

## LEAVE AND ABSENCE POLICY AND PROCEDURES

### 1 STATEMENT AND SCOPE

1.1 The College recognises that there are occasions when employees are absent from work for a variety of legitimate reasons and has a series of procedures for managing these absences in accordance with good practice and UK legislation.

1.2 Absence from work may occur for a wide variety of reasons including personal illness or injury, compassionate grounds, jury service or for other reasons. Some types of absences are covered by statutory provision, whilst others form an integral part of the employee's conditions of service. In most other cases requests should be considered on an individual basis in accordance with the College's Leave and Absence policy. Statutory obligations include:

- Time off for trade union duties.
- Time off with pay for safety representatives, appointed/elected by recognised trade unions, both to carry out safety functions and to undergo relevant training.
- Paid annual leave.

1.3 In all cases, absence from work should be approved by the line manager. In cases where absence is planned (e.g. holidays, jury service, sabbaticals) this approval should be obtained well in advance. In cases where absence is unplanned (e.g. compassionate/emergency family leave, sickness etc) the employee should notify their line manager as soon as possible of the circumstances, why they need to take leave and their likely date of return to work.

### 2 ANNUAL LEAVE

2.1 Entitlement to paid annual leave may vary depending on an employee's grade. Details are contained within the contract of employment or can be found under '[Annual Leave](#)' on the A-Z of the Human Resources website. Part-time staff will receive the appropriate holiday entitlement for a full-time member of staff in their staff group on a "pro-rata" basis.

2.2 Employees should give their managers reasonable notice of the intention to take annual leave and the mechanisms for the booking and recording of leave are a matter for local, departmental discretion. This should form a part of the local induction procedures. Employees are advised to consult their line manager if they are not aware of the procedures for requesting annual leave.

2.3 Annual leave can be requested and approved electronically. For more information please visit the [MyHR Employee Self Service page](#).

2.4 No holiday arrangements should be made until the request for annual leave is approved.

2.5 Managers should not unreasonably refuse employees' requests to take annual leave, but will take account of the need to maintain services in their particular department or section.

**2.6** The College recognises the public holidays currently in use in England. It also has a system of concessionary holidays, which are applicable to some employees according to their contracts of employment. These days are College holidays and as such are to be taken at times determined by the College. Where employees are expected to work on public holidays and/or College holidays, time off in lieu may be granted and/or payment supplements may be made depending on the grade and contract of employment of the employee. Part time staff will receive a pro rata entitlement to public and College holidays rounded to the nearest day. Where part time staff do not normally work on public holidays or College days their entitlement can be taken at another time to be agreed with their line manager.

**2.7** For most staff the College holiday year runs from 1st February to 31st January and staff who join partway through the year are entitled to “pro-rata” equivalent holidays.

**2.8** There is no automatic right to carry-over unused annual leave from one leave year to the next, but managers may agree to allow employees to carry over up to five days in exceptional circumstances. It should be noted in this context that the College has an obligation to ensure that all employees actually take 28 days paid leave (including bank holidays and concessionary days) or its’ “pro-rata” equivalent, each year.

**2.9 Carry forward of annual leave due to sickness absence**

Annual leave should normally be taken in the leave year in which it accrues. In the event that an employee is unable to take their annual leave due to long term sickness absence, or falls sick during scheduled annual leave, and it is not possible to reschedule the reclaimed leave in the current leave year, they will be able to carry over the statutory element of their annual leave into the following leave year.

No payment will be made in lieu of annual leave not taken, except in the year of termination of employment.

**3 COMPASSIONATE LEAVE**

**3.1** The manager may grant up to five days paid leave and/or unpaid leave at their discretion in a variety of circumstances. Examples of such circumstances could include:

- Leave to help an employee come to terms with, a serious illness or injury involving a loved one, or serious personal relationship problems.
- Leave following the death of an immediate family member.

**3.2** Where such leave is granted, this should be notified to the employee in writing by the manager and copied to Human Resources.

**3.3** Further guidance about the provision of compassionate leave is available from Human Resources.

**4 EMERGENCY FAMILY LEAVE**

**4.1** Employees with dependants have a statutory right to reasonable unpaid leave to deal with family emergencies. The right is not to take such time off until the dependant is recovered from illness or injury - it is purely to deal with emergency situations to ensure that longer term arrangements can be put into place. Employees are expected to discuss with their line managers at the earliest possible opportunity the reasons for the absence and the likely length of that absence so that Human Resources can be informed.

