



# CHATHAM & CLARENDON GRAMMAR SCHOOL

## Employee Absence/ Sick Leave

Agreed by Governors: January 2024

### Introduction

The purpose of this policy is to ensure all staff employed at Chatham & Clarendon Grammar School are informed of their obligations in relation to the management of absence and leave entitlement as specified within their contract of employment.

This policy details the procedures that managers and staff should follow in the event of an absence from School or for a request to undertake leave of absence from School.

It is important to note that all staff must notify the school immediately if they are to be absent from their place of work; guidance for this notification is provided within the staff handbook. Please also note that in the event of a planned or foreseeable absence (e.g. medical appointment), staff must first seek authorization from the Headteacher, or in their absence, the Business Manager, before the required date of absence.

### Principles

- We will treat staff fairly and sensitively during times of sickness and ill-health. We encourage all staff to use the support mechanisms available to them;
- Managers will maintain regular contact with staff during sick absence. This will be by telephone, email or face-to-face meetings;
- Managers will hold return to work meetings with staff following a length of absence exceeding five working days; this is to establish an understanding of the absence and to help provide further support if necessary;
- Managers will consider any advice that a GP provides on a statement of fitness for work;
- Managers can refer a member of staff to occupational health advisors for support or advice. This may also include counselling support;
- Staff are responsible for actions to improve attendance and support their return to work – including obtaining and following medical advice and treatment and avoiding activities which may hinder or affect a prompt return to work;
- We will use 'trigger' points to decide when we need to take action over a member of staff's sickness absence record. When using 'trigger' points, consideration will be given to absences related to: pregnancy; disability or a terminal illness;
- Managers will use the disciplinary policy when: staff fail to comply with absence reporting procedures; staff do not provide satisfactory reasons for absence or where

- staff give misleading information about their absence;
- We will handle information about your health and well-being sensitively. We will keep it confidential as far as reasonable possible;
- Long term sick absence usually refers to a continued absence of 20 workdays or more;
- In supporting staff with health issues, we comply with the Equality Act 2010.

## **PROCEDURE FOR THE MANAGEMENT OF ABSENCE AND SPECIAL LEAVE FOR EMPLOYEES**

### **1. Absence Reporting**

Regular and punctual attendance at work is essential. If you are absent, you must contact the Cover Manager and your line manager. You must follow this procedure:

- You must report sickness absence to your line manager and Cover Manager on the first day of absence. You must do this as early as possible and within one hour of your start time.
- You must make personal contact by telephone. Text or email, or another form of messaging, are not acceptable unless in exceptional circumstances.
- If you are unable to speak to your line manager or Cover Manager, leave a message and a contact phone number. Ask for someone to pass it on to your manager as soon as possible. You should expect and be available to receive a return phone call.
- There may be times when you are unable to contact your line manager or Cover Manager personally. For example, on admittance to hospital. The person who contacts on your behalf must leave a contact name and number.
- If you fail to make contact to report an absence, your line manager will contact you. You must have a justifiable reason for failing to make contact. If not, your line manager may record your absence as unauthorised. They may refer you to the School's disciplinary policy.
- If you are going to be absent from work, you should tell your line manager and Cover Manager:
  - when the illness started
  - the broad nature of the illness (for example, migraine, chest infection etc)
  - if the illness work-related
  - if you are seeking medical attention
  - the likely date of return, if known
- Your line manager or Cover Manager will advise you how and when they want you to make contact again. You must update them on your absence and your expected return to work date daily.
- You must get a 'fit note' from your doctor and give this to the Headteachers Personal Assistant on the eighth day of absence.
- You must keep managers advised of your health and progress towards returning to work. If you are not returning to work, you must send to the Heads PA a new 'fit note' upon expiry of the current one.

- You may return to work early, before the expiry of a 'fit note'. If your doctor indicates that you may be fit to work with adjustments, you must contact your line manager. They may not agree to an early return if they cannot give you the support you need.
- If a 'fit note' states that you are not fit to return to work, you cannot return early.

## 2. Medical Evidence

A sickness of seven calendar days or fewer is self-certified. Upon return to work you must complete a self certificate form and provide to the Head's PA as soon as possible.

