St. Theresa's Catholic Primary School

STAFF ABSENCE POLICY

"We learn together, we play together, we pray together, we grow together in the love of God"

St.Theresa's
Catholic Primary School

Validation grid

Title	Staff Absence Policy
Author	Barbara Costa
Associate Author	
Target Audience	All staff
Stake holders consulted	All staff
Curriculum / non curricular	Non Curricular
Associated Policies / Documents	Sickness Policy and Procedure, Disciplinary Policy and Procedure
New Policy or Review of existing policy.	Review
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Headteacher Barbara Costa

Chair of Governors Fiona Kerin

Policy Statement

It is in the interest of everyone working at St. Theresa's Primary School to maximise attendance levels.

The school values the contribution its employees make, so when a member of staff is unable to be at work for any reason, their contribution is missed.

We recognise that keeping employees at work and helping them get back to work as soon as practical, following a period of sickness absence, can maintain an employee's health and well-being.

Absence impacts upon the teaching and learning within our school, it also takes its toll on colleagues who must take on additional work.

This policy recognises:

- the statutory entitlement to unpaid time off to attend to urgent matters related to dependants
- national and local agreements
- best practice which seeks to maintain good working relationships between staff and school management
- the operational needs of the school

It is intended that this policy will provide a clear and workable framework to enable requests for leave of absence for staff working in schools to be reasonably and fairly handled. This policy recognises that the operational needs of the school are a clear priority in any decision making and there may be times when the Headteacher has to refuse a request for leave.

It should be noted that there might be occasions when circumstances arise that are not identified in this policy. In such circumstances the decision regarding leave of absence remains within the discretion of the Headteacher (or the Chair of Governors in the case of the Headteacher requesting leave of absence). Each case will be judged on its own merits and circumstances. The granting of time off in one case will not necessarily set a precedent for other cases. It is recommended that in such circumstances the Headteacher (or Chair of Governors) contacts the school's HR Advisor for further advice.

Any suspected abuse of the policy by staff at the school will be dealt with under the school's Disciplinary procedure.

Except in emergency situations, where an oral request may be granted, all requests for leave of absence under these provisions should be made in writing to the Headteacher with sufficient notice to allow written approval to be given to the employee. A description of the circumstances and whether or not the request was granted, should be kept on the member of staff's personnel record at the school.

Care will be taken in applying this policy to ensure compliance with equality legislation and avoidance of potential discrimination.

Staff annual leave and sick leave absences will be in accordance with the relevant conditions of service for teachers and support staff.

Part time/job share employees are entitled to request leave under the same conditions as their fulltime colleagues, on a pro-rata basis.

Any staff absence caused by sickness is dealt with under a separate policy - the Sickness Absence Policy and Procedure.

Scope

This policy has been adopted by the Governing Body of St. Theresa's and applies to all members of school staff. It should be read in conjunction with other relevant documents on contractual terms and conditions (e.g. the Burgundy Book and the Green Book) which cover the terms and conditions of specific groups of staff. Nothing in this document seeks to override those particular provisions.

Regular, punctual attendance is an implied term of every employee's contract of employment. The school asks that each employee take responsibility for achieving and maintaining good attendance.

Legal Framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Rights Act 1996
- The Working Time Regulations 1998
- Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999
- The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)
- Equality Act 2010
- The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018
- The Paternity Leave (Amendment) Regulations 2024
- The Carer's Leave Regulations 2024
- The Statutory Parental Bereavement Leave (General) Regulations 2020 (Jack's Law)
- ACAS (2010) 'Code of practice on time off for trade union duties and activities including guidance on time off for union learning representatives'
- Cabinet Office (2023) 'Report trade union facility time data'
- DfE (2014) 'Advice on trade union facility time'
- DfE (2021) 'Teachers' Standards'
- DfE (2023) 'School teachers' pay and conditions document 2023 and guidance on school teachers' pay and conditions' (STPCD)
- Department for Work and Pensions (2023) 'The fit note: guidance for patients and employees'

Absence Notification and Monitoring

If staff are sick they must follow the procedure set out in the Staff Handbook, as per the school Sickness Absence Policy and Procedure.