**4.2** Further details of this entitlement can be obtained from Human Resources.

## **5 GARDEN LEAVE**

**5.1** At the discretion of the College, employees may be placed on “Garden Leave” during their period of contractual notice when they have either resigned or been given notice by the College. This is to protect the College, its’ other employees and/or its’ premises from a perceived threat of disruption or from possible actions which may place it in a difficult position with regard to a commercial rival. Such action would only be taken in exceptional circumstances and is subject to such a clause being contained within the contract of employment of the employee.

## **6 JURY SERVICE**

**6.1** If employees are required to serve on a Jury they must notify their line manager immediately of the details and the amount of time that they are required to serve. A copy of the summons should be sent to Human Resources who must also be informed if the length of Jury Service is to be extended or terminated.

**6.2** They will be paid as normal except for other expenses incurred during Jury Service which should be claimed directly from the court.

## **7 LATENESS**

**7.1** It is the responsibility of employees to ensure that they arrive for work in a timely fashion. Where employees find it impossible to travel to their normal place of work due to circumstances beyond their control (such as severe weather or transport disruption), or if they are going to be late, they should contact their manager at the earliest opportunity.

**7.2** Where appropriate, alternative arrangements such as taking a days’ annual leave should be agreed at the manager’s discretion, taking account of the circumstances.

**7.3** Persistent lateness without good reason may be subject to disciplinary action being taken against the employee.

## **8 FAMILY LEAVE**

**8.1** For information regarding [Maternity Leave](#), [Shared Parental Leave](#), [Parental Leave](#), [Paternity Leave](#) and [Adoption Leave UK](#), [Adoption Leave overseas](#), please refer to the relevant policy on the Human Resources website.

## **9 STUDY LEAVE**

**9.1** Reasonable paid time off for study leave should be given to employees attending a College-approved training course where study leave is required. Up to five days paid leave per annum, including exam days, may be granted at the discretion of the manager depending on the nature of the course being undertaken.

## **10 RESERVE FORCES**

**10.1** Employees in the Reserved Forces who are required to partake in annual training are able to take up to two weeks leave, one paid and one unpaid, to enable them to attend.

**10.2** Employees must notify their line manager in writing with reasonable notice of the dates that the training will take place. A copy of this must be sent to HR.

## **11 SABBATICAL LEAVE**

**11.1** In certain circumstances, an employee may be granted a sabbatical period of up to one year, on either a paid or unpaid basis. The manager must inform HR of the agreed details so that the appropriate arrangements can be made. The sabbatical leave must be for a particular purpose, which is of benefit to the College. Where sabbatical leave has been agreed, the employees' job will be held open for them until their return.

**11.2** There is no automatic right for any employees to be granted sabbatical leave and the granting of such leave would be subject to the fulfilment of criteria relevant to the specific request which have been agreed by the Head of Department and the Principal.

**11.3** During any unpaid period, only statutory annual leave will continue to accrue. The College may require you to use accrued annual leave to reduce the period of unpaid sabbatical leave.

**11.4** Further details about this can be obtained from Human Resources.

## **12 SICKNESS ABSENCE**

**12.1** An employee is entitled to take sick leave when that employee:

- is actually ill;
- is temporarily disabled.

**12.2** Entitlement to paid sick leave will vary depending on the length of service of the employee. Details are contained within the contract of employment or can be found under [Sick pay scheme](#) on the A-Z of the Human Resources website.

### **12.3 Monitoring and managing sickness absence**

The College reserves the right to monitor and manage the sickness absence levels of all employees. Where excessive levels of sickness absence or a recognisable pattern of sickness absence is identified, line managers should adopt the Colleges Absence management procedure. Details of this can be found under '[Absence](#)' on the A-Z of the Human Resources website.

### **12.4 Managers responsibilities**

It is the responsibility of all managers to carry out the following:

- Ensure there are written local procedures regarding the management and reporting of absence in their area.
- Give all staff a copy and ensure they understand;
- Give a copy to every new starter at induction and ensure they understand;
- Accurately record all staff absence and return this information to Human Resources;

- Conduct Return to Work Interviews (RTWI) for all absences using the [RTWI](#) form, found on the Human Resources website;
- Refer an employee to Occupational Health (OH) when any of the following have occurred,
  - A Bradford Trigger point has been hit
  - They have been on long-term sickness (one absence of 20 days or more)
    - OH recommends early intervention when someone is absent due to mental health issues, so refer after only 2 weeks
- The manager must explain to the employee why they have been referred
  - Act on any reasonable adjustment recommendations that OH subsequently make unless there are strong business reasons why you believe you cannot.