All sickness that lasts for eight days or more requires that you must provide the school with medical evidence. This is usually a doctor's 'fit note'.

The 'fit note' will state the period that it covers. It may say that you:

- are not fit for work, in which case you should remain off work, or
- may be fit for work, if you can follow your doctor's advice.

Your doctor's advice may include:

- a phased return
- amended job duties
- altered hours of work
- workplace adaptations

To support you and plan for your return to the workplace, your line manager will:

- seek information and advice from occupational health and the school's Business Manager
- discuss with you what adjustments or support you need for any ongoing health issues

When your 'fit note' states that you may be fit for work, your line manager will contact you as soon as possible to:

- involve occupational health and Business Manager for advice
- discuss what adjustments might help you return to work
- clearly explain if we are unable to make certain adjustments

If we cannot make the adjustments you need, we will continue to treat you as 'not fit for work'. This is in line with [the Department for Work and Pensions' guidance for employers](#).

In such cases, you should:

- only return to work when recovered and can perform your regular duties
- discuss and agree on a plan to keep in touch with your line manager during your extended absence
- discuss any actions with your line manager that may help you to return to your regular duties
- agree to review these actions regularly

### 3. Keeping in touch

Your line manager will keep in touch with you when you are not fit for work. This includes a chronic health condition, progressive illness or disability. They will contact you as early as possible and will maintain regular contact through your absence.

#### Return to work meetings

Your line manager will hold return to work meetings when you return from any period of absence exceeding ten working days. They will use these meetings to:

- help identify absence problems at an early stage
- provide an opportunity to discuss any underlying issues with you
- consider any relevant adjustments they can make to support you

The Business Manager will monitor absence levels and discuss these with you. They will identify when you have reached, or are close to reaching, a trigger point.

The Head's PA will ensure that you provide all necessary certifications, or 'fit notes'.

When you return to work, it does not always mean that your health and wellbeing has entirely improved. A return to work meeting is an opportunity to discuss these matters with your line manager. They will try to provide any appropriate support for when you return including agreeing to a phased return.

### 4. Short Term Sickness Absence

We review and take relevant action when a member of staff hits specific absence trigger points. These are:

- four or more episodes of absence in a rolling 12-month period
- nine working days of absence in a rolling 12-month period
- absences in a short period warranting immediate action. For example, three episodes or six working days in six months.
- a pattern of absence causing concern, for example:
  - regular Fridays or Mondays
  - absences regularly occurring on a particular day
  - pre or post annual leave
  - school holidays
  - public holidays
  - payday

There may be many reasons why you are hitting trigger points:

- Absences may be related or unrelated.
- There is an underlying cause or illness, which is not known.
- You have family or caring issues and are reporting sick rather than requesting time off
- There is a reliability issue

Managers will explain expectations about attendance and will support you to achieve them. We will use return-to-work meetings to:

- discuss any underlying causes of absence
- provide support

- encourage employees to improve attendance levels
- ensure you understand that we may invoke sickness absence procedure if absence levels are unsatisfactory

At all times, managers will work with you to make improvements and help you to sustain them.

## 5. Long Term Absence

Long-term sickness is an absence lasting a continuous period of 20 working days or more. Our underlying principles are to:

- balance our needs against your circumstances
- recognise that the matters relating to your absence will vary. You may need different responses and actions at different points in time

Your line manager will maintain contact with you during a long-term absence. They will start absence review meetings after four weeks of absence, or before if appropriate. These will continue throughout the period of long-term absence.

Your line manager must consider the circumstances regarding your absence. They should base absence management meetings on a particular set of facts.

If you know the expected duration of the absence, there may be no need to hold absence management meetings. For example, planned surgery. Your line manager should, however, keep regular contact with you throughout the period of absence.

If you do not return on the expected date or extend your absence, your line manager may:

- insist upon review meetings
- invoke the sickness absence procedure

Your line manager must maintain contact with you to:

- monitor your progress and return to health
- support you and keep you informed about events in the workplace
- provide information so that you may make informed decisions. For example, concerning sick pay entitlement
- seek advice and guidance from occupational health
- encourage a return to work as early as possible
- facilitate a phased return to work if required, by making appropriate adjustments

If you return to work for short periods, your line manager will continue to use the long-term absence approach. They do not have to switch between long and short-term sickness absence approaches.

