



## The Circle Trust Document: **Staff Absence from work for reasons other than sickness Policy**

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### Changes History:

Version	Date	Amended by:	Substantive changes:	Purpose
1.0	26.9.18	Exec Head	New Document	First release
1.1	24.9.20	Exec Head	Review period of this policy to be every 3 years	First review
1.2				
1.3				

## **1. Purpose of the policy**

- 1.1. The primary purpose of this policy is to set out the arrangements for staff absence for reasons other than sickness

## **2. Introduction**

- 2.1. The Circle Trust aims to secure good attendance of all employees in order to maintain high standards of education. Please refer to [The Circle Trust's Absence Management Policy here](#)
- 2.2. As the employer, The Circle Trust values the commitment of colleagues and recognises the value of staff morale. Equally employees appreciate any absence from work has an impact on children, young people and implication on other colleagues.
- 2.3. The Circle Trust recognises the importance of consistency, in considering requests for absence from work. Therefore, any such request will be considered in the framework set out in this policy so that all requests can be reasonably and fairly considered.
- 2.4. The educational needs of children and young people and the operational needs of the school are a priority and as such regretfully, there may be times, which the Headteacher has to refuse an absence from work request.
- 2.5. The responsibility for the monitoring and controlling of absence in a school will rest with the Headteacher.
- 2.6. The Trust will observe all its statutory obligations all other requests for absence from work will be taken on an individual basis
- 2.7. Statutory obligations include:
  - 2.7.1. Time off for trade union duties in accordance with provisions in Section 61 and 62 of the Employment Rights Act 1996.
  - 2.7.2. Time off with pay for safety representatives, appointed/elected by recognised trade unions both to carry out safety functions and to undergo relevant training.
  - 2.7.3. Paid time off for ante-natal care under section 55 of the Employment Rights Act 1996, as part of the provisions for maternity leave.
  - 2.7.4. Unpaid time off for parental leave, dependants and domestic emergencies
- 2.8. This procedure is applicable to all employees of The Circle Trust, it applies to all employees both teaching and support staff.

## **3. The Aims and Objectives of the Staff Absence from work for reasons other than sickness Policy**

- 3.1. To ensure that all employees are treated fairly, equally and consistently in line with good employment practice
- 3.2. To ensure that staff absence is kept to a minimum

#### **4. The Management of the Staff Absence Management Policy**

4.1. The Trustees have a fundamental role to:

4.1.1. Review this policy to approve changes

4.1.2. Be satisfied that any absence from work procedure is followed as set out in this policy and understood by Headteachers/school leaders and employees

4.1.3. Only in the case of the Executive Headteacher consider requests for absences for reasons other than sickness

4.2. The Executive Headteacher will:

4.2.1. Implement this policy

4.2.2. Promote and ensure that all Headteachers follow procedures as set out in this policy

4.3. The Local Advisors have a fundamental role to:

4.3.1. Be satisfied that any Absence Management procedure is followed as set out in this policy and understood by the Headteacher/school leaders and employees

4.3.2. Only in the case of the Headteacher consider requests for absences for reasons other than sickness

4.3.3. To convene an Appeals Committee to consider dissatisfaction raised from a member of staff an absence from work decision

4.4. A Headteacher with the oversight of Local Advisors will:

4.4.1. Follow this policy when dealing with matters relating to absences for reasons other than sickness

4.4.2. Monitor levels of staff absence

#### **5. Absence Management Procedure – general**

5.1. The Headteacher has the authority to give permission for absence for work and to confirm whether this should be paid or unpaid.

5.2. There may be times when the Headteacher has to refuse a request for leave.

5.3. Each absence from work request will be considered individually on its own merits and circumstances.

5.4. The granting of time off in one case will not necessarily set a precedent for other cases.

#### **6. Holiday requests**

6.1. Teachers and term time only staff do not have a leave allowance, which can be taken during term time.

- 6.2. Full time (or year round) Support Staff entitlement to Annual Leave is determined in the employment contract
- 6.3. Full time (or year round) Support Staff must apply to the Headteacher at least two weeks in advance in writing for holiday leave approval.
- 6.4. Leave will normally be approved as long as:
  - 6.4.1. It does not interfere with the employee's ability to carry out the requirements of their job
  - 6.4.2. The time requested does not exceed the employee's annual entitlement.
- 6.5. A written record will be kept in the school of annual leave taken.
- 6.6. A maximum of 5 days leave may be carried forward to the next year.
- 6.7. No more than 5 days may be carried into the following year.

