

**Absence without Leave Policy and Procedure**

**Blakehill Primary School)**

**Policy for School Staff**

(Name of School) has adopted the PACT HR recommended model procedure as agreed by Trade Unions.

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| Approved by the governing body on: | July 2022 |
| To be reviewed on: | July 2026 |
| Signed on behalf of the governing body: |  |

NB. This guidance will be retained for a period of 7 years from replacement.

Version 2 / Dated: April 2020

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1. Scope

This policy applies to both members of teaching and support staff in school who fail to comply with the organisation's sickness absence reporting procedure (or provide the required evidence within the required time period), fail to attend work, fail to return from annual leave or a holiday period, or are absent from work for any other reason without permission.

If an employee is absent from work without good cause and/or fails to properly and effectively notify the school of their absence, this may be treated as a serious disciplinary offence, potentially constituting gross misconduct.

1. Early Intervention

2.1 If an employee fails to attend work and does not contact the school to report the absence and inform them of their whereabouts, the line manager should make reasonable efforts to contact them to ascertain the reason for the absence and make a note of the means used (telephone or email), leaving a voicemail if required.

2.2 This should be done at an early stage, usually within a few hours of the start of the absence, to make the employee aware that their absence has been noted.

2.3 If the line manager is unable to contact the employee, they may attempt to contact the employee's next of kin or listed emergency contact. Attempts should also be made to verify the address held on the system for the employee is correct.

2.4 The line manager should be mindful that this could potentially be a sensitive issue (for example a family emergency or accident) and temper attempts to make contact appropriately. The employee’s previous attendance record should also be taken into consideration, but not relied upon, when assessing the potential severity of the situation.

2.5 The line manager should keep a record of all contact attempted with the employee, whether or not contact was established.

1. Further Action

3.1 On the second day of the employee's absence, if no contact has been established and no satisfactory explanation from the employee's next of kin or emergency contact has been received, the line manager will write to the employee highlighting their absence and detailing the attempts to make contact (see appendix 1 – letter requesting contact).

3.2 The letter will outline that no satisfactory explanation for the absence has been received and require that the employee make contact with the line manager as soon as possible, but no later than [three] days after the date of the letter. The letter will warn the employee that failure to make contact may result in a) suspension of pay and b) serious disciplinary action potentially resulting in dismissal.

3.3 If, following the deadline as stated in the letter, the employee has still not contacted the line manager, pay will be suspended and a further letter will be sent to the employee (see appendix 2 – no contact & further chasing). This will reiterate the school’s concerns regarding the absence without authorisation and inform the employee that they are again required to contact the school within [three] days of the date of the letter. The letter will also specify that failure to establish contact within the specified timeframe will result in a disciplinary hearing being convened, a potential outcome of which could be dismissal.

3.4 If, following the second deadline, the employee has still not contacted the school and after reasonable investigation the line manager has not been able to establish a reason for the absence (e.g. sickness), the line manager will send the employee a letter inviting them to attend a disciplinary hearing in respect of their unauthorised absence (see appendix 3 – invite to disciplinary hearing). As with previous correspondence, the letter should warn the employee that a potential outcome could be summary dismissal for gross misconduct.

3.5 Copies of any written correspondence with the employee (email or letter) should be saved centrally, any letters sent recorded delivery and any emails sent requesting a delivery and read receipt.

1. Return to Work

4.1 If the employee returns to work the line manager should, without delay, arrange for a confidential conversation with the employee to discuss the reason for absence and [lack of contact/delay in contacting the school] during the period of absence.

4.2 The employee will be reminded of their responsibilities to school whilst absent from work and it will be emphasised to them that absence from work without authorisation is not acceptable and potentially constitutes a disciplinary offence.

4.3 The line manager then will determine the appropriate course of action from this meeting. Depending upon the reason for the absence, the outcome may include one or more than one of the following (please note the list below is not exhaustive):

 - A referral to Employee Health & Wellbeing
- A further meeting to discuss the employee’s attendance record
- A stress action plan
- Further investigation
- Disciplinary action

4.4 A summary of the meeting will be provided to the employee from the line manager, in writing, which will state the outcome of the meeting.

1. Disciplinary Action

5.1 If the employee is unable to provide an adequate explanation for their absence and lack of contact, the school may treat the absence and the failure to follow the absence reporting procedure as a disciplinary matter.

5.2 Following reasonable investigation by the line manager to establish a reason for the unauthorised absence, a disciplinary hearing will be convened in line with procedural timescales. Any correspondence sent or received between the employer and employee during the period of absence will be included as evidence in the hearing.

5.3 Employees are advised to refer to the school’s Disciplinary Procedure for further information in respect of the procedure at a hearing, potential outcomes and their right of appeal.

5.4 Should this situation arise, the line manager may wish to seek advice from their HR Business Partner.

5.5 If the employee claims to have been sick (to the extent that this also precluded contacting the school), the line manager can ask for reasonable evidence of this. If the employee is unable to provide sufficient evidence, the school may consider whether or not the claimed sickness absence was genuine.

5.6 The school will aim to conclude the AWOL proceedings from first contact to outcome of the disciplinary hearing within a maximum of four calendar weeks. Any necessary extension to this timescale will be communicated to the individual.

1. Unauthorised Annual Leave

6.1 If an employee has been refused a request for annual leave, but declares that they intend to take the time off anyway, the line manager should write to the employee instructing them to attend work as normal.

6.2 The letter should confirm that:

- the leave request (for the specific dates) was legitimately declined;

- they are expected to attend work as usual; and

- failure to do so will be recorded as unauthorised absence, be unpaid and may result in disciplinary action, which could result in summary dismissal for gross misconduct.