You can move to a long-term absence after the sickness absence procedure. In this case, your line manager will continue with the next stage of the sickness absence procedure. It will not restart from the beginning.

## 6. Sick Absence Procedure

Your line manager will review your absence information when you hit a trigger point for short or long-term absence. They may refer you to the sickness absence procedure. The Bradford

Factor Scales will be used to help assess the management of sick absences (please see section 10 below for further information on the Bradford Factor scales)

They will tell you if they think it is appropriate. You will have to attend absence management meetings with your line manager or School Business Manager.

For a short-term absence trigger, your line manager will refer you to the sickness absence procedure. There can be circumstances when this may not apply.

For a long-term sickness trigger, line managers will review the information first. They will decide whether it is appropriate to invoke the formal sickness absence procedure.

If your line manager does not invoke the procedure, they must:

- maintain contact with you
- update you on any arrangements
- advise you that they may invoke it at a point in the future

Throughout this procedure, you may bring a companion who is either:

- a trade union representative
- a work colleague
- an official employed by a trade union

No other companions will be permitted to attend absence management meetings.

Your line manager should make a reasonable adjustment if you have a disability. They may permit an alternative companion. You should discuss this with your line manager.

You must tell your line manager who your chosen companion is, at least 24 hours before the meeting.

Your line manager may request an HR representative at formal meetings and will arrange a note-taker.

You can request to re-schedule a meeting if you or your companion cannot attend. It must take place within the following five working days. Employees must not fail to attend the re-arranged meeting without justification. Line Managers can consider your case in your absence based upon the written submissions.

In cases of long-term absence, you may require a meeting venue away from your place of work. You can request an external venue or it could be your home.

Your line manager will be sympathetic. They will carefully consider, in such cases, any request for a family member to be present.

Your line manager will document all actions in this procedure. They will include reasons for taking or not taking action, such as:

- a referral to occupational health for an assessment
- signposting an employee to the employee support and counselling service
- implementing of reasonable adjustments

## Stage 1

Your line manager will arrange a Stage 1 absence management meeting. They will give you a minimum of five working days' notice in writing. They will include any documents relevant to your case, such as:

- your absence record form
- any letters or correspondence previously sent to you
- notes of discussions with you about your absence levels
- any medical evidence

Your line manager will advise you that:

- the purpose of the meeting is to review your unsatisfactory attendance level
- a possible outcome of the meeting is to move to a formal review period

If you are on long-term absence, your line manager will contact you to agree on a date, time and location for the meeting. They will confirm this in writing.

If you do not respond or cooperate, your line manager may arrange the meeting without your agreement.

The meeting aims to:

- establish how you are doing and the likely length of your absence
- consider the advice in your 'fit note' or medical report
- discuss what steps we can take to assist you in returning to work, such as:
  - a phased return
  - amending your job duties
  - altering your hours of work
  - workplace adaptations
- explain your sick pay entitlements
- confirm when the next contact will take place

### Stage 1 outcome

After the meeting, your manager will confirm all agreed decisions in writing. Possible outcomes may be:

- no further action
- a referral to occupational health and a follow-up meeting with the manager
- adjustments to your role, hours, duties, work or location. We will consider reasonable adjustments if you have a disability, as defined by the [Equality Act 2010](#). We may also refer you to occupational health.
- your manager sets a review period and defines the required level of improvement. This is usually two months, but they may extend it for up to four. Throughout the review period, your manager will monitor your absence levels.

Your manager could decide not to move you to a formal review period. For example, if there are extenuating reasons for the absences.

If your manager decides to take no further action, they will confirm this in writing. They will provide you with an explanation for the decision.



Usually, your manager will set you a formal review period to improve your absence levels. They will confirm this formal review period in writing.

At the end of your review period set, your line manager will review your absence levels.

If they have improved to the satisfaction of the line manager, they may take no further action. They will confirm this in writing.