The Headteacher is required to record and report all staff absence. The Governing Body may ask for an annual confidential report on absence, taking into account both number of days and frequency of absences.

Adoption Leave

The statutory rights to parental and adoption leave are explained in the relevant compliance guidance documents.
https://www.gov.uk/adoption-pay-leave

Ante-natal appointments

The Maternity Regulations provide the right for all women to take paid time off to attend antenatal care. Antenatal care includes appointments with the Midwife, GP, hospital clinics, relaxation classes and parentcraft classes.
Except for the first appointment, employees should show an appointment card or other documents showing that an appointment has been made.

The partner of a pregnant woman is entitled to take unpaid time off work for up to two antenatal appointments, capped at 6.5 hours per appointment.

https://www.gov.uk/working-when-pregnant-your-rights

Carer's Leave

Employees are entitled to unpaid leave to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability (as defined in the Equality Act 2010)
- care needs because of their old age

The dependant does not have to be a family member. It can be anyone who relies on them for care.

Employees can take up to one week of leave every 12 months. A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.

They can either take a whole week off or take individual days or half days throughout the year. If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant. They can only take one week every 12 months. They can use the week of leave on more than one dependant.

How to take carer's leave:

- Employees need to give their employer notice before they want their leave to start.
- If the request is for half a day or a day, the notice period must be at least 3 days.
- If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days.
- The notice period needs to be in full days, even if the request includes half day amounts.
- The request does not have to be in writing.
- Employees do not need to give evidence of their dependant's care needs.

If you need to look after someone in an emergency, employees can take time off for this without giving a notice period.

When employers can delay carer's leave:
Employers cannot refuse a carer's leave request but can ask the employee to take it at a different time. They can only do this if the employee's absence would cause serious disruption to the organisation.
If they delay it, the employer must:

- agree another date within one month of the requested date for the leave
- put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave

Compassionate Leave

Paid compassionate leave may be granted in the following circumstances:

- Sudden, serious illness of immediate family – up to 5 days paid leave
- Death of an immediate family member – up to 5 days paid leave
- Serious immediate family problem – up to 5 days paid leave

Immediate family members are limited to: parents, siblings, children, partner/spouse or person you are carer for.

In some cases, a longer period of absence may be approved, on an unpaid basis.

Domestic Problems/Emergencies

Time off work for domestic problems or serious domestic emergencies, i.e. situations which must be resolved immediately, such as burglary, fire, flood, storm etc. – those situations which pose a risk to the employee's home if not resolved immediately will be granted as paid leave for up to one day.

Other non-emergency domestic situations (e.g. breakdown of household appliance or boiler) may be authorised as unpaid leave with agreement from the Headteacher.

Examinations

Staff attending examinations approved by the school to obtain professional qualifications relevant to their role and approved by the Headteacher should be allowed paid leave to attend such examinations. Revision or study leave for such examinations is left to the discretion of the Headteacher to determine whether this will be paid or unpaid time off.

Job Interviews

All staff under notice of redundancy may take reasonable paid leave to attend selection interviews for jobs.

Where staff are applying for employment in other schools it is likely to mean an interview will be held within term time. The Headteacher has discretion to allow reasonable paid leave for such interviews. Requests to take leave to attend an interview must be made to the Headteacher in advance of the event.

There is an increasing tendency for prospective employers to engage in extended interview processes and invite candidates to undertake preliminary visits. The Headteacher will grant paid leave of absence for one day to visit a new school once a colleague has been successful at interview. In the case of the Headteacher attending interviews, leave of absence will be granted by the Chair of Governors.

Jury service/witness

Employers are required by law to allow time off work for jury service. The employer cannot apply for deferral or excusal on the behalf of the employee, only the person summoned for jury service may ask for a deferral or excusal based on their own personal circumstances. Regulations do not require employers to pay staff who take time off for jury service. However, in the public sector employers are strongly recommended to support staff called on for public duties and services. Employees in schools are therefore given paid leave to undertake their jury service so there is no detriment to them.

We would ask staff, who have been called for jury service, to discuss with the Headteacher the suitability of timing before accepting the request.

Maternity Leave

The school follows the LA policy.

