



# **Procedure for the Management of Absence, Ill Health, Menopause, Special Leave and Requests for Flexible Working from Employees**

**Approved : Term 1 22/23**

**Review Date : Term 1 23/24**

**(Revised – Addition of Appendix D February 2022)**

**SECTION A – Managing Ill Health Absence**

**SECTION B – Special Leave**

**SECTION C – Flexible Working**

**SECTION D - Menopause**

## SECTION A – Managing Ill Health Absence

### Policy Statement

The Trust is committed to supporting the health, wellbeing and attendance of all Employees. The Trust expects a high level of attendance and requires each Employee to take responsibility for achieving and maintaining good attendance.

The Trust recognises that on occasions Employees may be absent from work due to ill health and that health issues may also impact on performance in the workplace.

The Trust is committed to supporting an Employee during a period of absence with the aim of assisting their return to work and maintaining the required levels of performance. The Trust also recognises its obligations under the Equality Act 2010.

Advice may be sought from an occupational health advisor or personnel provider in the management of ill health issues.

An Employee will be advised of the possible consequences of their absence, including if their employment is at risk.

The Trust will seek to balance the needs of the Trust with the needs of the Employee. Where an Employee is unable to discharge the duties of their post due to ill health and all reasonable alternative options have been exhausted, consideration may be given to terminating employment.

This procedure explains:

- How the Trust will manage absence and ill health issues in a fair and consistent manner.
- What is expected from the Trust and Employees with regards to the reporting and management of absence and ill health.

Staff should report absence in the following way:

School Staff	Senior Leaders Including HT	Trust Central staff
➤ Unplanned absence/sickness → nominated school representative	➤ Unplanned absence/sickness → nominated school representative <i>Headteacher contacts Trust Leader</i>	➤ Unplanned absence/sickness → nominated trust representative <i>Trust Leader contacts Chair of Trustees</i>
➤ Preplanned/requested absence → nominated school representative	➤ Preplanned/requested absence → nominated school representative <i>Headteacher contacts Trust Leader</i>	➤ Preplanned/requested absence → nominated trust representative <i>Trust Leader contacts Chair of Trustees</i>
➤ Authorisation of absence → headteacher/senior leader	➤ Authorisation of absence → headteacher <i>Headteacher absence needs authorising by Trust Leader</i>	➤ Authorisation of absence → Trust Leader <i>Trust Leader absence needs authorising by Chair of Trustees</i>

### Responsibilities of the Trust

- To ensure all Employees are aware of the absence management procedures
- To ensure sickness absence is accurately recorded, monitored and reviewed effectively
- To take appropriate management action where absence and ill health related underperformance are causing concern
- To make suitable arrangements to discuss absence and the impact of this – including absence review meetings and return to work discussions

- To discuss / identify with Employees support and strategies for improving attendance and work performance or facilitating a return to work
- To keep in regular contact with an absent Employee and make them aware should their employment be at risk
- To consider termination of employment only after other potential options have been explored
- To provide a working environment conducive to enabling the Employee to perform safely
- To take reasonable action to maintain Employee confidentiality in matters relating to health.

### **Responsibilities of the Employee**

- To ensure attendance meets the required standards
- To make their Trust Leader / Headteacher or nominated manager are aware of any health issues that may be impacting on their ability to maintain good attendance and performance, including work related causes.
- To comply with the Trust's absence notification and certification requirements
- To attend meetings in connection with the management of absence issues (i.e. return to work meetings, absence review meetings, Occupational Health appointments)
- To maintain reasonable contact with the Trust and advise the Trust of alternative contact details if they are residing away from their usual address during their period of absence.
- To work with their Trust Leader / Headteacher or nominated manager to identify support and strategies for improving attendance or facilitating a return to work.

### **Timescales**

Concerns regarding ill health and absence will be addressed without undue delay.

Timescales stated are for guidance only and may vary depending on the circumstances of the case.

For the purpose of this procedure 'working day' will normally refer to the 195 days of the School year for teachers employed under the terms of the School Teachers' Pay and Conditions Document.

For support staff employed on a term time only basis working days will normally refer to the days worked under their contract or for staff employed on contracts outside of the School term will mean all days excluding weekend and bank holiday days.

### **Recurring Periods of Absence**

It should be noted that where an employee has recurring periods of absence, which are addressed through this procedure, these may be regarded as being linked. As such, the Trust may resume the sickness absence management process for any subsequent absence at the point it was halted. Where the process has been previously dealt with informally, the Trust may move immediately to the formal stage of the procedure where there is a reoccurrence of the concerns.

### **Right to Representation**

An Employee is entitled to be accompanied to a formal hearing or appeal by either a workplace colleague or Trade Union Representative.

A workplace colleague or Trade Union Representative is also able to attend formal meetings held under this procedure, including formal absent review meetings.

Due and careful consideration will also be given to any request from an Employee to be accompanied by a workplace colleague or Trade Union Representative at informal meetings. However, it should be noted that the presence of a representative does not make the meeting formal.

## **Absence Monitoring**

In order to manage attendance effectively the Trust will record, monitor and review absences on an individual and whole Trust basis.

### **Notification of Absence**

Employees should report sickness absence to the Trust Leader, Headteacher or other nominated person (as indicated in the table on page 2) by telephone / text or email as soon as possible on the first day of absence and no later than 1 hour before their start time. If unable to contact / do not receive an acknowledgement, then teachers and HLTA's must contact the Headteacher or nominated person. Contact should be made by the Employee in person and not by a third party, unless unavoidable.

Employees should state:

- The reason for their absence / nature of their illness
- The estimated period of absence.

If the Employee does not contact their nominated person by the required time then the Trust should attempt to contact the Employee by telephone.

Repeated failure to follow these notification requirements will be addressed in accordance with the Trust's Disciplinary Procedure.

### **COVID-19**

If staff feel unwell (eg heavy cold, bad back etc) they should assess whether they are fit/well enough to attend work, as usual

If a member of staff chooses to test for COVID-19 and the result is positive they should remain absent from work for 5 days, inclusive of weekends ie tests positive on a Thursday, may return on Tuesday.

If a member of staff chooses to test during the 5 day period and receives two negative results they may return to work before the 5 day period ends

### **Absences up to and including 7 calendar days**

Employees will be required to complete and submit a self-certification form (see Appendix A1) on return to work for all periods of sickness absence not exceeding seven days, inclusive of non-working days, public holidays and school closure periods prior to commencing work.

Where an Employee attends work but later goes home sick during the day this will not be regarded as a sick day for contractual sick pay purposes. However, such absences will be recorded and considered for absence monitoring purposes.

### **Absences of more than 7 calendar days**

A Statement of Fitness for Work "fit note" is required if a period of absence lasts for eight days or more inclusive of non-working days, public holidays and school closure periods.

The following conditions apply to the provision of "fit notes":

- "Fit notes" must be signed, stamped and dated by a qualified medical practitioner
- "Fit notes" must be received by the relevant person (see table) as soon as practicable after the 8th calendar day of absence
- "Fit notes" will only be accepted for sick pay purposes from the dates specified and certified by the doctor
- Subsequent "fit notes" must be submitted in a timely manner to cover absence if it extends beyond the period of the initial certificate, including school closure periods, weekends, bank holidays and non-working days

- Where an Employee is admitted to a medical centre for treatment, “fit notes” need only be submitted on entry and on discharge
- Exceptionally, the Trust may request an Employee to provide a "fit note" for a period of sickness absence not exceeding seven days. In such cases the Trust will meet the cost of any “fit note” being issued.

### **“Fit Note” Provisions**

Should a “fit note” indicate that an Employee is ‘not fit for work’ they should remain on sick leave until the expiry of the note. There is not a requirement for the Employee to be signed “fit for work” by a medical practitioner before returning.

Should the Employee feel fit to return to work prior to the expiry date of the note, the Trust will give this request due consideration and may undertake a workplace risk assessment to establish whether the employee is fit to return to work early. The Trust reserves the right to ask that the Employee remains on sick leave until the expiry of the note should they feel it is not appropriate for the individual to return.

Should a “fit note” indicate that an Employee ‘may be fit for work’ the Trust will discuss with the Employee ways of helping them get back to work. This may include agreeing a phased return to work, amended duties or work place adjustments for a temporary period. A risk assessment or guidance of an occupational health practitioner may be sought to identify how a return to work might be supported.

If it is not possible for the Trust to provide the support an Employee needs to return to work, or an Employee feels unable to return, then the statement will be used in the same way as if the GP advised that the Employee was ‘not fit for work’.

### **Sick Pay Entitlement**

The contractual sick pay entitlement for teachers is in accordance with the Burgundy Book.

The contractual sick pay entitlement for support staff is in accordance with the Kent Scheme ‘Blue Book’.

In exceptional circumstances the Trust has discretion to extend contractual sick pay. This will be considered on a case by case basis.

Statutory sick pay will be paid to qualifying staff in accordance with statutory provisions.

Sick pay is a financial provision and not a provision that in any way indicates the amount of absence to which an employee is entitled. The Trust reserves the right to terminate the contract of any employee absent through sickness or injury should it be satisfied that a return to work cannot be made / sustained or where attendance levels are unsatisfactory, irrespective of whether occupational sick pay has been exhausted.

### **Sick Pay Requirements**

Payment of sick pay is conditional upon meeting both statutory and Trust requirements concerning absence notification and medical certification. Appropriate certification is required for the entire period of absence including school closure periods and non-working days.

Failure to follow these requirements or provide certification in a timely manner may result in the absence being regarded as unauthorised and in exceptional circumstances the Trust reserves the right to withhold pay.

Where an Employee’s conduct is prejudicial to their recovery or their conduct is prejudicial to their recovery the Trust also reserves the right to withhold sick pay. Contractual sick pay will not be paid where an absence from work is as a result of sickness or injury sustained through the active participation in sport as a profession.

The making of false sickness declarations may be addressed in accordance with the Trust’s Disciplinary Procedure.

### **Contact during a period of absence**

The Trust requires Employees to maintain reasonable contact with the Trust during any period of absence, presenting medical certificates in a timely manner and attending review meetings as requested.

Where an absence is for three calendar days or less it is expected that the Employee will contact the Personnel Officer or nominated person each day, unless agreed otherwise.

If the absence is likely to be longer term it is expected that the nominated person and Employee will discuss how best to maintain contact at agreed intervals. Consideration will also be given on how best to keep the Employee updated with Trust / School news and events during their absence.

Where a medical condition affects the ability of an Employee to maintain contact with the nominated person, consideration will be given to reasonable adjustments to the reporting procedures.

An Employee should notify the school of any alternative contact details should they reside away from their usual place of residence during a period of absence.

### **Location of meetings**

Meetings in connection with the management of health issues will usually take place at the place of work. However, a reasonable alternative venue away from the workplace may be arranged if this will assist the Employee.

### **Referral to Occupational Health**

Where health issues are impacting on an Employee's attendance or performance, the Trust should seek advice from an Occupational Health Advisor or other appropriate health advisor in order to inform management action or support.

