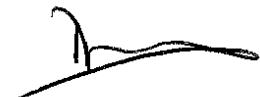




HEALTH, ATTENDANCE & LEAVE POLICY



Signed— Governor

Dawn Laverick-Brown
Print Name

Date: November 2019

Review: April 2021

Reason: Government guidelines	Coronavirus outbreak	
Agreed Headteacher	Jonathan Kemp	
Approved Chair of Governors	Dawn Brown	

- During Covid-19 outbreak 2020, schools across the country closed as per government guidelines. SEMH schools were able to remain open for a small cohort of most vulnerable students and students of keyworkers.
- Government and DfE have issued controls for schools to operate under during the outbreak. Details change regularly and most up to date guidelines can be found at www.gov.uk/managing-school-premises-during-coronavirus-outbreak
- Government guidelines for staff welfare have been issued. Staff who are determined at higher risk from the coronavirus will receive a letter from NHS and follow Government advice link www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk-from-coronavirus/if-you're-at-very-high-risk-from-coronavirus/
- Staff determined at moderate risk from coronavirus should follow Government advice eat: www.nhs.uk/coronavirus-covid-19/staying-at-home-to-avoid-getting-coronavirus/staying-at-home-and-away-from-other-people
- Staff who live with someone at higher risk from coronavirus (clinically extremely vulnerable) staff should follow the advice on social distancing.www.nhs.uk/conditions/coronavirus-covid-19/staying-at-home-to-avoid-getting-coronavirus/staying-at-home-and-away-from-other-people
- Staff and students who return to school with underlying health conditions (as permitted under Gov guidelines) will have a risk assessment to support them at work to ensure social distancing and/or PPE.
- Staff who contract Covid-19 will not lose salary as a result of absence
- COVID-19 Testing: If a member of staff develops symptoms they are eligible to request a test within 5 days of developing symptoms. Visit <https://www.gov.uk/coronavirus> for details
- Any staff member who develops one of the recognised Covid-19 symptoms as defined by Gov.uk (May 2020) must self-isolate for 7 days. Household members residing with the staff member must self-isolate for a total of 14 days. Staff member must advise Head teacher if they are self-isolating.
- **Covid-19 symptoms include: (subject to change but correct as at 01/06/2020)**
- High temperature- hot to touch on chest or back
- New continuous cough – coughing a lot more than 3 or more coughing episodes in 24 hours.
- Loss or change to your sense of smell or taste
- Additional Mental health Support for staff and students can be found at:
<https://www.gov.uk/government/news/extra-mental-health-support-for-pupils-and-teachers>

1. Introduction

1.1 The school policy with regards to health, attendance and leave of absence works in conjunction with the Hertfordshire County Council 'model policies for schools' both are attached as appendices and should be referred to for more detail and guidance

2. Purpose of Policy

2.1 To ensure that: -

- All staff have the best quality of life possible while working at Batchwood
- All staff who are employees of the school including the Headteacher; staff who are centrally employed by the Local Authority (LA) **and** who work solely at the school; and staff who are employed in units or bases that are attached to the school have relevant guidance
- We comply with the initiative of 'rarely cover' and ensure its smooth implementation

3. Principles

3.1 Our health, attendance and leave of absence policy assumes that: The Governing Body has a responsibility to minimise disruption to the school caused by the ill health absence of its employees. The purpose of this policy and procedure is to ensure that:

- the school exercises its duty of care and has proper regard to the health, safety and welfare of its employees;
- the Governing Body's broader responsibility to promote a healthy workforce is acknowledged;
- all members of staff understand that repeated or long term absence of staff may have a demotivating effect on colleagues; and is likely to have an adverse effect on students' education;
- all members of staff understand that absence through sickness of teachers incurs indirect costs, often considerable, particularly if supply cover is required; and sickness absence of support staff may also be disruptive and costly, particularly in the case of those who provide direct support to teachers and students in the classroom.
- A principal purpose in setting out this Policy is to ensure that requests are dealt with fairly and consistently.

3.2 The Annual Leave Entitlement for employees is covered by Local Government terms and conditions. A teacher's working time is also covered by Local Government terms and conditions. **Staff will not be permitted to take leave during the term unless express consent from the Headteacher has been given. If leave is granted, this will be unpaid for term-time only staff. It is courteous to request such leave outside of what might be defined as 'normal absence' in writing.**

4 Responsibilities

4.1 Daily cover and the management thereof is the responsibility of the Senior leader responsible for cover and:

- Individual teachers or support staff are responsible for completing an absence request form in good time (and in line with school practice) where absence is pre-planned. For example, for INSET or a school trip. Such requests must be approved by both Subject Leader before being passed to the AH with responsibility for cover
- Individual teachers or support staff are responsible for making a request for 'unusual absence' in writing to The Headteacher and Governors. For example, moving house, becoming an examiner/moderator, religious holidays or funerals
- Individual teachers or support staff or someone on his/her behalf, are responsible for ringing the Headteacher **before 7.00am** if they are sick or need to take emergency absence for example, if their child is sick. The reason for absence should be given. (Herts. model policy 4.1-4.4).

- This should be communicated to SLT and SBM for absence monitoring
- Individual Directors for Learning: Subject and Year are responsible for ensuring all trips which fall outside of ELDs or Activities-week are calendared at the beginning of the academic year. This includes rehearsals/practical exams/orals. Any which are not are unlikely to take place during the school day

4.2 Monitoring and recording of absence, annual leave and sickness is the responsibility of the Assistant Headteacher with responsibility for cover and they will:

- Provide a half-termly report for discussion at Leadership Group which considers absence, annual leave and sickness for teaching and support staff these numbers will be monitored and regulated. Please see the Hertfordshire model policy for schools for more detail in case of prolonged or repeated absences (8.1)
- Oversee the management of the distribution of Learning Supervisors and maintain an overview to allow 'rarely cover' to be implemented fully
- Ensure the opportunity is given to calendar all trips which fall outside of ELDs or Activities-week at the beginning of the academic year. This includes rehearsals/practical exams/orals
- Ensure that where trips take nearly an entire year group, for those staff remaining a 'different' timetable is provided which will be communicated in advance of the trip.
- Ensure that all lessons (including sixth form) are covered
- Approach all p/t staff and see where/if at all they might be able to teach more hours should we need greater hours of teaching within a specified time
- Oversee the management of the use of learning supervisors and HLAs for short term absences only ensuring that medium or long term absences will be covered by a teacher (supply or fixed term appointment for example)
- 'Oversee the revision of staff timetables during the year to take account of significant changes or need for medium or long term cover
- Monitor that our provision for cover is shared equitably among all teachers in the school (including the Headteacher) taking account of their teaching and other duties and that the guaranteed PPA time of teachers at a school should not be used for cover', and make recommendation should we need more Learning Supervisors for example
- Ensure that there is capacity for Learning Supervisors to cover staff who are off sick and make public 'hot spots' or bookings which have already been made to all staff are communicated regularly

Ensure that all voluntary agreements should be reviewed to ensure compliance with the Teachers' Pay and Conditions Document'

GDPR stipulates that Health, Attendance & Leave is personal/ sensitive data. Our school provides Data Subjects (individuals to whom "personal data" relate) with a right to data held about themselves, including those obtained by means of this report. Requests for Data Subject Access should be made to our data protection officer Katie Harris (gdprkharris@gmail.com)or the Head Teacher Mr Kemp (head@batchwood.herts.sch.uk)

