

**Plymouth
School of
Creative Arts**

make
discover
perform

Managing Attendance Policy

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| Date created: July 2018 | Reviewed by: HR Lead/Staff Performance & Welfare Governor |
| Reviewed: n/a | Next Review Due: July 2019 |

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1. Introduction

Plymouth School of Creative Arts (PSCA) recognises the importance of a positive and pro-active approach to the management of attendance in order to provide the necessary support to employees, ensure that employees are treated in a consistently fair manner and enable PSCA to deliver quality services to those attending PSCA.

2. Sickness

- 2.1 This section of the policy is designed to make sure the organisation manages sickness absence fairly, consistently and in a sensitive way, whilst minimising the effect of absences on the delivery of services. It ensures systems are in place to report and monitor all sickness absence and to support our staff to get well and return to work.
- 2.2 It sets standards in respect of sickness management, establishing a framework for managers to help them in achieving a sustainable reduction in sickness absence.
- 2.3 The loss of skills and experience of individuals through sickness is expensive, it increases individual's workloads, puts additional pressure on colleagues, increases stress levels and affects morale. It has a detrimental effect on the service we are able to provide and can lead to dissatisfaction among those with whom we work. It can also be debilitating for the individual employee.
- 2.4 In cases where any employee of PSCA is unable to attend work for reasons of illness or injury, it is the policy of PSCA to:
- i) treat the individual concerned with respect, consideration, sympathy and understanding;
 - ii) treat all matters relating to ill health or injury with confidentiality, fairness and sensitivity;
 - iii) examine the reason for every absence;
 - iv) ensure staff are referred to occupational health in appropriate cases;
 - v) where appropriate consider a return to work on temporarily modified duties;

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- vi) keep accurate records of absences attributable to illness or injury;
- i) monitor trends, patterns and reasons for absence at all levels of the organisation;
- ii) treat as serious misconduct any abuse of sickness absence procedures;
- iii) consider sickness when assessing performance.

2.5 Under the Equality Act 2010 it is unlawful for an employer to treat an employee less favourably for a reason related to a disability (as defined in the Act) without justification, and employers must make reasonable adjustments to the workplace or working practices.

3. Sickness Pay Entitlement

3.1 The length of time that an individual can expect to receive full income from PSCA's sick pay scheme will depend on the amount of sick pay entitlement accrued and taken since the individual's employment began.

For teaching staff this will be at the following rate:-

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| During 1st year of service (after four months' service) | 25 working days' full pay and 50 working days' half pay. |
| During 2nd year of service | 50 working days' full pay and 50 working days' half pay. |
| During 3rd year of service | 75 working days' full pay and 75 working days' half pay. |
| During 4th year of service and thereafter | 100 working days' full pay and 100 working days' half pay. |

The year for these purposes runs from 1 September to 31 August each year.

For support staff this will be at the following rate:-

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| During 1st year of service (after four months' service) | One months' full pay and two months' half pay. |
| During 2nd year of service | Two months' full pay and two months' half pay. |
| During 3rd year of service | Four months' full pay and four months' half pay. |
| During 4th and 5th year of service | Five months' full pay and five months' half pay. |
| After 5 years' service | Six months' full pay and six months' half pay. |

Sickness entitlement for support staff is calculated on a rolling 12 month count back basis.

3.2 An individual will accrue this entitlement to a maximum as explained above, once this entitlement has run out; the individual may then become eligible to claim Statutory Sick Pay (SSP).

3.3 To be eligible for SSP, an employee must:

- i) have commenced employment with PSCA;
- ii) notify their Line Manager or a member of the team by the scheduled time in which they were due to start work;
- iii) earn above the lower earnings limit for National Insurance contributions (currently £112 before tax per week);
- iv) have been ill for at least four days in a row (including non-working days). This is known as a PIW (Period of Incapacity for Work).

3.4 SSP is not paid for the first three days, which are known as waiting days. To work out how much SSP is due, you must first establish the "qualifying days", which are the days of the week in which the employee works. For example, if an employee works Monday to Friday, all five days will be "qualifying days". If they are off sick for the whole week, the first three days would be classed as "waiting days". The employee would then receive SSP for the final two days of sickness. The table below illustrates this example:

| | | | | | | |
|-----|-----|-----|-----|------|-----|-----|
| SUN | MON | TUE | WED | THUR | FRI | SAT |
|-----|-----|-----|-----|------|-----|-----|

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| | | | | | | |
|---|----|----|----|-----|-----|---|
| X | QD | QD | QD | QD | QD | X |
| X | WD | WD | WD | SSP | SSP | x |

If an employee is ill for less than four days in a row, they will not be eligible for SSP and will instead face a deduction from their wages.

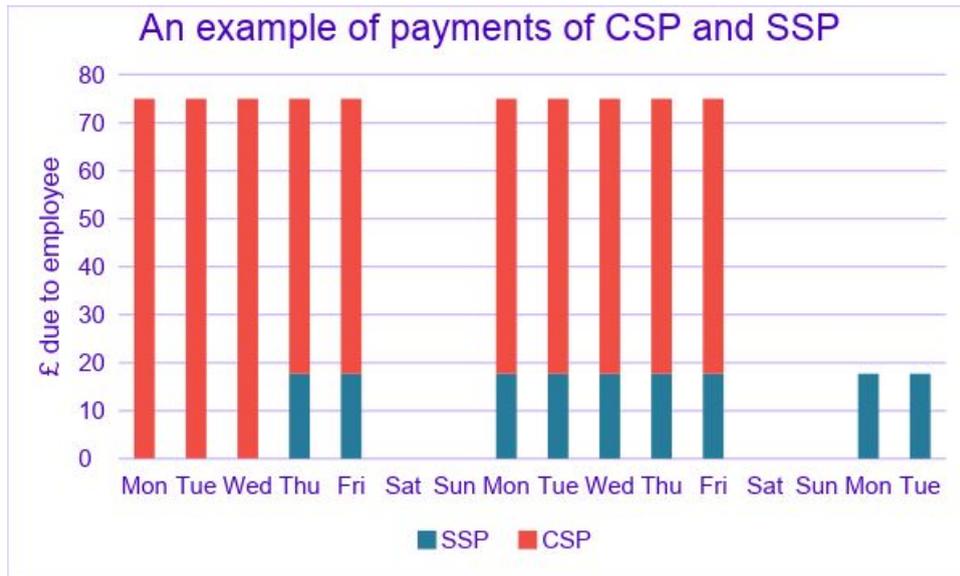
- 3.5 To check SSP please visit www.gov.uk. If an employee is off sick for five days and usually works Monday to Friday, they would only be eligible for SSP on the Thursday and Friday (because the first three days are "Waiting Days"). So they would receive one fifth of the weekly rate for the Thursday and one fifth of the weekly rate for Friday.