It is the Trust's policy to usually make a referral to an Occupational Health Advisor in the following circumstances:

- During a period of longer term continuous absence. A referral will usually be made no later than the 4th week of a period of continuous absence - but may be made earlier, if appropriate.
- Following frequent or recurring short-term absence which is giving rise to concern. As a guide a referral may be made in instances where there have been 3 periods of short-term absence within a 12 month period – although this may vary depending on individual circumstances
- Where an injury or illness may have an impact on the Employee's ability to undertake their job role
- Where an Employee has a degenerative condition or disability which is impacting on their ability to undertake their job role.
- Where a new health condition is reported to the Trust.
- When an application for ill health retirement is made
- Employees have a responsibility to be proactive in raising their concerns about work-related causes of absence as part of the normal staff / manager relationship. It may be appropriate in such circumstances to make an immediate referral to an Occupational Health Advisor.

The advice of an Occupational Health Advisor may be sought to:

- To identify how an Employee's health or medical condition may impact on their attendance or ability to undertake their job.
- To ascertain when or if an Employee will be fit to return to work in the foreseeable future.
- To provide guidance on what support or adjustments could be made to facilitate a return to work.
- To provide guidance on any adjustments which may support a disabled Employee in the workplace.
- To provide guidance on the Employee's ability to attend formal meetings and investigations under any other procedure whilst absent.
- To advise how an Employee may be able to improve their health and wellbeing.

An Occupational Health Advisor may refer to the Employee's GP or other medical specialist for further information regarding the Employee's medical condition.

It is expected that all Employees will consent to a referral being made to an Occupational Health Advisor when reasonably asked to do so. Where consent is refused, the Trust may make decisions about the management of an ill health issue based on the available information and without the guidance of an Occupational Health

Advisor. Where an employee refuses to attend an OH appointment without good reason, the Trust reserves the right to withhold contractual sick pay.

An Occupational Health Advisor assessment may be made via a face to face meeting or in certain instances by telephone, letter or email.

Any written report provided by an Occupational Health Advisor will be shared with the Employee. On receipt of the report from the Occupational Health Advisor a review meeting will usually be convened.

On rare occasions, there may be a difference of medical opinion between the Employee's GP / Fit note and the Occupational Health Advisor. In such instances, the Trust reserves the right for the opinion of an Occupational Health Advisor to take precedence.

If an Employee's absence becomes long term the Trust may request further advice from an Occupational Health Advisor, as necessary.

## **Return to Work Meetings**

Employees are required to meet with their nominated person (see school handbook) on their return to work, (before commencing work, where possible), regardless of the duration of their absence. Where the absence exceeds 10 days within a 12 month period, the Trust Leader (for senior leaders or central team) or Headteacher (all other school employees) will carry out the return to work meeting regardless of the duration of their absence. A return to work form (Appendix A2) will be completed and retained on the employees personnel file.

The purpose of this meeting is to:

- Discuss the reason and cause of the absence
- To consider any concerns regarding attendance or patterns of absence
- Confirm that the Employee is fit to return
- Discuss and agree any support that the Employee may need to return to work and sustain a successful return, including recommendations made by a GP or Occupational Health Advisor
- To update the Employee on anything they may have missed during their absence.

In complex cases, where disability is a factor and instances where an Employee has been absent from work for some time – it may also be useful for a trade union representative or workplace colleague to attend this meeting.

A written record of the return to work meeting will be made and kept on the Employee's personnel file for absence monitoring purposes.

Depending on the reason and length of the absence the nominated person may agree further follow up meetings to help ensure that the Employee makes a successful and sustained return to work.

## **Reasonable Adjustments and supporting a return to work**

The Trust will seek to provide all reasonable support to enable an Employee to make a successful and sustained return to work following a period of absence or to maintain their performance in the workplace.

The Trust will give due consideration to any reasonable and practicable adjustments recommended in a "fit note" or by an Occupational Health Advisor or requested by an Employee, as required by the Equality Act 2010.

When considering possible adjustments the Trust will need to balance the needs of the Employee with what is realistic and practicable given the size and resources of the organisation.

The degree to which an Employee will need support and the nature and duration of any adjustments will be determined by the circumstances and will arise from discussion between the Employee and the Trust.

Adjustments may include but are not limited to, consideration of:



- A phased return to work
- Adjustments to the working environment
- The outcome of any risk assessment
- A temporary alteration of duties or pattern of work
- Provision of additional equipment to assist the Employee in their duties
- Providing time off for medical treatment or appointments
- Arranging temporary additional support in the workplace
- Redeployment to another role in the School.

Any agreed supportive measures will be confirmed in writing.

Where a phased return is agreed there may be circumstances in which the Trust will consider whether it is appropriate either to pay the Employee their full contractual hours or the hours actually worked during this period. Each case will be considered on its own merits and at the discretion of the Trust. Arrangements for payment will be confirmed in writing with the Employee.

## **Short Term Absence**

### Informal Action

In instances of repeated or persistent short-term self-certified absences causing concern, the Trust will seek to address this informally at an early stage by meeting with the Employee.

The usual trigger point for informal action within the Trust is 10 days within a 12 month period. However, any sickness which is causing concern may be managed using this procedure.

The purpose of this meeting is to:

- Advise the Employee that their level of attendance is unacceptable and discuss how the level of absence is impacting on the individual's performance and the Trust.
- Explore reasons for absence and give the opportunity for the Employee to raise any health or other concerns arising from within or outside the workplace that may be impacting on their attendance
- Identify any support that the Trust may be able to provide or any action the Employee can take to improve or sustain attendance
- Agree any follow up action including making a referral to an Occupational Health Advisor or counselling service or undertaking a risk assessment where appropriate
- Explain the Trust's expectations regarding attendance, agree an action plan or attendance targets and timescale for improvement
- Advise the Employee that should an acceptable level of attendance not be achieved and sustained – formal action up to and including the termination of employment may be considered
- Agree when / how attendance will be monitored and reviewed.

The Trust may issue an informal managerial warning if there is no underlying medical reason for the absence and it has reached the review point

The Trust may move directly to address absence issues under the formal stage of the procedure, without first exhausting the informal stages where the circumstances warrant. This includes instances where concerns about the Employee's short-term absence have previously been addressed formally.

## **Monitoring of Attendance following Informal Action**

In most instances, it is anticipated that the level of attendance will improve and informal monitoring will continue to ensure satisfactory attendance is sustained. However, in circumstances where an Employee's attendance does not show acceptable improvement the Trust may move to a first formal absence review meeting.

In instances where it is suspected that the reason for the absence is not genuine, the matter may be treated as a conduct issue and be addressed under the Trust's Disciplinary Procedure.

### Formal Absence Review Meeting

Where attendance does not show acceptable improvement a first formal absence review meeting will be convened.

An Employee will be given written notification of the first formal absence review meeting and will be advised that a formal warning may be an outcome.

The Employee may be accompanied to this meeting by a workplace colleague or trade union representative.

This meeting will be conducted by the Trust Leader / Headteacher / Line Manager.

The purpose of this meeting is to:

- Explore the reasons for continuing absence and the impact this is having on the individual's performance and the Trust.
- Give the Employee the opportunity to respond to the concerns about their attendance and make any relevant representations or present any mitigating factors.
- Consider any relevant advice received from Occupational Health or whether such advice should be sought.
- Review progress towards attendance targets and set further targets and timescales for improvement.
- Consider the impact of any support / workplace adjustments which have been put in place and any further support which may be of benefit.
- Consider whether the Employee will be able to achieve and maintain a satisfactory level of attendance.
- Agree when / how a further meeting will be held to review attendance. The review period may vary depending on the circumstances of the case but will usually be within 4-6 weeks.

The outcome of this meeting may be:

- Where some improvement in attendance has been made - to continue a further period of formal monitoring in which the Employee will need to achieve and sustain a satisfactory level of attendance. A further formal absence meeting will be arranged at the end of this period.
- To adjourn the meeting to seek further information or advice e.g. from an Occupational Health Advisor or explore alternative options such as ill health retirement or redeployment, where appropriate
- To issue a formal warning to the Employee regarding their level of attendance and advise them that should an acceptable level of attendance not be achieved or sustained within the identified timescales termination of employment may be considered. A further period of formal monitoring will continue, and a formal review meeting arranged at the end of this period.

The formal warning will remain 'live' for up to 12 months but may be extended in exceptional circumstances.

The Trust Leader / Headteacher should provide the Employee with written confirmation of what was discussed and the outcome of the meeting usually within 5 working days of the decision being made.

This should specify:

- The reason for the warning and how long this will remain 'live'
- The required improvement in attendance that is required and the timescale to achieve this

- Any agreed workplace adjustments / supportive measures
- Monitoring arrangements and when a further review of attendance will take place
- The outcome of the meeting. Where a formal warning is issued the reason, duration and notification that employment may be terminated should an acceptable level of attendance not be achieved / maintained should be confirmed in writing.

An Employee may appeal in writing against any formal warning within 5 working days of receipt of the written outcome.

#### Formal Review Meeting

A formal review meeting will be arranged with the Employee at the end of the monitoring period.

The meeting will be conducted by the Trust Leader / Headteacher / Line Manager. The Employee may be accompanied to this meeting by a workplace colleague or trade union representative.

The purpose of this meeting is to assess progress and improvements during the monitoring period.

Should it be found that attendance has not improved to an acceptable level or should satisfactory attendance have not been sustained within the review period, the Employee will be advised in writing of the requirement to attend a hearing to consider unsatisfactory attendance / ill health.

Where some progress has been made there may be a further period of monitoring or one or more formal review meetings to assess the situation and consider next steps, before either moving to the next level within the procedure or concluding the formal procedure.

The Employee should be provided with written confirmation of what was discussed and the outcome of the meeting usually within 5 working days.

#### Hearing to consider unsatisfactory attendance

Should attendance not improve to an acceptable level or should satisfactory attendance not be sustained within the review period, the Employee will be advised in writing of the requirement to attend a hearing to consider unsatisfactory attendance.

The Employee will be given written notification of date, time and venue of the hearing. This will usually be not less than 10 working days' notice. The notification will advise the Employee of the case to be considered and possible outcomes of the hearing – including that dismissal may be an outcome.

The Trust will provide the Employee with all relevant documents which will be referred to during the hearing with the notification letter and in any case no later than 10 working days before the hearing.

The Employee has the right to be accompanied at this meeting by a workplace colleague or trade union representative.

The Employee is required to provide, no later than 5 working days before the hearing:

- The name of their trade union representative or workplace colleague
- Any relevant documents they wish to be considered

During the hearing the Trust will present the case for a formal warning or dismissal and the Employee will be given the opportunity to respond.

In reaching a decision, the manager hearing the case / panel may consider:

- The length of the Employee's employment and attendance record
- The impact of the Employee's attendance on their workplace performance and on the Trust and whether this can be sustained
- Whether any progress has been made towards attendance targets

- Whether there is any identifiable medical condition which is preventing the Employee from achieving good attendance
- Any specialist advice that has been received regarding the Employee's condition, and their current and future ability to undertake the job role
- The impact of any measures / reasonable adjustments that have been put in place to support the Employee
- Whether all alternative options have been discussed – including redeployment and ill health retirement, where appropriate.

The outcome of this meeting may be:

- To recommend further information or advice is sought (e.g. from an Occupational Health Advisor) or to explore alternative options such as ill health retirement or redeployment, where appropriate
- To extend the formal warning and continue a period of formal monitoring during which the Employee will need to achieve and sustain a satisfactory level of attendance
- To dismiss the Employee with notice on the grounds of unsatisfactory attendance or capability due to ill health

The Trust Leader / Headteacher should provide the Employee with written confirmation of what was discussed and the outcome of the meeting usually within 5 working days of the decision being made.

