



## ALTERNATIVE PROVISION

# Staff Leave of Absence Policy

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Approved by: [RAISE-AP Educational Directors](#)

Approval Signatures

*RAISE-AP  
Directors*

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## Introduction

The Head of Provision will ensure that all employees are treated equally and consistently when applying for leave of absence, in accordance with the [RAISE-AP](#) Equal Opportunities Policy and taking account of differing national and local conditions of employment.

The policy sets out how [RAISE-AP](#) will manage sickness absence. Employees have certain entitlements to leave of absence, in particular circumstances, under their conditions of service. In other circumstances the [RAISE-AP](#) educational directors will grant leave of absence on a discretionary basis in accordance with this Policy.

[RAISE-AP](#) expects excellent levels of attendance at work and is committed to supporting the wellbeing of everyone. The provision acknowledges that there may be circumstances when an employee is unable to attend work. If this happens, the employee will be treated fairly and sensitively.

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## Scope

This policy applies to teachers including leadership, upper pay range, main pay range, unqualified teachers, support staff and admin staff.

This policy does not apply to volunteers, contractors or agency workers.

This policy is non contractual and does not form part of any employee's terms and conditions. Employees with less than two years service may be subject to a shortened procedure. Employees are actively encouraged to contact their professional association/ trade union representative at the earliest opportunity to obtain advice and support at any point during this procedure.

The provision expects all parties to maintain confidentiality throughout the application of the policy.

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## Short Term Sickness Absence

### Definition

Short term sickness absence – is a period or periods of sickness absence that are not continuous and are normally short term in duration. The absences may be for related or unrelated reasons.

The impact of the absence is that an employee is unable to attend work regularly and consistently.

### Policy Stages and Principles

The possible stages are:

- Informal stage
- Formal stage one
- Formal stage two
- Formal stage three - may result in dismissal
- Appeal after each formal stage.

There is a shortened procedure for employees with less than two years service.

As a general principle the manager will seek to use the informal stage prior to progressing to the formal stages. In exceptional circumstances, it may be appropriate to start at the formal stage without using the informal stage. The manager must seek advice from Education Personnel Services in such cases.

The employee must be given a reasonable period of time to achieve the required improvement before moving to the next stage of the

### Trigger Points

A trigger point is a measure set by the provision to monitor absence levels, the types of absence and absence trends. [RAISE-AP](#) will set trigger points.

A short-term absence trigger point in Hampshire County Council is considered as follows:

- 6 working days\* over two or more occasions in the past 12 months\*\*

- 9 working days\* or 4 occasions (totalling 6 or more working days) in the past 12 months
- Whenever the level, frequency or pattern of absence causes a concern due to operational impact

\*Pro-rata for employees who work part time or in their first two years of service.

\*\*The previous 12-month period is calculated from the first day of the current absence.

A long-term absence trigger is considered as follows:

- 28 calendar days or more on one occasion

[RAISE-AP](#) may choose to apply an alternative trigger point. The [RAISE-AP](#) educational directors may wish to operate on different trigger points to those suggested above. In such cases, there will be a requirement to discuss and consult with staff and their representatives to seek their input prior to a determination on trigger points.

The provision can exclude an absence for the purposes of the absence triggers and any action being taken under this policy at that time. This is a management decision. Each case will be treated separately, and no precedents will be set.

## **Return to Work**

The manager must contact the employee and complete a return-to-work interview following each occasion of sickness absence.

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## **Informal Stage for Short-Term Sickness Absence**

### **Informal stage**

The manager should speak to the employee by having an informal discussion known as a managerial support discussion. Depending on the circumstances, this could become a series of informal discussions.

### **Right of representation**

The employee is not usually accompanied at any discussions within the informal stage of the policy. There may be circumstances when the employee asks to be accompanied and consideration should be given to any requests. This should be accommodated where it does not cause a delay to the process.

### **Outcome of the informal stage**

The manager undertaking the managerial support discussion(s) must decide on the outcome. A record must be made of each discussion. The manager must share the record with the employee. A copy must be kept on the employee's personnel file.

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## **Formal Stage for Short-Term Sickness Absence**

### **Formal stage**

At each formal stage of the policy, the employee must be invited to attend a meeting/ hearing.

### **Meetings / hearing arrangements**

The employee must receive in writing the invitation to the meeting/hearing. The letter must give the employee 7 working days' notice of the meeting/ hearing.