## 7. Time off for dependants

- 7.1. The Employment Relations Act 1999 provides all employees with the right to take reasonable **unpaid** time off to deal with certain unexpected or sudden emergencies relating to dependants.
- 7.2. Staff requesting time off must notify the Headteacher, including retrospectively, if they have taken time off in an emergency under this right.
- 7.3. Circumstances when an employee might include:
  - 7.3.1. If a dependant falls ill, or has been injured
  - 7.3.2. To make longer term care arrangements for a dependant who is ill or injured
  - 7.3.3. To deal with a death of a dependant
  - 7.3.4. To deal with unexpected disruption or breakdown of care arrangements for a dependant
  - 7.3.5. There are statutory rights to maternity, parental and adoption leave these set out in [The Circle Trust Family Care Policy here](#)

## 8. Sick children

- 8.1. It is recognised that it can be difficult for working parents to respond to the need to care for sick children.
- 8.2. Staff have a statutory right to **unpaid** time off to make arrangements for the care of a dependent child.
- 8.3. Staff requesting time off must notify the Headteacher, including retrospectively, if they have taken time off for this reason.

## 9. Leave to attend significant events

- 9.1. The Circle Trust recognises that from time to time staff may have the opportunity to attend a significant event during term time. For example, the graduation ceremony for a son or daughter or the wedding of a close family member.
- 9.2. Teachers and term time only staff do not have a leave allowance, which can be taken during term time.
- 9.3. In considering each individual request the Headteacher will take into consideration:
  - 9.3.1. The impact on learning e.g. absence immediately before a public assessment or examination
  - 9.3.2. Operational needs of the school e.g. implication in reference to the safe running of the school
  - 9.3.3. Impact on other colleagues e.g. who will be required to work differently because of the absence
  - 9.3.4. Cost e.g. cost of supply or agency
  - 9.3.5. Recognition on staff morale e.g. impact on the colleague by refusing the request
- 9.4. When the Headteacher agrees to absence from work to attend significant events this will ordinarily be **unpaid**
- 9.5. There may be times when the Headteacher will need to refuse a request for leave. If this is the case then the Headteacher will set out why the request is declined citing decisions against the framework set out 9.3 of this policy including impact on learning, operational needs of the school, impact on other colleagues and cost.

## 10. Interviews

- 10.1. All staff may take reasonable **paid** leave to attend selection interviews for jobs.
- 10.2. Requests to take leave to attend an interview must be made to the Headteacher in advance of the event.
- 10.3. Employees must produce evidence of attendance at an interview if requested to do so by their Headteacher.

## 11. Moving house

- 11.1. Staff are encouraged if possible to arrange to move house during school closures. However, if this proves impossible, staff are granted one day of **paid** leave in order to move house.
- 11.2. The Headteacher is permitted to ask for documentary evidence relating to why the move could not take place during school closures.

## 12. Medical and dental Appointments

- 12.1. Staff are expected to make routine appointments outside normal working hours. However if necessary **paid** time off will be granted to attend one off emergency appointments or hospital appointments.
- 12.2. Staff attending such appointments must seek the permission the Headteacher before attending.
- 12.3. The Headteacher has the right to request to see appointment cards or letters.
- 12.4. **Paid** time off will be permitted for the purpose of cancer screening
- 12.5. Fertility treatment - Employees requesting **paid** time off for fertility treatment will be treated sensitively and in general be supported.

### 13. Examination duties

- 13.1. Teaching staff undertaking professional duties in connection with external examinations may take **paid** leave under the arrangements contained in the Conditions of Service for School Teachers in England and Wales.
- 13.2. Employees must produce evidence of attendance if requested to do so by their Headteacher.