Appendix 1: Snapshot guidance for absence

Definition	Procedure	Action
First day of absence	On the first day of absence, the employee, or someone on his/her behalf must, unless in exceptional circumstances, notify the school of his/her absence due to illness before his/her usual starting time. The reason for absence and some indication of a return to work date should be given	<ul style="list-style-type: none"> • Ring absence line: • Leave detail as to reason for absence • Notify DoLS/DoLY/LM as appropriate
Fourth day of absence	If the absence continues beyond three days, the employee should contact the relevant person following the school's procedure. A self certification form can be completed on the return to work of the employee.	<ul style="list-style-type: none"> • Ring absence line: • Leave detail as to reason for absence • Notify DoLS/DoLY/LM as appropriate • Complete self-certification form and send to school (FAO: Lisa Harvey)
Eight day of absence and beyond	If the sickness absence extends beyond seven calendar days, a medical certificate (Med 3) should be obtained from a registered medical practitioner and forwarded to the School Manager. Further medical certificates must be submitted to the School Manager, and must be consecutive; this includes certificated absence during school holidays. The employee has a responsibility to keep the School informed of his/her progress. It is the duty of the school to keep in reasonable communication with the employee. Every absence must be certified and recorded to ensure correct payment of sick pay and to ensure that accurate records are maintained. Failure to comply with the certification and reporting procedures may result in loss of sick pay	<ul style="list-style-type: none"> • Ring absence line: • Leave detail as to reason for absence • Notify DoLS/DoLY/LM as appropriate • Complete medical certificate and send to school (FAO: Lisa Harvey)
Return to work	The employee should, wherever possible inform the school no later than the day before the anticipated date of return. After any prolonged or repeated absences due to illness, the Associate Assistant Headteacher with responsibility for cover will arrange formal return to work meeting with the employee and Headteacher. This should ideally happen on the first day back. The purpose of the meeting is to seek reassurance on the part of the employer that the employee is really fit or whether he/she needs extra support at the time and to demonstrate the school's commitment to monitoring the health and well being of its employees. A record of the meeting must be made, copied to the employee and placed on the employee's personal record file.	<ul style="list-style-type: none"> • Ring absence line and notify school of anticipated date of return
Persistent Short Term Sickness Absence	Where there is a recurring pattern of absence, with or without medical certification, the Headteacher or nominated person will discuss that problem and any underlying reasons at an early stage with the member of staff. The following trigger points may be considered: <ul style="list-style-type: none"> • Three or more instances of absence in any six-month period; or • When an individual accumulates ten or more calendar days absence within any six month period; or • When an absence appears to have a recurring recognisable pattern, for example frequent absenteeism around a weekend. 	

	<p>The Headteacher must write to the employee confirming the points discussed and actions identified. It may be necessary to suggest one or both of the following measures are taken:</p> <ul style="list-style-type: none"> • The employee provides a medical certificate with effect from the <u>first</u> day of each absence. This may result in a charge from the GP and it would be up to the school to meet this cost. • Referral to the Occupational Health Unit for investigation of the employee's health problems and medium and long term fitness for work and if there is an underlying disability requiring reasonable adjustments to be carried out. <p>Please see the Model Health and Attendance Policy for schools for more detail regarding sick pay, referral to occupational health etc</p>	
Sending an employee home due to ill health	<p>If an employee has come into work and their line manager/Headteacher believes that due to their ill health, they present a risk to themselves, the pupils and/or other staff, they should be sent home. If an individual is sent home under these circumstances the absence will be recorded as sick leave.</p>	

Appendix 2: Snapshot guidance for requests for leave of absence

Type of Leave	Guidance (H – HCC guidance) (S- Batchwood agreement)	
Annual Leave entitlement for support staff	H	To be taken outside of term time only.
	S	Only in exceptional circumstances and with express written consent from the Headteacher will leave be granted during of term time. Requests must also be made in writing, to the Headteacher and Governors.
Time off for sick child	H	One day paid unless exceptional circumstances.
	S	Only in exceptional circumstances e.g. hospitalisation, will more than one day be granted as paid leave. Requests must also be made in writing, to the Headteacher and Governors.
Compassionate, Emergency or Exceptional Leave	H	Up to 5 days paid leave. If longer period given, is unpaid.
	S	The leave is to deal with the immediate issues and to sort out long term arrangements if necessary. In some cases a longer period of absence may be approved on an unpaid basis. Requests must also be made in writing, to the Headteacher and Governors.
Other personal reasons	H	E.g. wedding, graduation ceremony. Unpaid and subject to adequate notice.
	S	Unpaid and subject to adequate notice (typically 12 weeks) so that replacement staff can be employed if necessary. Requests must also be made in writing, to the Headteacher.
Extended Leave of Absence		Unpaid with sufficient notice.
Moving House	H	Up to 2 days paid leave.

	S	Only after written request has been made to the Headteacher and not for moving to a rented property – this can occur several times a year. In this instance up to one day will be granted which does not impact on the teaching of students or create cover for classes.
Service with Auxiliary Forces	H	Volunteers of UK armed forces are allowed 2 weeks paid leave to attend annual summer camp.
Mobilisation	H	If reservists are ‘called out’ salary is paid by the MOD.
Carry over of annual leave (only relevant for support staff)	H	Should take leave in current year. Heads discretion to allow up to 5 days to be carried forward to be taken before 31 May. Requests must also be made in writing, to the Headteacher via the Line Manager.
Religious festivals	H	Allow up to 2 days paid leave for official holy day.
	S	Only after written request has been made to the Headteacher and a minimum of 12 weeks’ notice in advance.
Sporting Events	H	Up to 18 days paid leave for staff representing the country in sporting events.
	S	Only after written request has been made to the Headteacher (minimum of 12 weeks in advance where possible)

Appendix 2: Snapshot guidance for requests for leave of absence (Continued)

Type of Leave	Guidance (H – HCC guidance) (S- Batchwood agreement)	
Attendance at Court Proceedings	H	For jury service staff should complete loss of earnings certificate to reclaim from court.
Public Duties	H	Staff can be granted up to 18 days p.a. paid leave to carry out duties of the office of Leader, Mayor, JP or Chairman of LA. School/college governors get up to 3 days paid.
	S	Only after written request has been made to the Headteacher and a minimum of 12 weeks in advance.
Study/ Examination Leave	H	For staff studying (if relevant to post and where school is paying fees) half a day study per exam plus half day per exam will be paid.
	S	Only after written request has been made to the Headteacher and a minimum of 12 weeks in advance.
GCSE Duties & Activities	H	See appendix II of the burgundy book, Memo of Agreement for the Release of Teachers.
	S	This must be made via a written request first to the Line Manager and then (if approved by the LM) the Headteacher and Governors (who will make the final decision as to acceptability) at least twelve weeks in advance and must be made every year to allow others within the faculty to develop their career. The general rule is only one examiner/moderator per faculty and it is their responsibility to ensure the school is reimbursed for any necessary cover and other costs created by taking on the role.
Trade Union Duties	H	Elected representatives are allowed reasonable time off.
Bad Weather Conditions	H	If school is open staff must make reasonable effort to attend work or make alternative arrangements (i.e. work at home). If not possible treated as unpaid leave.
Time off for appointments (Doctor, Dentist etc.)	H	Appointments where possible must be made outside of school time.
	S	If not possible reasonable paid time off is allowed but should be taken when minimal impact on cover and teaching occurs. If cover is created it is unlikely that permission will be given.
Interviews within HCC or another Local Authority	H	Head can approve up to a max of 6 days paid leave during one academic year.
	S	For support staff, this time should be made up during holiday periods. For teaching staff visiting their new school, only one day will be approved providing at least three weeks warning is given and the impact on teaching and cover is minimal or none at all.
Paternity	H	One or two consecutive weeks (only) paid at the statutory rate for paternity pay (currently £123/week), or 90% of current weekly earnings, whichever is the lowest. Notice must be given, in writing, by the beginning of the 15 th week before the expected week of childbirth to both the School Manager and the Headteacher.
	S	One week's leave (consecutive days) on full pay or as per County guidelines (detailed above). Notice must be given, in writing of which choice, by the beginning of the 15 th week before the expected week of childbirth to both the School Manager and the Headteacher.