### **Formal record of the meeting/hearing**

A formal record must be taken during the meeting/ hearing. This may be made by audio recording the meeting/ hearing or by a note taker. It is the provision's responsibility to make the appropriate arrangements.

If an audio recording takes place, a copy of the recording must be retained by the provision. The provision must comply with all relevant retention and storage requirements.

### **Alternative date**

The provision expects that the employee and their representative will make all reasonable efforts to attend the first scheduled meeting/ hearing date and time. If it is not possible, the employee may propose an alternative date and/ or time. This should be within 5 working days of the original meeting/ hearing.

The meeting/ hearing will be rescheduled.

### **Sharing of information**

The manager and employee are required to exchange all relevant information papers and supporting evidence in advance of the meeting/ hearing. Management documents will be supplied with the invitation letter.

The employee or their representative must submit all relevant papers and supporting evidence to arrive with the chair at least 3 working days before a meeting/ hearing.

### **Right of representation**

The employee has the right to be represented/ accompanied at a formal stage meeting/ hearing or appeal meeting. This can be by a professional association/ trade union representative or a work colleague.

It is the employee's responsibility to:

- Arrange their own representative
- Liaise with their representative to agree the formal meeting/ hearing or appeal meeting date and time advise management of the representative's details.

There is no right to legal representation at any stage of this policy.

### **Attending formal meetings/hearings**

If the employee is not well enough to attend the meeting/ hearing, it may be deferred until they are able to attend. A meeting/ hearing will not be deferred indefinitely because the employee is unable to attend.

### **Outcome of a formal meeting/hearing**

The chair of the formal stage meeting/ hearing must fully consider all formal evidence presented and decide on an outcome. A written warning may be issued and this can be:

- A first written warning of 12 months
- A final written warning of between 12 – 24 months
- For employees with less than two years service - a final written warning of between 12 – 24 months.

At a stage three hearing the employee may be dismissed on the grounds of medical capability. The chair must confirm the outcome in writing within 5 working days of the meeting/ hearing. A copy of the outcome letter and any warning must be placed on the employee's personnel file.

If the outcome is dismissal, any sums owing to [RAISE-AP](#) from the employee will normally be deducted from their final pay.



## **Review meetings**

Following the formal stage meeting/ hearing the manager must hold scheduled review meetings with the employee.

## **Progression through the formal stages**

The manager can progress to the next formal stage and re-enter at the appropriate point if:

- The employee does not achieve the required improvement
  - There is further absence which may be for a different reason if an improvement is not sustained for a 12-month period
  - Following a formal stage one meeting
  - If an improvement is not sustained for a 12 - 24-month period following a formal stage two meeting
  - The employee has not been successfully redeployed and/ or has refused a reasonable offer of alternative employment.
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## **Appeal Stage**

### **Appeal stage**

The employee has the right to appeal against the outcome of a formal meeting/ hearing.

### **Right of appeal**

The employee must submit their appeal in writing within 10 working days following receipt of the written outcome of the formal meeting/hearing. This must include the full reasons for the appeal.

Following an appeal of a formal stage three hearing, there is no further right of internal appeal.

### **Appeal meeting**

The employee must be invited to attend a meeting. The letter must give the employee 7 working days' notice of the meeting. The principles of the formal stage meeting/ hearing arrangements will apply.

### **Formal record of the meeting**

The principles of a formal record of the meeting/ hearing will apply.

### **Alternative date**

The principles of alternative date will apply.

### **Sharing of information**

The principles of sharing of information will apply.

### **Right of representation**

The principles of the formal stage right of representation will apply.

### **Outcome of appeal meeting**

The chair must fully consider all evidence presented and decide on an outcome.

The outcome cannot impose a higher sanction than issued at the formal meeting/hearing. The chair must advise the employee of the outcome at the appeal meeting unless otherwise agreed. The outcome must be confirmed in writing within 5 working days of the meeting.

A copy of the outcome letter must be placed on the employee's personnel file.

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# **Long Term Sickness Absence**

## **Definitions**

Long term sickness absence - occurs when an employee is unable to return to work over an extended period due to an underlying medical condition or conditions.

Health conditions without sickness absence - occur when an employee's underlying medical condition has an impact on their ability to fulfil the full duties of their role but does not affect their attendance at work. Such cases can be managed under this long term sickness absence section. These concerns may originate as a performance concern but further review might indicate they are more appropriately managed using the Managing Sickness Absence policy.