Medical Appointments

Employees are expected to make appointments outside normal working hours wherever possible. However, if necessary paid time off to attend medical appointments will be granted but will be recorded as a sickness absence as per the school's Sickness Absence Management Policy and Procedure. Staff attending such appointments must seek the permission of the Headteacher or Deputy Headteacher before attending. The Headteacher/Deputy Headteacher will request to see hospital appointment letters.

Paid time off should be permitted for the purpose of cancer screening which will be treated like any other medical appointment.

Fertility treatment - employees requesting time off for fertility treatment will in general be supported. The specific needs of the employee for time off will need to be addressed, and the various provisions for leave set out in this policy will be used to enable this to happen where reasonable. This may mean taking time off for medical appointments and making full use of compassionate leave. The compassionate leave may be paid or unpaid depending on the specific circumstances. In any event the situation should be treated with sensitivity. Sickness absence resulting from the treatment should be counted against the employee's sick leave entitlement in the usual way. The nature of the treatment may mean that absences cannot always be planned in advance but it is reasonable to expect staff to give as much notice of the need for time off as is possible.

Moving house

Regulations do not require employers to pay staff who take time off for moving home. However,

one day's paid leave of absence is granted in any 12month period subject to the agreement of the Headteacher.

National sporting fixtures

Staff are granted reasonable paid time off where they are a national representative in sporting event. This is recommended not to exceed 10 working days in an academic year but governing bodies have discretion to grant additional days based on individual cases.

Non-Attendance at school which is not recorded as "absence"

There are a number of occasions when staff may not be present in school and which would not count as recorded absence. These will include; agreed training events (refer to staff development policy); meetings with outside agencies or parents; management of school sports fixtures; school approved visits and other authorised school business.

Other Personal Reasons

It is recognised that there may be other personal reasons for requesting leave of absence such as attendance at a child's graduation ceremony, attendance at a friend or relation's funeral (other than immediate family), or a "once in a lifetime" visit. Such leave may be granted at the Headteacher's discretion; it will normally be unpaid and subject to adequate notice so that replacement staff can be employed if necessary.

Parental Leave

The school follows the LA policy.

Parental Bereavement Leave

A minimum of two weeks' paid leave will be granted for staff who have lost a child under the age of 18, or who have suffered a still birth from 24 weeks of pregnancy. Staff members may take the leave as either a single block of two weeks, or as two separate blocks of one week each taken at different times during 56 weeks after their child's death. Any further leave will be considered on a case by case basis.

Paternity Leave

The school follows the LA policy.

Public Duties

Regulations do not require employers to pay staff who take time off for public duties. Howevere, an employee who is a member of another local authority or other public body, including a managing or governing body of an educational establishment maintained by a local Authority, should be granted paid leave of absence to attend to their official duties. The granting of such leave will depend on the requirements of the service and what is reasonable in the circumstance.

The school will also consider how much time off has already been permitted and the effect of the employee's absence on the school.

Religious Festivals and Holy days

Regulations do not require employers to provide time or facilities for religious or belief observance in the workplace. However, where necessary up to two days paid leave of absence may be granted for the purpose of official holy days.

It is recommended that schools consider whether employee requests for additional breaks in a working day for religious observance are reasonable and practical but where any such breaks are agreed it should be unpaid.

Residential Visits

Staff who accompany children on the residential trips may claim a day off in lieu by arrangement with the Headteacher.

Sabbatical

Any request for a sabbatical would need to be made to the Governing Body. The Governing Body would need to agree to it.

Sick children of staff

Regulations do not require employers to pay staff who take time off to care for sick children. However, we appreciate that some families do not have immediate local support, therefore the first day of an absence will be paid, giving staff time to make alternative childcare arrangements. Should staff need to take further time off this will be unpaid. This agreement is limited to three occurrences during an academic year – any further days will normally be unpaid. These occurrences include accompanying children to medical or hospital appointments.

Staff also have a statutory right to unpaid time off to make arrangements for the care of a dependent child. If it is impossible to make appropriate arrangements for the care of sick children using the arrangements at above, the staff in this school may, after discussion with the Headteacher take reasonable additional unpaid leave to care for sick children. This arrangement applies to all staff with dependent children. For the care of seriously ill children also see paid *compassionate leave* paragraphs above.

