**Absence from the Office policy**

*Approved by the Board, 24/09/2020, due for review 24/09/2023*

**Introduction**

This policy sets out the New Cross Gate Trust (The Trust) policies on absence from the office. This covers annual leave, sickness absence, training, emergency leave, parent and caring responsibilities and other forms of unscheduled leave. This policy applies to all New Cross Gate Trust staff.

**Annual leave**

* The holiday year runs from 1 April to 31 March, and your holiday accrues on a monthly basis. Your basic annual leave entitlement is 26 days during each holiday year. You will receive an additional day of leave for each completed year of service, up to a maximum of 31 days leave. As well as your 26 days paid holiday, you are entitled to take the usual 8 bank holidays in England and Wales.
* All leave (basic, bank holiday and additional days), will be on a pro rata basis for part time staff so that your entitlement is in proportion to your working days / hours during the relevant holiday year.
* Holiday pay is calculated on the basis of your current rate of pay. Where you work variable hours then a day’s pay will be calculated on the average pay in the previous 52 weeks. For term time employees, they will take their annual leave outside of their term time hours.
* If your employment starts or ends part way through a holiday year, your entitlement during that holiday year will be pro rata.
* Where your Contract of employment is terminated by you or The Trust with notice, you may be required to take any accrued leave during the notice period.
* All leave must be authorised before it is taken. Requests for leave must normally be made in writing to your line manager at least two weeks before the leave is due to commence. Any holiday taken without prior approval will be treated as unauthorised absence and may lead to disciplinary action.
* All leave should be used within the current leave year. If it is not possible to take all of your leave in the leave year, you may be permitted to carry over a *maximum* of 5 days annual leave to the following annual leave year, but only if this is agreed in advance with your line manager. Anything over and above 5 days will not be carried over. Approved leave carried over from the previous year must be taken within the first 3 months of the new annual leave year (i.e. before 30th June).
* If on leaving The Trust you have taken more leave than has accrued to date, then the value of the excess leave, calculated on the basis of your normal salary at leaving date, will be a sum owed by you to The Trust and may be recovered from your final salary. If on leaving The Trust you have taken less Statutory Leave than has accrued due then the value of the excess leave will be paid to you. The value of the excess leave will be your gross annual salary at leaving date divided by 365 and multiplied by the number of days Statutory Leave accrued due but untaken. Employees leaving The Trust are not entitled to pay in lieu of untaken enhanced Contractual Leave.

**Sickness absence**

* If you are going to be off work because of sickness or injury you must telephone your Manager giving the reason for non-attendance, by **9.30am on each day of absence**. If you are unable to notify personally due to the nature of the illness, someone else may make contact on your behalf. It is your responsibility to ensure The Trust are notified. Failure to do so may result in sick pay not being paid and may result in disciplinary action.
* A self-certification system operates for absences from work due to sickness or injury not exceeding seven days (including weekends and other non-working days). Immediately on your return to work you must complete and return [a self-certification form](https://www.gov.uk/government/publications/statutory-sick-pay-employees-statement-of-sickness-sc2).

*Internet Reference: <http://www.hmrc.gov.uk/forms/sc2.pdf>*

* For sickness or injury absence exceeding seven days (including weekends and other non working holidays) you must provide The Trust with a Fit note (from your doctor or consultant) on your return to work. However, if your absence is ongoing, you are expected to post your Fit note to The Trust upon receipt or alternatively to send The Trust a photograph of both sides of the Fit Note, with the original to follow.
* All sickness or injury absence will be entered on your employment record.
* The Trust may ask you to attend an appointment with an Occupational Health service or to seek information from your GP or specialist. The purpose of this is to inform decisions regarding your absence or the support you might need whilst at work. You will have the right of access to the report in accordance with the Access to Medical Reports Act 1988.
* The Trust may need to consider ending your employment where your level of absence is deemed as unacceptable by The Trust or, in the case of long term absence, where The Trust consider that there is no realistic prospect of a return to work within a reasonable timeframe. This may be considered before the expiry of sick pay.
* However, no dismissal on grounds of sickness absence will happen without giving you the opportunity to discuss your situation with The Trust or without the appropriate procedure having been followed e. g. Capability or Disciplinary. In addition, if you experience sickness absence as a result of a disability, The Trust will act in line with the requirements of the Equality Act 2010.
* Statutory Sick Pay (SSP) If you are absent from work due to sickness or injury, The Trust will pay statutory sick pay provided that you are eligible, and you have complied with The Trust’s rules relating to sickness absence and notification.
* Employer Occupational Sick Pay - Other than any entitlement to SSP, following your first 6 months of employment and subject to passing your probation and complying with The Trust’s policies and procedures, you will receive additional sick pay from The Trust comprising six weeks full pay in a rolling 12 month period
* Once you have exhausted any entitlement to sick pay you will not be entitled to receive any further sick pay for that 52 week period, and in any event you must be at, or return to, work for a period of at least two weeks, on your contracted hours, in order to re-qualify.
* Occupational sick pay shall be inclusive of any statutory sick pay due in accordance with applicable legislation. SSP and occupational sick pay are subject to the usual deduction for PAYE, National Insurance, pension contributions etc.
* If you become ill during a requested period of paid leave, you must make sure that the sickness reporting and certification procedure are followed, if you wish to have this sickness period discounted from the period of paid leave taken. It is important that you contact The Trust on the first day of sickness and keep your manager up to date whilst you are off sick.
* Employees absent as a result of an accident allegedly caused or contributed to by a third party must include in any claim made against that party in connection with the accident the amount of sick pay received during the absence, unless The Trust considers this inappropriate. Such employees will be granted their sick pay provided they undertake to repay the whole sum advanced or such part as The Trust may decide, having regard to all the circumstances. The Trust may require this undertaking to be given whether or not a claim has been made if The Trust considers a claim could reasonably be pursued. This provision does not affect an employee’s entitlement to Statutory Sick Pay.
* Your entitlement to pay will be limited to sick pay only for any period in respect of which, although you may be willing to carry out your duties, a doctor is not satisfied you are fit to carry out those duties.
* Third party liability **-** Employees absent as a result of an accident allegedly caused or contributed to by a third party must include in any claim made against that party in connection with the accident the amount of sick pay received during the absence, unless The Trust considers this inappropriate. Such employees will be granted their sick pay provided they undertake to repay the whole sum advanced or such part as The Trust may decide, having regard to all the circumstances. The Trust may require this undertaking to be given whether or not a claim has been made if The Trust considers a claim could reasonably be pursued. This provision does not affect an employee’s entitlement to Statutory Sick Pay.