## **Policy stages and principles**

The possible stages are:

- Absence review stage
- Formal stage three meeting - may include a mutual
- Agreement discussion and may result in dismissal
- Appeal - only following a formal stage three meeting.

A formal decision about the employee's future employment must not be taken at the absence review stage. Such decisions must be made at a formal stage three meeting.

## **Absence review stage**

The provision should speak to the employee by having an absence review discussion. Depending on the circumstances, this could become a series of discussions. A record must be made of each discussion.

## **Right of representation**

The principles of the informal stage right of representation will apply.

## **Formal stage 3 meeting**

The principles of the formal stage will apply.

### **Formal record of the stage 3 meeting**

The principles of a formal record of the meeting/ hearing will apply.

### **Alternative date**

The principles of alternative date will apply.

### **Sharing of information**

The principles of sharing of information will apply.

### **Right of representation**

The principles of the formal stage right of representation will apply.

### **Attending a formal meeting**

The principles of attending a formal meeting/ hearing will apply.

### **Outcome of the formal meeting**

The principles of outcome of the formal meeting/ hearing will apply.

### **Appeal**

The employee has the right to appeal against the outcome of a formal stage three meeting only of the long-term sickness absence section of this policy.

The principles of the appeal stage will apply.

## Entitlements

The Head of Provision will grant leave of absence in accordance with national conditions of service in the following circumstances:

### Examiners and Moderators for Examining Bodies

Chief Examiners and Chief Moderators will be given up to 10 school days' leave with pay in any one financial year. Examiners and Assistant Moderators will be given up to 5 school days' leave with pay in any one financial year.

Employees shall not be required to pay the provision any fees or expenses received for examining and moderating duties.

### Jury Service and Other Public Service

An employee receiving a summons to serve on a jury must report this to the Head of Provision who will grant them leave of absence unless exemption from jury service is secured. The Head of Provision should report the dates of jury service to the payroll provider so that the necessary financial adjustments can be made. An employee serving as a juror is required to claim the allowance for loss of earnings to which they are entitled under the Juror Allowance Regulations currently in force. The provision will deduct from the employee's full pay an amount equal to the allowance received for loss of earnings.

### Witness Summons

An employee who is subpoenaed as a witness to appear before the court should report this immediately to the Head of Provision, who will grant them leave of absence with pay for such time as is necessary to discharge the duty as witness.

### Service in Non-Regular Forces

Employees must obtain the [RAISE-AP](#) educational directors consent before joining the Non-Regular Forces (e.g. Territorial Army, Royal Air Force Volunteer Reserve). The [RAISE-AP](#) educational directors will grant two weeks' additional paid leave to volunteer

members of the Non-Regular Forces who are required by the Forces to attend summer camp.

Such employees are required to show the Head of Provision a copy of their Forces' payslip for the period of the summer camp, so that the Head of Provision can arrange for a deduction to be made from the employee's salary of an amount equal to the pay received from the Forces for each normal working day of the absence (i.e. without making any deductions for days when the employee would not normally be working).

Any such employees who are called out by the Secretary of State for service with the armed forces will be granted leave of absence without pay for the duration of that service (unless the [RAISE-AP](#) educational directors applies for and gains exemption, deferral or discharge on the grounds that their absence would cause serious harm to the provision).

### **Magistrates and Members of Public Bodies**

Employees who are appointed as magistrates or who undertake duties connected with the work of district councils or other public bodies, including governing bodies, will be granted leave of absence with pay for the equivalent of up to 208 hours per year in the case of staff on the Support Staff Pay and Conditions of service, and 10 school days a year for other staff, unless special approval is given by the [RAISE-AP](#) educational directors which will only be given in exceptional circumstances.

### **Union Duties**

See the Trade Union Recognition statement on the [RAISE-AP](#) website.

### **Job Interviews**

Leave with pay will be granted as necessary.

### **Examination Leave**

All staff will be granted a maximum of 5 days' leave with pay in any academic year to sit approved examinations: this is normally half a day per examination subject.

### **Maternity, Parental, Paternity and Adoption Leave**

[RAISE-AP](#) will follow national legislation.

## **Appointments with Dentist, Doctor etc.**

These appointments should be made outside normal working time except in emergencies or where consultants etc. are inflexible over timing.

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## **Discretionary Leave**

The Head of Provision will normally apply a limit of 5 days' discretionary leave with pay per academic year, although additional time (either with or without pay) may be granted in exceptional circumstances. Applications for leave must be made 2 weeks before the proposed date(s) of leave, except in emergencies.