The Employee may appeal against the decision within 5 working days of receipt of the outcome.

Where dismissal is an outcome, the notification letter should:

- Specify the reason for the dismissal, termination date and any notice period

Advise the Employee of their right of appeal.

Where notice is given this is the greater of the Employee's statutory or contractual notice entitlement.

Where the outcome is not dismissal, the notification letter should specify:

- The reason for the extension of any formal warning, how long this will remain 'live' and that the Employee may appeal.
- The improvement in attendance that is required and the timescale to achieve this
- Any agreed workplace adjustments / supportive measures.
- Monitoring arrangements and when a further review of attendance will take place.
- Advise the Employee that should an acceptable level of attendance not be achieved or maintained – further formal action, including the termination of employment, may be considered
- Advise the Employee of their right of appeal against a formal warning.

It will be deemed sufficient for the Trust to issue written confirmation of the outcome of the hearing to the Employee's last known address.

### Appeal

An Employee may register their appeal in writing within 5 working days of receipt of the written outcome to the Clerk to the Trustees or nominated person with clear details as to why the appeal should be considered.

An appeal may be made on one or more of the following grounds:

- Unfairness of the decision
- That the sanction imposed was unreasonable

- That new evidence has come to light
- Significant procedural irregularities.

In instances where the grounds for appeal are not stated the Trust will ask the Employee to confirm these to enable all parties to give due consideration of the issues prior to the appeal meeting.

Any supporting information must be submitted by the Employee no later than the deadline for the receipt of an appeal.

The Trust will provide the Employee with copies of any documents which will be referred to during the appeal in advance and usually no later than 5 working days before the appeal hearing.

An appeal hearing will be convened at the earliest opportunity, usually within 10 working days of receipt.

A workplace colleague or trade union representative may accompany an Employee to an appeal.

The purpose of the Appeal is to review the original decision based on the basis of the grounds for appeal presented by the Employee. The outcome may be

- To uphold the previous decision in full
- To uphold the previous decision in part – but reduce the level of the sanction imposed or amend other elements of the decision
- To uphold the Employee's appeal in full and withdraw any sanction.

The panel may not impose a higher level of sanction than reached previously.

The Employee will be notified in writing of the outcome of the appeal, usually within 5 working days of the decision being made.

It will be deemed sufficient for the Trust to issue written confirmation of the outcome of the hearing to the Employee's last known address.

The decision of the appeal panel is final and there is no further right of appeal.

## **Long Term Absence**

### Informal Action

In instances of longer term absence the Trust Leader or Headteacher (or a nominated senior leader) will seek to address this informally at an early stage by meeting with the Employee. A meeting will usually take place within the first 4 weeks of any period of absence - but may be earlier if appropriate.

The purpose of this meeting is to:

- Explore reasons for absence and give an opportunity for the Employee to raise any health or other concerns arising from within or outside the workplace that may be impacting on their attendance
- Consider the likely duration of the absence
- Explain how the continuing absence is impacting on the individual's performance and the Trust.
- Identify any support or adjustments that the Trust may be able to provide or any action the Employee can take to facilitate or expedite a return to work
- Make a referral to an Occupational Health Advisor or counselling service, undertake a risk assessment or consider any other follow up action that may be appropriate
- Consider whether the Employee will be able to achieve and maintain a satisfactory level of attendance
- Agree when a further review meeting will take place.

Should an Employee return to work before the review date the Trust may continue to support and monitor the situation informally to ensure that a successful and sustained return is made.

### First Formal Absence Review

Should the Employee remain absent from work, after an agreed interval the Trust Leader / Headteacher will convene a Formal Absence Review meeting with the Employee.

The review period may vary depending on the circumstances of the case but the meeting will usually be held after 4-6 weeks of absence or once advice is received from an Occupational Health Advisor.

The purpose of this meeting is to:

- Discuss the impact of the absence on the individual and the Trust
- Consider any advice received from Occupational Health
- Consider whether the Employee will be able to return to work in the foreseeable future
- Consider the Employee's views on continuing in employment
- Consider other options which may be available such as Ill Health Retirement and Redeployment
- Identify any support or adjustments that the School may be able to provide or any action the Employee can take to facilitate or expedite a return to work
- Advise the Employee that if they are unable to return to work within a reasonable period consideration may be given to the termination of employment on the grounds of ill health
- Explain that if the Employee is unlikely to be in a position to return to work in the foreseeable future – the situation will be reviewed after an agreed period.

The Employee may be accompanied to this meeting by a workplace colleague or trade union representative.

In instances where there is no prospect of a return to work or the Employee is permanently unfit to undertake the duties of the post, the Trust reserves the right to move immediately following the first formal absence review meeting to a hearing to consider the case for dismissal on the grounds of capability due to ill health.

The Trust will provide the Employee with written confirmation of what was discussed and the outcome of the meeting usually within 5 working days.

### Second Formal Absence Review

A second review period and formal absence review meeting may be convened, if required. Such a meeting will follow the same format as a First Formal Absence Review meeting.

A further review period(s) and absence review meeting(s) may be appropriate in certain circumstances.

However, if having reviewed the case, the Trust Leader / Headteacher determines that the Employee is either:

- Not currently fit for work and is unlikely to be able to return to work or sustain a return within a reasonable period of time, or
- Not currently capable of discharging the duties of the post and is unlikely to be able to do so within a reasonable period  
and
- All other appropriate options have been considered.

A hearing may be convened to consider the termination of employment on the grounds of capability due to ill health.

### **Mutual Termination**

Where all parties are in agreement that an Employee's contract should terminate, arrangements for the mutual termination of employment due to ill health may be put in place without the need to hold a hearing.

The Trust Leader/Headteacher and Employee will agree the termination date.

Circumstances where this may be an option include where:

- An Employee is incapacitated through ill health and can no longer work in their role or any other role within the Trust, but is not considered permanently unfit for work.
- An Employee is not eligible for ill health retirement as they are not a member of a pension scheme, however, may be incapable of working.
- There is no indication, by the employee or OH, of a return to work in the foreseeable future.

Where the Employee indicates that this is an option that they wish to explore, a meeting will be arranged to discuss the possibility of a mutual termination. A workplace colleague or trade union representative at this meeting may support the Employee.

### **Hearing to consider dismissal on the grounds of capability due to ill health**

The Employee will be given written notification of the date, time and venue of the hearing. This will usually be not less than 10 working days' notice. The notification will advise the Employee of the case to be considered and possible outcomes of the hearing – including that dismissal may be an outcome.

The Trust will provide the Employee with all relevant documents which will be referred to during the hearing with the notification letter and in any case no later than 10 working days before the hearing.

The Employee has the right to be accompanied at this meeting by a workplace colleague or trade union representative.

The Employee is required to provide no later than 5 working days before the hearing:

- The name of their trade union representative or workplace colleague
- Any relevant documents they wish to be considered.

During the hearing the Employer will present the case for dismissal and the Employee will be given the opportunity to respond. In reaching a decision, the manager hearing the case / panel may consider:

- The length of the Employee's employment and attendance record
- The impact of the Employee's ill health on attendance / workplace performance
- The length of the absence and impact of the Employee's ill health on the Trust and whether this can be sustained
- Whether or not it is envisaged the Employee may be able to return to work and if so when
- Any specialist advice that has been received regarding the Employee's condition, current and future ability to undertake the job role and anticipated timescales for return
- The impact of any measures / reasonable adjustments that have been put in place to support the Employee, including the findings of any risk assessment
- Whether all alternative options have been discussed – including redeployment and ill health retirement.

The panel should provide the Employee with written confirmation of what was discussed and the outcome of the hearing within 5 working days of the decision. The Employee may appeal against any sanction within 5 working days of receipt of the notification of the outcome.

Where dismissal is an outcome the notification letter should:

- Specify the reason for the dismissal, termination date and any notice period, and
- Advise the Employee of their right of appeal against the dismissal.

It will be deemed sufficient for the School to issue written confirmation of the outcome of the hearing to the Employee's last known address.

Where an Employee is not dismissed appropriate next steps and further review date will be confirmed in writing with the Employee.

## **Appeal**

An Employee may register their appeal in writing within 5 working days of receipt of the written outcome to the Clerk to the Trustees or nominated person, with clear details as to why the appeal should be considered.

An appeal may be made on the following grounds:

- Unfairness of the decision
- That the sanction imposed was unreasonable
- That new evidence has come to light
- Significant procedural irregularities.

In instances where the grounds for appeal are not stated the Trust will ask the Employee to confirm these to enable all parties to give due consideration of the issues prior to the appeal meeting.

Any supporting information must be submitted by the Employee no later than the deadline for the receipt of an appeal.

The Trust will provide the Employee with copies of any documents which will be referred to during the appeal in advance and usually no later than 5 working days before the appeal hearing.

An appeal hearing will be convened at the earliest opportunity, usually within 10 working days of receipt.

A workplace colleague or trade union representative may accompany an Employee to an appeal.

The purpose of the appeal is to review the original decision on the basis of the grounds for appeal presented by the Employee. The outcome may be:

- To uphold the previous decision in full
- To uphold the Employee's appeal in full and withdraw any sanction.

The panel may not impose a higher level of sanction than reached previously.

The Employee will be notified in writing of the outcome of the appeal, usually within 5 working days of the decision being made.

It will be deemed sufficient for the school to issue written confirmation of the outcome of the hearing to the Employee's last known address.

The decision of the appeal panel is final and there is no further right of appeal.

## **Non-attendance at formal meetings and hearings**

Where an Employee or their representative is unavailable to attend they should inform the Trust at the earliest opportunity.

If an Employee's representative is unavailable, a hearing or appeal may be deferred by up to 5 working days from the date of the original meeting. Other than in exceptional circumstances only one postponement of a hearing will be granted.

In some instances it may not be possible for the Employee to attend meetings due to the nature of their illness. The Trust will consider rescheduling meetings where this is reasonable and practicable.

The Trust reserves the right to hold a hearing / appeal in the Employee's absence where all reasonable efforts to secure their attendance have been unsuccessful. In this event the Employee will be given the opportunity to make written representations or to be represented by a workplace colleague or trade union representative.

Should the Employee not attend and no representations be received the Trust Leader / Headteacher / panel will make a decision as to the outcome based on the available information and write to the Employee with the decision.



It will be deemed sufficient for the Trust to issue written confirmation of the outcome of the hearing / appeal to the Employee's last known address.

### **Absence during the probationary period**

The Trust will monitor attendance during an Employee's probationary period. Any concerns will be managed separately and without recourse to this full procedure.

### **Absence / poor performance related to an ongoing medical condition or disability**

In instances where an Employee's disability or ongoing medical condition has an impact on performance in the workplace advice may be sought from an Occupational Health Advisor in the first instance to identify measures that can be put in place to support the Employee. This may include consideration of reasonable workplace support and adjustments under the provisions of the Equalities Act 2010 and / or redeployment to an alternative role.

Regular informal review meetings will be arranged to monitor the situation.

Where all reasonable adjustments have been considered and should there be an ongoing impact on performance these concerns may be addressed through the Trust's Capability Procedure.