The table below illustrates this example:

| SUN | MON | TUE | WED | THUR | FRI | SAT |
|-----|------|------|------|--------|--------|-----|
| X | QD | QD | QD | QD | QD | X |
| X | WD | WD | WD | SSP | SSP | X |
| X | No £ | No £ | No £ | £17.69 | £17.69 | X |

- 3.6 SSP is paid up to a maximum of 28 weeks.
- 3.7 If an employee has regular periods of sickness, they may count as "Linked". To be linked, the two periods of sickness (PIWs, see Section 3.3) must last for at least four days and be no more than 56 days apart. If an employee has two periods of sickness that are linked, they will not need to wait three days again during the second period before receiving SSP.
- 3.8 Company Sick Pay tops up SSP entitlement (if any). Both SSP and CSP run concurrently – it is not a case of SSP only kicking in after CSP has stopped.
- 3.9 Below is an example of an employee who is entitled to 2 weeks' CSP and normally works Monday to Friday. SSP is not due for the first 3 days, but the employee receives full CSP. When CSP runs out after 2 weeks, pay goes down to SSP only. There are no further waiting days.

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- 3.10 Employees will not qualify for SSP if they have already received the maximum amount, which is 28 weeks or if they have not yet started employment with PSCA. In these cases, an employee may be able to apply for Employment and Support Allowance (ESA). In these cases form SSP1 will need to be completed; this is available from HR.
- 3.11 When an individual is sick PSCA will deduct their days absent from their running total. Upon their return to work, and where applicable, the individual will again be able to accrue Company sick pay entitlement to a maximum of 200 days.
- 3.12 The individual's line manager will be informed by HR if the individual is close to running out of their company sick pay entitlement.

4. Sickness Reporting Procedure & Support Available

- 4.1 PSCA is committed to supporting its employees in managing absence. Good communication between individuals and line managers, during and after, periods of absence is vital. Guidance and support for line managers is available from HR.
- 4.2 As part of PSCA's induction programme, agreement will be reached between individuals and their line manager regarding methods, frequency and reasons for keeping in touch during periods of absence. These agreements will be recorded; a copy of which will be forwarded to HR, to be placed on the HR file.

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- 4.3 When individuals fall sick during their normal working day this will be counted as a day or half day sickness as appropriate for recording purposes. If the line manager (or Phase Lead, if direct line manager is not available) is of the opinion that the individual is too sick to remain at work, even though they wish to do so, and sends them home for the rest of the working day, this should not be recorded as a day's sickness. If there appears to be a pattern of this becoming repetitive, possibly due to lack of sick pay entitlement, the Line Manager will meet with the individual to discuss this.
- 4.4 Managers must take into account individual circumstances as well as supporting guidance set out in this policy document when dealing with absences due to sickness.
- 4.5 Staff who are subject to suspension must still be shown as absent through sickness if appropriate and provide medical certificates as usual. There are potential tax and incapacity benefit difficulties for individuals if their sickness absence is not recorded properly.
- 4.6 Roles and Responsibilities: Employees are responsible for complying with the requirements of this policy and associated procedure including:
- i) ensuring their regular attendance at work;
 - ii) reporting sick by the scheduled time they were due to start work to their line manager/Phase and HR by email and telephone, if possible. The employee must give the nature of their sickness, whether it is related to an injury at work and details of any commitments for the period of anticipated sickness;
 - iii) submitting timely certification for all absences;
 - iv) attending any health assessments at the request of their line manager;
 - v) keeping their line manager informed of progress during absence and of dates for returning to work;
 - vi) attend a Return to Work meeting with their line manager following the absence.
- 4.7 Roles and Responsibilities - Line Managers are responsible for meeting the expectations of this policy, including:
- i) maintaining contact with employees who are absent as a result of sickness. Ensure the employee is aware of any pay implications;

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- ii) notifying HR of any absence and sending certification through to HR;
- iii) resolving absence problems and supporting employees to achieve satisfactory levels of attendance;
- iv) informing all staff in their team of this policy and of any local procedures for notifying sickness;
- v) conducting a "Return to Work" meeting with all employees as soon as they return to work after every absence, regardless of the length;
- vi) seeking advice from HR as appropriate in relation to managing sickness absence;
- vii) If over eight days of absence, reassess the need for support, discuss a likely return to work date and consider temporary modification of duties;
- viii) if over 28 days of absence, also consider consulting with occupational health, GP and/or HR as appropriate. Ensure that a face to face meeting is discussed (see Section 6 for guidance) when an individual has had 40 days continuous sickness absence;
- ix) if over 100 days, consider implementing a PIP or beginning Capability proceedings if no likely return to work;
- x) informing the Safeguarding Lead when an employee has sustained serious injury at work or there are significant health and safety implications.

4.8 Roles and Responsibilities – HR are responsible for:

- i) ensuring all parties meet the requirements of this policy;
- ii) maintaining accurate absence monitoring records;
- iii) checking individual sick pay entitlement and advising Line Managers if an employee is likely (or will) run out of Company Sick Pay;
- iv) providing advice and training to line managers on dealing with sickness and absence;
- v) checking whether a face to face meeting has been offered to an individual off work sick for 40 days by their line manager. Attend such meeting if required;
- vi) ensure accurate statistics are provided to HR and the SLT.

