health

Early occupational health advice can be a significant part of supporting an employee to improve their attendance; recover their health; or achieve a successful and sustained return to work. The school will consider accessing appropriate professional occupational health advice and support as necessary.

The headteacher will normally make any referral, although this responsibility can be delegated to another senior member of staff.

The employee will be advised that a referral is going to be made and, be encouraged to seek the support of the school's wellbeing programme and the support of their professional association if they have not already done so. In some circumstances, it may be necessary to inform the employee in writing.

An employee will not be compelled to attend a meeting with occupational health, but will need to be made aware that the school may have to make a decision about his/her continued employment without the help of a medical opinion, which may be to the employee's disadvantage, if they choose not to participate in any review offered. Failure to engage with occupational health support may also affect the entitlement to occupational sick pay.

The support of occupational health can be sought at any stage and need not wait until the employee is absent due to ill health. Normally however, the headteacher (or other nominated senior manager) will refer an employee when a return to work interview or a 'trigger point' (see section 13) suggests it may be appropriate, or where the employee continues to be absent after ten working days. In some circumstances, referral may not be necessary, for example, where the nature of the medical condition is clear, the prospect of return to work well-defined (e.g. a broken limb or routine surgery) and advice regarding appropriate support and/or adjustments in the workplace is readily available, for example, from the employee's GP or a consultant.

Where it is known at the outset of the absence that an employee will be absent for an extended period, particularly in the case of stress-related absence, an earlier referral will be actively considered.

There is no self-referral process for employees, although an employee may request to be referred by the school.

8.1 Factors to be considered by occupational health

Depending on the questions asked by the school as part of the referral, the occupational health service is likely to consider the following:

- Whether or not the employee is likely to attend work regularly and resume the full duties of the post in the foreseeable future
- Whether there is a disability; how any disability affects the employee; and whether any adjustments are required
- Any recommendations on convenient and effective ways in which duties or circumstances could be re-arranged, on either a temporary or permanent basis, taking in account the fitness and ability of the employee and recognising the individual circumstances of the school and its over-riding need to provide a high quality education for its students

- If not, whether there are other kinds of work which would suit his/her abilities, or which, with further training, could be considered
- Whether ill-health retirement is an option
- Whether there is any other support the school, or other agencies, could reasonably consider offering.

Following an employee being assessed by Occupational Health, a report will be sent to the Headteacher, or to the senior manager who has made the referral. In the case of a headteacher, this will be sent to HR who will liaise with the Chair of the Management Committee.

Where Occupational Health advice is that the employee is fit for normal duties, they should return to work upon expiry of the current medical certificate. The report may recommend a phased return to work and/or light or limited duties for a limited period.

In situations where Occupational Health recommends a therapeutic or a phased return to work, every reasonable assistance will be provided to the employee to facilitate this. All returns to work should be agreed within a specific timescale and the employee's progress reviewed by the line manager at regular intervals throughout the period.

8.2 Possible Outcomes of Occupational Health Assessment

Fit for work with no adjustments: the employee is fit to return to work with no adjustments to his/her working pattern. It is vital that the Headteacher or nominated person arranges a Return to Work Meeting to discuss the employee's return to work.

Continue to Monitor: it may be that no immediate action is necessary other than to continue to monitor the situation and to organise temporary cover. This approach will be appropriate where a full recovery is likely within a timescale that will not cause unacceptable operational difficulties.

Reasonable Adjustments: Occupational Health may suggest reasonable adjustments to the employee's working environment or role in order to facilitate his/her return to work. It is for the school to decide what adjustments are reasonable having considered the suggestions made in the report.

Therapeutic visits or Phased Return to Work: there may be certain cases where following a long term illness, Occupational Health recommends that it would be beneficial for an employee to return to work on a reduced hours basis, until his/her health has fully recovered. It is expected that a phased return to work should last no more than 4 to 6 weeks. The school will be required to pay the employee his or her normal full salary during the duration of the phased return but for no longer than 4 to 6 weeks. Where a therapeutic return is recommended, it will usually consist of a series of short visits to the school without the expectation that the employee will perform their normal contractual duties and will normally precede a phased return. During such therapeutic visits, the employee is still absent due to ill health and in receipt of appropriate sick pay benefits.

Change of Role: Occupational Health may suggest that the employee would benefit from a change in role or change of duties sufficient for it to be considered a new role. In some cases, it may not be possible to accommodate this suggestion in the same school. In these circumstances, the school will seek advice on any options for supporting the employee to find suitable alternative employment.

9. Sickness absence reporting procedure

Employees who are sick and unable to come to work must contact the Head of school or another designated senior manager no later than 7.30am on the day of absence. Unless otherwise agreed, the employee should contact the school on each subsequent day of absence.

Unless the employee is seriously ill or incapacitated, the employee should contact the school, rather than asking a friend or relative call on their behalf. Only in the most serious of cases, will it be acceptable for a text message or e-mail to be sent instead of making personal contact.

If the employee has been unable to speak to the line manager / another member of staff, at the time of reporting the absence, they may expect further contact from the school to clarify the nature of the absence, its likely duration, any immediate work commitments that will need to be covered or re-arranged, and to discuss any support the school may offer, as necessary.

If the absence is due to an accident or injury sustained during the course of work duties, this information and the name of the person to whom the incident was reported must be made known. This is to ensure that the school's management has properly recorded the incident and, where necessary, taken appropriate remedial action.

10. Certification

All employees are able to self-certification for all absences up to and including seven consecutive calendar days. For all absences of eight consecutive calendar days or longer, the employee must provide a doctor's certificate ("Fit Note"). The requirement for sickness absence to be certificated includes school closure periods.

The employee must keep the school informed of progress. For longer term absence, the school will seek to agree a regular pattern of contact, usually weekly, with the absent employee. Headteachers should keep a record of their contact with the employee. Other than in the most exceptional circumstances, it is not acceptable for there to be no contact between the school and its employee.