### **Absence arising from management action to address performance / conduct concerns**

In instances where absence arises directly from management action to address performance and / or conduct concerns or as a result of a grievance complaint – the Trust may seek immediate advice from an Occupational Health Advisor, regarding how to support the Employee and manage the absence and / or progress the management of the other concerns.

The absence of the Employee will not usually prevent the school proceeding with action to address other concerns. However, this will be determined on a case by case basis and after consideration of the circumstances.

## **Ill Health Retirement**

If an Employee is unable to return to work due to continuing ill health an application for ill health retirement may be appropriate. Referrals for ill health retirement will be made in accordance with the provisions of the Teachers' Pension Scheme or the Local Government Pension Scheme (for Support Staff).

## **Medical Suspension**

In some circumstances the Trust reserves the right to suspend Employees in accordance with their duty of care on medical grounds, pending medical advice, should their presence at work be deemed to be detrimental to the health, wellbeing and safety of the individual, colleagues or pupils. Any such suspension will be confirmed in writing, be for a limited period of time and reviewed regularly.

Such suspensions are made on contractual pay and do not count against an Employee's sick leave entitlement or pay.

## **Time off for Medical Appointments**

Prior approval must be sought for time off for medical appointments during working hours.

Wherever possible, routine medical appointments should be made outside of working hours. Should this not be possible the Trust will allow reasonable paid time off to attend such appointments, where the request is supported by an appointment card or letter. Whenever possible, appointments should be made at the beginning or end of the school day to minimise absence during working hours.

The Trust reserves the right to require an Employee to reschedule non-urgent appointments where their absence would have an adverse impact on the operation of the Trust.

Where appointments and/or treatment are related to a long-term condition or disability then a discussion may be held with the Employee to discuss a likely pattern of absence for treatment and any appropriate adjustments.

Reasonable time off for medical appointments will not be recorded as sickness absence.

## **Time off for Elective Procedures**

Sick leave cannot be taken for elective procedures such as IVF treatment or cosmetic surgery. Wherever possible Employees should endeavour to schedule elective surgery and the consequent recovery time during school holidays.

Where this is not possible to enable an Employee to attend appointments, flexible working arrangements may be considered at the discretion of the Headteacher or Trust Leader. Alternatively, unpaid leave or annual leave (in the case of employees contracted all year round) may be requested for such absence.

An Employee should make the Trust Leader / Headteacher aware of the need for any time off under this provision as soon as practicable.

Should the consequences of the treatment make the Employee unfit for work this would be regarded as sickness absence in which instances the usual absence reporting and certification procedures would apply.

In the case of treatment or procedure to correct or prevent sickness absence arising from a diagnosed medical condition – treatment will not usually be regarded as sickness absence and authorised absence will be granted. Following the treatment or procedure any time off which is necessary may be regarded as sickness absence and should be supported by a valid “fit note”.

## **Absences Related to Drug & Alcohol Dependency**

Absences related to a declared drug or alcohol dependency will be managed as an ill health issue in the first instance. Guidance may be sought from an Occupational Health Advisor and appropriate support and management action taken.

The Trust reserves the right to address instances of misconduct resulting from the use of alcohol or drugs under its disciplinary procedures.

## **Communicable Diseases**

Should an Employee believe that they have come into contact with a disease that could present a risk to public health they should inform the Trust and not attend work if any symptoms are experienced.

The Employee should seek immediate advice from their GP and, if advised that their presence in the workplace presents a risk to themselves or others, remain off work until the GP advises it is appropriate for them to return.

Should their GP advise that the Employee remain off work, such an absence will be regarded as sickness absence.

Should there be an infectious disease in the workplace which may place certain Employees at particular risk – the Trust will discuss with those individuals how such risks can best be minimised. In certain circumstances this may include a temporary period of authorised paid absence.

## **Accidents at work or due to a Third Party**

Employees should notify the nominated person of any accident or injury that occurs due to no fault of their own during the course of their work and follow the Trust’s procedures for reporting and recording such incidents.

Support staff will receive normal contractual sick pay in these circumstances but this should be recorded separately to other sickness absence.

Teachers who are absent following an accident / injury at work will be paid in accordance with the provisions set out in the Burgundy Book.

Employees should notify the Trust of accidents / injuries where damages may be recoverable from a Third Party. An Employee who is absent from work as a result of an accident and receives damages in respect of loss of pay from a third party claim will be required to refund to the Trust any sick pay paid to them in relation to the incident.

## **Disclosure of formal sanctions in employment references**

Should an Employee have an unexpired formal sanction on file relating to attendance – this will be disclosed, upon request, in any reference provided by the Employer to a prospective Employer.

## **Minuting Meetings and Record Keeping**

All absences will be recorded. Notes may be taken of all discussions, formal / informal meetings, hearings and appeals held with an Employee to discuss attendance and ill health issues. Where notes are taken a copy will be made available to the Employee.

Minutes will be taken at hearings and appeal meetings and shared with the Employee as soon as is practicable. The Employee will have the opportunity to check the minutes and comment on the accuracy of the minutes. Where there are discrepancies between the Employer and Employee that cannot be resolved both versions of the minutes will be held on record.

An audio record may also be made with the prior consent of the Employee. Where this is the case, the prior agreement of the Employee will be sought. In these instances, an audio copy will be shared with the Employee if requested.

Covert recordings of meetings or hearings are expressly prohibited. Any recording of a meeting or hearing must be with the prior consent of all parties.

## **Confidentiality and Data Protection**

The Trust recognises its obligations under the General Data Protection Regulation and associated legislation and the rights of Employees with regards to the personal data held on them.

All records relating to the management of Absence and Ill Health will be gathered, processed, held and shared in accordance with the requirements of the General Data Protection Regulation and Data Protection Act. Please refer to the Trust's Data Protection Policy and Privacy Notice for further details.

## **Suspected non genuine absence**

Where it is suspected that an absence is not genuine or that false sickness declarations have been made the Trust may, after appropriate investigation, address the matter through the Trust's disciplinary procedure.

## **Advice and Support to Employees**

Employees are advised to seek support from their Trade Union Representative or Professional Association with regards to absence issues. Employees may address questions about this procedure to the Trust Leader / Headteacher or other delegated staff member

**APPENDIX A1 - Self Certificate Form**

**Self Certificate**  
*Insert School Name Here*



**For completion by employee:**

Name	
------	--

I certify that I was unable to attend work due to sickness between:

First date of sickness		Last date of sickness	
------------------------	--	-----------------------	--

Nature of sickness	
--------------------	--

G.P./Hospital certificate attached –	Yes		No	
--------------------------------------	-----	--	----	--

**For part-time staff only:**

Please indicate which days are worked each week (please check boxes):

Monday		Tuesday		Wednesday		Thursday		Friday	
--------	--	---------	--	-----------	--	----------	--	--------	--

Signature of employee:		Date	
------------------------	--	------	--

**Note:**

You will not be entitled to sick pay unless you complete this form. A false declaration may result in disciplinary action.

**For completion by Head Teacher:**

Is sickness related to a disability?	Yes		No	
--------------------------------------	-----	--	----	--

Signature of Head Teacher:		Date	
----------------------------	--	------	--

**Appendix A2 – Return to Work form**

*Insert School Name Here*

**Record of Return to Work Interview**

Name of member of staff:			
Senior staff conducting interview:			
Date of return:			
Date of meeting:			
Number of days absent:			
Reason for absence:	Sickness	<input type="checkbox"/>	
	Medical appointment	<input type="checkbox"/>	
	Other	<input type="checkbox"/>	
If absent for more than 7 days has school received certificate(s)?			
Did employee follow guidelines for reporting absence from work?			
Did absence necessitate visit to doctor?			
Is the member of staff fit to return to work?			
Was an accident form completed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not applicable <input type="checkbox"/>
Is there any action which can be taken by employee to avoid recurrence of illness?			
Is there any action which employer can take to avoid recurrence of illness?			
Does employee need any special support from employer following return to work?			
Is there a need for a follow up meeting? If so when?			
Is employee aware of need to complete self certification form?			
Total number of sickness absence days in the last 12 months	<input type="text"/>	Total number of authorised absence days in the last 12 months	<input type="text"/>
Was the frequency of absence discussed at the interview?	Yes <input type="checkbox"/>		
	No <input type="checkbox"/>		
Read and signed by employee:			Date: <input type="text"/>
Signed by senior staff:			Date: <input type="text"/>

## **Appendix 2: Guidance for Hearings and Appeals**

### **General**

Hearings and Appeals should take place at a reasonable time and place usually during the Employee's normal working hours and, in the case of Employees who work term time only, during the school term. These arrangements may be varied by mutual agreement.

Consideration should be given to the venue for the hearing. There should be adequate rooms for the parties and arrangements to ensure that the hearing is conducted with discretion and confidentiality maintained. A venue away from the Trust / School site may be appropriate in certain circumstances.

The precise procedure to be followed will vary depending on the particular circumstances of each case, but in general the following will apply:

### **Role of the Panel / Manager Hearing the Case**

It is the role of the panel / manager hearing a case to consider the evidence presented and decide whether on the balance of probabilities:

- The case against the Employee has been established, and
- Whether it is appropriate and reasonable to issue a formal warning or dismiss the employee.

Should an Employee appeal the outcome of the hearing it is the role of the panel / manager considering the appeal to review the original decision on the basis of the grounds for appeal presented by the Employee and consider whether the original outcome was within a range of reasonable responses given the circumstances.

If the case is to be heard by a panel, a chair will be identified who will have responsibility for facilitating the hearing.

### **The Role of the Representative**

The Employee has the right to be accompanied to a hearing or appeal meeting by either a workplace colleague or recognised trade union representative.

The representative may address the hearing to put and sum up the Employee's case, respond on behalf of the Employee at the hearing and confer with the Employee during the hearing. The representative does not have the right to answer questions on the Employee's behalf, address the hearing if the Employee does not wish it or prevent the Employer from explaining their case.

### **The Role of the HR Advisor**

The Trust may request that a HR Advisor attends a hearing or appeal meeting whose role is to advise the panel on the procedure and any points of employment law.

A further HR Advisor may also be in attendance to support the Trust in the presentation of their case.

The HR Advisor may be allowed to ask questions and clarify issues on behalf of the party they are supporting.

### **Procedure for Hearings**

- The manager hearing the case / chair of the panel will introduce those present and their roles, explain the case to be considered, the procedure to be followed and the format of the hearing.
- The Trust's representative presents their case including and referring to written submissions / evidence. The Employee and their representative and panel may ask questions of the Trust's representative.
- The Employee or their representative presents their case including presenting any mitigating circumstances. The Trust's representative and panel may ask questions of the Employee and their representative.
- Adjournments may be requested by both parties or by the manager / panel during the hearing.

- Both parties have the opportunity to sum up their cases, with the Employee or their representative having the final word.
- The hearing will then be adjourned whilst the panel deliberates over the evidence. If further clarification is required both parties may be recalled and the hearing reconvened so that all parties may hear any additional evidence.
- The hearing is reconvened and the outcome is communicated verbally to the Employee. This should also be confirmed in writing. On occasion it may not be possible for the panel to reach a decision on the day of the hearing in which case the hearing may be reconvened or all parties may agree for the outcome to be communicated in writing within 5 working days of the decision being made.