5. Confidentiality

5.1 All individuals involved in the process of sickness management have a responsibility to maintain the confidentiality of medical information in their possession.

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- 5.2 There may be occasions when the individual wishes the reason for that absence to remain so; this wish must be respected. An individual need only disclose the reason for absence to their line manager or HR who will need the information to carry out their role effectively.
- 5.3 It is important to note that the Access to Medical Reports Act 1988 gives an employee the right to withhold consent for the employer to apply to their family doctor or hospital specialist for medical information. If they give their consent, they have, if they wish, the right to see information about their medical condition before it is supplied to the employer.
- 5.4 Every individual's HR file must include all records about sickness absence. The purpose of the file is to have a complete record of an individual's sickness history and action taken. These files must be kept securely.
- 5.5 Information contained in the file should be made available to the individual concerned. However, there may be exceptional cases when, for example, a specialist OH medical practitioner considers that some information may cause harm to the physical or mental health of the individual, or to release information may contravene Data Protection legislation. Individuals who wish to have sight of their file must apply to either their line manager or HR for access.

6. Face to Face Meeting(s)

- 6.1 Face to face meetings provide an opportunity to review the absence of the individual, their progress towards recovery and the support provided to the individual by their line manager, or another member of staff or Governor, should the individual prefer.
- 6.2 The meeting should be attended by the individual's line manager, member of HR and, where appropriate, occupational health practitioner. The individual concerned should be invited and encouraged to attend the meeting, although attendance by the individual is not compulsory. If any of these people cannot attend, the reason must be recorded in the note of the meeting and they should still be consulted about the case.
- 6.3 Individuals must receive written notification in advance of the intended meeting. The letter should explain the purpose of the intended meeting, who will be attending and that the individual concerned may be accompanied by a colleague or trade union

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representative. It is recommended that recorded delivery be used for this purpose.

- 6.4 The meeting should consider what additional action needs to be taken to facilitate the individual's return to work.
- 6.5 A plan detailing what actions need to be progressed, by whom and within what time scales, should be agreed. A copy of the agreed action plan from the meeting or any subsequent reviews should be given to the individual concerned and a copy placed on the HR file. If it appears likely that the individual concerned will be unable to provide effective service in the future, options for their departure from the service will be considered. See Section 9 below.

7. Temporary Modification of Duties

- 7.1 When individuals are recovering from a long term illness or injury and are not fit for full duties, it is often beneficial for them to be rehabilitated back into the workplace as part of a planned short term programme of work
- 7.2 This may include a reduction in hours or could involve a complete change of role. Where an occupational health professional is involved they will be consulted about the appropriateness of such action. When doing so, the individual should schedule medical appointments, including rehabilitation outside their working hours. If this is not possible it should be agreed with the line manager and arranged for a time which will cause minimum disruption to work
- 7.3 Where an individual's return to work on temporarily modified duties entails a reduction in working hours, they will continue to be paid for their usual contracted hours. However if they fail to return to their full contractual hours within a period of three months then consideration should be given as to whether a change to their contractual hours (and proportionate reduction in pay) is more appropriate. Temporary modification of duties is at management's discretion. Individuals do not have a contractual right to work reduced hours on their normal pay.
- 7.4 Dates of review will be set to allow the monitoring of progress of the individual by management. Increased supervision should take place during the modification period. All parties should agree any changes, with the aim of returning to full work at the earliest opportunity.

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- 7.5 It should be noted that if it, during a review, it becomes apparent that an individual will not become fit to return to full duties, or that temporary modification of duties has ceased to be appropriate, the individual will be referred to occupational health. Further advice will be sought on whether a permanent redeployment or termination of contract on grounds of ill health may become a consideration. Please see Section 9 below for further information. Individuals will be informed and a record kept on the HR file.
- 7.6 Employees who are within their probationary period and experiencing lengthy sickness absences or frequent short term absences, depending on specific circumstances of the case, may have their probationary period extended to assess their overall performance. However consideration will also be given to terminating their employment if their health and absences are such that they have failed to reach the required standard for continued employment.
- 7.7 Employees who are temporarily working reduced hours and who wish to take annual leave will be required to take a full day's annual leave irrespective of the temporarily modified hours worked on that day.

8. Returning to Work

- 8.1 Line managers have a responsibility to speak to an individual returning to work from sickness absence on the first day they return to work, regardless of the duration of the absence. Where it is impractical another manager must do so.
- 8.2 The meeting gives individuals the opportunity to discuss concerns about their health and also to:
- i) confirm the reason for the absence;
 - ii) ensure the person is fit to return to work (although this is recognised as being an unqualified opinion, rather than a medical statement);
 - iii) ensure they know they are valued and have been missed and that their health is of concern to managers and colleagues;
 - iv) provide an opportunity to identify any health, domestic, welfare or work-related problems that may be affecting their attendance;

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- v) update the individual on events that may have happened during their absence.
- 8.3 How this contact will be made depends on the circumstances. For occasional absences of one or two days an informal conversation will suffice. In cases of longer absences or where there are concerns over the number or pattern of absences (e.g. 3 periods in any one month or 5 periods over any consecutive three months) a more formal discussion will be necessary and the individual may be accompanied by a colleague or a Trade Union representative.
- 8.4 The manager must record the outcome of the contact which must include:
- i) individual's details;
 - ii) date reported sick and number of working days off sick;
 - iii) date of the contact/discussion;
 - iv) cause of absence;
 - v) notes of the return to work contact;
 - vi) outcome of contact/discussion;
 - vii) support offered and action plan.
- 8.5 The information contained should help managers to monitor, analyse and review sickness absence. Both line manager and individual must sign and it should be placed on the HR file.
- 8.6 Should an individual wish to return to work before the date recommended on a medical certificate, they must obtain written confirmation from a qualified medical practitioner.
- 8.7 Following the return to work meeting, it may be necessary to require the individual to produce a medical certificate for every absence or to refer the individual to occupational health (ensuring the reason for the referral is made clear to the employee, and their consent for a referral obtained). In more serious cases invoking formal management action may be required (leading ultimately to dismissal) through the Capability or Disciplinary Procedure.