Maternity, Adoption, Carers leave & ante- natal care	H	There are specific entitlements for maternity, paternity, adoption, carer's leave and antenatal care contained in the Carers Guide for Schools, a copy of which can be obtained from the school finance office.
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Leave

1. INTRODUCTION

This policy and procedure has been produced in consultation with the professional associations/trade unions and is recommended for adoption by HfL. Batchwood School subscribes to the Schools' HR advisory service, an HR adviser is always available to provide guidance in relation to the implementation of this policy and procedure.

The school is aware that sickness absence may result from a disability. At each stage of the meetings/hearings procedure, particular consideration will be given as to whether there are reasonable adjustments that could be made to the procedure or role requirements.

The school recognises that its employees' contribution to the functionality of the school is crucial to its continuing success. It is therefore committed to preserving the health, welfare and safety of all its employees and as such seeks to provide a safe and healthy working environment. It is inevitable that from time to time employees may be unable to attend work due to sickness or injury. In such instances, the school is committed to dealing with absence due to genuine sickness in an empathetic, objective, sensitive, and consistent way across the school and to assist employees return to work as quickly as possible. It is also the school's aim to minimise the incidence of sickness and to give appropriate guidance and support to achieve this.

However, high levels of sickness absence and/or repeated absence can cause significant disruption to the business of the school and can place an undue burden on other teams' members and therefore this needs to be managed closely.

This policy sets out the school's approach in relation to sickness absence management, including its procedure for notification and certification and its position on payment during sickness absence.

The procedure applies to all employees of the school. This procedure does not form part of any employee's contract of employment and it may be amended at any time.

2. BREACHES OF THIS POLICY AND PROCEDURE

Breaches of this policy and procedure include a failure to adhere to notification and certification procedures or taking 'sickness absences' when not genuinely ill.

In the case of a breach of this policy and procedure, employees may be subject to disciplinary proceedings and possible withdrawal of sick pay. In cases of frequent or long-term absence, the school will also have regard to its absence management procedure.

3. HEADTEACHERS AND THE CHAIR OF GOVERNORS

In cases where the Headteacher is the absent party, the Chair of Governors will carry out the functions normally allocated to the Headteacher in this procedure.

Where Headteachers are absent they will need to notify both the Chair of Governors and their deputy or next suitable post holder.

4. NOTIFICATION/CERTIFICATION PROCEDURE

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

4.1 First day of absence

It is a requirement that employees **contact the Headteacher on xxxxx xxxxxx unless otherwise directed by the School, no later than 7.00am on the first day of absence.** Employees should strive to do this at the earliest possible opportunity. In any case, notification of absence should be made prior to the time the employee is due to start work so that cover can be arranged. **An email with details of cover work must be sent to Sarah Slater no later than 7.30am**

4.2 Second to seventh calendar day of absence

Employees (or their next of kin if they are not sufficiently well to do so) should maintain contact, during any period of self-certification, such that their Headteacher has a reasonable knowledge of the employee's progress at all times, and of when he/she can realistically expect the employee to return to work.

Unless the school specifically requests it, employees are not required to submit a fit note for absences of up to seven calendar days but, on their return to work, must confirm to the school the number of days they were off sick and the reasons for the absence, via the completion of a self-certification form (see appendix 3).

4.3 Absence greater than seven calendar days

For absences of more than seven consecutive calendar days, (including weekends and public holidays), employees must obtain a fit note from their doctor and send it to the school immediately after the first week of absence. If an employee is still not fit to return by the time their medical certificate expires, the employee must obtain another medical certificate so that their entire period of absence is covered and send this to the school at the earliest opportunity.

4.4 School holidays

The requirement to provide a certificate to cover absences also applies to school holidays. Where an employee is not fit to work on the last day of term and first day of the next, a certificate should be provided to cover the school holidays or otherwise to show that the employee was fit during that period of time.

4.5 Provision of fit notes for periods of absence less than eight calendar days

The school reserves the right to require employees to obtain a medical certificate from their GP for absences of any duration. Examples of when this may be done include where there are concerns about frequent absence, or where employees have been off work due to sickness at any time during the week immediately before or immediately after they have taken some holiday (in this case, a certificate will be required for the whole period of absence). In such circumstances, the school will cover the costs incurred in obtaining such a fit note for absences of a week or less on production of a doctor's invoice.

4.6 Fit notes which recommend adjustments

The school will give reasonable consideration to all adjustments recommended by GPs where it is stated that the employee is fit if certain adjustments can be made. However, where the school feels unable to comply with the adjustments, the employee will remain sick in accordance with the note.

4.7 Sickness incapacity whilst on annual leave

If an employee becomes unfit during annual leave and wishes to treat the incapacity as sick leave and reclaim the annual leave they must comply fully with the usual requirements for notification and provision of medical evidence. Where those requirements are not fulfilled, the absence will be deemed to be unauthorised and will not be paid.

5. MAINTAINING CONTACT

It is recommended that regular contact be maintained between the employee and employer throughout any prolonged period of absence. It is the responsibility of the member of staff to remain in contact with the school via the School Office and the Headteacher regarding your return to work

It is anticipated that at an early stage, arrangements will be made between the employee and their Headteacher, line manager, or other nominated person as to the frequency and form (e.g. telephone, email, or letters) that contact is to take.

6. FAILURE TO INFORM THE SCHOOL OF AN ABSENCE AND/OR FAILURE TO PROVIDE A MEDICAL CERTIFICATE

A failure to attend work without providing any reason, or any reasonable reason will be deemed an unauthorised absence from work which may result in an employee being in breach of contract and therefore subject to disciplinary process and/ or withdrawal of pay.

Should an employee fail to provide a certificate either from the outset of an absence or fail to maintain certification throughout the entire period of their absence, they will be treated as having an unauthorised absence from the work and may be deemed to be in breach of contract with the consequences outlined above.

It is reasonable in such circumstances for the school to make reasonable efforts to contact an employee to establish their whereabouts to ensure their wellbeing and log their attempts to do so.

The management of such unauthorised absences is not covered by this policy. Where such issues arise, the Schools' HR advisory service team should be contacted promptly for further guidance.

7. SICK PAY

Subject to compliance with the appropriate procedures, the school will pay "Statutory Sick Pay" (SSP) in respect of all eligible employees at the prevailing nationally set rates, and payment will be subject to deduction of tax and National Insurance contributions as appropriate. To qualify for payment of SSP, a "self-certificate" declaration form must be completed upon return to work after any period of absence (see appendix 3). SSP is payable from the fourth day of absence and may be payable for up to 28 weeks.

The school will also pay occupational sick pay (up to and including full basic salary for a certain period, less any SSP received) subject always to continued compliance with the school's sickness absence and notification/certification procedures. Eligibility for occupational sick pay and the level and duration of payment of any occupational sick pay will follow the entitlements set out in the relevant conditions of service.