### **Procedure for Appeals**

- The manager hearing the case / chair of the panel will introduce those present and their roles, explain the case to be considered, the procedure to be followed and the format of the meeting.
- The Employee or their representative shall put the case in support of the grounds for appeal, including any mitigating circumstances. This may include referring to written submissions and evidence. The Trust's representative and panel may ask questions of the Employee and their representative.
- The Trust's representative presents the case for upholding the previous manager / panel's decision and refer to written documentation. The Employee and their representative and panel may ask questions of the Trust's representative.
- The manager hearing the case / panel will invite both parties to sum up their cases, with the Employee or his/her representative having the final word. The hearing will then be adjourned whilst the panel deliberates over the evidence.
- Adjournments may be requested by both parties or by the panel during the appeal hearing. If new evidence is presented the appeal may need to be adjourned while this is investigated.
- The appeal hearing will then be adjourned whilst the panel deliberates over the evidence. If further clarification is required both parties may be recalled and the hearing reconvened so that all parties may hear any additional evidence.
- The appeal hearing is reconvened and the outcome is communicated verbally to the Employee. This should also be confirmed in writing. On occasion it may not be possible for the panel to reach a decision on the day of the hearing in which case the appeal may be reconvened or all parties may agree for the outcome to be communicated in writing within 5 working days of the decision being made.

## Entitlement to Contractual Sick Pay

### Teachers Employed Under Burgundy Book Terms and Conditions

Service Required	Sick Pay Entitlement
During the first year of service	Full pay for 25 working days and, after completing four calendar months' service, half pay for 50 working days.
During the second year of service:	Full pay for 50 working days and half pay for 50 working days.
During the third year of service	Full pay for 75 working days and half pay for 75 working days.
During the fourth and successive years:	Full pay for 100 working days and half pay for 100 working days.

- *Please note entitlement is based on aggregated teaching service. Previous local government service in non teaching posts does not qualify.*

### Support Staff Employed under Kent Scheme Terms and Conditions

Service Required	Sick Pay Entitlement
Up to 4 months' service	1 month full pay
During year 1 (after 4 months' service)	1 month full pay + 2 months ½ pay
During year 2	2 months full pay + 2 months ½ pay
During year 3	4 months full pay + 4 months ½ pay
During year 4 & 5	5 months full pay + 5 months ½ pay
After year 5	6 months full pay + 6 months ½ pay

- *Please note support staff engaged on a temporary basis of 4 months or less are entitled to Statutory Sick Pay or Incapacity Benefit only. After 4 months continuous service staff will be entitled to the contractual sick pay benefits above*
- *Please note entitlement is based on continuous local government service.*



## **SECTION B – SPECIAL LEAVE**

### **Policy Statement**

The Trust recognises that at some stages during their working lives Employees may need to take time off to fulfill their personal commitments, including domestic and family responsibilities. The Trust also acknowledges that Employees have certain statutory rights in respect of time off work.

The Trust will give due consideration to requests made under these provisions and will endeavour to grant reasonable time off in so far as is practicable taking into account the needs of the Trust.

The Trust reserves the right to decline requests where this would have a detrimental impact on the operation of the Trust or cause undue disruption to other staff.

This procedure explains:

- Employees' entitlement to leave and how this should be requested
- How the Trust will manage requests for leave in a fair and consistent manner.

It does not address absences for reasons of personal sickness or maternity / paternity leave which are set out in other procedures.

### **Responsibilities of the Trust Leader / Headteacher**

- To consider requests for leave fairly and equitably in accordance with the provisions of this policy and procedure, and discretions available.
- To comply with any statutory provisions that may apply in relation to special leave
- To balance any requests for leave with the operational needs of the Trust; to ensure that granting an Employee leave does not have a detrimental impact on the Trust; or cause undue disruption to other Staff.
- To monitor leave requested / taken under the special leave provisions and discuss any concerns with the employee regarding the frequency and duration of time taken.

### **Responsibilities of the Employee**

- To make any request for planned special leave using the appropriate form (Appendix B1) in accordance with the provisions and timescales set out in this procedure.
- To take leave only for the specific purpose for which it is requested.
- To make the Trust aware should they undertake public duties or other commitments outside of the workplace for which they may be entitled to request leave

For unplanned special leave, staff should follow the sickness reporting process and complete an 'unplanned absence form obtainable from the Personnel Officer (Appendix B2).

### **Monitoring of special leave**

In order to manage special leave effectively the Trust will record, monitor, and review requests and leave granted, on an individual and whole Trust basis.

### **Emergency Time Off for Dependants**

#### **Entitlement**

The Trust has a statutory obligation to grant Employees a reasonable period of unpaid time off work to deal with unforeseen or emergency situations involving a dependant who relies upon the Employee for assistance.

A dependant is defined as the Employee's spouse, civil partner, child 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. This may also include step children.

Circumstances, in which time off may be permitted include but are not limited to:

- Providing assistance if a dependant falls ill, is injured or assaulted or is unexpectedly taken into hospital
- Making arrangements for the care of a dependant who is ill or injured
- If a child is involved in a serious incident at the School or during School hours
- Dealing with an unexpected breakdown / disruption in the usual arrangements for the care of a dependant
- Taking action that is necessary in consequence of the death of a dependant.

Each case will be considered on its own merits. As a guide the time off should be sufficient to enable the Employee to deal with the immediate situation and make any necessary longer term arrangements.

All such time off will be unpaid or paid at the discretion of the Trust Leader / Headteacher for exceptional circumstances.

Time off for non-dependents is not covered by this provision.

### **Eligibility**

All Employees, regardless of their length of service, are entitled to request reasonable time off under this provision.

### **Requesting Leave**

All requests should be submitted to the nominated person who will forward the request to the Trust Leader / Headteacher for consideration.

The Trust recognises that it may not always be possible for the Employee to notify the need to take emergency time off in advance, however the Employee should inform the Trust Leader / Headteacher or nominated Manager of the need to take time off as soon as reasonably practicable.

The Employee should advise of the reason for the absence and how long they expect to be absent. Where an absence lasts more than one day the Employee should make contact with the school each day if other arrangements were not agreed on the first day of absence.

There is no limit to the number of occasions such time off will be granted – however the Trust will monitor absences and may address this with Employees where the number or duration of such absences are causing concern.

The Trust Leader / Headteacher reserves the right to refuse time off where Employees could reasonably be expected make alternative arrangements or contingency plans for the situation in advance – e.g. to take a dependant to a pre-planned non-emergency appointment or to care for a child as a result of pre-planned closure of their school.

The Trust may also direct the Employee to other more appropriate types of leave which may be requested given the circumstances.

The decision of the Trust Leader / Headteacher is final and there is no right of appeal.

Emergency Dependent Care Leave should be recorded separately to any other leave which may be taken.

### **Personal Leave (formerly Compassionate Leave)**

Personal or compassionate leave may be granted at the discretion of the Trust Leader / Headteacher on behalf of the Trustees to allow an Employee to attend to urgent or unforeseen personal circumstances.

The Trust may need to undertake reasonable and sensitive enquiries into the situation when considering requests.

### **Entitlement**

Up to 10 working days paid leave may be granted in any one academic year. In the event that a member of staff requires time off to look after a dependent for Covid-19 related reasons e.g. school aged child is required to self-isolate then up to 3 days paid leave will be allowed.

Entitlement is calculated on a pro rata basis for part time staff.

Additional unpaid personal / compassionate leave may be granted in exceptional circumstances.

Circumstances in which leave may be granted include:

- Death of a member of the Employee's immediate family and attendance at the funeral.
- Injury or critical illness of an immediate family member.

Immediate family is defined as the Employee's spouse, civil partner, partner, parent, child, stepchild, sibling, grandparent or in-law. Careful consideration will also be given to requests for time off relating to other people outside an Employee's immediate family.

## **Eligibility**

All Employees, regardless of their length of service are entitled to request compassionate leave.

## **Requesting Leave**

All requests should be submitted to the nominated person who will forward to the Trust Leader / Headteacher for consideration, on behalf of the Trustees.

The Trust recognises that it may not always be possible for the Employee to notify of the need to take compassionate leave in advance. The Employee should inform of the need to take compassionate leave as soon as reasonably practicable. The Employee should advise of the reason for the absence and how long they will need to take leave and whether they are requesting paid or unpaid leave.

Requests will be viewed sympathetically and each case considered on its own merits.

The decision of the Trust Leaders / Headteacher is final and there is no right of appeal.

The outcome of the request and any arrangements for payment will be confirmed in writing by the Trust.

This provision is in addition to any statutory entitlement for emergency time off for dependents.

In certain circumstances it may be appropriate to grant a combination of Personal Leave and Emergency Dependent Care Leave. Personal Leave will be recorded separately to any other leave that may be taken.

## **Carers Leave**

### **Entitlement**

Employees with caring responsibilities may request up to 5 days paid personal or compassionate leave each annual year specifically for this purpose. Leave may be granted at the discretion of the Trust Leader / Headteacher.

Circumstances in which Carers leave may be granted includes:

- Providing care to a relative after a planned operation or accident
- Taking a relative to a hospital appointment.

Entitlement is calculated on a pro rata basis for part time staff.

### **Eligibility**

This provision applies to Employees on Kent Scheme terms and conditions.

To be eligible the Employee should:

- Provide unpaid care or support to an ill, frail elderly or disabled partner, child, relative or friend on an ongoing basis.

## **Requesting Leave**

To ensure the Trust is fully aware of individual circumstances, an Employee should, wherever possible, discuss their anticipated caring needs in advance with the Trust Leader / Headteacher.

In order to consider the request, the Employee will be required to provide the Trust Leader / Headteacher with information regarding the nature of their caring commitments. This discussion will allow the Trust Leader / Headteacher to explore the most appropriate way to support the Employee in fulfilling their responsibilities whilst ensuring service delivery is maintained. A written record will be made of the agreed Carers Support Plan.

Generally, Carers Leave is taken in whole days, however smaller periods of leave may be agreed at the discretion of the Trust Leader / Headteacher.

The Employee should inform of the need to take carers leave as soon as reasonably practicable. The Employee should advise of the reason for the absence and how long they will need to take.

Requests will be viewed sympathetically and each case considered on its own merits.

The decision of the Trust Leader / Headteacher is final and there is no right of appeal.

The outcome of the request and any arrangements for payment will be confirmed in writing by the Trust.

This provision is in addition to any emergency dependent carer leave which may be requested.

Carers leave should be recorded separately to any other leave which may be taken.

## **Parental Leave**

Employees with parental responsibilities have a statutory entitlement to request parental leave specifically to take care of the welfare of their child/children.

### **Entitlement**

Qualifying Employees may take up to a total of 18 weeks leave for each child. This entitlement is calculated on a pro rata basis for part time employees.

All parental leave will be unpaid.

Leave may be taken in periods of no less than 1 week up to a maximum of 4 weeks in any 12 month period. Where a child is disabled periods of less than 1 week may be agreed.

Each 12 month period commences on the anniversary of the date an Employee first became entitled to parental leave in respect of the child in question.

Both parents each have an entitlement to parental leave – however this cannot be transferred between parents.

### **Eligibility**

To qualify for parental leave:

- Employees must have completed at least one year's continuous service and
- Be the parent or adoptive parent of a child who is under 18 years of age.

The Employee may be asked to complete an application / declaration form to formally confirm their eligibility for parental leave.