11. Sick Pay

Employees have an entitlement to receive sickness pay during any period of sickness. This consists of Statutory Sickness Pay and an Occupational Sickness Pay entitlement. In this school, in exceptional circumstances, the management committee may consider using its discretion to extend an employee's entitlement to occupational sick pay, in the knowledge that any costs of doing so will fall to the school's budget. In the case of teachers absent due to accident, injury or assault attested by an approved medical practitioner to have arisen out of and in the course of the teacher's employment, the period of full sickness pay is automatically extended up to the date of recovery, but not exceeding six calendar months.

12. Monitoring absence

To ensure that any action taken against an employee for unacceptable levels and/or pattern of absence is appropriate, it is important that an accurate and consistent method of monitoring has taken place

Effective monitoring of absence is dependent on effective recording of absence. As part of induction, new employees will be made aware of the school's absence reporting arrangements and the expectations that

the school has of good attendance. All employees will be made aware that the school will address concerns about absence levels.

It is the responsibility of the headteacher to determine whether formal action is taken. The decision will be based on the cause, amount and frequency of the absence.

It should be noted that none of the definitions set out as part of this procedure prevents earlier intervention if appropriate, nor is it necessary to wait until sick pay has expired before further action is taken.

13. Unauthorised absence

It is the employee's responsibility to adhere to the absence reporting procedures as set out above. However, if an employee fails to report to work, without informing their line manager, it is important that the situation is investigated and the employee given an opportunity to explain. If, after all reasonable efforts have been made to contact the employee, they remain absent without leave, it may be treated as an unauthorised absence without pay and may warrant an investigation under the School's Disciplinary procedures.

14. Trigger points

To enable managers to monitor absence levels trigger points have been agreed. The School's senior leadership team will continuously monitor these levels, and will investigate with the employee any levels or patterns of absence which cause concern and decide whether any action (informal or otherwise) is required. The North Lowestoft PRU Partnership will use the "Bradford" scaling system to help monitor this. **See Appendix 2.**

In any event, absence that reaches any of the following trigger points will be investigated in every instance:

- **Three occasions, or ten working days or more, absence in a rolling three months' period;**
- **All long term absences (10 or more working days)**
- **Unacceptable patterns of absence (e.g. regular Friday and/or Monday absences or school closure periods)**

Due regard must be taken of the Equality Act in relation to disability and pregnancy so as to ensure employees are not placed at a disadvantage as a result of these protected characteristics. Therefore absence relating to rehabilitation, assessment and treatment of a disability and pregnancy related absence should be excluded from the triggers (see the sections 4 and 5 above). Due support and regard should also be given to employee who may be experiencing the effects of, for example, drug or alcohol misuse or domestic abuse. It should be noted that the above trigger points do not prevent earlier intervention if appropriate. Any employee, who the school finds to be abusing the school's sickness absence management arrangements, will be subject to disciplinary procedures, which may lead to dismissal.

15. Short-term and long-term absence definitions

For the purpose of this procedure, short-term absence has been defined as including any of the following scenarios:

- Occasional short-term absence, or
- Recurrent short-term absence where the causes differ and appear to be unrelated, or
- Recurrent short-term absence with an underlying medical condition, or
- Unacceptable patterns of absence (.g. regular absences either side of weekends or school closure periods)

For the purposes of this procedure, long-term absence is defined as follows:

- Continuous absence for a period exceeding 10 or more working days, or
- Where the actual and anticipated future health of the employee makes a return to their current role very unlikely, at least in the immediate future, or
- Recurrent long-term absence with an underlying medical cause.

The school recognises that an employee facing a substantial period of absence from work due to ill health may feel anxious and vulnerable. School managers will be sensitive to these feelings and provide support and reassurance wherever possible. It is important to maintain contact during the absence; the nature and frequency of which is best defined as early as possible between the manager and the employee. On occasion it may be appropriate to meet at a neutral venue, or to make a home visit (although this should only occur with the express permission of the employee).

Employees should also be asked if they would like to receive news, information or briefings available to other colleagues. If an employee requests that there should be no contact at all during sickness, the reason for this should be explored with him/her (or a nominated representative) – the assistance of the HR Caseworker should be sought if necessary.

As with short-term absence, there is a need to follow a consistent procedure. At all stages, the headteacher / manager should advise the employee of their rights.

16. Informal stages: Return-to-work meeting / informal meeting

Wherever possible, the employee should inform the school no later than the day before the anticipated date of return.

The school may conduct return-to-work meetings for absences, irrespective of length. The meeting should take place on the first day after absence wherever possible. The aim of the meeting is to:

- Ensure the employee is fit to return to work
- Ensure, as appropriate, the employee has taken / is taking all reasonable steps to manage their health and attendance, including accessing medical support as necessary
- Help to identify the cause(s) of the absence and any underlying problems that the employee may be experiencing
- Ensure the employee feels valued and knows that their absence was noticed and that they were missed

- Update the employee on anything that they need to know and, as necessary, assist with re-prioritising their workload following their absence
- Signal to the employee that attendance (and therefore absence) is a high priority for the school
- Ensure that the absence is recorded and the relevant documentation completed
- Make the employee aware if s/he is approaching a trigger point (see section 13), discuss what other support / action might be needed to reduce the employee's level of absence and advise the employee that unless attendance improves, the school will be left with little choice but to adopt a formal approach (see section 16).

A record of the return-to-work meeting will be made, a copy given to the employee and kept on the employee's personal file.

The employee should be informed in writing and invited to a meeting to discuss the evidence in more detail before action is taken under the formal stages of this procedure.

In many circumstances, significant evidence will have already have been gathered as part of the return-to-work process, which the school will simply collate and summarise as evidence.