No payment will be made in respect of unauthorised absences. Pay will not be reinstated if a certificate is latterly provided.

For long term absences, if it is concluded in the school's reasonable belief, that an employee is unable to fulfil their contract of employment as a result of ill health, the school reserves the right to terminate the employee's contract with due notice having followed the school's absence management procedure prior to any applicable sick pay having been exhausted.

8. MEDICAL APPOINTMENTS

The school will allow reasonable time-off for employees to attend medical appointments, which are unable to be arranged out of working hours. Before arranging non-urgent doctor's medical appointments, employees should seek the approval of their Headteacher if it is necessary to take time off work. Employees should make every attempt to make these appointments at the beginning or end of the day or during lunch breaks to minimise the time they have to be absent from work and evidence of the appointment may be requested by the school.

An 'Absence of Leave Request' form **must** be completed and authorised by your Line Manager, and the Headteacher **no later than a week** before the intended leave.

9. RETURN TO WORK MEETINGS

It is considered good management practice to hold return to work meetings after every period of sickness absence. Where possible, the return to work meeting will be carried out on the first day back to work by the Headteacher, line manager, or other nominated person, or shortly afterwards where this is not possible.

The meeting will be to welcome the employee back to work and seek to clarify that the employee is fit to carry out the duties of their post. The meeting will also establish the reasons for the absence and highlight any additional support required. Any concerns regarding absence may be raised and measures identified to support the employee to improve attendance where necessary and help to prevent its reoccurrence.

In a return to work meeting, employees should be made aware when they are near to reaching the trigger points (see section 9.1 below) and that reaching these could result in a formal ill health capability meeting being convened (see section 10 below). If an employee has reached the trigger points when a return to work meeting is held, the employee should be made aware that an ill health capability meeting may be scheduled and a first written warning could be given at this meeting. Alternatively consideration should be given to setting an attendance improvement plan (AIP) (see section 9.2 below).

A record of the meeting must be made using the self certification sickness absence and return to work meeting form (appendix 3). A copy of this form should be given to the employee and the original placed on the employee's personal record file.

9.1 Trigger Points

In any six month period, the trigger points are:

- three separate occasions of sickness absence; and/or
- a continuous sickness absence of 10 working days' or more; and/or

- an absence which appears to have a recurring recognisable pattern, for example frequent absenteeism around a weekend

However, these trigger points are for guidance only and the school reserves the right to raise any concerns with an employee at an earlier stage where there are reasonable grounds for concern, or at a later stage where appropriate, and to institute an attendance improvement plan at any time (see section 9.2 below).

It is hoped that closer monitoring and discussions with an employee concerning absence and attendance will result in an improved attendance record.

Employees should be aware that a poor attendance record may result in formal action being taken, which may, in some circumstances, include and/or lead to the termination of their employment.

9.2 Attendance improvement plan (AIP)

An AIP is a record of what an employee will need to achieve in terms of attendance over the coming weeks or months. The AIP should provide enough time to demonstrate attendance has improved with details of assistance that the employee will be offered, wherever possible, to help them achieve improved attendance.

AIPs may be put in place either where there are management concerns about attendance or as part of a formal process.

9.3 Persistent short term absence

If an employee's sickness absence is close to reaching or indeed has reached a "trigger point", the relevant line manager and/or Headteacher should discuss this with the employee and start to monitor their sickness absence more carefully through an AIP and pursuant to the school's absence management procedure.

9.4 Long term sickness absence

Long term sickness absence occurs when an employee is absent from work for a continuous period of **at least 28 calendar days**. Where it is clear at the outset or becomes clear after a time that the absence will be long term, a referral can be made to Occupational Health (usually after four to six weeks' of continuous absence, sooner if there are concerns of a mental health nature for example, stress, anxiety or depression). The Headteacher or nominated person will inform the member of staff that Occupational Health will be asked to give an opinion in relation to the employee's current fitness for work and recommendations for support that may be of benefit, where it can be facilitated. The Headteacher or nominated person should then contact the Schools' HR advisory service team about making a referral to Occupational Health.

9.5 Referral to the Occupational Health Unit

During any period of absence or on return to work, the school may require an employee to engage with an Occupational Health physician/adviser so that they can prepare a medical report. If the school has made a referral, employees are expected to co-operate fully with the Occupational Health

physician/adviser. This may include attending an appointment with the Occupational Health physician/adviser and providing consent for the release of medical information.

- in this section, the duties of a Headteacher may be delegated to another appropriate member of staff
- the Headteacher should talk to the employee and explain that he/she will be referring him/her to the Occupational Health Unit. In some circumstances, it may be necessary to inform the employee in writing

When to make a referral

A referral should be made if any of the following occur:

- where it is anticipated or known that the absence is going to last four weeks or more. The absence need not have exceeded four weeks at the time of making the referral
- where there is a concern over persistent short term absence prior to or during an attendance improvement plan
- where a trigger point is met, unless a referral has already been undertaken recently
- where there is a concern of any nature where there appears to be an underlying medical condition
- when an employee has been absent with, or appears to be suffering from, mental health issues (for example stress, anxiety, depression)
- where there are concerns about an employee's health and/or safety in the workplace and medical advice is required

Referrals may not be necessary for routine procedures which require a fixed period of convalescence, unless complications arise.

Occupational Health Recommendations

It should be noted that the outcomes of an Occupational Health referral in the form of the report(s) provided are advisory in nature. It will ultimately be a judgement for the school, having sought HR advice, as to whether any given recommendation can be reasonably implemented. Occupational Health may recommend reasonable adjustments which could include a phased return to work, temporary or permanent adjustments to an employee's role. In the event that the employee is unable to fulfil the role, retirement on ill health grounds may be considered.

10. ABSENCE MANAGEMENT PROCEDURE

10.1 General principles

Ill health capability hearings and the management of absence is based on the principle that whilst absence due to ill health will not usually be the fault of an employee, there will come a point where the employee is deemed incapable of undertaking the role they were employed to do. This may be because the employee is not in work regularly enough to effectively fulfil the role, despite consideration of reasonable support to reduce levels and/or instances of absence.

At the discretion of the school, and usually involving long term absence, informal health review meetings may be arranged to discuss the contents of any Occupational Health report or generally to ascertain the employee's state of health and options going forward.

At every stage of the absence management procedure, the employee will:

- be given advance notice of any formal ill health capability hearing, which should be at least five working days' notice in writing by recorded delivery or delivery by hand
- be advised in writing of the nature of the attendance concerns against him or her
- have the right to be accompanied by their professional association/trade union representative or work colleague; and
- have a right of appeal against any decision made following a hearing

Employees should make all reasonable efforts to attend hearings/meetings convened under this absence management procedure. If an employee fails to attend any hearing/meeting without good reason, this may be treated as misconduct in itself. If the employee fails to attend without good reason or is persistently unable to attend due to health issues, a hearing/meeting may be convened and a decision taken based on the available evidence in the absence of the employee.

10.2 Expert advice at a hearing

At any ill health capability hearing where dismissal is a possibility, the Headteacher or panel may be advised by an HR professional. For schools that subscribe to the Schools' HR advisory service, please contact your HR adviser prior to arranging a hearing.