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9. Formal Management Action In Respect of Sickness Absence

- 9.1 In some cases, line management may determine that an individual's sickness record is unacceptable and therefore formal management action in line with our Capability Procedure is required to address this.
- 9.2 What may be deemed as unacceptable in the case of short-term repeated absence can be defined as "When an employee cannot fulfil the terms and conditions of their employment contract to attend work regularly and reliably."
- 9.3 Following guidance from the Government's Fit for Work, PSCA considers absence of four weeks or more as long-term absence. In the case of long-term absence an individual's sickness record may be deemed as unacceptable if there is no reasonable likely return to work.
- 9.4 In either case action may be taken that could result in the termination of contract on the grounds of capability
- 9.5 Ill health can be grounds for management action up to and including dismissal as long as a reasonable process is followed. Such action is on the grounds of capability.
- 9.6 The action must be staged to give the individual sufficient time to improve their attendance, with clear guidance as to the improvement expected between each stage. Please refer to PSCA's Capability Procedure for detailed guidance.

10. Absence and Performance Management

- 10.1 The appraisal system focuses on performance in the workplace and therefore sickness absence in itself should not be regarded as poor performance. There is provision for managing sickness absence within this policy and procedure. A neutral reference to absence from the workplace may be required if objectives have not been met because of such absence.
- 10.2 Please also refer to our Capability Procedure in relation to managing sickness absence for further guidance.

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11. Special Leave

- 11.1 It is PSCA policy to provide paid and unpaid special leave to meet the wide range of needs as set out below, in order to allow the employee time to adjust and to make necessary longer term arrangements before returning to work.
- 11.2 PSCA will provide 'reasonable' time off. What is 'reasonable' will depend on the individual circumstances but generally one or two days will be sufficient for most typical emergencies. The amount of time off given is at the Line Manager's discretion.
- 11.3 This policy provides a consistent and fair framework. Even so, employees cannot be expected to be granted leave automatically. When leave isn't granted they may have to use annual leave.
- 11.4 Whilst no limitations are placed on the number of cases of special leave in any period, Line Managers should treat it with consideration given to how much such leave an employee has taken and whether management intervention is required.

12. Special Leave Procedure

- 12.1 Employees are required to notify their Line Manager as soon as they are aware that they will require special leave. If the Line Manager is unavailable another designated manager within the department should be contacted. By their nature, for some types of special leave it may be impossible to give advance notice (bereavement or domestic emergency).
- 12.2 Except where stated all applications for special leave should be made on the special leave application form (Appendix 1) and submitted to the Line Manager.
- 12.3 If additional leave is required after the original request has been approved, the employee should discuss this with his/her Line Manager. Such leave may be taken as additional paid special leave, unpaid special leave, annual leave, or time off in lieu and should be recorded accordingly.
- 12.4 HR will provide advice and guidance to managers and employees on the application of this policy and procedure.
- 12.5 HR will monitor all applications for special leave, and the actual leave to be taken, for equality of opportunity and in accordance with the Data Protection Act.

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13. Special Leave without Notice

13.1 The following are examples of special leave when it is not normally possible for the employee to provide prior notice. They are:

- i) compassionate/bereavement leave;
- ii) dependents/caring;
- iii) domestic emergency;
- iv) disability adjustment.

13.2 PSCA is committed to caring for its employees and will be sympathetic to any personal circumstances unavoidably requiring a need for time away from the workplace.

13.3 As far as possible the employee should aim to notify their line manager in the same way as they would in cases of sickness absence: that is the employee, or somebody on their behalf should contact the line manager, by telephone, to explain the situation, preferably before or as soon as possible after the individual's normal working start time.

14. Compassionate / Bereavement Leave

14.1 All employees are entitled to up to one or two days paid compassionate leave in cases of bereavement or other major personal trauma.

14.2 Examples of the circumstances in which compassionate/bereavement leave may be taken:

- i) bereavement;
- ii) serious illness of a member of the family;
- iii) marital or other close relationship break-up;
- iv) domestic violence.

14.3 Managers have discretion to approve additional special leave, either paid or unpaid in exceptional circumstances. Each request for additional leave will be considered on an individual basis, but

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managers should consult with HR to ensure fair and consistent application

15. Dependants / Caring

- 15.1 All employees are entitled to a reasonable amount (see 13.2) of paid special leave to deal with emergencies or any unexpected or sudden problem relating to dependents.
- 15.2 A dependent is a partner, child, grandchild or parent of the employee, or someone who lives with the employee as part of the family e.g. an older relative living in the household. It does not include tenants, lodgers, boarders, or employees living in the household. It could also be someone who relies on an employee for their care or for help during an emergency such as an elderly neighbour.
- 15.3 In cases of illness, injury or where care arrangements break down, a dependent may be anyone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or the only person who can help in an emergency.
- 15.4 Whilst no limitations are placed on the number of cases of dependents/caring requiring special leave in any one period, line managers should treat it in a similar way to compassionate leave with consideration being given as to how much such leave an employee has taken and whether management intervention is required.
- 15.5 Examples of when leave may be taken include:
- i) to provide assistance on the occasion when a dependent falls ill, gives birth or is injured or assaulted;
 - ii) to make arrangements for the provision of care for a dependent who is ill or injured;
 - iii) to provide care arrangements for the care of a dependent in the event of unexpected disruption or termination of existing arrangements;
 - iv) to deal with an incident which involves a child of the employee and which occurs unexpectedly whilst the child is at school or other;
 - v) educational establishment e.g. if the child has been involved in a fight or suspended;

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- vi) to arrange or attend a funeral.
- 15.6 This provision includes the statutory right to unpaid special leave for dependents contained in s57A of the Employment Rights Act 1996. Whilst this provision of paid special leave does not remove the statutory right, managers and HR should monitor the amount of leave, paid and unpaid, requested.