- The Trust reserves the right not to pay you any sick pay for any period in respect of which :-

a. you have been offered by The Trust but have refused what The Trust considers to be suitable alternative employment; or

b. The Trust has received medical advice which it has accepted that you are fit to carry out your duties.

* Your entitlement to pay will be limited to sick pay only for any period in respect of which, although you may be willing to carry out your duties, a doctor is not satisfied you are fit to carry out those duties.
* Return to work **-** As soon as possible on your first day of return to work, your line manager will conduct a return to work interview. This is intended to understand whether you have returned to full health, whether there are any ongoing health and safety issues associated with the reason for your absence and whether any temporary adjustments need to be made to your role.
* For any absences over one week, a written record should be kept of this interview.
* Monitoring - All sickness absences will be recorded and monitored by your line manager over a rolling 52 week period to highlight where a potential problem may be occurring.
* Frequent / Persistent short term absences from work can damage efficiency and productivity, and place an additional burden of work on your colleagues. Therefore, it is essential that frequent absence is dealt with promptly. If we think your absence is too high your Manager will meet with you informally first, then formally. The associated trigger levels and process your Manager will follow are:



* Long term absences are any absence which lasts or is expected to last over 4 weeks. In all cases of long-term absence it is essential for us to maintain contact with you. In cases where a return to work date is less certain this will take the form of consultation and will include:



* Absence as a result of disability – Where you experience sickness absence as a result of a disability it will be treated in line with the provisions contained within the Equality Act 2010 (formerly the Disability Discrimination Act 1995). This will include considering whether any reasonable adjustments can be made.

**Medical appointments**

* The Trust promotes measures to maintain the good health of its workforce and recognises that there will be occasions when staff are required to attend medical and other related appointments in order to maintain well-being.
* The need for an appointment will vary from person to person and in applying the guidance managers should exercise a degree of flexibility in the light of individual cases. It is however essential that these provisions are applied fairly and consistently. Employees are expected to provide evidence of such appointments where requested, e.g. appointment card, letter of appointment, etc.
* There is no automatic entitlement to paid time off during working hours to attend medical and dental appointments, other than under statutory maternity regulations. The Trust, however, recognises that there may be occasions when there is no other alternative and managers are encouraged to take a supportive attitude to requests to attend such appointments, provided The Trust activities are not impacted negatively.
* The Trust staff should book time off for routine appointments outside of working hours where possible. Where this is not possible, sufficient notice should be given to your line manager to enable cover.
* The Trust appreciates that staff may have urgent medical or dental problems on occasion, which may require time off during working hours with minimal notice. Paid time off will be granted in these circumstances, on the understanding that permission must be obtained from an appropriate manager before the employee leaves the workplace to attend the medical or dental surgery for urgent treatment.
* Where the need to support a dependant is known in advance, e.g. accompanying a dependant to a planned hospital appointment, annual or unpaid leave may be considered appropriate. If the appointment of a dependant is an emergency situation, then compassionate leave may be considered.