At any hearing where dismissal is to be considered, the following provisions apply:

- at any community or voluntary controlled school, the local authority must be invited to send an adviser. The school must send all of the papers for the hearing to the HR adviser no later than the date on which the papers are sent to the employee
- at any voluntary aided, foundation school or academy the school is encouraged to invite an HR adviser. If an HR adviser is to be in attendance, the school must send all of the papers for the hearing to the HR adviser no later than the date on which the papers are sent to the employee

10.3 The note-taker at formal hearings

A written record of the proceedings is essential at every formal hearing. This is likely to be the clerk to the governors or a member of administration staff at the school. The note-taker will make a confidential record of the hearing but not of any confidential deliberations to determine a judgement at the end of the hearing.

The school does not support the audio recording of ill health capability meetings or hearings unless there are exceptional circumstances for doing so. Covert recording is considered gross misconduct.

10.4 Right to be accompanied

An employee has the right to be accompanied and supported, at each formal stage of the procedure where action may be taken (including appeal), by a work colleague or an accredited professional association/trade union representative.

The employee should give advance notice if he/she is to be accompanied, and by whom. If the professional association/trade union representative or work colleague is unavailable at the time of the hearing, the employee should contact the individual that convened the hearing to postpone the hearing (once) to a time that is mutually convenient to all parties. Any postponement should be within a reasonable timescale and should not normally extend beyond five working days.

10.5 Formal ill health capability hearing – short term absence

While formal ill health capability hearings are more commonly used to address concerns relating to short term absence, they may also be convened following an employees return to work from long term absence. This will especially be the case where it is not the first period of prolonged absence to have occurred.

The hearing is intended to establish the facts. At this hearing, the Headteacher or line manager will:

- identify the attendance concerns, support already given or considered, and the level of attendance required where there has been an attendance improvement plan
- provide written evidence of the concerns identified e.g. self certification sickness absence and return to work meeting form(s), other meeting notes, absence data, any medical information being used to determine whether, and if so what support the employee may benefit from.
- consider and discuss any causes and reasons for the absences. The employee should be given the opportunity to discuss any contributory factors they feel may have affected their attendance
- after reviewing the evidence before them and taking into account any contributing factors the employee has put forward, the Headteacher or line manager will decide upon the relevant outcome from the hearing:

Outcomes of the hearing, depending on the circumstances of the particular case, could (without limitation) include:

- the setting of an attendance improvement plan (AIP), where one has not been set prior to entering the formal process.
- first written warning and an AIP which is likely to be appropriate in most cases where there has been a persistent failure to meet satisfactory attendance levels, notwithstanding previous informal discussions
- final written warning and an AIP which is likely to be appropriate where, following a first written warning and an AIP, there has been a continued failure to meet satisfactory attendance levels or where there has been a serious failure to meet satisfactory attendance levels

Dismissal with notice may be considered where despite the employee having already received a first and/or final written warning for short term absence, and following one or more AIP their attendance levels continue to fall below expectations.

Notes must be taken of the hearing and a copy given to the employee, but not of any deliberations.

After the hearing, the employee will be informed in writing of the school's decision as soon as practicably possible and usually within five working days. Where a formal sanction (a warning or notice of dismissal) has been issued, the decision letter must contain the right to appeal.

10.6 Duration of warnings

In circumstances where a first written or final written warning is issued it will be placed on the employee's personal file normally for a period of 12 months, unless the employee is notified to the contrary. The employee will need to be at work throughout the relevant warning period. If they should be absence from work for any reason e.g. sickness, this period will not count for the purposes of the warning period.

10.7 Formal ill health capability hearing – long term absence

Dismissal with notice may be considered, without the need for first or final written warnings, where an employee has been or is likely to be absent for a prolonged period, where a reasonable period of recovery has been allowed for and weighing up input from Occupational Health, in the school's opinion a return to work in the short term is unlikely and where it is concluded that there are no reasonable adjustments or restrictions that would enable the employee to return to a work. Where possible, these judgements should be made having sought advice from Occupational Health via the Schools' HR advisory service team.

10.8 Arranging a formal ill health capability hearing – long term absence

Ill health capability hearings will be heard by either the Headteacher or a panel of three governors as appropriate in the circumstances.

The hearing allows the employee to prepare a response to concerns about their absence and make their case in the company of their professional association/trade union representative or a work colleague.

If an employee is unable to attend an ill health capability hearing, he/she may choose to provide written permission to the effect that their representative may act on full authority and he/she will accept any decision that their representative has been party to. He/she may also choose to provide a written response.

Hearings should normally be held during normal working hours, but, where this is not possible, the hearing should begin as soon as possible after the end of the school day.

The employee must receive at least five working days' notice in writing, by recorded delivery or delivery by hand, stating:

- the purpose, time and place of the hearing
- specific concerns, confirming that this is a formal ill health capability hearing pursuant to the school's health and attendance policy and procedure
- a copy of the school's health and attendance policy and procedure
- who will be attending (e.g. Headteacher, employee)
- the right to be accompanied by an accredited professional association/trade union representative or a work colleague
- relevant documentation the school intends to present
- the requirement for confidentiality

- the requirement for the employee to provide, at least three working days' before the hearing, all relevant documents that he/she intends to present

The Headteacher or panel members, as appropriate, will be sent all of the papers to be presented, including a copy of the invite letter sent to the employee in reasonable time before the hearing. Panel members must not discuss any aspect of the case or the contents of the case papers with anyone, including other panel members, before the hearing.

10.9 The ill-health capability hearing decision – long term absence

If the case for dismissal is not established, a warning appropriate to the circumstances of the case may be issued.

If the decision is dismissal, then the employee will be informed as a matter of urgency and advised of the right of appeal. The decision of the Headteacher (or governing body disciplinary panel), the reasons for it and the appeal arrangements will be confirmed in writing to the employee as soon as reasonable practicable and usually within five working days.

For a community or voluntary controlled school (whose staff are employed by the County Council), a copy of the letter will be sent to the director of Children's Services who will then formally confirm the dismissal by letter to the employee.

10.10 Appeal

If the employee wishes to appeal against the school's decision at any stage of the process (including the level of any sanction imposed) he/she must do so in writing to the person specified in the decision letter, stating the full grounds of appeal, within seven calendar days from receipt of the letter setting out the school's decision.

An appeal will be heard by the Headteacher (only in cases where a warning was issued by a line manager) or by a panel of three governors, not involved in the original hearing. At the discretion of the school, the appeal may be a complete rehearing of the matter or it may be a review of the fairness of the original decision in light of the procedure that was followed and any new information that may have come to light.

New evidence will only be considered if relevant and there is a good reason why this had not been included as part of the original hearing.

The employee's letter to lodge the appeal must be accompanied by detailed grounds for appeal.

The Headteacher/chair of panel, i.e. the person or a representative of the panel that heard the original case will normally present the case at any appeal against a warning or ill health capability dismissal decision.

Appendix 1

Teachers

Sick Pay Entitlement

Teachers	
During the first year of service	Full pay for 25 working days and after completing 4 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 days and half pay for 75 working days
During the fourth year and successive years	Full pay for 100 working days and half pay for 100 working days

Note 1: For teachers, working days are the days defined as "directed time" (currently 195 per school year). Years of service are based on aggregated service.

Appendix 2: Sick Pay Entitlement

Support Staff

Please delete either table A or B depending on the terms and conditions of employment for support staff relevant to your school.