16. Domestic Emergency

- 16.1 All employees are entitled to reasonable time off (see 14.1) in cases of domestic emergencies. Additional unpaid special leave may also be granted if necessary.
- 16.2 Examples of when leave may be taken include:
- i) burglary;
 - ii) fire;
 - iii) flood.
- 16.3 The purpose of such leave is for the employee to make the necessary immediate repairs and longer term arrangements to deal with the emergency.
- 16.4 Line managers should be flexible in their discretion to accommodate the employee's needs where two days is insufficient and consider other working arrangements, as with dependents/caring. In these circumstances employees are also entitled to reasonable unpaid time off in order to resolve the situation.
- 16.5 Employees will be expected to use annual leave/time off in lieu to meet normal domestic requirements such as house and appliance repairs, meter readings etc.

17. Disability Adjustment

- 17.1 If an employee becomes disabled during the course of their career (whether due to an industrial injury or unconnected to the workplace), or an existing disability deteriorates, they may need additional time away from work to adjust to the change. Paid leave will be provided based upon the individual's needs to enable the employee to adapt to his/her new working arrangements and to provide for training and career development.

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17.2 PSCA will consult with the employee and the following as appropriate:

- i) occupational health service;
- ii) employee's general practitioner and/or other medical professional;
- iii) employment Service's Disability Employment Advisor/Access to Work Advisor with a view to enabling him/her to continue in their employment;
- iv) employee's representative if requested.

17.3 Adjustments to accommodate the employee may include:

- i) change of job;
- ii) changes within the job, including hours of work and working from home;
- iii) change to the way the job is undertaken;
- iv) provision of special equipment;
- v) additional training/career development opportunities;
- vi) counselling.

17.4 Leave provided in respect of disability adjustment will not affect the employee's entitlement to sick leave and other contractual or statutory provisions and should be considered within the context of reasonable adjustments under the Equality Act 2010.

17.5 Employees who require leave in respect of disability adjustment do not need to complete an application form, but should discuss the matter with their Line Manager.

18. Special Leave with Notice

18.1 The following types of special leave require prior notice and employees should apply to their line manager using the application form in Appendix One.

- i) parental leave;

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- ii) religious observance;
- iii) medical screening;
- iv) fertility treatment;
- v) blood/bone marrow donation;
- vi) examination/study;
- vii) extended leave;
- viii) jury service & court/tribunal attendance;
- ix) voluntary public service;
- x) service in non-regular forces.

18.2 **Parental Leave**

Parental leave is a right to take time off work to look after a child or make arrangements for the child's welfare. This could be to look at new schools, settle children into new childcare arrangements or spend more time with children.

Parental leave is available to parents who have, or expect to have parental responsibility for a child.

To be eligible employees have to have one year's continuous service with PSCA.

Parents are entitled to 18 weeks of unpaid leave in total for each child up to their 18th birthday. Leave may be taken straight after the birth or adoption or following a period of maternity leave.

Leave must be taken in blocks of a week, or multiples of one week and should not be taken odd days off. Parents of disabled children can take leave in days. A maximum of four weeks during a year can be taken in respect of any individual child.

21 days' notice must be given in writing to your Line Manager. In cases where this may not be possible (such as premature birth) employees should give notice as soon as possible.

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PSCA reserves the right to ask to see evidence to confirm the employee is the parent or the person who is legally responsible for the child; evidence might take the form of information contained in the child's birth certificate, papers confirming a child's adoption, award of disability living allowance etc.

18.3 Religious Observance

Reasonable unpaid leave may be granted for the purposes of religious observance if an employee does not use annual leave or time off in lieu for this purpose.

18.4 Medical Screening

Paid time off will be provided to enable male and female employees to undergo medical screening. Employees should make every effort to arrange these appointments at the beginning or end of the working day in order to minimise the impact on the team and disruption to work.

18.5 Fertility Treatment

Employees who undergo fertility treatment will be granted up to one working week per twelve months.

18.6 Blood Donation

Employees who donate blood will be granted paid leave to attend the appointment, but they should make provision where possible to do this outside working hours.

18.7 Examinations and Study Leave

Paid leave may be granted to employees undertaking courses of study applicable to the work of PSCA. Leave may be available for the purposes of:

- i) attending courses;
- ii) sitting examinations;
- iii) final revision in the period preceding examinations;
- iv) completing assessed coursework.

The decision will depend on the nature of the course and the relevance to the individual's post.

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18.8 **Extended Leave**

Employees may request unpaid special leave to extend their annual leave beyond their normal absence entitlement.

18.9 **Jury/Court Service**

Employees will be granted leave in order to carry out jury duties. Individuals must make a claim for loss of earnings to the court. The balance of the individual's salary will be paid by PSCA. It will be the responsibility of the individual to apply to the court for the loss of earnings to the court.

18.10 **Voluntary Public Service**

Employees who hold specified public positions have a statutory right under The Employee Rights Act 1996 to 'reasonable' time off work to carry out their duties. These include:

- i) justices of the peace;
- ii) local authority members;
- iii) members of Health Bodies;
- iv) school and college Governors;
- v) members of Police Authorities.

The amount of leave granted shall be determined by:

- i) the amount of time off needed to perform the duties in question;
- ii) the amount of time off that the employee has already taken;
- iii) the effects of the employee's absence on operational needs.

When employees are considering taking up voluntary public duties they should discuss the matter with their Line Manager in order to assess the impact this would have on the project and how the necessary time off might be accommodated. Also to ensure there is no conflict of interest.

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18.11 Volunteer Reserve Forces

Volunteer reservists are called up to supplement the regular forces when required, if they are mobilised they will carry out the same roles as a member of the regular force.

An employee who wants to volunteer for mobilisation must inform their employer and get written consent before they can apply. Employers and employees should work together to enable reservists to fulfil their reservist commitments.

There is protection of employment for those liable to be mobilised and reinstatement for those who have been mobilised.

While on active service, the Ministry of Defence (MOD) pays the reservists so employers don't have to, and they do not accrue holiday with the employer.

Reservists normally train one evening a week with their units, and can also attend training weekends throughout the year, plus they consolidate their training by attending a two-week annual camp.

By law employers do not have to give extra leave with pay for training. PSCA will consider whether to provide extra leave with pay on a case by case basis.