## **Requesting Leave**

Requests for parental leave should be made in writing to the Trust Leader / Headteacher no later than 21 days before the intended start date. When requesting leave the Employee should specify the duration and intended return date.

To request parental leave immediately after the birth or adoption of a child, Employees should submit their application no later than 21 days before the beginning of the expected week of confinement or placement, or as soon as practicable if the child is born prematurely.

The Trust may ask the Employee to evidence their relationship with the child for whom leave is requested by providing birth or adoption certificates, as appropriate.

The outcome of the request will be confirmed in writing by the Trust within 7 working days of the request being made.

The decision of the Trust Leader / Headteacher is final and there is no right of appeal.

The Trust will keep a record of the amount of leave taken in order to maintain an accurate account of the Employee's entitlement.

## **Postponement of leave**

The Trust may ask an Employee to postpone a period of parental leave if their absence would be detrimental to the operation of the Trust. Such a postponement may be extended by up to 6 months.

In instances where a request for leave is made immediately following the birth or adoption no postponement is permissible.

Where a request cannot be accepted – the Trust will discuss the reasons for this and suitable alternative dates with the Employee. The Trust will notify the Employee of the outcome in writing within 7 working days of the original request setting out the reasons why a postponement is necessary and suitable alternative dates.

## **Changing Employers**

Employees who change Employers during the period in which they are eligible to take parental leave may transfer any unused leave to their new Employer. Such leave may not be taken until the Employee has been employed by the new Employer for 12 months.

The Trust reserves the right to contact previous Employers to verify the amount of unused entitlement an Employee has.

## **Conditions of employment during periods of parental leave**

During a period of parental leave – the Employee will remain employed although pay will be suspended.

The Employee will have the right to return to the same role as before their period of parental leave.

## **Parental Bereavement Leave**

From 6th April 2020 there is a statutory obligation to grant paid parental bereavement leave to all Employees following the death of a child. Employees may request a period of parental bereavement leave in the event of the loss of a child under the age of 18 or in the event of stillbirth after 24 weeks of pregnancy.

Statutory Parental Bereavement Pay should be given where an Employee has at least 26 weeks continuous service and has earned in excess of the Lower Earnings Limit in the 8 weeks prior to the week before the bereavement occurs. However, in line with the Local Authority policy, the Trust has adopted the following enhanced parental bereavement provisions for Employees on Kent Scheme Conditions of Service:

- Paying employees at their normal contractual pay during their period of leave regardless of their length of service and.
- Allowing leave to be taken in smaller periods of a few days or individual days equaling no more than 10 working days in total

This enhanced entitlement is extended to those employed on the Teacher Pay and Conditions of employment.

## **Entitlement**

Regardless of an Employee's length of service up to 2 calendar weeks leave will be granted. This leave may be taken as a single block or 2 separate weeks.

Bereavement leave may be taken within 56 weeks from the date of the bereavement.

Statutory Parental Bereavement pay will be paid to qualifying Employees with more than 26 weeks continuous service with the Trust. Employees who do not qualify for statutory parental Bereavement pay will be entitled to unpaid leave.

## **Eligibility**

Employees are eligible for parental bereavement leave where they are the legal parent or in circumstances where they are the primary carer and have a parental relationship with the child. This includes acting as legal guardian, foster parent, kinship carer or where a court order is in place giving the Employee legal responsibility for the care of a child.

## **Requesting Leave**

In view of the nature of this type of leave it is recognised that requests are likely to be made with little or no notice where leave is to be taken very soon after the date of bereavement. However, Employees are required to notify the Trust Leader / Headteacher that they are exercising their entitlement to take parental bereavement leave as soon as is practicable.

Where leave is taken more than 56 days after the date of bereavement, Employees are required to give 1 weeks' notice of their intention to take leave.

The right to request Parental Bereavement Leave is in addition to any period of Personal (Compassionate) Leave which may be granted, or period of maternity or family leave they may be entitled to.

## **Time Off for Religious Observance**

The Trust recognises that there may be occasions where Employees may wish to request time off during their usual working hours for religious / cultural observance.

## **Entitlement**

The Trust will endeavour to grant reasonable time off in so far as practicable taking into account the needs of the Trust. The Trust reserves the right to decline requests where this would have a detrimental impact on the operation of the Trust or cause undue disruption to other staff.

All time off will be unpaid.

## **Eligibility**

All Employees, regardless of their length of service, are entitled to request time off under this provision.

All Employees, whatever their religion or belief, will be treated equally in respect of requests for time off for religious observance or requests for alterations to their working patterns for religious reasons.

Employees who are contracted on a term time only basis and who therefore have no entitlement to take annual leave should request unpaid leave should they wish to take time off for this purpose.

Support staff Employees who are contracted on an all year round basis should request annual leave should they wish to take time off for this purpose. Priority consideration will be given to Employee's requesting annual leave for the purpose of religious observance.

## **Requesting leave**

All requests should be submitted in writing to the Trust Leader / Headteacher for consideration, on behalf of the Trustees. The request should clearly state the dates and reasons for requesting time off.

Requests for leave should be planned in advance giving sufficient notice for the Trust to assess the impact of granting leave.

Requests will be considered sensitively and in accordance with the Trust's obligations under the Equality Act. The Trust will endeavour to grant reasonable time off in so far as is practicable and taking into account the needs of the Trust. The Trust reserves the right to decline requests where this would have a detrimental impact on the operation of the Trust or cause undue disruption to other staff.

The decision of the Trust Leader / Headteacher is final and there is no right of appeal.

The outcome of the request will be confirmed in writing.

Time off granted for religious observance should be recorded separately to any other leave which may be taken.

## **Jury Service**

The Trust will grant Employees paid leave in order to undertake jury service.

### **Eligibility**

All Employees, regardless of their length of service, are entitled to time off under this provision.

### **Notifying the School**

The Employee should advise the Trust Leader / Headteacher as soon as practicable that s/he has been called for jury service and provide a copy of the confirmation of jury service letter received from the court.

### **Period of leave granted**

In the first instance up to 10 days leave will be granted. The Employee must advise the Trust Leader / Headteacher as soon as they are notified that the case on which they are serving is likely to continue beyond the initial 10 day period. The Trust will extend this in instances where the case continues beyond this period.

Should an Employee not be required to attend court for any whole or part day they should notify the Trust Leader / Headteacher. The Trust may require an Employee to return to work for this period. This may vary depending on the circumstances.

If the jury service ends before the expected 10-day period the Employee will be expected to return to work.

### **Payment**

The time off for jury service will be paid at normal contractual pay. An Employee will continue to receive their usual salary throughout their period of jury service, however a loss of earnings allowance payable by the court is offset against the Employee's normal salary.

The Employee must claim the entitlement payable by the Court and provide the Trust with a Loss of Earnings Certificate obtained from the Court. The Trust will calculate the Employee's daily net rate of pay. The Employee should present the Loss of Earning Certificate to the clerk of the court on their first day of jury service.

Following the completion of jury service the Employee will receive a payment direct from the court together with a remittance advice. The remittance advice should be passed to the nominated person who will arrange for the amount paid by the court to be deducted from the Employee's salary.

## **Time Off for Public Duties**

The School will grant reasonable paid leave to Employees for the specific purpose of undertaking certain public duties.

Such duties include:

- Magistrates / Justices of the Peace / Employment Tribunal panel member.
- Member of a Local Authority / Local Councillor or Members of any Committee or Sub-committee thereof.
- Member of certain public authorities – e.g. police, health or education authority, statutory tribunal or member of a prison board of visitors.
- School Governor / Trustee.

## **Entitlement**

Time off under these provisions should not exceed a total of 18 days in any 12 months.

## **Eligibility**

All Employees, regardless of their length of service, are entitled to request time off under this provision.

## **Requesting Leave**

Employees should advise the Trust Leader / Headteacher where they are a member or intend to become a member of a public organisation who may be entitled to leave under this provision. The Employee should discuss at the start of each academic year how much time they anticipate requiring to request under these provisions.

All requests should be submitted to the Trust Leader / Headteacher for consideration, on behalf of the Trustees.

Employees should give reasonable written notice should they wish to request leave for public duties in order to enable the School to assess the impact of granting leave. As a guide it is expected that not less than 5 working days' notice will be given of the request to take leave under this provision, although this requirement may be waived in exceptional circumstances.

The Trust will endeavour to grant reasonable time off in so far as is practicable taking into account the needs of the Trust. The Trust reserves the right to decline / postpone requests where the amount of time requested becomes excessive or in instances where granting time off would have a detrimental impact on the operation of the Trust or cause undue disruption to other staff. Each request will be considered on its own merits.

The outcome of the request will be confirmed in writing.

The decision of the Trust Leader / Headteacher is final and there is no right of appeal.

Time off which is granted for the purpose of undertaking public duties should be recorded separately to any other leave which may be taken.

## **Payment**

Reasonable paid time off of up to 18 days in any 12 month period will be given for public duties.

## **Time off for Trade Union Duties**

The Trust recognises that accredited Trade Union officials are entitled to reasonable time off with pay for the specific purpose of undertaking union duties.

Employees should make the Trust Leader / Headteacher aware as soon as possible on their appointment or during the course of their employment should they be appointed as a Trade Union official and become eligible to request time off under these provisions.

Trade Union representatives should provide the Trust Leader / Headteacher with as much notice as is possible of any request to take time off. All time off is subject to the prior agreement of the Headteacher and time off may be declined where this may have detrimental impact on the operation of the Trust.

Arrangements under this provision are set out in the Trust's Recognition and Facilities Agreement and Burgundy Book (for Teachers). A list of activities covered by these provisions is available in the Blue Book for Support Staff Trade Union Officials and the Burgundy Book for Teaching Staff Union Officials.

## **Reservists**

### **Eligibility**

Employees who are a reservist with the following organisations are entitled to request time off under this provision: Army Reserves, Royal Navy Reserve, Royal Auxiliary Air Force, Royal Marines Reserves and Regular Reservists .

### **Notifying the Trust**

The Trust requires that all new recruits or existing employees inform the Trust Leader / Headteacher as soon as possible where they are, or intend to become, reservists.



The Trust may require the Employee to provide a copy of the written notification provided by the MOD to confirm that they are a member of the reserve forces and the terms of their engagement. The Employee may also be required to confirm on an annual basis that they are still a reservist.

### **Time off for reservist training**

Employees should seek to undertake training activities at weekends or outside of the School term, where possible.

Should an Employee wish to request time off for training they should do so in writing to the Trust Leader / Headteacher as soon as practically possible.

The Trust Leader / Headteacher will consider any request carefully but may decline to grant time off where this would have a detrimental impact on the operation of the Trust or cause undue disruption to other staff.

Where time off for training is agreed during the School term, the Trust will grant Employees up to 2 weeks unpaid leave in any academic year. Any payment for time off for reservist training is at the discretion of the Trust Leader / Headteacher.

### **Call up for Military Operations**

Should an Employee be called up they should advise the Trust Leader / Headteacher as soon as practicable and present his/her mobilisation papers / letter from the MOD, outlining the date, and possible duration, of his/her mobilisation.

The maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no longer than twelve months.

All requests to be released from duty following 'call up' should be submitted to the Trust Leader / Headteacher for consideration, on behalf of the Trustees.