Table A Support Staff in Community or Voluntary Controlled Schools, or any other school adopting the new terms and conditions of employment - with effect from 1 April 2012	
First 2 days absence in each period of absence	No pay
During the first 6 months of service	Statutory Sick Pay only
During months 7-12 of service	1 month full pay and 1 month half pay
During the second year of service	2 months' full pay and 2 months' half pay
During the third year of service	3 months' full pay and 3 months' half pay
During the fourth year of service	4 months' full pay and 4 months' half pay
Additional Disability Leave allowance	Up to 5 extra days paid disability leave per year available to those employees who have a disability defined by the Equalities Act 2010.
Additional Pregnancy related sick leave	Up to 5 extra days paid pregnancy related sick leave for women who experience pregnancy related sickness.
Note 1: For occupational sick pay entitlement record purposes (and without prejudice to the National Council's arrangements for self-certification days and to any local agreements on "qualifying days" for statutory sick pay purposes) "one month" is deemed to be equivalent to 26 working days, Saturday being reckoned in all cases as a working day.	
Note 2: If an employee has suffered an injury during the course of their work duties, and this has been confirmed in writing by the Department of Work and Pensions (DWP), then the employee is entitled to receive the first four months of their absence as full pay (for the first two days of absence pay will not be deducted). If they are still absent after the first four months, then their normal sick pay entitlement will begin.	
Note 3: Entitlement is based on continuous service.	

Appendix 3 - Self Certification Sickness Absence and Return to Work Meeting

User Guidance Notes									
<p>This form should be completed using block capitals and placed on the employee's school file. In addition a copy should be given to the employee.</p> <p>Please ensure that you complete all sections of the form. If you require further guidance please contact the Schools' HR Advisory Team.</p>									
Part One-Employee details									
Title	First name			Last name			Initials		
Job Title			Payroll Number						
Part Two - Details of Sickness									
Number of days Absent		Start date of sickness					Last date of sickness		
Working days									
Calendar Days		Please tick this box if the sickness was over 7 calendar days <input type="checkbox"/> Please attach a fit note/GP's certificate.							
Part Three – Return to work meeting									
Line Manager's Name									
Date of meeting									
Location of meeting									
People present at meeting									
Back problems		<input type="checkbox"/>	Muscular Skeletal		<input type="checkbox"/>	Stress/Depression/Anxiety			<input type="checkbox"/>
Carcinoma		<input type="checkbox"/>	Colds		<input type="checkbox"/>	Flu			<input type="checkbox"/>
Infections		<input type="checkbox"/>	Headache/ Migraine		<input type="checkbox"/>	Eye Disorder			<input type="checkbox"/>
Ear, Nose & Throat		<input type="checkbox"/>	Urinary Tract infection		<input type="checkbox"/>	Pregnancy Related			<input type="checkbox"/>
Stomach Ailments		<input type="checkbox"/>	Heart problems		<input type="checkbox"/>	Respiratory/Chest/Asthma			<input type="checkbox"/>
Other (please specify):									
Details of items discussed									

Risk Assessment reviewed or conducted <input type="checkbox"/>
Have any health review prompts been reached?
Health review prompts
<ul style="list-style-type: none"> • When there are 3 or more instances of absence in any rolling 6 month period • When an individual accumulates ten or more calendar days absence within any rolling 6 month period • When an absence appears to have a recognisable pattern, for example frequent absence around a weekend • When an employees sickness absence is for a continuous period of at least 28 calendar days • When there are a series of absences which impact on service delivery • Has an Attendance Improvement Plan been set recently (this may be set prior to trigger points being met).
Yes <input type="checkbox"/> (If yes, consider arranging a Formal ill-health Capability Meeting and inform employee that they <i>may</i> be issued with a warning at the Formal ill-health Capability Meeting)
No <input type="checkbox"/>
Attendance Improvement Plan set <input type="checkbox"/>
Details of support offered
Details of the impact of the absence on the school/employees workload
Referred to Occupational Health <input type="checkbox"/>
Part Four – Authorisation
I certify I was absent from work due to sickness as detailed on this form.

Please note: Knowingly making a false statement may result in disciplinary action being taken and sick pay being terminated.

Employee Signature:	Name							
	Date					2	0	
I certify that I have discussed this absence with the employee and that the necessary certifications have been completed.								
Managers Signature:	Name							
	Date					2	0	

Objective and Scope

This is a model leave of absence policy to assist Headteachers and Governing Bodies of Schools in making decisions about requests for leave in accordance with legal, contractual and moral obligations.

This policy covers annual leave, family leave and miscellaneous leave. A principal purpose in setting out this policy is to ensure that requests are dealt with fairly and consistently.

The policy applies to all employees of the school. This policy does not form part of any employees' contract of employment.

1. PRINCIPLES

- Annual leave and occupational sick leave will be in accordance with the relevant conditions of service for teachers and support staff.
- Other leave of absence will normally be on an unpaid basis, unless otherwise specified.
- All leave allowances should be applied pro rata to an employee's contracted hours, unless otherwise stated.
- The operational needs of the school will be paramount and, except in emergency circumstances, adequate notice of a request for leave of absence must be given.
- The responsibility for exercising discretion on behalf of the Governing Body is the Headteacher's, in accordance with the professional duties defined in the School Teachers Pay and Conditions Document.
- Any dispute or grievance about a request for leave of absence or payment during leave of absence will be dealt with through the Schools Grievance Procedure; there is no right of appeal to a leave request being declined.
- All requests for leave must be submitted to provide the school with reasonable notice.
- It should not be assumed approval has been given until a response has been provided by the Headteacher.
- Where the request for leave concerns the Headteacher requests should be made to the Chair of Governors.
- Where a number of days leave are specified these are limits in any one leave year.

2. UNPAID LEAVE AND PENSION DEDUCTIONS FOR EMPLOYEES IN THE LOCAL GOVERNMENT PENSION SCHEME

Pension deductions will not automatically be made for any periods of unpaid leave. If an employee wishes to request to pay Additional Pension Contribution (APC) to cover the amount of pension 'lost' during a period of unpaid leave they should make an election to the London Pensions Fund Authority ([LPFA](#)) within 30 days of returning to work.

Employees can visit www.lgps2014.org/content/how-do-i-buy-extra-or-lost-pension and click the ‘Buy Lost Pension’ option to calculate the cost to buy back lost pension. Contact the schools’ payroll provider to find out the amount of lost pensionable pay to enter into the website.

After using the quote on the website above employees should, using the application form provided on this website, submit the application to the schools’ payroll provider and send a copy to the London Pensions Fund Authority.

Contact the LPFA on 01992 555 466 or hertscc@lpfa.org.uk with any questions about the purchase of lost pension.

3. ANNUAL LEAVE ENTITLEMENT FOR EMPLOYEES COVERED BY LOCAL GOVERNMENT TERMS AND CONDITIONS

For support staff contracted to work for 52 weeks’ per year, the leave entitlement is dependent on grade and continuous Local Government service. See Appendix 1. This leave will normally be taken during the school holidays and must be agreed with the Headteacher or nominated person in reasonable time, prior to the leave being taken. Only in exceptional circumstances and with the express consent of the Headteacher, can leave be taken at other times. Support staff may carry forward up to 5 days’ to the next annual leave year, provided this is done with the Headteacher’s consent and leave is taken prior to 31st May.

Staff will not be permitted to take leave during the term unless express consent from the Headteacher has been given. If leave is granted, this will be unpaid for term-time only staff.

All employees should make partners aware that as a rule time off in term time will not be granted to avoid costs incurred from the cancellation of surprise holidays for birthdays or anniversaries.