**Time off for dependents**

* You are legally entitled to take a reasonable amount of time off to deal with certain prescribed emergencies involving certain dependants. This leave is called Time Off For Dependants. Time Off For Dependants can be taken, for example, if a dependant falls ill or is injured, if care arrangements break down, or to arrange or attend a dependant's funeral. A dependant is your child (including adopted child), husband, wife or parent. It also includes someone who lives in your household, and someone who reasonably relies on you, such as an elderly relative. Any time taken off must be necessary and reasonable in the particular circumstances. Time Off for Dependants is not paid.

**Compassionate and bereavement leave**

* The primary purpose of compassionate leave is to help employees to come to terms with the death of a loved one. This policy does not apply to dependant leave where you would be entitled to take time off when unforeseen matters arise with the care for dependants (see time off for dependents above). Time off granted as compassionate leave is separate to the time off available under the statutory right.
* In the event of the death of a member of your immediate family, you should contact your manager to request compassionate leave. You should inform your manager of the need to take compassionate leave as soon as reasonably practicable. Each case will be viewed sympathetically and the amount of leave granted will depend on the circumstances. Your manager will take into account matters such as your relationship with the deceased, domestic responsibilities and travel requirements, but will not normally grant more than five days' paid leave, however, further leave may be agreed using a combination of unpaid and annual leave.
* In the case of death of another close relative (who is not your dependant), for example an aunt, uncle, cousin or parent-in-law, or a close friend, you may request unpaid leave to attend the funeral.
* Parental bereavement - Where the bereavement is related to the loss of your child, your adopted child, or a stillbirth after 24 weeks of pregnancy, you are entitled to two week’s leave. You will also qualify for two week’s leave if you are the partner of a bereaved parent and you have been living with the child with day-to-day responsibility for the child.
* Parental bereavement leave can be taken in one or two blocks of a week within 56 weeks of the bereavement. No notice is required if the leave is taken within 56 days of the bereavement, thereafter at least one week's notice must be given.
* Employees with 26 weeks continuous service will be entitled to paid leave at the statutory rate and those without the required service will be entitled to take the leave unpaid.
* If you make a request to your manager, they should will only need to record the personal information required to deal with your request for compassionate leave. The information will be stored in line with the data protection policy.

`**Time to train’ requests**

* Any training mandated by The Trust as a necessary part of your role will be fully paid.
* However, all The Trust staff who have worked for The Trust continuously for at least 26 weeks have the right to request additional ‘Time to Train’.
* You only have the right to request time for certain types of training and only have the statutory right to make one request within any 12 month period. Before you consider making a request, you should make sure you have the right to request the training you want to complete. If you decide to make a 'time to train' request, there are several things you should think about. You must then make sure that you include all of the necessary information in your application (see the Direct.gov website – Making a 'time to train' request).
* Once you have made your request, your line manager will arrange a meeting with you if they need to discuss your request. In any instance, The Trust will respond to your initial request within 28 days of its receipt.
* Statutory ‘Time to train’ rights do not entitle you to paid study time or sponsorship of the costs involved in your learning. However, The Trust will endeavour to support staff in their development. If you wish this training to be fully or part funded by The Trust as part of your development, or paid leave to be provided, this should be discussed at your annual appraisal and agreed via a business case.

## **Taking Time Off for Public Duties**

* If you hold a public position outside of your work with us, you are able to take a reasonable amount of unpaid time off work over and above your normal [holiday entitlement](https://www.gov.uk/holiday-entitlement-rights).

*Internet Reference:* [*https://www.gov.uk/holiday-entitlement-rights*](https://www.gov.uk/holiday-entitlement-rights)

* Common examples of public positions include being a magistrate (Justice of the Peace), a local councillor or a school governor.
* If you want to take time off for public duties you should make a request to your manager with as much notice as possible giving any dates you wish to take, stating the expected length of your absence. The amount of time must be reasonable and will normally be agreed between you and your manager. We will consider your request and will take into account the amount of time you have previously taken off for public duties and how the request will impact on the charity. If the time off is agreed you will not be required to make up the time.
* Where the amount of time off you require for public duties becomes excessive, or begins to cause operational difficulties, we may need to decline further time off in the immediate future. Alternatively, you may be permitted to take your annual holiday entitlement for this purpose.

**Time Off for Jury Service**

* You will also be provided with time off work if you have been called for jury service, unless the time off may have a significant detrimental impact on the charity, in which case we may ask you to delay your jury service.
* You will be provided with a Certificate of Loss of Earnings form with confirmation of your jury service. You should pass this form to your manager for completion. For up to the first 4 weeks of jury service, this will be ‘topped up’ by The Trust to your usual pay. Jury service lasting longer than 4 weeks will unpaid, and you will need to claim loss of earnings at the level of the court allowance.

**Data protection**

The Trust will treat personal data collected during the absence management process in accordance with its data protection policy on processing special categories of personal data. Information about how your data is used and the basis for processing your data will be provided in our employee privacy notice available on The Trust’s Website or can be requested in hard copy from the Strategy and Partnerships Manager. When relying on legitimate interests as the legal ground for processing your data, you can object to the processing.