When a reservist receives the call-out notice, they should inform their employer immediately. The MOD aim to give at least 28 days notice of mobilisation.

While away on active service the reservist will be paid by the MOD, therefore employers do not have to pay an employee while they are away.

Under certain exceptional conditions both the reservist and employer can apply for an exemption or deferral of mobilisation.

A reservist has a period of winding down in a controlled environment for up to four days, and they will go to a demobilisation centre in the UK for any necessary post-operative procedures.

There is no right to accrue annual leave while away on military service, reservists when they demobilise will get a period of post-operational

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leave, in the region of 30 days. Reservists will be continued to be paid by the MOD during this time.

When a reservist has been demobilised they will make an application to return to work, the employer has a duty to reinstate them to their normal job. However, if this is not possible they must offer them a suitable alternative role. Often reservists returning to work will need time to re-train or just familiarise themselves with procedures at work. An employer must re-employ the employee as soon as they are reasonably able to do so from the date the employee is ready to return to work.

Time spent away from work doesn't count towards continuous service but continuity of employment isn't broken where the reservist is re-engaged within 6 months of the end of their active service.

18.12 Trade Unions

Officials of recognised trade unions have statutory rights to take a reasonable amount of paid time off to carry out their duties, while union members have rights to reasonable unpaid time off to participate in union activities. Union learning representatives are also entitled to reasonable paid time off.

For officials (shop stewards and the like) appropriate duties must be concerned with:

- i) negotiations with the employer;
- ii) other functions on behalf of employees – terms of employment, discipline etc.;
- iii) relevant training in, for example, negotiating skills or legislation.

Examples of the sort of activities that might entitle union members to unpaid time off include:

- i) attending workplace meetings about the outcome of negotiations;
- ii) meeting full-time officials;
- iii) voting in union elections.

Time off for Trade Union duties and activities applies to employees who are accredited representatives and Health & Safety representatives of recognised trade unions and is covered by statute.

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19. Annual Leave (52 week staff excluding teachers)

- 19.1 If an employee becomes ill whilst on a period of annual leave, the employee can choose to cancel their annual leave and take sick leave. In order to do this, the employee must contact their Line Manager and report the sickness absence as they would on a normal day (see Section 4.6).
- 19.2 The equivalent of one working week's annual leave may be carried over from one holiday year to the next, subject to the approval of your Line Manager and provided it is taken within the first three months of the new leave year. Any annual leave not taken in the appropriate year will be forfeited, without any right to payment in lieu.
- 19.3 If you wish to book annual leave, you must enter this on your Holiday card and pass this to your Line Manager for authorisation.
- 19.4 To book annual leave you need to give four weeks' notice – it may be possible for your Line Manager to agree annual leave with less than four weeks' notice in exceptional circumstances depending on work commitments and other staffing requirements. Your Line Managers decision will be final.

20. TOIL

- 20.1 Employees are entitled to take some time off in lieu if they have undertaken preapproved work in excess of the normal contractual working hours. The exception to this are those employees who are paid on the Leadership Scale.
- 20.2 The maximum amount of TOIL any employee can accrue is 37 hours. This is for a full time member of staff. Part time employees are entitled to a maximum of one week's normal hours (e.g. if you are employed to work 10 hours per week you can accrue 10 hours of TOIL). Where staff members do not have normal working hours, the maximum TOIL allowed will be calculated on an average of the previous 4 weeks' hours (e.g. if an employee worked 100 hours over the past 4 weeks, they would be entitled to $100/4 = 25$ hours TOIL).
- 20.3 The minimum amount of TOIL any employee can accrue is 30 minutes.

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- 20.4 TOIL can only be claimed with agreement from your line manager. All TOIL must be formally signed off by your line manager.
- 20.5 TOIL should be reclaimed as soon as possible and no longer than one month after it is accrued.
- 20.6 TOIL should only arise as a result of exceptional/occasional demands i.e. you have worked beyond your contracted hours for a fixed period of time. TOIL should NOT form part of your normal working pattern.
- 20.7 Under no circumstances will TOIL be paid.
- 20.8 If you are struggling to keep TOIL to a maximum of 37 hours (or pro rata'd amount for part time employees, a solution needs to be found with your Line Manager. It is the employee's responsibility to inform their line manager if their levels of TOIL exceed the maximum limit. It is the line manager's responsibility to address the reason for any TOIL exceeding the maximum permitted amount, and they will take appropriate action to rectify the situation.
- 20.9 If a solution cannot easily be found, then one of these two causes should be considered:
- i) the Contract is not properly costed and is not allowing for the appropriate level of staffing to deliver it - this should be addressed in supervision and will be followed through with your Line Manager at a higher level within PSCA.
 - ii) the employee is not working to an acceptable level - this becomes a performance management issue that should be addressed in supervision. If this is the case then the line manager should agree with the individual performance improvement targets and the appropriate levels of support needed to help. An appropriate timescale to make these improvements should be agreed.
- 20.10 When an employee leaves PSCA's employment TOIL will not be paid as part of the final salary. It should be taken before the employee leaves PSCA.

21. Flexible Working

- 21.1 The purpose of this section is to provide a framework for employees to make written requests under the statutory right in

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the Employment Rights Act 1996 to request flexible working. The purpose of this policy is also to help employers deal with any written requests for flexible working.

- 21.2 The term “flexible working” describes a type of working arrangement, which gives some degree of flexibility on how long, where, when and at what times employees work. The flexibility can be in terms of working time, location or the pattern of working.
- 21.3 Anyone can ask their employer for flexible working arrangements. Under the law the employer must seriously consider any application made and only reject it if there are good business reasons for doing so. Employees have the right to ask for flexible working – not the right to have it.
- 21.4 Any change of working patterns requested and accepted under the statutory right will be a permanent change to the employee’s contract of employment with PSCA (unless otherwise agreed, such as for a trial period). The employee has no right to revert back to the previous working arrangements.
- 21.5 PSCA adopts a culture that supports a work-life strategy as it respects individuals for their contribution to the organisation rather than for the hours they are contracted to work.
- 21.6 Flexible working hours can benefit everyone: employees, employers and the young people we support.