If you have not made a satisfactory improvement, your line manager will move to Stage 2. They will send a written notification of your Stage 2 absence management meeting.

In cases of long-term absence, the appropriateness and length of a review period will depend on:

- individual circumstances
- the reasons for absence
- likely return to work
- medical advice
- available support

Throughout your absence, your line manager will keep in regular contact with you. Their efforts to support you returning to work will continue. They will also consider reasonable adjustments and medical advice.

## **Stage 2**

Your line manager will arrange a Stage 2 absence management meeting. They will give you a minimum of five working days' notice in writing. They will include any documents relevant to your case, such as:

Stage 2 follows the same steps, outcomes and written notifications as Stage 1.

At the end of your review period set, your line manager will review your absence levels.

If they have improved to the satisfaction of the line manager, they may take no further action. They will confirm this in writing.

If you have not made a satisfactory improvement, your line manager will move to Stage 3. They will send a written notification of your Stage 3 absence management hearing.

## **Stage 3**

The Headteacher will arrange your Stage 3 absence management hearing. At the meeting will be:

- the chairperson (usually the Headteacher or Deputy Headteacher in their absence)
- the Business Manager
- an HR representative to provide advice on policy and procedure (to the panel members)

The panel will be supported by:

- a note-taker

The line manager who attended stage 1 and 2 meetings will attend the hearing to:



- provide evidence of actions taken to date
- describe previous discussions
- describe support provided

As previously advised, you may bring a companion who is:

- a trade union representative
- a work colleague
- an official employed by a trade union

The Headteacher will:

- provide ten working days' notice of the hearing
- provide all relevant documentation for consideration

The panel will consider:

- all the facts concerning your absence record
- actions taken to date to improve these levels
- any information you submit
- any relevant and up-to-date advice from occupational health or other medical advisers

In long-term absence cases, the Headteacher will arrange a Stage 3 hearing when:

- occupational health advice is that you are unable to return for a prolonged period
- occupational health advice does not recommend redeployment
- they explore all reasonable steps to assist you in returning to work. For example:
  - a phased return
  - amending your job duties
  - altering your hours of work
  - workplace adaptations
- they discuss with you the possibility of dismissal, including ill-health retirement

The Headteacher will consider all reasonable steps in managing your absence. Only then will they start the processes to dismiss while you are on long-term absence.

These could include:

- consulting with you
- seeking medical advice
- considering redeployment
- retirement due to ill health

The possible outcomes of a Stage 3 hearing are:

- a further review period, usually for two months but no more than four
- reasonable adjustments with a further review period
- redeployment
- dismissal
- permanent ill-health (PIH) retirement

The panel will reconvene a hearing at the end of any new review period. It will determine if absence levels have improved and whether or not to take further action. Dismissal may be an outcome at this stage.

## Escalation to stage 3 hearing

Occupational health may advise that you are:

- eligible for permanent ill-health retirement
- unfit to return to your post for a prolonged period due to an underlying health condition
- not suitable for redeployment

In such cases, your manager may escalate to a Stage 3 hearing without the need for a Stage 1 or 2 meeting. They must get advice from HR before considering this.

## Extension of review periods

Your line manager can extend your review period to up to four months at the time they set it. They can extend it again after the initial review period to allow you more time to improve.

## 12-months' live' monitoring period

If your absences improve to the required level, your line manager may take no further action. They will encourage you to sustain this. You will enter a 12-month 'live' monitoring period, starting when the review period ends.

Your line manager will review your absence record if:

- you have further absences within 12 months, and
- on a 12-month rolling basis, your absences hit any trigger points

Your line manager will decide whether:

- you re-join the procedure at the stage you were at when the action ceased
- to apply a further review period

## Appeals

You have the right to appeal against dismissal under this procedure. If you wish to appeal against the decision made, you may do so through application to the Governors Appeal Panel whereby you will be asked to provide evidence to support your case against the decision made against you.

## 7. Occupational Health referrals

The Headteacher may want advice about your fitness for work from occupational health. They may seek this advice at various stages of managing your sickness absence or health issues.

An early referral to occupational health may prevent a period of absence due to ill health.