The Trust will only seek to apply for an exemption or deferral of the Employee's mobilisation in exceptional circumstances.

The Trust Leader / Headteacher may meet with the Employee to discuss the terms of release and arrangements for maintaining contact during the period of mobilization and confirm these in writing.

### **Payment**

It is not the Trust's policy to continue to pay a reservist while they are absent on military operations therefore the Employee's salary will cease on their first day of absence. During this period the Employee will receive payment directly from the MOD according to their military rank.

### **Terms Relating to the Period of Mobilisation**

Continuity of employment and service related benefits are not affected by a period of mobilisation however the period that the Employee was absent from work will not count towards continuous service entitlement.

For Support Staff the terms under which mobilisation leave is granted are specified in the Kent Scheme Conditions of Service and associated guidance.

### **End of the Mobilisation Period**

As far as is practical the Employee should notify the Trust as soon as they are aware their period of mobilisation is due to end. In all cases the Employee must write to the Trust Leader / Headteacher no later than the 3<sup>rd</sup> Monday after their final day of military service to advise them of their wish to return to work.

The Trust Leader / Headteacher may meet with the Employee to discuss the arrangements for their return. Consideration will be given to support or training which may be appropriate to support the Employee in their reintegration to the workplace.

### **Rights on return**

An Employee has the right to return to their former role and if not, to a mutually acceptable role on the same terms and conditions prior to mobilization.

## **Special Constables and Retained Fire-fighters**

The Trust will grant reasonable paid leave to Employees for the specific purpose of undertaking duties associated with the above activities.

### **Notifying the Trust**

The Trust requires that all new recruits or existing Employees inform the Trust Leader / Headteacher as soon as possible where they are, or intend to become, a Special Constable or Retained Fire-fighter.

The Trust may require the Employee to evidence that they are engaged as a Special Constable or Retained Fire-fighter. The Employee may also be required to confirm on an annual basis that they are still undertaking such duties.

### **Eligibility**

All Employees, regardless of their length of service, are entitled to request time off under this provision.

### **Time off for training**

Employees should seek to undertake training activities at weekends or outside of the School term, where possible.

Should an Employee wish to request time off for training they should do so in writing to the Trust Leader / Headteacher as soon as practically possible.

The Trust Leader / Headteacher will consider any request carefully but may decline to grant time off where this would have a detrimental impact on the operation of the Trust or cause undue disruption to other staff.

Where time off for training is agreed during the School term up to 2 weeks unpaid leave may be granted in any academic year. Any payment for time off for training is at the discretion of the Trust Leader / Headteacher.

### **Requesting Leave**

Employees should advise the Trust Leader / Headteacher should they be entitled to leave under this provision.

All requests should be submitted to the Trust Leader / Headteacher for consideration, on behalf of the Trustees.

Requests for leave should be planned in advance giving sufficient notice for the Trust to assess the impact of granting leave. The Trust will endeavour to grant reasonable paid time off in so far as practicable taking into account the needs of the Trust.

The outcome of the request will usually be confirmed in writing by the Trust Leader / Headteacher.

### **Requesting Time Off for Study / Training**

The Trust recognises the importance of staff development and that time away from the workplace may be required for the purpose of attending training or study.

### **Entitlement**

Employees may request time off specifically for the purpose of undertaking training or study leading to a job related qualification or to develop specific skills relevant to the job role.

### **Eligibility**

Certain Employees under the age of 18 have a statutory right to reasonable paid time off to study towards a relevant qualification.

### **Requesting Leave**

All requests should be submitted to the Trust Leader / Headteacher for consideration, on behalf of the Trustees.

Any request for time off must be made in advance in writing in good time before the intended start date of the training / study programme. Employees should state the amount of study leave that will be required and the duration of the programme. Employees must evidence how the particular programme will be of relevance / benefit to them in their job role.

The Trust Leader / Headteacher will meet with the Employee to discuss the request. Each request will be considered on its own merits taking into consideration the benefits of granting leave to both the Employee and the trust. The Trust reserves the right to decline requests where this would have a detrimental impact on the operation of the Trust, cause undue disruption to other staff or where there is no tangible benefit to the trust.

The outcome of the request and any terms relating to the time off will be confirmed in writing.

The decision of the Trust Leader / Headteacher is final and there is no right of appeal.

### **Payment**

Any time off agreed under this provision will be unpaid. In exceptional circumstances and at the discretion of the Trust Leader / Headteacher time off may be paid.

The Trust will consider, in appropriate cases, paying course fees and other expenses related to training / study.

Should the Trust fund training either directly or via the apprenticeship levy, or grant paid time off, the Employee may be required to enter into a training agreement.

### **'Timeout' / Career Break**

The Trust may, at its discretion, allow Employees to take a planned career break and return to the workplace afterwards. Breaks may be requested for a number of reasons including to:

- Pursue a personal interest or project.
- Undertake voluntary work.
- Undertake extensive overseas travel.
- Spend more time with family.
- To undertake domestic / caring responsibilities.

### **Entitlement**

Non-teaching staff employed on Kent Scheme Terms and Conditions may request between 2 months and 1 year unpaid leave from work. Teacher / those employed on teaching terms and conditions may request between 1 term and 1 academic year unpaid leave from work.

No more than one career break will be granted during an individual's employment with the Trust.

### **Eligibility**

Employees with at least 2 years continuous service are eligible to request time off under this provision.

To qualify Employees need to demonstrate:

- That they have a firm intention of returning to work by an agreed date
- Have a satisfactory performance and conduct record
- Possess skills which the Trust wishes to retain
- How they intend to use the time away from work.

### **Requesting Leave**

All requests should be submitted to the Trust Leader / Headteacher for consideration, on behalf of the Trustees.

Any request for time off must be made in writing no later than 3 months before they wish the break to start. Employees should state the reason for the request, length of the break requested and the anticipated start and return date.

The Trust Leader / Headteacher will meet with the Employee to discuss the request. Each request will be considered on its own merits taking into consideration the benefits of granting leave to both the Employee and the Trust. The Trust reserves the right to decline requests where this would have a detrimental impact on the operation of the Trust, cause undue disruption to other staff or where it is not possible to cover the Employee's role.

The outcome of the request and any terms relating to the career break will be confirmed in writing. Where a request is declined the reasons for this will be stated.

The decision of the Trust Leader / Headteacher is final and there is no right of appeal.

### **Payment**

All career breaks are unpaid. The Employee will not receive pay progression during the period of the break. Where an Employee is granted a career break immediately following Maternity or Adoption leave and they have received the additional 12 weeks at half pay, they will need to complete three months service (or equivalent if they are a teacher) after their agreed return date following the career break. If they do not return to work on the agreed date, they will have to repay the half pay received.

### **Returning to Work Early**

If an Employee's circumstances change and they wish to return to work early, they should contact the Trust Leader / Headteacher in the first instance. An Employee should give at least 3 months written notice of a wish to return early or where the leave period is less than 3 months as much notice as is reasonably practical. The Trust Leader / Headteacher will consider whether an early return date can be accommodated but reserves the right to require the Employee to remain on the career break until the date originally agreed

### **Terms Relating to Career Breaks**

Employees will be required to provide the Trust with details of how they may be contacted during the period of the career break.

Employees who are granted a career break will be entitled to return to their substantive post, unless a redundancy or restructure process is undertaken during the period of absence. In this case the Trust will consult with the Employee to regarding the potential impact of the change on their role.

Annual leave does not accrue during a career break.

The period of the career break will count towards the calculation of continuous service for statutory purposes (e.g. redundancy rights, unfair dismissal rights, statutory maternity and adoption leave).

However, the period of the career break will not count towards continuous service for contractual purposes (e.g. annual leave, contractual maternity, adoption and paternity schemes and contractual sick pay). When the employee returns to work following the career break, their pre-break and post-break service will be added together to make total service for contractual purposes.

### **Time off in relation to legal proceedings**

The Trust will allow reasonable time off in relation to legal proceedings not related to work matters.

All Employees regardless of their length of service are entitled to request time off for this purpose.

Such time off will usually be unpaid.

The Employee should advise the Trust Leader / Headteacher in writing as soon as practicable of the dates and duration if they wish to take leave for this purpose. The Employee may be required to provide evidence of the dates / duration they will be required to attend court.

Please note this provision is separate to any requirement to attend legal proceedings on behalf of the Employer in a work related capacity.

### **Adverse Weather Conditions**

There may be occasions where Employees experience difficulties attending work during periods of adverse weather or where there are disruptions to road and / or public transport. Employees are advised to consider reasonable contingency arrangements in these circumstances.

Employees have a contractual duty to report to work and should make every reasonable effort to attend work in adverse weather conditions even if their arrival is delayed. However the Trust Leader / Headteacher will have due regard to the health and safety of Employees and may use their discretion in making appropriate alternative arrangements according to local conditions.

In instances where the Trust Leader / Headteacher determines that the school should close - all Employees will continue to receive full pay. However Employees may be expected to undertake reasonable alternative duties including working from home or attending another of the Trust's school sites.

Employees should endeavour as far as is possible to make contingency arrangements in the event that their child's school is closed or usual child care arrangements disrupted.

Paid absence during periods of adverse weather or unforeseen disruption is entirely at the discretion of the Trust Leader / Headteacher and will only be granted with the prior approval of the Trust Leader / Headteacher. Paid leave should only be considered once all other reasonable options - including working from home or / at another site / making up lost time / taking annual leave have been considered.

### **Unpaid leave**

The Trust will exceptionally grant unpaid leave for reasons others than those specified in this procedure.

Requests for such leave should be made in writing to the Trust Leader / Headteacher. Each request will be considered on its own merits, balanced against the operational needs of the Trust and granted at the discretion of the Trust Leader / Headteacher.

The outcome of any request and any terms relating to the leave will be confirmed in writing.

The decision of the Trust Leader / Headteacher is final and there is no right of appeal.

### **Pension Considerations**

Certain periods paid or unpaid leave may impact on an Employee's pension.

Employees should seek guidance from the LGPS or Teachers Pension Scheme regarding the pension implications of any period of special leave taken and any mandatory or optional pension contributions which may be made during a period of leave.

### **Suspected Abuse of Special Leave Provisions**

It is expected that Employees will only request and take leave specifically for the purpose stated.

Where it is suspected that a fraudulent request had been made or leave not used for the stated purpose, the Trust may, after appropriate investigation address the matter through its disciplinary procedure.

Where an Employee is believed to be making excessive use of discretionary leave provisions, beyond that which is judged reasonable for the purpose for which it is requested, this may be addressed by the Trust Leader / Headteacher using the appropriate policy.

### **Unauthorised Absence**

Where an Employee fails to adhere to the notification requirements set out in this procedure or takes leave without seeking prior authorisation or is identified as not utilising the leave for the purpose it was requested, any absence may be regarded as unauthorised and, after appropriate investigation, be addressed via the Trust's Disciplinary Procedure.

Should a request for special leave be declined and the Employee subsequently takes unauthorised leave – this will be addressed via the Trust's Disciplinary Procedure.

### **Disputes**

Each request for special leave will be considered on its own merits. Agreeing to one request will not set a precedent for another employee to be granted leave in similar circumstances.

The decision of the Trust Leader / Headteacher is final and there is no right of appeal.

Employees should discuss the reasons for any refused leave requests informally with the Trust Leader / Headteacher.