The Head of Provision may grant leave (either with or without pay) for a period of time in excess of the limits quoted above, and for any other good reason. These could include any of the circumstances listed below:

### **DISCRETIONARY: WITH PAY**

- Compassionate Leave
- Absence necessary as a result of the death or serious illness/injury of a close member of the family, close friend or partner.
- Breakdown of normal childcare arrangements.
- Leave associated with their spouse's/partner's maternity at short notice to deal with unforeseen circumstances.
- Other occasions when care of dependants is necessary.
- Revision/Study Leave
  - This is available to employees undertaking work-related qualifications.
- Religious Festivals
  - Leave will be granted. A limit of 5 days' paid leave in any academic year is normally applied, although additional time may be granted in exceptional circumstances.
- Special Family Occasions
  - Leave will be granted at the discretion of the Head of Provision.
- Participation in National Sporting, Cultural and Similar Events
- Moving House



- For employees whose contractual arrangements do not allow them to take annual leave during term-time and where the move cannot be affected in a provision closure period, 1 day's leave will be granted

## **DISCRETIONARY: WITHOUT PAY**

- Parliamentary Candidates
    - Leave will be granted, but without pay, from the date when the candidate's nomination is accepted until the date of the election.
  - Secondment for Other Paid Employment
    - Leave may be granted without pay for an agreed period of time.
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## **Other Policy Requirements**

### **Confidentiality**

It is expected that all parties involved in the managing sickness absence process will maintain confidentiality as appropriate. This is both within and outside of the provision (including social media).

If any party does not maintain confidentiality action may be taken under the Disciplinary policy.

### **Right of representation**

Employees are actively encouraged to contact their professional association/ trade union representative at the earliest opportunity to obtain advice and support at any point during this procedure.

The employee is not usually accompanied at any discussions within the informal stage of the policy. There may be circumstances when the employee asks to be accompanied and consideration should be given to any requests. This should be accommodated where it does not cause a delay to the process.

The employee has the right to be represented/ accompanied at a formal stage meeting/ hearing or appeal meeting. This can be by a professional association/ trade union representative or a work colleague.

It is the employee's responsibility to:

- Arrange their own representative

- Liaise with their representative to agree the formal meeting/ hearing or appeal meeting date and time
- Advise management of the representative's details.

There is no right to legal representation at any stage of this policy.

## **Sick Pay**

Details of sick pay entitlements are found withing RAISE-AP policies.

## **Reporting sickness**

An employee must report their absence to the Head of Provision as soon as possible and prior to their normal start time.

## **Recording sickness absence**

The provision is responsible for recording the start and end dates of the absence to ensure that the payroll provider or payroll system is updated. This is essential to ensure that the employee is paid correctly.

## **Keeping in touch during sickness absence**

The provision and the employee are required to engage in and maintain appropriate contact during periods of sickness absence.

## **Statement of fitness for work certificate**

A Statement of Fitness for Work certificate is required for sickness absences of more than 7 calendar days. A medical practitioner will provide the employee with a Statement of Fitness for Work certificate. The employee must retain the original and provide a copy of the Statement of Fitness for Work certificate to the provision in a timely manner.

If the employee does not provide a Statement of Fitness for Work certificate when requested, they may lose their occupational sick pay entitlement. Action may also be taken under the Disciplinary policy.

## **Medical appointments**

An employee must obtain consent from the provision if they are required to attend a medical appointment during work time.

The employee is not entitled to paid time off to attend planned dentist, doctor or hospital appointments. Where possible, such appointments should be taken in the employee's own time unless it is covered by another leave provision.

### **Planned operations**

An employee is responsible for notifying the provision in advance of a planned operation.

### **Emergency operations**

If an employee has an emergency operation, they or a relative/friend must notify the provision at the earliest opportunity.

### **Referral to Occupational Health/ medical practitioner**

It may be necessary to refer the employee to Occupational Health/ medical practitioner to obtain medical advice and information. If an employee does not co-operate with the referral, any assessment or decision taken will be based on the information available.

### **Phased return to work**

A phased return involves a temporary adjustment or adjustments to an employee's role. It may not always be necessary as it will depend on the nature of the sickness absence and the employee's needs.

### **Reasonable adjustments**

The provision and the employee will work together to identify and consider any reasonable adjustments.