22. Flexible Working - Eligibility

- 22.1 All employees with a minimum of 26 weeks service have a right to apply for flexible working.
- 22.2 Only one such request may be made in a 12 month period. Each period runs from the date when an application was made.
- 22.3 Agency Workers are excluded from these rights.

23. Flexible Working – Ways of Working

- 23.1 Flexible working covers a wide range of options including:
 - i) **annualised hours:** the total number of hours to be worked over the year is fixed but there is variation over the year in the length of the working day and week;

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- ii) **compressed hours:** allows individuals to work their total number of agreed hours in fewer or longer blocks during the week. For example, employees might work their full weekly hours over four rather than five days;
- iii) **flexitime:** allows employees to choose, within certain set limits, when to begin and end work;
- iv) **homeworking:** doesn't have to be on a full-time basis and time can be divided between home and office;
- v) **job-sharing:** involves two (or occasionally more) people carrying out the work which would normally be done by one person. Work is shared and not split;
- vi) **term-time working:** allows employees to take paid or unpaid leave of absence during the school holidays;
- vii) **staggered hours:** allows employees to start and finish their day at different times. This can be an effective means of covering longer opening hours;
- viii) **mobile working/teleworking:** this permits the employee to work all or part of their working week at a location remote from the employer's workplace;
- ix) **unique working patterns:** these are individually tailored patterns, which may involve a combination of options.

24. Flexible Working – Making a Request

24.1 The initial onus is on the employee to provide an application to HR well in advance of when the change is to take effect. An application must be made in writing and include the following information:

- i) date of the application;
- ii) statement that the application is being made under the statutory right to request a flexible working pattern;
- iii) the change to working conditions the employee is seeking and when (give specific date) they would like the change to come into effect;

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- iv) what effect, if any, the employee thinks the requested change would have on the employer and how, in their opinion, any such effect might be dealt with;
- v) whether a previous application has been made to the employer and, if so, when it was made.

25. Flexible Working – Considering an Application

- 25.1 Under the law the employer must seriously consider any application made and only reject it if there are good business reasons for doing so.
- 25.2 HR will record and acknowledge receipt of the request in order to ensure it is dealt with within 48 hours. If an employee fails to provide all the required information as set out above HR should inform the employee what they have omitted and ask them to re-submit the application when complete. HR should also inform the employee that they are not obliged to consider the application until it is complete and re-submitted.
- 25.3 HR should forward the application on to the employee’s Line Manager within the timescale of 48 hours of receipt of the completed application

26. Flexible Working – Reaching a Decision

- 26.1 If the Line Manager intends to approve the request then a meeting is not needed. Otherwise, the Line Manager should then arrange a meeting with the employee to discuss their application within 28 days after it has been received.
- 26.2 The meeting should provide both parties with the opportunity to discuss the desired work pattern and consider how it might be accommodated. Both parties could agree for the new working pattern to take place for an agreed trial period in order to see how it would suit them both.
- 26.3 The Line Manager must ensure that the meeting is held in a private place where what is said will not be overheard.
- 26.4 An employee is allowed to be accompanied by a work colleague or a trade union representative for this meeting and they should inform HR of this prior to the meeting. Points to note in regard to the accompaniment are as follows:

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- i) the companion can address the meeting or confer with the employee during it;
- ii) the companion is not allowed to answer questions on the employee's behalf;
- iii) if the companion is unable to attend the meeting the employee should rearrange the meeting within seven days ensuring the new time is convenient to all parties.

26.5 If the employee fails to attend the meeting without a good reason PSCA can consider the request withdrawn. If so, PSCA must inform the employee of this.

26.6 Once the Line Manager has made their decision they must inform HR of this decision within 72 hours of the meeting. If they have accepted the request they must also complete a HR3 form and give this to HR. If they have declined the request the Line Manager must complete the form in Appendix 2 and send this to HR.

26.7 HR must notify the employee of the decision in writing (so as to help avoid future confusion on what was decided) within 14 days of the meeting taking place.

26.8 If the request has been accepted then the letter sent to the employee should include a description of the new working pattern and the date from which this is to take effect. Where a trial period has been agreed this should also be detailed in the written notice.

26.9 If the request has been declined then the letter sent to the employee must include all information contained within the form from Appendix 2, which includes:

- i) clear business reasons why the request cannot be accepted;
- ii) clear explanation as to how the chosen grounds apply in relation to the employee's request;
- iii) details of the employee's right to appeal.

26.10 An application can only be refused where there is a clear business reason which applies in the circumstances of the particular request. The business ground(s) for refusing an application must be from one of those listed below as set out in legislation:

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- i) burden of additional costs;
- ii) detrimental effect on ability to meet customer demand;
- iii) inability to reorganise work among existing staff;
- iv) inability to recruit additional staff;
- v) detrimental impact on quality;
- vi) detrimental impact on performance;
- vii) insufficiency of work during the periods the employee proposes to work;
- viii) planned structural changes.

27. Flexible Working – Appeals

- 27.1 An employee has 14 days to appeal in writing after the date of notification of PSCA’s decision. When appealing against a refused request an employee will have to set out the grounds for making the appeal and ensure that it is dated. There are no constraints on the grounds under which an employee can appeal. It may be that they wish to bring to attention something the employer may not have been aware of when they rejected the application or it may be to challenge a fact the employer has quoted to explain why the business reason applies.
- 27.2 If an appeal is made the employer must arrange an appeal meeting to take place within 14 days after receiving notice of the appeal. The employee can be accompanied on the same basis as the meeting to discuss the request. There are no restrictions on who should hold the appeal meeting.
- 27.3 The employer must inform the employee of the outcome of the appeal in writing within 14 days after the date of the meeting. If the appeal is upheld the written decision must include a description of the new working pattern and state the date from which the new working pattern is to take effect. The Line Manager must also complete a HR3 form.
- 27.4 If the appeal is declined the grounds for this decision must be confirmed in writing. These will be appropriate to the employee’s own grounds for making the appeal.