Disputes regarding the application of special leave provisions should be addressed via the Trust's Grievance Procedure.

### **Record Keeping**

Notes may be taken of all discussions and formal / informal meetings held with Employees relating to a request to take special leave. Where notes are taken a copy will be made available to the Employee.

The Employee may be asked to complete a leave request form when applying for leave under the provisions of this document. Records will be kept of leave taken for monitoring purposes.

Separate records should be kept of the number of days leave requested and granted under each of the special leave provisions.

**Appendix A3 – Planned Absence Form**

*Insert School Name Here*

**STAFF PLANNED ABSENCE REQUEST FORM**

This form should only be used to request paid/unpaid leave of absence and not for reporting absence due to sickness or injury or an unplanned absence for which there are separate forms.

<b>Employee Name:</b>					
<b>Absence Information:</b>					
Period of absence requested (inclusive dates)					
<b>Date from:</b>			<b>Date to:</b>		
<b>Time from:</b>			<b>Time to:</b>		
<b>Reason for Absence:</b>					
Employee Signature:			Date:		
<b>Line Manager Recommendation:</b>					
Approve / Refuse (please delete as appropriate)					
Name:					
Signature:			Date:		
<b>Previous 12 months Absence</b>					
<b>Sickness</b>		<b>Other paid leave</b>		<b>Other unpaid leave</b>	
<b>Trust Leader Approval:</b>					
Approved /Refused (If approved, with or without pay?) With / Without (please delete as appropriate)					
Signature:			Date		
<b>HR Checklist:</b>					
Record absence on SIMS		Record absence on Calendar			
Record absence on KLZ		Notify Payroll (if unpaid)			

**Appendix A4 – Unplanned Absence Form**

*Insert School Name Here*

**STAFF UNPLANNED ABSENCE REQUEST FORM**

This form should only be used following sudden absence which may be paid/unpaid leave of absence, at the Trust Leader's discretion. It is not for reporting absence due to sickness or injury for which there is a separate form.

<b>Employee Name:</b>					
<b>Absence Information:</b> Period of absence: (inclusive dates)					
<b>Date from:</b>			<b>Date to:</b>		
<b>Time from:</b>			<b>Time to:</b>		
<b>Reason for Absence:</b>					
Welfare meeting desired HT/LM?			Yes / No		
Employee Signature:			Date:		
<b>Previous 12 months Absence</b>					
<b>Sickness</b>		<b>Other paid leave</b>		<b>Other unpaid leave</b>	
<b>Trust Leader Approval:</b>					
With / Without pay: (please delete as appropriate)					
Welfare meeting required with employee			Yes / No		
Signature:			Date		
<b>HR Checklist:</b>					
Record absence on SIMS			Record absence on Calendar		
Record absence on KLZ			Notify Payroll (if unpaid)		



## **SECTION C – Flexible Working**

### **Policy Statement**

The Trust recognises that at some stages during their working lives, Employees may wish to request flexible working arrangements. The Trust also acknowledges that qualifying Employees have a statutory right to make a flexible working request.

The Trust will give reasonable consideration to requests made under these provisions and will endeavour to grant flexible working arrangements in so far as is practicable – taking into account the needs of the Trust.

Decisions on whether a request can be agreed will be based on business needs and flexible working arrangements should not adversely impact on service delivery and the operation of the Trust.

### **Entitlement to Request Flexible Working**

From 30th June 2014, The Children and Families Bill extended the right to request flexible working to all employees; not just those who had children under the age of 17 (18 if the child is disabled) or were carers.

An Employee may make a statutory request to work flexibly after 26 weeks' continuous service. An Employee may only make one statutory request in every 12 month period.

Under flexible working arrangements, a variety of working patterns may be requested including:

- A change to hours worked
- A change to the times worked
- A change to the place of work e.g. working from home

A request for flexible working may be made on a permanent or temporary basis.

### **Making a request for flexible working**

Requests must be made to the Trust Leader (for Headteachers and Trust Central staff) or Headteacher in writing and include:

- The date
- A statement that the application is being made under the statutory right to request flexible working
- Details of the working pattern the employee wishes to adopt and whether it is a permanent or temporary change
- Details of the effects the employee feels this change will have on their team and how these might be dealt with
- The proposed effective date of the change
- The date of any previous application that has been made.

### **Considering a Request**

A decision regarding the employee's request should be made by the Trust Leader / Headteacher as soon as possible.

The Trust Leader / Headteacher should consider the benefits of agreeing the request for the employee against any implications for the trust.

In reaching a decision, it may be of benefit for the Trust Leader / Headteacher and Employee to meet to discuss the request in further detail. Where the Trust Leader / Headteacher is in agreement to the request – a meeting is not necessary.

The employee may be accompanied by a workplace colleague or trade union representative during discussions with the Trust Leader / Headteacher about their request.

## **Accepting a Request**

Where a request is agreed, the Trust Leader / Headteacher should discuss and agree the start date of the new working arrangements with the employee. The new working arrangements should be confirmed in writing.

Where it is not possible for the Trust Leader / Headteacher to accept a flexible working request in full, it may be possible to reach agreement with an employee to accept elements of the request or agree alternative arrangements.

A flexible working request may be agreed on either a permanent or temporary basis. It is also possible for the Trust Leader / Headteacher and employee to agree a trial period to assess whether the changed working arrangements are practical for both parties in the longer term.

## **Rejecting a Request**

If it is not possible to agree to a flexible working request, the decision and reasons for this should be confirmed in writing by the Trust Leader / Headteacher.

This notification should include a detailed explanation for this decision and provide details of the procedure for making an appeal.

Reasons for rejection must be for one or more of the following:

- The burden of additional costs
- A detrimental effect on ability to meet customer demand
- An inability to reorganise work among existing staff
- An inability to recruit additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes.

## **Right of Appeal**

*There is no statutory requirement to provide a right of appeal, however allowing appeals is regarded as best practice, therefore the Trust has adopted the following process:*

- Employees have a right to appeal against the Trust Leader / Headteacher's decision not to grant a flexible working request.
- Appeals must be made in writing and submitted within 5 working days of the original decision. The letter of appeal should include the employee's reasons for making an appeal.
- Arrangements will be made for an appeal meeting to take place as soon as possible (usually within one month of the original decision being taken).
- The appeal will usually be considered by panel of one or more Trustees .
- The employee may be accompanied at the appeal meeting by a workplace colleague or trade union representative
- The employee will receive a written outcome to the appeal within 10 working days of the meeting.
- If an appeal is not upheld the notification must include a detailed explanation for this - including the business reason for being unable to accommodate the request.

- The decision of the appeal is final and there is no further right of appeal.

## **Timescales for Considering a Request**

Requests should be considered within a reasonable timeframe and without undue delay.

All requests, including any appeals, must be considered and determined within 3 months from receipt of the initial request – unless a longer timescale is agreed with the employee.

An extension may be considered where a trial of the new arrangements is agreed.

## **Equality Considerations**

In considering a flexible working request, the Trust Leader / Headteacher should consider the Equality implications of any decision.

Flexible working arrangements may be considered as a 'reasonable adjustment' to support an employee with a disability (as set out in the Equality Act 2010) and may wish to seek further guidance from their Personnel provider.

## **Non-attendance at Meetings**

If an employee is unable to attend a meeting to discuss their flexible working request or any subsequent appeal, they should contact the Trust Leader / Headteacher as soon as possible.

The Trust Leader / Headteacher will rearrange the meeting, but if the employee fails to attend the rearranged meeting without a reasonable explanation, the appeal is treated as being withdrawn.

An employee may be accompanied by a trade union representative or workplace colleague at a meeting to discuss the flexible working request or any subsequent appeal.

If the workplace colleague or trade union representative is unable to make the appeal meeting the employee can ask for it to be rearranged, in which case it should take place within seven days of the date of the originally proposed.

## **Further Guidance – ACAS**

Code of Practice on handling in a reasonable manner requests to work flexibly

<https://www.acas.org.uk/acas-code-of-practice-on-flexible-working-requests/html>

The right to request flexible working: an ACAS guide

<https://www.acas.org.uk/making-a-flexible-working-request>

## **SECTION D – Menopause**

### **Policy Statement**

Coppice Primary Partnership is committed to providing an inclusive and supportive working environment for everyone who works here.

Menopause is a natural part of life, and it isn't always an easy transition. With the right support it can be much better. Whilst everyone does not suffer with symptoms, supporting those who do, will improve their experience at work.

The menopause, or at least some of its symptoms, has now been recognized as a condition that may be covered under the Equality Act 2010. Employers have a legal duty to make a suitable and sufficient assessment of the workplace risks to the health and safety of their employees.

#### **Self Help Measures for Employees**

Employees have a responsibility to ensure they look after their own health and well-being. Employees are encouraged to:

- Find out about the menopause from available sources and seek advice from their GP on treatment options
- Use technology where available and helpful e.g. for reminders or note taking
- To make the Trust Leader / Headteacher / Line Manager aware of any health issues related to the menopause that may be impacting on their ability to maintain good attendance and performance.
- To attend meetings in connection with the management of menopausal issues (i.e. return to work meetings, adjustment review meetings, occupational health appointments)
- To work with the Trust Leader / Headteacher / Line Manager to identify support and strategies for improving attendance or facilitating a better working environment to accommodate their specific needs whilst meeting the needs of the Trust.
- Avoid hot flush triggers (such as hot food and drinks) especially before presentations or meetings.
- Consider relaxation techniques such as mindfulness and other potentially helpful techniques such as cognitive behavioural therapy
- Consider lifestyle changes such as weight reduction, smoking cessation, and exercise, reduction in caffeine and alcohol intake
- Tell people about it and the impact it is having to help them understand

Certain aspects of a job or the workplace can represent a barrier for a staff member experiencing menopausal symptoms. A manager has the responsibility to consider and put in place reasonable adjustments to alleviate or remove these barriers wherever possible so the staff member can carry on performing in their role.

#### **How the Trust can Help Support Employees**

There are several supportive measures the Trust may wish to consider:

- Be fully aware of the menopause guidance document and how to support female employees at this time in their life.
- Be able to have open and honest conversations with female employees about the menopause and advocate an open and supportive culture around this.
- When considering requests for flexible working, the Trust should be aware that such requests may fall under the reasonable adjustments required to be made for disabled employees.
- Record any adjustments agreed and actions to be put in place to help support and ensure they are adhered to.
- Ensure on-going dialogue and review dates where necessary are adhered to.
- Where possible, the working environment should support the needs of the employee such as ventilation, toilet facilities and access to cold water.
- Signpost the employee to appropriate external sources of support. The Education Support Partnership provides a free 24 hours helpline for all staff working in education.

Where adjustments are unsuccessful, or if symptoms are proving more problematic, the - Trust Leader / Headteacher may:

- Discuss referral to Occupational Health for further advice;
- Refer the staff member to Occupational Health to identify how a staff member's menopausal symptoms, may impact their ability to undertake their job or their attendance;

- Review Occupational Health advice and, implement any recommendations, where reasonably practical. Occupational Health can also advise how a staff member may be able to improve their health and wellbeing in order to be more resilient to their current menopausal symptoms;
- Update the action plan, and continue to review.
- Any written report provided by an Occupational Health Advisor will be shared with the staff member.