17. Formal stages: Ill health capability review procedure

Once the level of absence has been identified as a concern, and having taken into consideration the points in earlier sections of this procedure, the Headteacher should consider taking action as outlined in this ill health capability review procedure.

The Headteacher should decide whether he/she or another senior colleague should conduct the meetings at each stage. If the Headteacher is the subject of concern it is normally the Chair of the Management Committee who would be responsible for such a case.

The First and Final Health Review Meetings of this procedure are designed to deal with persistent short-term ill-health cases.

When long-term ill-health, in the opinion of the Occupational Health Physician, makes it impossible for the individual employee to discharge efficiently the duties of the post then consideration of early retirement on grounds of ill-health may be considered, where the employee is a member of the pension scheme. If retirement is not considered an option but there is little likelihood of the person returning to work within a reasonable period, it is quite possible to start the procedure at the Ill-Health Capability Hearing stage.

Return to work meetings will continue to be conducted for absences that arise between any formal meetings.

17.1 First Health Review Meeting

If an employee's sickness absence levels have not improved despite being addressed in their Return to Work Meetings, and the employee has reached any of the trigger points (see section 13), the Headteacher will invite the employee to a First Health Review Meeting.

The invitation will be in writing, giving the employee at least 5 working days' notice and setting out the date and place of the meeting, the reason for the meeting, and stating that they may be accompanied by a trades union/professional association representative or work colleague. As necessary, the school's HR Caseworker and a note-taker may also be present at the request of the school.

The Headteacher will prepare for the meeting by ensuring that they have clearly identified the employee's sickness absence levels and the support that has been provided.

At the First Health Review Meeting the Headteacher will:

- Explain the concern about the absence level and reasons for that concern, such as operational difficulties caused
- Listen to reasons and respond appropriately
- Consider whether to refer the employee to Occupational Health, if not already done
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement, and the next meeting date
- Identify any support required
- If appropriate, give the employee a first written warning and explain that continued failure to improve attendance to the specified level may lead to further action under the school's sickness absence management procedure, which could lead to his/her employment being put at risk

Following the meeting, the Headteacher will write to the employee confirming all the details of this meeting, including a response to any specific points raised by the employee / the representative, any conclusions reached / attendance targets for the monitoring period / points of disagreement and the date of the next (final) review (see 16.2).

If there is a further, significant deterioration in attendance, the Headteacher may bring forward the date of the next meeting, provided that 5 days' written notice is given.

17.2 [Final Health Review Meeting](#)

At the end of the agreed monitoring period, the employee's attendance will be reviewed at a final health review meeting, at which the employee will have the right to be accompanied by a trades union/professional association representative or work colleague.

At the Final Health Review Meeting the Headteacher will advise the employee of one of the following outcomes:

1) The required standard of attendance has been met and sustained

The employee's attendance will be managed under normal absence management arrangements and the written warning will remain active for six months from the date of the Final Health Review Meeting;

2) The required standard of attendance has not been met or significant progress has not been made towards meeting the required attendance level, in which case the Headteacher will:

- Explain the concern about the continued absence level and reasons for that concern, such as operational difficulties caused
- Listen to reasons and respond appropriately
- Consider whether any (further) occupational health advice should be sought
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement, and the next meeting date

- Identify any support required
- If appropriate, give the employee a final written warning and explain that continued failure to improve attendance to the specified level will lead to an Ill-Health Capability Hearing (see section 16.3) which could result in dismissal

Following the meeting, the Headteacher will write to the employee confirming all the details of this meeting, including a response to any specific points raised by the employee / the representative, any conclusions reached / targets set for the final monitoring period / points of disagreement and the date of review.

17.3 Ill health capability review hearing

Where the long-term absence of an employee continues due to the nature of the illness, or, for short-term absence cases, where there has been no, or insufficient, improvement in attendance, or where any improvement has not been sustained, the case will be presented for full review. This may be to the Headteacher, if he/she has not been the decision-maker at earlier stages of the procedure and has the delegated authority to consider dismissal, or to a panel of the management committee's on the school's Hearings' Committee.

The meeting will be set at the earliest possible date, but normally by no later than fifteen working days following the decision to move to an ill health capability review hearing. For cases relating to long-term absence, it is anticipated that the school will have maintained appropriate, regular contact with the employee.

The employee will be advised in writing that a possible outcome of the meeting could be that the Headteacher / panel of governors determines that they should be dismissed.

Details of the case and notification of any witnesses to be called will be circulated to all parties at least ten days before the hearing. The employee will be invited to submit documentation and details of all witnesses, as appropriate. This must be provided at least five days before the hearing.

At the hearing, the manager presenting the case will detail the level of absence, and its impact, that has given cause for concern and refer to any documentation that has been circulated prior to the meeting, including any medical reports.

The employee (or representative) will have the opportunity to present evidence explaining why their level of absence is at its current level (a level of formal concern) and what action they have taken / will take to reduce it to an acceptable level.

In deciding what type of action to take, the Headteacher / panel of managers will review:

- The record and pattern of absence
- The support provided to the employee to date
- Whether there is an underlying illness or any other issues raised by the Occupational Health Service
- The likelihood of an improvement in attendance
- The attitude and response of the employee in recognising and addressing the impact of their absence

- The problems caused by the employee's absence
- Whether all appropriate options, for example, Ill Health Retirement procedures, have been properly explored
- The needs of the school and the best interests of the employee concerned

Possible Outcomes of the Ill Health Capability Review Hearing

The Headteacher / panel of managers, as appropriate, will confirm one of the following outcomes:

1) The required standard of attendance has been met and sustained

The employee's attendance will be managed under normal absence management arrangements and the final written warning will remain active for twelve months from the date of the Ill Health Capability Review Meeting;

2) The required standard of attendance has not been met and / or has not been sustained

The employee will be dismissed with appropriate notice. If the decision is dismissal, wherever practicable, the employee will be informed immediately and advised of the right of appeal. The decision of the Headteacher/ panel of managers, the reasons for it and the appeal arrangements will be confirmed in writing to the employee normally within five working days.