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- 27.5 A written notice of the appeal outcome constitutes the employer's final decision and is effectively the end of the formal procedure within the workplace.
- 27.6 If the employee fails to attend the appeal meeting without a good reason PSCA can consider the request withdrawn. If so, PSCA must inform the employee of this.

28. Career Breaks

- 28.1 Employees may wish to take a career break, or sabbatical, for a number of reasons. However, there are no laws that cover taking a career break or sabbatical; therefore employees do not have a statutory right to take leave.

A career break or sabbatical will be unpaid and does not qualify for pension purposes. A sabbatical is normally for a shorter period of time. PSCA will consider a request for a career break lasting up to a maximum of 12 months.

All employees with a minimum of 26 weeks service are able to apply for a career break or sabbatical.

- 28.2 If an employee wishes to take a career break or sabbatical, they must first submit a request in writing to their Line Manager. This must include the length of time they wish to have off work and the reason for wanting to take a career break. The Line Manager will then need to arrange a meeting with the employee to discuss the request further. Requests will be considered on a case-by-case basis, as the Line Manager will need to consider how the employee's work and responsibilities will be covered while they are off.

Employees must give at least three months' notice of their desired start date for their career break or sabbatical.

Continuity of employment will be preserved during a career break or sabbatical and, where possible, the employee will return to their same role on their return to work. If this is not possible, a role on the same terms and conditions of employment will be found.

Annual leave will not be accrued whilst on a career break.

- 28.3 If a Line Manager agrees to an employee's request for a career break or sabbatical, they must inform HR of all the details. HR will then draw up an agreement for both parties to sign.

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The agreement will include what happens on the employee's return to work.

28.4 A Line Manager may refuse a request because of the following:

- i) poor performance and attendance
- ii) they are unable to cover the role of the employee
- iii) the employee is subject to disciplinary proceedings

PSCA will be fair and consistent when considering requests to ensure that no employee is treated unfavourably or discriminated against.

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Appendix 1

Special Leave Application Form

This form will be kept on the personal file and the information will be used for monitoring purposes and in accordance with current Data Protection regulations.

Name:

Job Title:

Date/s Special Leave required:

Line Managers – please contact HR before making a decision whether to approve Special Leave requests. This is so that we can ensure fair and consistent treatment across PSCA.

Reason for requesting special leave (please tick box):

Paid

Unpaid

| | | |
|-------------------------------|--------------------------|--------------------------|
| Compassionate/Bereavement | <input type="checkbox"/> | <input type="checkbox"/> |
| Dependants/Caring | <input type="checkbox"/> | <input type="checkbox"/> |
| Domestic Emergency | <input type="checkbox"/> | <input type="checkbox"/> |
| Disability Adjustment | <input type="checkbox"/> | <input type="checkbox"/> |
| Parental Leave | N/A | <input type="checkbox"/> |
| Religious Observance | N/A | <input type="checkbox"/> |
| Medical Screening | <input type="checkbox"/> | N/A |
| Fertility Treatment | <input type="checkbox"/> | <input type="checkbox"/> |
| Blood Donation | <input type="checkbox"/> | N/A |
| Examination/Study | <input type="checkbox"/> | <input type="checkbox"/> |
| Extended Leave | N/A | <input type="checkbox"/> |
| Jury Service, Court/Tribunal | <input type="checkbox"/> | <input type="checkbox"/> |
| Voluntary Public Service | <input type="checkbox"/> | <input type="checkbox"/> |
| Service in Non-Regular Forces | N/A | <input type="checkbox"/> |
| Pre-retirement Leave | <input type="checkbox"/> | <input type="checkbox"/> |

Please give below details of the reasons for requesting leave and the dates on which it is required. Please continue on a blank sheet if necessary.

| | | |
|----|--|--|
| De | | |
| Re | | |
| | | |

If you have taken Special Leave in the past three months for the same reason please consider options to enable you to remain at work should this happen again in future. Please write possible options below:

I agree to the terms and conditions contained in the special leave policy.

Signed: Date:

One copy of this form should be given to the manager and one copy forwarded by the employee to HR

Line manager's response

Line Manager's name:

Job Title:

Following receipt of your application/our meeting on(date)

I have considered your application for special leave:

- I am pleased to confirm that I am able to agree to your request
- I am unable to accommodate your request for the reason given below*
- I am unable to accommodate your original request for the reason given below*
- I have advised you of the effect this will have on your pay, pension and other benefits (unpaid leave requests)*

Signed: Date:

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Appendix 2

FLEXIBLE WORKING APPLICATION REJECTION FORM

Note to the Line Manager

You must complete this form and send it to HR within 72 hours of your meeting with the employee. HR will then write to the employee. Before completing this form you must ensure that full consideration has been given to this application. You must state the business ground(s) as to why you are unable to agree to a new working pattern and the reasons why the ground(s) applies in the circumstances. The list of permissible business grounds under which a request may be refused are detailed in the policy.

Dear
(Employee).....

Following receipt of your application and our meeting on.....

I have considered your request for a new flexible working pattern.

I am sorry but I am unable to accommodate your request on the following business ground(s):

The ground(s) applies in the circumstances because:

(You should explain why any other patterns you may have discussed at the meeting are also inappropriate. Please continue on a blank sheet if necessary).

If you are unhappy with the decision you may appeal against it. Details of the appeal procedure are set out in the Managing Attendance Policy.

Completed by:

Name:

Date:

NOW RETURN THIS FORM TO HR

Date created: July 2018

Reviewed by: HR Lead/Staff Performance & Welfare Governor

Reviewed: n/a

Next Review Due: July 2019

| Date | Purpose of changes made | By |
|-------------|--|--|
| July 2018 | New policy to provide (i) a framework for a positive and pro-active approach to the management of attendance and (ii) the necessary support to employees, ensuring that employees are treated in a consistent and fair manner. | Fern O’Neill - in consultation with Jeff Stratton (Staff Performance & Welfare Folio Holder) |
| 19/9/18 | Approved by Governing Body | |
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