Staff Sick Leave

Please see school Sickness Absence Policy and Procedure

Time off for Volunteer Members of HM Forces

Regulations do not require employers to provide paid or unpaid leave to volunteer members of HM Forces. However, volunteer members of HM Forces will be granted up to two weeks' paid leave of absence (i.e. 10 working days) in any school year to attend residential training for where this cannot be arranged during a school holiday. If volunteers are mobilised the law

protects employment and requires reinstatement on return from mobilised service.
Whilst away on active service the reservist will be paid by the MOD and therefore the employee will not be paid by the school during this time.

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

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

Trade union and professional association duties

The school will follow the ACAS "Code of Practice o time off for trade union duties and activities including guidance on time off for union learning representatives".

Union Representatives are entitled to reasonable paid time off to do their union work as long as the union is:

- independent
- officially recognised by the employer to represent union members in negotiations on things like pay and terms and conditions

Examples of trade union duties representatives have the right to paid time off for are:

- negotiating pay, terms and conditions
- helping union members with disciplinary or grievance procedures including meetings to hear their cases
- going with union members to meetings with their line manager to discuss flexible working requests
- discussing issues that affect union members like redundancies or the sale of the business

Representatives are not allowed paid time off to attend union meetings or go to meetings with union officials. Instead, employers should allow unpaid time off for these activities. Representatives aren't allowed any time off for industrial action.

Time Off In Lieu

A part time member of staff who has worked additional hours may prefer to arrange time off in lieu rather than receive additional hours payment. Such an arrangement must be agreed in advance with the Headteacher; consideration will be given to the impact on pupils and colleagues.

When leave of absence may not be granted

The following is a non-exhaustive list of examples which would not be granted leave of absence, paid or unpaid, except in very exceptional circumstances:

- Collecting a friend or relative from an airport or other travel terminus
- Transporting a child to university
- Supervising or otherwise dealing with home repairs or maintenance, including car

servicing, except in the case of an emergency (for example, dealing with a water leak)

- Dealing with other personal issues such as the arrangement of house or car insurance

- Leaving school early prior to a school holiday in order to catch a flight or other connection (or arriving back after the start of a new term)

Leave without Permission/Unauthorised Absence

Requesting leave at short notice

The Headteacher will try to accommodate staff who request leave at very short notice because of an emergency arising. S/he, however, may decide that a member of staff is absent from work without authorisation if the reason for absence cannot be evidenced afterwards. Any members of staff who take leave, which has not been previously approved, may be subject to disciplinary action.

Unauthorised Absence

1. Where an employee is absent without explanation or contact, pay will be stopped.
2. If an acceptable explanation is given to the Headteacher, pay can be reinstated at a later date.
3. The Headteacher/Deputy Headteacher should make reasonable efforts to make contact by telephone advising the employee that if he/she fails to make contact with work, contact will be made with their nominated next of kin.
4. If the employee is subsequently contacted, the Headteacher should take into account the length of absence and the employee's explanation in deciding what, if any, action needs to be taken.
5. If despite reasonable efforts it proves impossible to contact the employee, on the fifth day of absence the Headteacher will send a letter with Royal Mail Signed For (or equivalent) asking the employee to attend an investigation meeting.
6. The letter will refer to the attempts to contact the employee and seek an explanation for their absence at an investigation meeting, set 5 days following the expected date of delivery. The letter will also explain that a continued absence is a breach of their contract of employment, which could lead to disciplinary action being taken, and an outcome of this could be dismissal from the school. It will be made clear in the letter that failure to make contact or attend the investigation meeting will result in a conduct hearing being arranged.

Special Leave Appeal / Abuse

Employees who feel that an application for leave has been unreasonably refused have the right of appeal against the decision using the school's Grievance Policy and Procedure.

Where an employee is thought to be abusing special leave provisions, whether by fraudulently claiming for special leave, or by failing to make sufficiently robust care arrangements to allow them to carry out their responsibilities as an employee, the school will deal with the situation according to the Disciplinary Policy.