### 14. Jury service

- 14.1. Employees may take **paid** leave to undertake jury service or to appear as a witness. <https://www.gov.uk/jury-service/taking-time-off-work>
- 14.2. They are required to claim the allowance for loss of earnings from the Court and an equivalent amount will be deducted from the employee's salary.
- 14.3. Employees must produce evidence of attendance if requested to do so by their Headteacher. <https://www.gov.uk/jury-service/questions-about-jury-service>

### 15. Time off to attend ante-natal appointments

- 15.1. The Maternity Regulations provide the right for all women to take **paid** time off to attend antenatal care. <https://www.gov.uk/working-when-pregnant-your-rights>
- 15.2. Ante-natal leave for fathers and partners is also available for employees who have a qualifying relationship with a pregnant woman or an expected child are entitled to take **unpaid** time off work to accompany that pregnant woman at up to two antenatal appointments <https://www.gov.uk/paternity-pay-leave>
- 15.3. Employees must produce evidence of appointments if requested to do so by their Headteacher.

### 16. Time off for Public Duties

- 16.1. Staff who are appointed to an important office in public service, e.g., as a Magistrate or Local Government Councillor will be given **unpaid** leave.

- 16.2. The amount of time off must be agreed with the Headteacher in advance and will be based on:
- 16.2.1. How long the duties might take
  - 16.2.2. The amount of time the member of staff has already been absent for public duties and the impact on the school
- 16.3. The Headteacher may refuse requests for time off for public duties
- 16.4. Staff who hold such public office should advise the Headteacher at the time of their appointment. <https://www.gov.uk/time-off-work-public-duties>

## 17. Leave for Religious Festivals and Holy days

- 17.1. Regulations do not require employers to provide time or facilities for religious or belief observance in the workplace. However, request for time off will be treated sympathetically where it is reasonable to do so.
- 17.2. When the Headteacher agrees to absence from work to for religious reasons this will ordinarily be **unpaid**
- 17.3. The Headteacher may refuse requests for time off for religious reasons

## 18. Time off to accompany a fellow employee in a disciplinary or grievance situation

- 18.1. Reasonable **paid** time off will be granted to accompany a fellow worker at a disciplinary or grievance hearing.

## 19. Trade union and professional association duties

- 19.1. Staff undertaking recognised Trade Union or Professional Association duties are provided **paid** time off <https://www.gov.uk/rights-of-trade-union-reps>

## 20. National sporting fixtures

- 20.1. Staff are granted **unpaid** time off where they are a national representative in sporting event.
- 20.2. The Headteacher may refuse requests for time off for sporting fixtures

## 21. Compassionate leave

- 21.1. **Paid** compassionate leave is granted in the following circumstances:
- 21.1.1. Death of a near relative, spouse, partner or child – up to **5 days paid leave**
  - 21.1.2. Funeral of a near relative, spouse, partner or child – **1 day of paid leave**
  - 21.1.3. Employees wishing to attend the funeral of other relatives, friends or colleagues may take **unpaid** leave.

21.2. All other compassionate leave is at the discretion of the Headteacher

## **22. Deductions from Pay**

22.1. Where the time off granted is unpaid, the deduction from salary will be at the following rates:

22.1.1. Teaching staff: 1/365<sup>th</sup> of the annual salary for each day's absence

22.1.2. All other staff: 1/190<sup>th</sup> or 1/195<sup>th</sup> of the annual salary for each day's absence for those employees who work the same amount of hours each day on a term time only contract. For other employees or those employees who work different hours each day, calculation for unpaid leave should be made based on the number of hours that they would have been expected to work that day using the hourly rate on the payscales.

## **23. Appeals against denials of absence from work requests**

23.1. If a staff member is unhappy with a decision made by Headteacher they have a right to express their grievance as set out in [The Circle Trust Grievance Policy here](#)

## **24. Abusing the Right to Time Off**

24.1. Headteachers who consider that a member of staff is abusing the request for absence other than sickness will deal with the situation in accordance with [The Circle Trust Staff Discipline Policy here](#)