Where appropriate, for a community or voluntary controlled school (whose staff are employed by the County Council), a copy of the letter will be sent to the Director for Children and Young People within fourteen calendar days. The Director for Children and Young People will then formally confirm dismissal by letter to the employee.

18. Appeals

All employees have the right to appeal against any formal actions, i.e. warnings or dismissal, taken against them under the school's Sickness Absence Management Policy.

Warnings: any appeal arising as result of a warning, must be made in writing within fourteen calendar days of the receipt of the decision and include full details of the grounds for appeal and any relevant supporting information. If the warning is given by a line manager, the appeal will be to the Headteacher. If the warning was given by the Headteacher, the appeal is to the Chair of the Management Committee. If the Headteacher is the subject of the formal action, the appeal will be to an appropriated constituted panel of Managers.

Dismissal: Any appeal arising as a result of a dismissal must be made in writing within fourteen calendar days of the receipt of the decision. The appeal will be to a panel of the Management Committee's Appeals Committee and must not include any Managers who have been previously involved in the case. At any appeal any sanction or penalty imposed will be reviewed, but cannot be increased.

The employee has the right to be accompanied by a trades union /professional association representative or work colleague. The Headteacher is likely to present the school's case at the appeal hearing. If the Headteacher is the subject of formal action, the Chair of Managers will assume this role.

Where appropriate the local authority will be represented at appeal hearings by a designated representative member of the Schools' HR Team.

If the recommendation for dismissal is not upheld, the Appeals Panel may decide to issue a further warning or, in appropriate cases, to demote the employee rather than dismiss. Demotion involves a change in the employee's contract that requires his/her consent to the new arrangement.

Wherever possible, the employee will be informed immediately at the conclusion of the appeal hearing and in any case, in writing normally within five working days, giving the reason for the decision.

There will be no further right of appeal for the employee following the decision of the Appeals' Panel of the Management Committee. The employee will not be able to re-open matter that have been considered by looking to invoke a different procedure, such as the Grievance Procedure.

19. Medical Redeployment or Retirement

Any employee who is deemed to be permanently unfit for work, will leave the school's service in a managed and supported way, with any pension benefits to which they are entitled.

In managing medical redeployment or retirement, all staff will be treated equally and consistently. Medical redeployment and retirement will not be applied as a punitive or disciplinary measure.

The school will always endeavour to:

- Monitor and support staff on long-term sickness absence.
- Promote and liaise with the Occupational Health Service, keeping staff advised of the process.

Make reasonable adjustments to existing jobs and workplaces to achieve a return to work wherever possible.

20 Examples of Leave of Absence

The following table lists the typical circumstances where requests for time off may be received, and sets out whether the absence is discretionary or statutory.

The examples of leave given are non-exhaustive and where circumstances arise that are not identified in this policy, the Headteacher will discuss, as appropriate, with relevant members of the Management Committee in order to:

- make the final decision on whether or not leave is granted, and
- whether it is with or without pay.

Advice can also be sought from the school's HR Caseworker. The school will monitor the granting of all discretionary leave in order to assist in a regular review of its policy.

CATEGORY / CIRCUMSTANCES	DEFINITION	TIME ALLOWED
<p>Discretionary Compassionate Leave</p> <p>(Close Family Member)</p>	<p>Compassionate leave is normally intended for circumstances where there is sudden or serious illness or death of a close family member, life partner (including same sex partners) or dependent to support with the grief and bereavement and dealing with any arrangements. Close family members might include but are not limited to e.g. husband, wife, partner, father, mother, son, daughter, brother, sister. The amount of leave granted will reflect what is required in the circumstances taking into account: the relationship with the person in question; whether the employee has a responsibility for the estate of the deceased, the availability of other relatives or friends, the requirements of religious observance if applicable and the distance to be travelled in dealing with the necessary matters and may be less than 10 days. All days are pro rata for part-time employees. In exceptional circumstances additional leave may be approved, subject to the needs of the school but this will be on an unpaid basis.</p>	<p>Up to 10 days pro rata paid depending on circumstances</p> <p>Included within the 10 days pro rata is 1 day to attend a funeral</p>
<p>Discretionary leave to attend the funeral of someone who:</p> <ul style="list-style-type: none"> - is not a member of the immediate family or - is a close personal friend 	<p>Where discretionary compassionate leave does not apply, up to 1 day's leave may be approved to attend a funeral, taking into account the relationship to the deceased and the distance to be travelled.</p>	<p>Up to 1 day paid depending on circumstances</p>
<p>Parental Bereavement Leave</p>	<p>For all employees, regardless of length of service who suffer the loss of a child under the age of 18, including parents who suffer a stillbirth after 24 weeks of pregnancy. Leave may be taken by those with parental responsibility for a child, including parents, the partner of the child's parent and adoptive parents. Please refer to your HR provider if you are unsure if someone is entitled to parental bereavement leave.</p> <p>Two weeks leave can be taken either as a single block of two weeks or in two separate blocks of one week at different times. The leave cannot be taken as individual days.</p> <p>Leave can be taken at the time(s) the employee chooses within the 56 weeks after the bereavement, e.g. perhaps at a particularly difficult time such as the child's birthday. If the employee has lost more than one child, there is a separate entitlement to bereavement leave for each child who has passed away.</p> <p>Within the first 56 days after bereavement no notice need be given to take the leave, but the school should be notified in accordance with the normal arrangements for notifying unplanned absence, or if that is not feasible, as soon as possible. More than 56 days after the bereavement at least one week's notice must be given.</p> <p>The leave is paid.</p>	<p>10 days pro rata, paid</p>