4. TEACHER’S WORKING TIME

A Teacher employed full-time must be available for work for 195 days’ in any school year. 190 of those days must be days of which he/she may be required to teach pupils and perform other duties and 5 days’ must be days on which he/she may only be required to perform other duties. The same applies for a teacher employed part-time, except the number of hours he/she must be available for work must be a proportion of full-time hours.

In addition to the hours a teacher is required to be available for work, he/she must work such reasonable additional hours as may be necessary to enable him/her to discharge effectively his/her professional duties. These provisions do not apply to employees on either the Leadership or Leading Practitioner pay ranges or those acting up in such a role.

5. SPECIAL OCCASIONAL LEAVE OF ABSENCE

The School’s policy as agreed by the Governing Body is:

5.1 Disability Leave (*only applicable to support staff employed on the HCC Collective Agreement terms and conditions*)

For support staff employees only who have declared to their employer a disability as defined by the Equalities Act 2010, up to 5 days’ paid disability leave may be granted (pro rata for part time employees).

Reasons for using disability leave might include

- Attending a doctor’s or complementary medicine practitioner’s appointments
- Assessment for conditions such as dyslexia

- Hearing aid tests
- Training with guide or hearing dog
- Counselling/ therapeutic treatment or recovery time after blood transfusion or dialysis
- Treatment for physiotherapy (sessional or residential)

Disability leave may not be used to cover an absence due to ill health.

5.1.1 Time off for a sick child or dependant

Absence to care for a sick child or dependant will be unpaid.

In exceptional circumstances compassionate, emergency or exceptional leave may be used for the first day of absence only (see 5.3). This would typically relate to the hospitalisation of the child.

5.2 Compassionate, Emergency or Exceptional Leave

Noting the provision set out in 5.2, emergency and discretionary leave enables employees to take time off work to deal with an unexpected or sudden emergency involving a dependant. The leave is to deal with the immediate issues and to sort out long term arrangements if necessary. The circumstances that enable employees to take emergency and discretionary leave are:

- Providing assistance where a dependant falls seriously ill, gives birth, is injured or assaulted
- Making arrangements for the care of the dependant who is seriously ill or injured.
- The death of a dependant.
- The care of the dependant has unexpectedly been disrupted or terminated.
- There is an unexpected incident involving the child of an employee whilst at school.

A dependant is a spouse, child, foster child, parent, relative or partner living in the same household as the employee (it excludes tenants, lodgers or boarders of the employee). A dependant also includes any person who reasonably relies on the employee to make arrangements for the provision of their care, e.g. partner who does not co-habit.

Leave to attend funerals is limited to the funeral of an immediate family member of the employee only (parents, a spouse, sibling, grandparent or child).

An employee must notify their line manager as soon as practically possible in the event of an emergency.

The Headteacher may approve up to five days' paid leave per leave year (pro rata for part timers) for emergency and discretionary leave.

For most cases, one or two days' are reasonable to deal with a problem. The time off is to enable an employee to cope with a crisis, to deal with the immediate care and where necessary to make longer term care arrangements for the dependant. Where paid leave is granted only the first day of absence will usually be paid in any one period of absence, unless discretion is applied by the Headteacher.

5.3 Other personal reasons

Exceptionally, there may be other personal reasons for requesting leave of absence. Usually these will be one off events affecting family. An example might be attendance at a child's graduation ceremony. Such leave, where granted, will normally be unpaid and subject to adequate notice so that replacement staff can be employed if necessary.

Holidays to celebrate anniversaries, birthdays and such like are not considered to be one off.

5.4 Career Break/Extended leave of absence

Requests for longer periods of leave will be considered on an unpaid basis, for example, in the case of a lengthy period of caring for a chronically sick, disabled, or terminally ill, dependent relative. Extended leave can be for up to a year in duration. Sufficient notice that allows the appointment of a replacement should be given wherever possible. Further guidance on Career Breaks is set out in appendix 2.

5.5 Moving house

Up to 2 days' unpaid leave will be granted.

5.6 Service with Auxiliary Forces

Reservists are required to inform their line manager that they are a member of the Reserve Forces. Reservist employees will also be required to grant permission for the Ministry of Defence (MoD) to write to the Headteacher to make sure the school are aware and provide details of mobilisation obligations and rights as an employee reservist.

Reservist training normally takes place during evenings and weekends. Line managers may however grant up to 5 days leave at their discretion where training falls within an employee's normal working hours.

Additionally up to 2 weeks' per year can be granted to attend 'annual camp'. Employees are required to give as much notice as possible for annual camp in order for line managers to arrange appropriate cover.

Leave may be refused if it would have a detrimental impact on service delivery. In any case teachers and other classroom based staff will only be granted paid leave if the force's unit cannot arrange exercises during holiday periods.

5.7 Mobilisation

Mobilisation is the process of calling Reservists into full-time service to serve alongside the Regular Armed Forces on operations. The Ministry of Defence aims to give as much notice as possible of mobilisation (but at least 28 days). In circumstances where a reservist employee is mobilised they will not be paid by the school and should be placed on a Career break for payroll purposes to ensure their continuous service is not broken.

If an employee who is mobilised wishes to remain in the LGPS the schools payroll provider should be informed who will calculate the amount of contributions that the employee and the Ministry of Defence (MoD) must pay. For Teachers the relevant form must be completed, available online at teachers.pensions.com.

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

5.8 Carry-over of annual leave

The School expects employees who are covered by Local Government terms and conditions of employment to take their full entitlement of leave in each leave year, which runs from April to March. Where this is not possible, with the knowledge of and by arrangement with the Headteacher, employees may carry forward 5 days' to the next annual leave year, provided this is taken prior to 31 May.

5.9 Religious Festivals

Where staff can show that they are bona fide adherents of any organised religion and that they require leave for the purpose of an official holy day, the Governing Body will allow up to 2 days' leave. Staff taking such leave will be asked to make up this time at a later date or if this is not possible any leave granted should be unpaid.

5.10 Sporting Events

Where staff can show they are representing their country they should write to the Headteacher so that arrangements can be made for paid or unpaid leave.

5.11 Attendance at Court Proceedings

5.11.1 Jury Service

Employees will be notified of a requirement to carry out Jury Service by letter from the courts. A copy of this letter should be given to their line manager and a request made for the absence from work.

Unless the absence would have a serious impact on the business then the school recognises that it must approve the time off.

Employees will receive normal pay during the period of Jury Service on the condition that any payments received from the court for loss of earnings are paid back to the school. The court will normally provide individuals with a 'Loss of Earnings' form which should be sent to the school and subsequently to the schools payroll provider who will complete and return to the individual to submit to the court.

Once the court confirm how much they will pay for loss of earnings (normally on a Remittance Advice slip) a copy should be sent to the school to be passed to the payroll provider who will deduct the relevant amount from the next monthly pay. Failure to return the Remittance Advice slip will be investigated and could be considered Gross Misconduct under the Disciplinary Policy and Procedure.

5.11.2 Witness summonses and subpoenas

Staff subject to a witness summons or subpoena will be allowed paid time off work to attend court, as much notice of such a requirement should be given.

5.12 Public Duties

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

5.13 Study/Examination Leave

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

5.14 GCSE Duties & Activities

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

5.15 Time off for Trade Union duties

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

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

The County Council has a separate agreement with Trade Unions and Professional Associations to provide paid time off for their county representatives. The nominated county representatives are allowed pre-agreed, time off each week to carry out their duties and the school is reimbursed from a council budget.