Your line manager might refer you to occupational health:

- to seek advice when:
  - you have a health concern or condition and is continuing to work
  - you are absent,

- there is the possibility of absence
- if you are absent, to establish when you might be able to return to work
- ask for guidance on your condition. For example, if it is possible that you have a disability or you are not clear about your ability to work
- to discuss any adjustments that they could make to help your return to work
- to discuss redeployment on medical grounds
- to discuss ill-health retirement

You may benefit from advice from our employee support and counselling service.

### **Report from a medical practitioner**

Occupational health may request a report from your doctor or consultant. They will seek your permission first. They will inform you of your rights under [the Access to Medical Reports Act 1988](#).

You have the right to access the report first. You must tell occupational health if you wish to do this so that they can inform your doctor or consultant.

Your manager can make decisions about your employment without your medical information, if:

- you do not allow occupational health contact your doctor or consultant, or
- you do not allow occupational health to access your report

Your line manager will tell you if this is the case.

## **8. Other absences**

### **Pregnancy-related absences**

If you are pregnant and absent from work due to pregnancy-related ill health, you must follow our absence reporting procedure as normal.

Your line manager will decide if there is a need for formal action under the sickness absence procedures. They will not take pregnancy-related sickness absence into account when making their decision.

Your line manager may contact occupational health for advice.

### **Disability-related absences**

Your reason for absence with an underlying health issue could be a disability under the Equality Act 2010.

We will consider disability-related absences in relation to trigger points.

Line Managers will:

- take advice and provide support to help you to manage any periods of absence
- make reasonable adjustments, including adjusting trigger points where appropriate

Your line manager may seek advice from occupational health.

## **Work-related absence**

Line Managers will have regular discussions with you if you are absent due to a work-related issue. For example, an accident or injury at work or work-related stress. They will support you in your period of rehabilitation and your return to work.

The same sickness absence procedures apply to support and manage any resulting absence.

## **Medical suspension**

There may be times when you are:

- confirmed fit for work but the manager does not think that you are
- advised by a doctor to refrain from work but you disregard this

If either of these situations happen, your line manager may invoke a period of medical suspension. This will allow them to seek further advice. You will remain on full pay and your manager will not record this period as sickness absence.

## **Transmission of illness**

Some disease and illness, whilst not making the employee unfit for duty, would be dangerous to health if transmitted to clients and colleagues. For example:

- Rubella or German Measles (where the employee may come into contact with pregnant women)
- diarrhoea (in food handlers where the food may become contaminated)

In these circumstances, the sick employee must be sent home immediately and urged to visit his or her GP at the earliest opportunity. It may be necessary to obtain a fit note before a return to work is permitted.

In addition, any existing employee who has regular and close contact with children as part of their job must seek immediate medical clearance if they have contact with an individual or visit a community or country with a history of tuberculosis.

Any doubts regarding fitness for work should be referred to Occupational Health.

## **9. Return to Work Arrangements**

If you have been on long-term sickness absence, we would like you to return to your previous post and way of working. However, we recognise that this is not always possible.

We see the value of:

- phasing you back to work
- temporarily adjusting your duties
- temporarily reassigning you to an alternative role
- considering redeployment opportunities

If your line manager reassigns you to another role, they will agree a plan and timescale to move you back. They will also consider medical advice as part of the arrangements. Your line manager will monitor your progress and take medical advice, where appropriate.

When you return to work, your line manager will arrange to reintroduce you back into the workplace. They will ensure that we make arrangements to support you on your return.

These should include any agreed adjustments and, where necessary, completion of risk assessments.

Line Managers will consider:

- modifying or acquiring equipment
- making adjustments to premises
- assigning to a different place of work
- car parking arrangements
- access and egress routes
- accessibility of toilet and welfare arrangements
- workstation design (for example seating arrangements). It is essential to complete a work station assessment.
- explaining systems which have been introduced during the period of sickness absence, such as new information technology, new evacuation procedures
- inform colleagues and first aiders regarding any action to take in an emergency, for example a PEEP (personal evacuation plan)

### **Phased return**

Occupational health or your doctor may recommend a phased return to work.