	<p><u>Canceling parental bereavement leave:</u></p> <p>An employee can cancel their planned leave and take it at a different time (within the 56 weeks after their bereavement). Where the planned leave was due to begin during the first 56 days after their bereavement, they must let the school know that they no longer wish to take it before their normal start time on the first day of the planned leave. Where the leave was due to begin more than 56 days after their bereavement, the employee must let the school know at least one week in advance that they wish to cancel it. An employee cannot cancel any week of parental bereavement leave that has already begun.</p> <p><u>Returning to work after parental bereavement leave:</u></p> <p>When an employee returns to work after parental bereavement leave, they generally have the right to return to the same job. However, a slightly different rule applies if an employee returns from time on bereavement leave that follows on immediately from some maternity, adoption, paternity leave or shared parental leave (taken in relation to the child who has passed away), and their total time on leave is more than 26 weeks. In these circumstances, the employee has the right to return to the same job, unless this is not reasonably practical - in which case they have the right to return to a suitable and appropriate job on the same terms and conditions. This rule also applies if their leave includes more than four weeks of ordinary parental leave (taken in relation to any child), regardless of the total length of the leave.</p>	
<p>Discretionary leave to attend a doctor's, dentist or hospital appointment</p>	<p>Employees are normally expected to ensure that appointments for personal visits to the doctor, dentist, hospital etc. are outside of contracted working hours. However, in the event that this is not reasonably practicable, time off from work will be permitted to attend such appointments. Employees should ensure that any time off causes as little disruption as possible, i.e. the appointment is at the beginning or the end of the day. The school reserves the right to see evidence of such appointments, such as a letter or appointment card. Where the appointment is not urgent, and where the time would negatively impact on the employee's area of work, or that of team colleagues, the appointment should be re-arranged to a more suitable time and date wherever possible.</p> <p>Where the Headteacher considers an employee has taken an unreasonable amount of time off for this purpose, the school reserves the right to withdraw payment for such absence, at its discretion and following consultation with the employee. Consideration will be given to the Equality Act 2010 and any statutory right to time off, in all instances.</p> <p>The absence will be recorded as sickness and the necessary self-certification form completed in the normal way.</p>	<p>Paid/unpaid depending on circumstances</p>

<p>Leave for rehabilitation, assessment or treatment as a result of a disability (discretionary although there is a statutory right to leave considered as a reasonable adjustment)</p>	<p>The Equality Act 2010 identifies the provision of paid time off as a reasonable adjustment. It acknowledges that a disabled person may need to be absent from work for “rehabilitation, assessment or treatment”. The Headteacher should authorise this as paid time off during working hours. Disability leave is recorded separately from other sickness absence and is not counted as part of sickness absence entitlement.</p>	<p>Paid</p>
<p>Disability related sickness absence (discretionary although there is a statutory right to leave considered as a reasonable adjustment)</p>	<p>Disability related sickness absence is sickness absence related to an individual’s disability. For example: an episode or relapse of a disability related condition or time off for recuperation following a period of disability leave for treatment. Disability related sickness absence is recorded separately from other sickness absence but is counted as part of sickness absence entitlement.</p>	<p>Paid in line with Sickness Entitlement</p>
<p>Discretionary Emergency/ Dependant’s Leave (statutory right to apply for such leave although granting of such leave is discretionary)</p>	<p>There is a statutory right to unpaid leave to deal with an emergency relating to a dependant (i.e. the employee’s child, spouse, partner (including same sex partners) or parent and any person who lives at the same house as the employee (other than as a lodger, tenant, boarder or employee) or who would reasonably rely on the employee for assistance or arrangements for care in the event of illness or injury). It is expected that this type of leave is taken where the employee has identified short term, rather than long term, caring responsibilities.</p>	<p>Paid or unpaid at the discretion of the Headteacher</p>
<p>Discretionary leave for Fertility Treatment.</p>	<p>As with other medical appointments, the expectation is that fertility treatment occurs outside of contractual working hours where possible. Where it can be shown that there are good reasons why this is not possible, the following will apply.</p> <p>Absence relating to the investigation of a fertility issue will be regarded as sickness absence. In such circumstances, the member of staff will be subject to the school’s normal sickness absence provisions. Female members of staff personally undergoing treatment themselves should note that sickness absence associated with IVF will not be regarded as ‘pregnancy related’.</p> <p>Fertility Treatment</p> <p>Members of staff, who have completed 12 months’ service, may be granted leave for fertility treatment or the support of a partner undergoing the same.</p>	<p>Paid in line with sickness entitlement</p> <p>Up to 5 days paid leave in any 12-month period</p>

	<p>Female staff personally undergoing fertility treatment</p> <p>Wherever possible, appointments related to fertility treatment should be arranged outside of working hours. Where this is not possible, a member of staff may be granted up to 5 working days paid leave in any 12 month period for the purpose of receiving and recovering from IVF treatment and to attend appointments specifically associated with the IVF process (i.e. pre-booked interventions for consultant appointments, collection and delivery of eggs, monitoring tests, etc.).</p> <p>Should the member of staff require time off because of the side effects of the treatment, it will be subject to the normal sickness absence entitlement. Sickness absence associated with IVF will not be regarded as 'pregnancy-related'.</p> <p>The paid leave can be taken to suit the member of staff's needs, subject to operational circumstances, e.g. in one block, separate days or half days. The leave entitlement will be pro-rated for part-time members of staff according to their normal weekly working hours.</p> <p>Members of staff supporting a partner undergoing fertility treatment</p> <p>If it is an essential requirement within the course of the treatment for the partner to attend a specific appointment, the school will allow eligible employees up to one day's paid leave in any 12-month period to support fertility treatment.</p>	<p>Up to 5 days paid leave in any 12-month period.</p>
<p>Discretionary leave to attend interviews</p>	<p>Such leave will be entirely at the discretion of the Headteacher. Any decision will take account of the role being applied for and the likely impact that the absence will have on the school.</p>	<p>Paid at the discretion of the Headteacher</p>
<p>Discretionary leave for moving house</p>	<p>Wherever possible staff are expected to ensure that any house move takes place out of school time. Where it is demonstrated that this is not possible, 1 day's unpaid leave may be granted.</p>	<p>1 day paid at the discretion of the Headteacher</p>
<p>Discretionary leave to deal with urgent/ unforeseen circumstances</p>	<p>Any urgent and unforeseen circumstances (e.g. house fire/burglary/flood) which require urgent attention by an employee and prevents an employee attending work. Reasonable time off will be allowed.</p>	<p>Paid or unpaid at the discretion of the Headteacher</p>
<p>Discretionary leave to attend a child's graduation from University /College</p>	<p>It is recognised that the employee will have no influence over the day when this will occur and that it will normally occur during term time.</p>	<p>1 day paid at the discretion of the Headteacher</p>