5.16 Bad weather conditions

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

5.17 Time off for medical appointments

The school will allow reasonable paid time-off for employees to attend medical appointments, which are unable to be arranged out of working hours. Before arranging non-urgent doctor's medical appointments, employees should seek the approval of their Headteacher if it is necessary to take time off work. Employees should make every attempt to make these appointments at the beginning or end of the day or during lunch breaks to minimise the time they have to be absent from work.

Routine doctors or dentists appointments e.g. check-ups should not be taken during term time or working time for those working in holiday periods.

Elective procedures should be arranged during holiday periods and will usually be unpaid.

6. Maternity, Paternity, Adoption Carers Leave and Antenatal care

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

7. In Vitro Fertilisation (IVF)

All employees, regardless of hours worked or length of service, are entitled to 5 days paid leave per annum (pro rata for part time employees) for the purpose of attending IVF appointments and undergoing fertility treatment. The Headteacher may also grant unpaid leave at their discretion.

8. Interviews

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

In order to maintain a fair balance between the operational needs of the school and to minimise the burden on other staff, and to be fair to employees who will be seeking to further their career in the education sector, the Governing Body will grant leave of absence for interviews as follows:

- a) The Headteacher is empowered to approve up to a maximum of 5 days paid leave of absence for interviews, to cover both formal and informal stages of the process, during any one academic year.
- b) Further leave of absence for this purpose will normally be agreed and will be on an unpaid basis.
- c) For support staff any days beyond the initial 5 days could be made up during holiday periods, instead of being on an unpaid basis, provided that their work can be carried out during holiday time.

9. Unauthorised Absence

If an employee takes leave of absence without the prior consent of the Headteacher this will be investigated and could be considered Gross Misconduct under the Disciplinary Policy and Procedure.

Appendix 1

HOLIDAY ENTITLEMENTS FOR LOCAL GOVERNMENT EMPLOYEES

The leave year runs from the 1 April to the following 31 March. For school based staff working 52 weeks' per year leave will normally be taken during the school holidays. Only in exceptional circumstances and with the express consent of the Headteacher can leave be taken at other times or carried forward to the next leave year.

Annual leave entitlement for school based staff working 52 weeks' per year is in accordance with the following table:

TABLE A			
For employees covered by the HCC Collective Agreement with effect from 01.04.12			
Grade	Less than 5 Years continuous service	5 to 10 Years continuous service	10 or more years continuous service
HB to H7	24	28	29
H8 to H9	26	28	29
M1 to M5	28	30	31
All entitlements incorporate the concessionary day			

Annual leave entitlements will be pro rata for part time staff working 52 weeks' per year.

Staff engaged on a term time only basis will not be permitted to take leave at any other time except during school holiday periods unless express consent from the Headteacher has been given.

Appendix 2

Career Breaks

It is recognised that during an employees' working life there will be times when personal commitments may take priority over work e.g. bringing up children, longer term care for sick or dependent relatives, or pursuing a course of further education. The school may be able to accommodate such personal commitments, where operationally practicable, through career breaks. Employees should also give consideration to flexible working requests depending on their individual needs.

Career breaks enable employees to take an unpaid break from work for personal reasons whilst maintaining continuity of service with the school. The employee should try to give as much notice as possible to commence a career break (ideally 3 months) but a shorter notice can be accepted at the Headteacher's discretion for example where a dependent needs care at short notice.

With the exception of continuity of service all other terms of the employment contract with the school will be suspended. On return, at an agreed date following the career break, the employee will be able to return to the same or similar post within the school without competitive selection.

A career break may be considered appropriate for example:

- To extend a period of maternity/adoption leave
- To care for dependants
- To enter full time education
- Extended foreign travel

These reasons are not all inclusive and others may be considered, with the exception of taking up other full time paid employment. Employees who are on a career break may in exceptional circumstances take up a part time role for example to support a university course or extended travel. Permission must be sought from the school before taking this up.

Eligibility

All permanent employees with at least two years continuous service with the school regardless of the number of hours worked are eligible to apply for a career break.

Length of career break

The minimum length of break is 3 months, for teaching and classroom based staff the expectation would be for this to equate to a term, and the maximum is 1 year. There is no limit to the number of career breaks an employee can take, providing they return to work at the school for a minimum of 2 years between each break.

Please note that for the first 30 days of a career break both employer and employee pension contributions are payable. For more information please contact the Serco HR Payroll Transactions Team.

Restructuring and/or Reductions in staffing

Consideration of planned organisational change should be taken before a career break is authorised particularly where there is potential for a reduction in posts.

If an employee is on a career break when a restructure is being considered, every effort should be made to contact them in order for them to have input into any consultations or feedback processes. Employees may be given the opportunity to return to work early if they wish to if the temporary cover can be ended at no additional cost.

Employees on a career break must be included in selection processes even if the Headteacher is unable to make contact with them.

Extending the career break

If the employee wishes to extend their career break, if the break taken was to be less than one year, they must do so in writing normally giving as much notice as possible. The Headteacher will give consideration to the extension along the same lines as the original request and may grant up to 1 year in total.

Cutting short the career break

There will be no automatic right to cut short a career break but the Headteacher will consider such requests from an employee if they can be accommodated.

If the employee does not return from the career break

If an employee does not wish to return from a career break, they should confirm this in writing **at least 4 weeks'** prior to their expected return date, for those employed under School Teachers Pay and Conditions of Service the appropriate notice must be given in accordance with those terms. If, on the school writing to the employee to confirm the return date, the employee does not respond, their contract will be terminated on that expected return date.

Conduct during a Career break

Employees should be aware that they remain employees of the school during a career break. Whilst an employees' off duty hours are their personal concern they should not put themselves in a position where their duties and private interests conflict. The standards of the School's Code of Conduct should be maintained during a career break.

GDPR stipulates that Leave is personal/ sensitive data. Our school provides Data Subjects (individuals to whom "personal data" relate) with a right to data held about themselves, including those obtained by means of this report. Requests for Data Subject Access should be made to our data protection officer Katie Harris (gdprkharris@gmail.com)or the Head Teacher Mr Kemp (head@batchwood.herts.sch.uk)

Appendix 3

Type of Leave	Legal Requirement	No Legal Requirement	Paid	Unpaid	Paragraph
Annual Leave entitlement for Local Government staff	✓		✓		Appendix 1
Disability Leave – Collective Agreement support staff only	✓		✓		5.1
Time off for sick child	✓			✓	5.2
Compassionate, Emergency or Exceptional Leave	✓		✓		5.3
Other personal reasons		✓		✓	5.4
Career Breaks/Extended Leave of Absence		✓		✓	5.5
Moving House		✓		✓	5.6
Service with Auxiliary Forces	✓		✓		5.7
Mobilisation	✓		✓		5.8
Carry over of annual leave		✓	✓		5.9
Religious festivals		✓		✓	5.10
Sporting Events		✓	✓		5.11
Attendance at Court Proceedings		✓	✓		5.12
Public Duties	✓			✓	5.13
Study/ Examination Leave		✓	✓		5.14
GCSE Duties & Activities		✓	✓	✓	5.15
Trade Union Duties	✓		✓		5.16
Bad Weather Conditions		✓		✓	5.17
Time off for appointments (Doctor, Dentist etc.)		✓	✓		5.18
Maternity, Paternity, Adoption, Carers leave & ante-natal care	✓		✓		6
In Vitro Fertilisation (IVF)		✓	✓		7
Interviews within HCC or another Local Authority		✓	✓		8