A phased return is usually no more than four weeks. You will remain on full pay but with reduced hours. A phased return aims to help deliver a gradual, successful return to work.

Occupational health may recommend a phased return of more than four weeks. Your line manager should consider whether they can accommodate this on full pay. They may ask you to use annual leave, flexi-time, time off in lieu, if applicable.

### **Making workplace adjustments**

Occupational health may recommend workplace adjustments to support you in work. These may help to reduce your absences and contribute to you being able to perform your role effectively.

Your line manager will also:

- arrange risk assessments, if needed.
- decide whether to inform colleagues to help them understand the need for the adjustments. - They will do this without breaking confidentiality and discuss any concerns that colleagues may have
- record any workplace adjustments you have agreed to and how long you expect them to last
- monitor any workplace adjustments to see if they are meeting your needs and ours. Your manager will arrange regular reviews agreed with you in a return-to-work plan
- encourage you to raise any issues related to the workplace adjustments
- ensure you are aware of other interventions that may support you in the workplace

We will try to respond sensitively to the needs of employees who may be:

- at particular risk of stress caused by work and working conditions
- experiencing mental health problems for other reasons

This policy helps us to identify employees who are experiencing stress early. We will offer them support, such as counselling or stress risk assessments.

## 10. The Bradford Factor Formula for managing sick absence.

1. Governors have decided to adopt the use of the Bradford Factor formula to manage staff sick absence.

### 2. What is the Bradford Factor?

The Bradford Factor is a formula that allows organisations to apply a relative weighting to employee absences (sickness, Doctors appointments, emergency childcare, etc). The Bradford Factor supports the principle that repeat absences have a greater operational impact than long term sickness. (A *weighting* is the impact that an event will have on the overall running of the school. If someone has a larger *weighted score*, it has a bigger impact).

### 3. How is the Bradford Factor calculated?

The Bradford factor is calculated using the Bradford Formula  $S^2 \times D = B$

- S is the total number of separate absences by an individual
- D is the total number of days of absence of that individual
- B is the Bradford Factor score

The Bradford Factor allows managers to monitor absenteeism during any set period.

Many organisations identify a *running year* as an acceptable period. For the purposes of our school the factoring year will be September 1<sup>st</sup> to August 31<sup>st</sup>.

### 4. How will the Bradford Factor be used in the school?

Originally developed at the Bradford University School of Management in the early 1980s, the Bradford Factor is used by numerous organisations including Government organisations. It provides a useful benchmark tool enabling managers to have an assessment score for an individual staff absence record. The Bradford Factor does not take into account any specific factors such as disability, or a short term, but recurring illness causing sporadic absenteeism over a period of weeks, but is useful for the early identification of concerns, or as a tracking tool. Many organisations utilise the factor score as a trigger guide to implement more comprehensive support and monitoring procedures for individuals. The Bradford Factor can support an effective staff absence management strategy.

### 5. Bradford Factor Scales

It is important to remember that the use of the Bradford Factor index is only a guide for employees to manage staff absence. Employers staff absence policies should be carefully documented and communicated to staff. Employers have a responsibility to ensure that staff understand the Bradford Factor calculator and how it is applied.

The Bradford Factor uses 3 scales:

- **Scale 1 Concern (a Bradford Factor score of 150 to 300):** Sufficient days for a manager to show concern and advise employee on possible management action, should more absences occur during an identified period – the identifiable period is within the first year of employment or subsequent academic year). A letter of concern will be sent to the employee.

- **Scale 2 Concern (a Bradford Factor score of 300 to 999):** Sufficient days for a manager to start disciplinary action (oral warning, written warning, formal monitoring, etc). A meeting with the employee to explain the situation.
- **Scale 3 Concern (a Bradford Factor of over 1,000):** Sufficient days for the Headteacher to consider termination of the employees contract of employment.

It is important to remember that managers should be in constant communication with their staff, in order that they understand the issues and possible outcome of any prolonged or repeat absences.

## **B. Management of Special Leave**

### **1. PARENTAL LEAVE**

The **Maternity and Parental Leave, etc. Regulations 1999** introduced the statutory right to parental unpaid leave for both parents (including adoptive parents) (pro rata for part-time staff).