Discretionary leave to attend a close family or friend wedding	It is recognised that the employee may have no influence over the day when this will occur.	1 day paid or unpaid at the discretion of the Headteacher
Discretionary leave to take professional examinations or for study	<p>It is assumed that the Headteacher will have approved the course of study and that the gaining of the specific qualification will be for the overall benefit of the school. If this is not the case it would not be reasonable for the Headteacher to allow time off during term time.</p> <p>Where the course of study has been approved, the Headteacher will allow time off as appropriate to enable the employee to take examinations. Only in exceptional circumstances would additional time off be allowed for study leave.</p>	Up to 3 days paid leave in each academic year.
Sporting and similar activities	Selection for representative sporting and similar activities may be seen as an honour for the school and highly motivational for students. The Headteacher should therefore consider sympathetically requests for paid leave of absence to participate in such events (e.g. at county or national level). However, extended absences (e.g. tours abroad) would require special consideration in each case.	Paid
Discretionary additional leave for carers	Although it is expected that employees will make arrangements that do not prevent them from carrying out their normal duties, in exceptional circumstances an employee may apply for leave in addition to paid annual leave, to deal with childcare and other caring responsibilities such as assisting a dependant during or after a stay in hospital, moving a dependant to residential or other form of care, helping a dependant through a medical procedure, etc. It is expected that this type of leave is taken where the employee has identified long-term, rather than short term, caring responsibilities. The granting of such leave is entirely at the discretion of the Headteacher after taking account of the impact such leave might have on the school.	Paid
Discretionary leave for blood donors	Although it is expected that staff will make arrangements to donate blood outside of working hours, if there is an opportunity to donate blood locally and it will mean only a short time away from school with minimal disruption, time off with pay will be allowed for this purpose.	Paid

Gender transition	<p>Time off for surgery and recuperation from surgery for gender reassignment will be recorded as sick leave. Other medical appointments relating to the process will be recorded as sick leave when it has not been possible to make them outside of working hours. There may also be a need for some non-medical appointments, for example for electrolysis or speech therapy. These will not qualify for sick leave. The Headteacher should reasonably consider requests for unpaid leave or allow annual leave or flexi leave, where the system is in operation, for these appointments, when it has not been possible for them to take place outside of work time.</p> <p>Any reasonable absence because of the effects of treatment for gender reassignment should not be taken into account for the purposes of action for unsatisfactory attendance.</p>	Paid sick leave.
Occupational health appointments	<p>Whilst employees are absent due to sickness, there is an expectation that they will make themselves available to attend any Occupational Health appointments regardless of when the appointment occurs. After returning to work, if any further appointments are made during the normal working pattern, paid time off will be granted in order to attend.</p>	Paid leave
Religious observances	<p>The Headteacher should try to accommodate requests for time away from work for religious observance. This includes religious festivals, time away from work during prayer and adjusting working times to accommodate periods of fasting. The Headteacher and the employee should work together to ensure that there is minimum disruption to the school and that leave (which would be unpaid) is avoided wherever possible.</p>	Unpaid
Strike Action	<p>It is an individual's choice as to whether to join strike action, but a normal day's pay will be deducted for each day the strike action continues and the employee remains off work.</p>	Unpaid
Discretionary leave during adverse weather conditions	<p>Employees have an obligation to present themselves for work each day at and between the times specified in their contracts of employment. During periods of severe inclement weather, if it is shown that the employee has made every effort to attend work but simply could not do so then the absence may be treated as paid leave. If, however, roads/public transport are available for use with only minimal disruption, and the employee still chooses not to attend work, the absence will be treated as unpaid.</p>	Paid or unpaid, depending on circumstances
Discretionary leave for CPD/other training	<p>Training will generally only be approved by the Headteacher when it is essential for either CPD or to enhance capability to the advantage of the school. When it is not possible for such training to take place out of term time, time off will be allowed with pay. Training may however need to be postponed when the needs of the school are such that time off on the dates allocated for the training do not prove to be convenient.</p>	Paid