### **Adjustments to support an employee to remain at work**

Adjustments can be considered to support an employee to remain at work to avoid sickness absence. Adjustments may be of a temporary or permanent nature. Any adjustments must be discussed with the employee before implementing.

### **Permanent adjustments**

Where Occupational Health/ medical practitioner recommend a permanent adjustment, the provision must consider whether it is a reasonable adjustment which can be made.

If the adjustment cannot be made, this will be managed under a formal stage three hearing.

## **Redeployment**

Redeployment can be considered at any stage in this policy and:

- Must not be used as a sanction
- Should result in satisfactory attendance in the new role
- Is subject to a suitable opportunity being available.

## **Working whilst off sick**

An employee may have more than one role/ or another employer. Due to the difference in the nature of the two roles, the employee may be on sickness absence from one role whilst still being able to work in the other role.

Where an employee is off sick from a role, they must not work in a second role, either for the provision or another employer, during the normal working hours of the first role.

## **Extenuating circumstances**

Extenuating circumstances must be considered before taking any formal action under this policy. Once a period of absence has been determined as an extenuating circumstance:

- That period of absence cannot later be redefined unless clear evidence to the contrary emerges at a later date
- The absence cannot be taken into consideration when assessing total days absence over a given period of time. There are specified exclusions where extenuating circumstances do not apply.

## **Health & Safety**

Any Health and Safety issues must be dealt with in accordance with the relevant Health & Safety procedures.

## **Disability related absence**

The provision must take a disability into account when considering an employee's absence.

### **Pregnancy related absence**

A pregnancy related absence must be excluded when reviewing the employee's absence record.

An employee may have pregnancy related sickness during the last four weeks before the expected week of childbirth. This will automatically trigger the start of the employee's maternity leave.

### **Instructions to leave work on health grounds**

In exceptional circumstances, an employee may be instructed to leave work when they:

- Present as unwell or
- Have a condition which causes concern and poses a risk to them and/ or others.

The employee will remain at home and receive their entitlement to occupational sick pay until it is appropriate for them to return.

### **Medical suspension**

In some circumstances, medical suspension may be necessary. Medical suspension decisions must only be taken by the Head of Provision. This will be on the basis of medical advice.

Suspension can only be lifted by [RAISE-AP](#) educational directors.

The Head of Provision must seek immediate advice from Education Personnel Services before making any decision to suspend the employee.

For Teachers only - a teacher who has been absent from duty for a period of more than three months arising from a psychiatric disorder (including that arising from alcohol, drug or other substance misuse) must not be permitted to resume teaching until there is evidence of their fitness to do so.

### **Mutual agreement**

As an alternative to a formal stage meeting/ hearing, the provision and the employee may discuss a mutual agreement. The contract of employment may be ended by mutual agreement between the employee and the provision.

There is no right to appeal a mutual agreement as it is entered into with the consent of both parties.

### **Ill health retirement**

Any action under this policy will be temporarily suspended if ill health retirement is being considered or a decision about ill health retirement is being appealed. Relevant action under this policy will resume at the point ill health retirement is not approved or when the outcome at an appeal stage is known.

### **Sickness during annual leave**

For Support Staff who do not work term time only – if an annual leave employee is sick during a period of annual leave, they are entitled to have their annual leave entitlement reinstated.

The principles of recording sickness absence will apply.

Sickness and For Support Staff who do not work term time only – annual leave will continue to accrue during sickness absence including during periods of half or nil pay.

### **Formal action – professional association/trade union representative**

Where there are concerns involving a professional association/ professional trade union representative, must notify and seek advice from Education Personnel Services before taking formal action.

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## **Raise Values**

Our [RAISE-AP values](#) (Resolve, Attitude, Invest, Social Skills and Education) are key in everything we do, specifically with attitudes (modelling and expectations), invest (tailoring setup for our young people) social skills (becoming part of a community) which are linked to our Staff Leave of Absence policy.

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# **Appendix I**

## **Short term absence**

### **Policy stages**

The possible stages are:

- Informal stage
- Formal stage – may result in dismissal
- Appeal only against a dismissal.

### **Informal stage**

The principles of the informal stage will apply.

### **Formal stage**

The principles of the formal stage will apply.

### **Appeal stage**

The principles of the appeal section will apply. An employee only has the right of appeal against a dismissal decision. There is no right of appeal against a warning.

## **Appendix II**

### **Long term absence**

Managing long term absence

The principles of long-term sickness absence will apply