#### **(a) Eligibility criteria**

An employee must have at least one year's continuous service with their current employer at the time the employee wishes to take the leave and,

- |        |       |  |
|--------|-------|--|
| EITHER | (i)   | is a parent of a child born <u>after 15<sup>th</sup> December 1999</u> who is under 5 years old (includes child's 5 <sup>th</sup> birthday)  |
| OR     | (ii)  | has adopted a child under the age of 18 (the right lasts for 5 years from the date on which the child is placed for adoption, or until and including the child's 18 <sup>th</sup> birthday, whichever is sooner) |
| OR     | (iii) | has acquired formal parental responsibility for a child born after 15 <sup>th</sup> December 1999 who is under 5 years old, ie. guardian. (includes child's 5 <sup>th</sup> birthday)                            |

#### **(b) Entitlement**

Up to 13 weeks unpaid leave per child can be taken, subject to an employee meeting the criteria above; for part-time employees, the entitlement will be pro-rata. The right to unpaid leave under this scheme lasts for 5 years and can be taken up to the child's 5<sup>th</sup> birthday (18<sup>th</sup> birthday if the child is adopted). Unpaid leave can be taken (subject to the procedures and conditions below) in blocks of one week, up to 13 weeks in total, subject to:

- a minimum of one week (ie. any period less than one week will be counted as one week), (unless the child is disabled when there will be flexibility to take leave a day at a time),
- a maximum of 4 weeks in any one year (a year is the period of 12 months starting on the date the employee becomes entitled to parental leave).

If the child is disabled, the right will apply to the child's 18<sup>th</sup> birthday. A disabled child is a child for whom Disability Living Allowance is awarded.

#### **(c) Procedure and conditions**

- (i) An employee must give a minimum of 15 working days notice of their request to take parental leave (or as soon as is practicably possible for leave to take place immediately following the birth of a child or at



- the time a child is placed for adoption). Notice of the exact start date should be given, in writing, to the Headteacher
- (ii) The employee must receive a reply to the request confirming arrangements for the leave within 7 days.
  - (iii) A record should be retained of the amount of leave being taken in order to maintain an accurate account of an employee's entitlement.
  - (iv) An employee may be requested to provide documentary evidence, eg. proof of a child's age.

**(d) Postponement of leave**

A request for leave can be postponed by the Headteacher (or his/her representative) where the absence would be detrimental to maintaining the operation of the school, except where leave is to commence immediately after the child is born or placed for adoption, where rules for postponement do not apply. Such postponement can only be extended by up to six months; written reasons must be provided within 7 days of receiving the request, including the dates on which the postponed leave will ultimately begin and end. Headteachers' are advised to try to avoid simply postponing all leave until the end of term as this would undermine an employee's entitlement to Parental Leave. However, Headteachers should balance the needs of the school with those of the individual. If leave is rearranged this must be of the same length as the original request. If leave is postponed unreasonably, the employee can take the employer to an Employment Tribunal.

**(e) Conditions of employment during leave**

The Contract of Employment continues in its entirety during an employee's absence on Parental Leave. An employee therefore returns to their same job and employment rights and benefits continue to accrue during any period of absence.

**(f) Transferability**

The 13 weeks unpaid Parental leave is aggregated across all employment. An employee is required to meet the qualifying conditions with each employer to enable them to take leave.

No special record keeping is required by the new legislation but it is advisable to retain records to avoid disputes and to respond to potential requests from future employers regarding the amount of leave taken by an employee.

***If an employee attempts to claim parental leave dishonestly, then he/she may be subject to the Governing Body's disciplinary procedure.***

**NOTES:**

**Implications for Pension Provisions:**

**(a) Parental Leave**

Pension contributions must be paid for the first 30 days absence. (NB. This will therefore cover the maximum 4 week period of parental leave allowed in any one year).

## 2. COMPASSIONATE/SPECIAL LEAVE

### (a) Compassionate leave

The Headteacher (on behalf of the Governing Body) has authority to grant up to 10 working days paid leave of absence in any one year on compassionate grounds. This paid provision is over and above the statutory provisions for unpaid leave as contained in the Maternity and Parental Leave Regulations 1999 (see (b) below). Clearly, a combination of paid and unpaid leave can also be granted.