OTHER 'SPECIAL' DISCRETIONARY LEAVE

<p>Leave for medical screening</p>	<p>Wherever possible such screening will take place outside of term time. However, where this is proved to be not possible, necessary paid time off will be granted for the purpose of medical screening including cancer screening where this is required by the employee's medical advisors.</p>	<p>Paid</p>
<p>Leave for Trade Union activities</p>	<p>Where it is necessary for a trade union representative to carry out legitimate trade union business during term time, they will be allowed appropriate time off with pay. It will be expected that the majority of trade union activity will take place outside of school hours.</p>	<p>Paid</p>
<p>Leave for reservists (Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force)</p>	<p>It will be expected that reservists arrange training outside of term time. In exceptional circumstances the Headteacher may allow paid leave to attend annual training. This is a 15-day continuous training course, sometimes referred to as 'Annual Camp'. This may take place at a training establishment, as an attachment to a Regular Unit, a training exercise or a combination of any of these. Training normally takes place within the UK, although each year some Reservists train overseas.</p> <p>Employer's legal responsibilities under The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85) are as follows:</p> <p>If your Reservist employee is mobilised, when they return you have an obligation to reinstate them in the same role and on equally favourable terms and conditions as before (or as near as practicable).</p> <p>The Ministry of Defence aims to give at least 28 days' notice of mobilisation, although the Reserve Forces Act 1996 gives no statutory requirement for a warning period prior to a Reservist being called out.</p> <p>If a Reservist is mobilised and you believe their absence would cause serious harm to your business or a related business, you have the right to seek exemption, deferral or revocation of the mobilisation.</p> <p>If your Reservist is mobilised you don't have to pay them any salary or associated benefits (such as pension or company car) for the duration of their operational duty. A Reservist can claim for any benefits you stop so they won't be worse off.</p> <p>You are also eligible for financial assistance to cover the costs of finding a temporary replacement or retraining your Reservist employee under certain circumstances on their return.</p> <p>Further information on employing Reservists can be found on the website; http://www.sabre.mod.uk/Employers/Employing-a-Reservist</p>	<p>Paid</p>

<p>Leave for public duties</p>	<p>Section 50 of the Employment Rights Act 1996 provides for employees to be granted time off work to perform those public duties specified in the section. These are as follows:</p> <ul style="list-style-type: none"> (a) a local authority (b) a statutory tribunal (c) a police authority (d) a board of prison visitors or a prison visiting committee (e) a relevant health body (f) a relevant education body, or (g) the Environment Agency or the Scottish Environment Protection Agency. <p>It is expected that much of the time spent on such duties will be either out of term time or out of normal working hours. However, where this is not possible and there is no adverse effect on the working of the school, unpaid time off may be approved by the Headteacher.</p>	<p>Paid or unpaid dependent on the circumstances</p>
<p>Court Service (witness or jury service)</p>	<p>Most court service is for jury service, but employees may also be called as witnesses.</p> <p>Individuals summoned for jury service are expected to attend court unless they are ineligible, disqualified or excused by the court. Jury service can be deferred. Among the categories who qualify for deferral are teachers during term time. Other school staff may not automatically be disqualified if called for jury service during term time.</p> <p>Applications for jury service to be excused on grounds of conflict with work requirements are likely to result in deferral, unless excusal is clearly necessary. Each application will be considered on its own merits, and applications must be made by those who have been summoned – employers cannot make them on employees' behalf.</p> <p>Employees required attending court for jury service or who are summoned to appear as witnesses will be granted paid leave for this purpose.</p> <p>Jurors are entitled to claim for travel and subsistence and for loss of earnings, up to a maximum daily rate. Where employees are entitled to claim for loss of earnings, they must get their employer to complete the appropriate certificate which is issued to all jurors prior to attending court. The arrangements for employees attending court as witnesses vary considerably.</p> <p>Loss of earnings claims must be made by employees from the Court, and these are offset against salary/wage.</p>	<p>Paid</p>

<p>Statutory maternity leave</p>	<p>All pregnant employees can take up to 26 weeks' ordinary maternity leave (OML) and up to 26 weeks' additional maternity leave (AML), making a total of 52 weeks. This is regardless of the number of hours they work or their length of service. Additional maternity leave begins on the day after ordinary maternity leave ends.</p> <p>Once an employee has given notice that she is pregnant, she will be entitled not to be unreasonably refused paid time off work to attend antenatal appointments as advised by a registered medical practitioner, midwife or nurse.</p> <p>In order to be entitled to take time off for maternity leave and antenatal care, the employee is required to produce a certificate from her doctor, registered midwife or registered health visitor, stating that she is pregnant (usually the MATB1). Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.</p>	<p>Paid/unpaid (see separate maternity and paternity guidance)</p>
<p>Statutory parental leave (some discretion when it can be taken)</p>	<p>Employees with more than one year's continuous service are entitled to 18 weeks' unpaid leave for each child and adopted child, up to their 18th birthday. Employees need to request leave giving at least 21 days' notice before the intended start date. Parental leave should be taken in blocks of a week or multiples of a week, and should not be taken as "odd days off, unless the employer agrees otherwise or the child is disabled.</p> <p>Employees cannot take off more than four weeks during a year. A week is based on an employee's working pattern. This entitlement is in addition to any rights to maternity/adoption and/or paternity leave or shared parental leave. Requests for such leave may be postponed for up to six months other than where parental leave has been requested immediately after childbirth/maternity leave or immediately after placement for adoption</p>	<p>Up to 4 weeks a year unpaid (18 weeks maximum up to child's 18th birthday)</p>
<p>Statutory paternity leave</p>	<p>An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to two weeks' ordinary paternity leave provided that he/she has 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected.</p> <p>Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. For more information on adoption rights, please see the separate guidance on Ask Schools' Choice. Either adoptive parent may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. In respect of an adopted child, the employee must have 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.</p> <p>To qualify for paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.</p>	<p>2 weeks paid leave to be taken within 56 days of the birth or adoption of a child</p>