## 12.5 Employee responsibilities

It is the responsibility of all employees to:

- Comply with local sickness reporting procedures.
- Be clear who your line manager is, or who you are required to report absences to.
- Maintain reasonable contact with your line manager during periods of absence.
  - Due to workload planning and other considerations, your line manager has a right to know when you will be back at work. Therefore, you must ensure you keep them updated with your situation and when you are likely to return.
- Provide the appropriate medical certificates for all absences in a timely manner:
  - Self-certificate, for absences that last between 1-7 consecutive days, OR
  - Doctors certificate (Fit note), for absences lasting more than 7 consecutive days (including weekends and bank holidays).
- Attend Return to Work Interviews after every absence.
- Be familiar with the [3 Stage Approach flow chart](#) for managing absence (see Absence Management).
- Attend absence review meetings.
- Attend and participate in Occupational Health referrals.
- Appointments to visit doctors, dentists or hospitals should be arranged out of working hours if at all possible to avoid disruption to the working day. If this is not possible you should try to arrange your appointment for either the beginning or the end of the working day in order to minimise any disruption. It is your responsibility to notify your line manager in advance of any medical, dental or optical appointments. If your total absence from work as a result of such an appointment is less than 3 hours, the absence will not be recorded as sick leave. Absence over 3 hours will be recorded as sickness absence.

## 12.6 Sickness or injury while on holiday

Where an employee falls sick or is injured while on holiday, the employee may choose to treat the days of incapacity as sickness absence instead of annual leave.

In order to reclaim annual leave employees must comply with the following conditions:

- In line with normal absence reporting procedures the employee must make contact with their line manager as soon as possible, even if they are abroad.
- If the period of sickness lasts for up to seven calendar days a self-certification form must be completed.
- If the period of sickness exceeds seven days it must be fully certified by a qualified medical practitioner. In exceptional cases, where it is not possible to obtain a medical 'Fit Note', other evidence of illness/injury from an appropriate independent person (such as a tour operator, insurer, overseas medical practitioner or pharmacist) must be provided.

An employee will only be able to reclaim annual leave if the illness or injury would have made them unfit to perform their normal duties had they been at work, rather than on annual leave. The fact that an employee sustains an injury that makes it difficult for them to 'enjoy' their holiday e.g. a sprained ankle that makes it impossible to ski will not count as sickness absence.

Any abuse of this policy may lead to disciplinary action.

**12.7 Sickiness or injury shortly before a period of planned holiday**

If an employee is ill or is injured before the start of a period of planned annual leave the College will agree to the employee postponing the holiday dates to another mutually agreed time. Any period of sickness absence will then be recorded in line with the Colleges sickness absence procedure.

**12.8** The employee must submit a written request if they wish to postpone the planned holiday and comply with the usual reporting and certification requirements in respect of sickness absence.

**12.9 Required physical examinations**

The employee may be required at any time to submit to an examination by the College Occupational Health department and/or another physician approved by the College, at no cost to the employee. If an employee fails to attend an arranged OH appointment, disciplinary action may be taken.

**12.10 Extended sick leave**

In very exceptional circumstances an employee's manager, in conjunction with their Head of Department, may grant additional paid leave for a personal illness or injury to an employee after a review of the merits of that particular case. This will exclude illnesses or disabilities of an immediate family member.

**12.11 Return to work interviews**

Return to Work Interviews are a central part of the College's Absence Management procedure. Line managers are required to carry out brief, informal and confidential interviews with employees on all occasions when they return to work following absences due to sickness using the return to work form which together with the Absence Management procedure can be found on the Human Resources website.

**13 UNAUTHORISED ABSENCE**

**13.1** Where an employee is absent from work without the approval of their manager or has failed to follow any of the procedures contained in this policy, this will be deemed to be unauthorised absence. In these circumstances, the manager should make all reasonable attempts to contact the employee to ascertain their whereabouts and the reasons why they are not at work. The employees' pay can, at the discretion of the manager, be stopped for the period of unauthorised absence and such absence may be the subject of disciplinary action.