Also, it should be noted that guidance over the years to Governing Bodies has been that the following should be paid leave.

- Attendance at in-service training short courses, professional conferences, meetings of examination boards.
- Moving house (where removal cannot take place in school holidays or at weekends).
- Death of mother, father, spouse, child, brother or sister and attendance at funeral.
- Wife having a baby.
- Illness of spouse, child, parent

### (b) Time off for dependants - Statutory Rights

With effect from 15<sup>th</sup> December 1999 the Employment Relations Act 1999 introduced a statutory right for employees to take a reasonable period of time off work to deal with a family emergency involving a dependant which relies on the employee for assistance. Employees also have the right not to be unreasonably refused time off, dismissed or victimised for doing so.

There is no qualifying period and the leave is unpaid. The employee should be allowed a 'reasonable' period of unpaid leave to cope with unexpected domestic crises; there is no limit to the amount of leave and each case will need to be considered on its own merits in a sensitive and practical way with due regard to the particular circumstances. As a guide, the leave should be sufficient to help the employee to deal with the unexpected or sudden problem, and make any necessary longer term arrangements.

Circumstances for which leave may be granted are:

- if a dependant suddenly falls ill, is injured or assaulted, or gives birth,
- the death of a dependant or someone close to the employee,
- if a child is involved in a serious incident at school or during school hours,
- a sudden breakdown in care arrangements for a dependant,
- dealing with a crisis relating to a family member requiring immediate attendance, e.g, to make longer term care arrangements for a dependant who is ill or injured.

- (c) With reference to the above, it may be appropriate in the circumstances outlined in (b), to offer paid compassionate leave. The Headteacher (on behalf of the Governing Body) should give due regard to the particular circumstances of each case, in relation to its sensitivity and impact on the employee. In some circumstances it may be appropriate to award a combination of paid and unpaid leave.

It may not be considered appropriate to award paid or unpaid leave in circumstances where the employee can be reasonably expected to make alternative plans or arrangements which may therefore not require their assistance, or where the arrangements can be undertaken outside of term-time e.g., where the employee knows in advance that the problem is going to arise, or by using annual leave (support staff).

- (d) It is the policy of the Chatham & Clarendon Grammar School that staff are allowed up to three (3) days absence per academic year for emergency childcare on full pay. Any time absent for childcare over and above these three (3) days within the academic year will be on an unpaid basis.

### **3. LEAVE FOR RELIGIOUS OBSERVANCE**

There may be occasions when an employee requests time off to observe a religious festival or event.

The majority of employees in schools work on a term-time basis. Where an employee applies to take time off during term-time for reasons of religious observance, Headteachers should endeavour to grant unpaid leave.

For those support staff employed on all year round contracts and able to take leave during term-time, such time off should usually be taken as part of the employee's annual leave entitlement. Headteachers should give priority consideration to granting annual leave in these circumstances.

In order to limit any operational difficulties for the school all such leave (whether annual, paid or unpaid) should be planned for in advance and the employees should give as much notice as possible of their application for leave.

### **4. OTHER SPECIAL LEAVE**

Leave with pay may be granted in some special circumstances, including:

- visit to a solicitor
- car breakdown
- travel problems due to snow
- travel problems due to industrial action
- school of employee's child is closed, eg due to snow or strike
- illness of child minder
- family wedding abroad
- graduation ceremony of a child or partner
- to attend a royal garden party
- to represent a sport at county or national/international level
- to watch a child participate in a national or international music or sporting event
- to assist an elderly dependant move residence
- driving test
- to attend a job interview
- to undertake a public or civic duty
- an emergency household incident (burglary, boiler breakdown, burst water pipes, roof damage, etc.)

### **5. Compassionate or Special Leave Procedure**

Any member of staff wishing to apply for compassionate, parental or other special leave must do so in writing to the Headteacher.

The Headteacher will decide whether the application will be on a paid or unpaid basis and will inform the member of staff accordingly.

For emergency childcare arrangements, the member of staff should inform the Cover Manager who will inform the Headteacher accordingly.