	<p>Paternity leave must be taken in a single block of one or two weeks within 56 days of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within 56 days of the expected date of childbirth. Paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.</p>	
<p>Statutory shared parental leave</p>	<p>Shared parental leave is a relatively new right that may enable eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. This could mean that the mother or adopter shares some of the leave with her or his partner, perhaps returning to work for part of the time and then resuming leave at a later date.</p> <p>The first two weeks of the 52-week entitlement must be taken by the mother or primary adopter, but the remaining 50 weeks' entitlement and pay can be shared or split between both parents, if they meet the eligibility criteria.</p>	<p>First 2 weeks taken only by the mother</p> <p>Remaining 50 weeks can be shared between parents</p> <p>Paid/unpaid – see separate Shared Parental Leave guidance</p>
<p>Statutory adoption leave</p>	<p>For the primary adopters of children matched for adoption the rights to adoption leave and pay mirror maternity leave and pay.</p> <p>Primary adopters can take up to 26 weeks' ordinary adoption leave (OAL) and up to 26 weeks' additional adoption leave (AAL), making a total of 52 weeks. This is regardless of the number of hours they work or their length of service.</p> <p>Additional adoption leave begins on the day after ordinary adoption leave ends.</p>	<p>Paid/unpaid – see separate adoption guidance</p>

DISCRETIONARY LEAVE OF ABSENCE REQUEST FORM

Part A (for completion by the employee)

Name		Date request made	
-------------	--	--------------------------	--

Date/time from		Date/time to	
-----------------------	--	---------------------	--

For teaching staff cover required	AM Reg'tion	P1	P2	P3	P4	PM Reg'tion	P5	P6
--	--------------------	-----------	-----------	-----------	-----------	--------------------	-----------	-----------

I have read and understood the Leave of Absence Policy and attach a copy of any relevant appointment card or other supporting documentation, if relevant.

Reason for Request (please detail below and continue on a separate sheet if necessary)

Signed

Date ___ / ___ / ___

**Part B (for completion by the Executive
Headteacher or Head of School , or other relevant senior manager)**

Your request for leave is:

Approved with pay

Approved without pay

If the request has not been approved, it was for the following reason(s):

	Operational difficulties in covering absence
	Impact absence would have on continuity of educational needs
	Referred to management Committee for decision, outside of policy
	Other: Explanation of reason(s)for non-approval

Signed _____ Date _____

Job Title _____

Please return form to Bursar/Business Manager for processing

Procedure for a Hearing

Hearings will be held in as informal a manner as possible and the employee will be afforded every reasonable assistance to put his/her case. The conduct of the hearing is at the discretion of the Headteacher, Chair of the committee or manager hearing the case, but s/he will allow the parties every reasonable opportunity to present their case.

In the case of an appeal the order of presentation set out below would normally be reversed, with the employee as appellant presenting his/her case first. However, by prior agreement or where the appeal constitutes a re-hearing of the full case, the case against the employee may be presented first as at the initial hearing. Chairs of appeal committees or managers hearing appeals should ensure that all parties have a common understanding and agreement on the order of presentation.

1. Introduction

The Headteacher, Chair of the appropriate committee, or manager hearing the case will ensure that those present are introduced to each other and that they are aware of the procedure to be followed.

2. Presentation of the Case

The person presenting the case against the employee may make an opening statement outlining the case. The person or committee hearing the case, and the employee responding to it, may ask questions.

S/he will then call any witnesses and ask them to give their evidence. The employee or his/her representative may then ask questions of each witness. The person or committee hearing the case may also ask questions of any witness. The person presenting the case may then re-examine the witness.

Where evidence is presented in the form of documents, the person presenting the case or an appropriate witness will explain the nature and significance of the documents.

3. The Employee's Case

The employee or his/her representative may make an opening statement. The person or committee hearing the case and the person presenting the case against the employee may ask questions.

S/he may call any further witnesses and invite them to give their evidence. The person presenting the case against the employee may ask questions of each witness after s/he has given his/her evidence. The person or committee hearing the case may then ask questions. The employee or his/her representative may re-examine the witness.

4. Where there is any documentary evidence, the employee or any witness on his/her behalf will explain its significance. Re-examination

Both parties will be asked if they wish to re-examine any evidence. The person or committee hearing the case may also do so at its discretion.

5. Final Statements

The person presenting the case against the employee may make a final statement. The employee or his/her representative may then also make a final statement.

6. Adjournment

Either party may ask for an adjournment at any stage. The decision to adjourn is at the discretion of the Chair, who will consider a request in the light of the reason given for it.

7. Consideration of the Case

All parties will withdraw. The Headteacher or the committee will deliberate. Where relevant, the Director of Children and Young People's Services, or their representative, may be present at these deliberations to advise on legal and procedural matters.

If it is necessary to recall either party or any witnesses, to resolve a point of uncertainty, both parties will be invited to be present, whether or not the point of doubt concerns one party or both.

8. Decision

If possible, the decision will be communicated orally to the employee after the hearing. The decision will be confirmed in writing to the parties involved usually within five working days or as soon as possible after the hearing.

NLPP Bradford Scale 1

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U				
1		Days Absent	1	1.5	2	2.5	3	3.5	4	4.5	5	5.5	6	6.5	7	7.5	8	8.5	9	9.5	10				
2	Absence Occurances																								
3	1		1	1.5	2	2.5	3	3.5	4	4.5	5	5.5	6	6.5	7	7.5	8	8.5	9	9.5	10				
4	2		4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40				
5	3			14.5	18	22.5	27	31.5	36	41	45	50	54	58.5	63	67.5	72	76.5	81	85.5	90				
6	4				32	40	48	56	64	72	80	88	96	104	112	120	128	136	144	152	160				
7	5					62.5	75	87.5	100	113	125	138	150	163	175	188	200	213	225	238	250				
8	6						108	126	144	162	180	198	216	234	252	270	288	306	324	342	360				
9	7							172	196	221	245	270	295	319	343	368	392	417	441	466	490				
10	8								256	288	320	352	384	416	448	480	512	544	576	608	640				
11	9									365	405	446	486	527	567	608	648	689	729	770	810				
12	10										500	550	600	650	700	750	800	850	900	950	1000				
13																									
14	No Concern			<50			(AO x AO) x DA = Score																		
15	Some Concern			>50																					
16	Action Required			>100																					
17	Consider Disciplinary			>300																					
18	Serious Disciplinary			>900																					
19																									