6.3 The letter should invite the employee to reconsider their expressed intention to be absent.

6.4 If, having sent this letter, the employee fails to attend work; the line manager should treat the absence as unauthorised.

6.5 If an employee has been refused a request for annual leave, but fails to attend work (either saying that they are sick or by making no contact), the school will investigate this as a potential unauthorised absence and revert back to the procedure as outlined in this policy and any resulting disciplinary action.

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Appendix 1

Letter – Requesting Contact

*School Headed Paper*

**DATE**

**Private & Confidential**

**EMPLOYEE NAME**

**ADDRESS**

Dear **NAME**

**Re: Unauthorised Absence from Work**

I am writing to you in light of concerns regarding your current absence from work. You have now been absent since **DATE** and have, to date, made no contact with the school whatsoever. We have tried to contact you several times by [telephone and/or email] on the occasions as outlined below; however this has been unsuccessful.

**DATE – TIME – [NO ANSWER/VOICEMAIL LEFT]**

As your employer, we have a duty of care to ensure your health and wellbeing and wish to speak with you as a matter of urgency to ascertain the reasons for your current absence.

As an employee, you have a responsibility to ensure that school are made aware of any absence from work. The absence procedure that has been adopted by the school clearly outlines the responsibilities of all employees as follows:

**Employee Responsibilities**

* To attend work when fit to do so.
* To comply with the rules of the sickness absence scheme including notification of absence.
* To communicate or meet with management during extended periods of absence or, in the circumstances where you are medically unable to do so, make arrangements for an intermediary e.g. Trade Union Representative, Human Resources Adviser, family member to make contact on your behalf. Please note that the receipt of a fit note is not considered as making contact with the school. Wherever possible you must talk to either your line manager of the Head Teacher and should not just send or leave text or voicemail messages.
* To consider accessing support from the Occupational Health Unit.
* To attend medical appointments with the Authority’s Occupational Physician as required.
* To acknowledge a joint responsibility for their level of attendance.

I have enclosed a copy of the school’s absence reporting procedure for your information.

I now require you to make contact with the school immediately following receipt of this letter and, in any event, no later than **[three days from date of the letter]**.

I must also make you aware that should you fail to make contact as requested I may have to inform Payroll to stop your pay and that continued absence without authorisation could be considered as a disciplinary matter, potentially warranting dismissal.

I look forward to hearing from you by **DATE**.

Yours sincerely

**NAME**

**HEAD TEACHER/SCHOOL BUSINESS MANAGER**

Appendix 2

Letter – No Contact & Further Chasing

*School Headed Paper*

**DATE**

**Private & Confidential**

**EMPLOYEE NAME**

**ADDRESS**

Dear **NAME**

**Re: Unauthorised Absence from Work**

I am writing to you following my previous letter**DATED** in which I requested that you make immediate contact with the school in order that we are able to discuss your absence from work. To date, you have not made the required contact with the school and despite several attempts, as outlined below, we have been unable to contact you.

**DATE – TIME – NO ANSWER/LEFT VOICEMAIL**

In view of the severity of the situation and concerns for your welfare, it is now imperative that you make contact with the school immediately upon receipt of this letter. I have serious concerns about your current absence from work without authorisation. You have now been absent since**DATE** and have not, despite a previous request to do so, made any contact with the school whatsoever. As per my previous letter, I have now contacted Payroll and requested that they stop your pay.

Enclosed is a further copy of the schools’ absence reporting procedure for your information.

If you do not contact the school by midday on **DATE [THREE] DAYS FROM DATE OF LETTER**, then, as advised in my previous letter, I will have no alternative than to arrange a disciplinary hearing, a potential outcome of which could be dismissal on the grounds of gross misconduct. In view of this, I must remind you that establishing contacting the school is your opportunity to provide an explanation in respect of your unauthorised absence from work and to make any representations with regards to this, which would be taken into consideration at the disciplinary hearing.

I look forward to hearing from you by**DATE**.

Yours sincerely

**NAME**

**HEAD TEACHER/SCHOOL BUSINESS MANAGER**

Appendix 3

Letter – Invite to Disciplinary Hearing

*School Headed Paper*

**DATE**

**Private & Confidential**

**EMPLOYEE NAME**

**ADDRESS**

Dear **NAME**

**RE: NOTIFICATION OF DISCIPLINARY HEARING**

I am writing to you following my previous letters**DATED** and **DATED** in which I requested that you make immediate contact with the school in order that we are able to discuss your absence from work. To date, you have not made the required contact with the school and despite several attempts, as outlined below; we have been unable to contact you.

**DATE – TIME – NO ANSWER/LEFT VOICEMAIL**

Despite reasonable investigation on behalf of the school to attempt to establish a reason for your absence, we have been unable to do so. You were also made aware in my previous letter that establishing contact with the school was your opportunity to provide an explanation for your absence, which would be taken into consideration at a disciplinary hearing; however, you have failed to do so.

Therefore, as advised in my previous letters, as you have failed to establish contact with the school, a disciplinary hearing will be held on **DATE** at **TIME** in **ROOM** to hear the case in respect of your unauthorised absence from work from **DATE**. The Head Teacher OR Chair of Committee will be advised by **NAME** from Human Resources. This hearing will provide you with an opportunity to explain the reasons for your absence and any mitigating circumstances you feel are relevant to this matter.

In accordance with the disciplinary procedure (enclosed) if you are intending to use any witness statements or bring witnesses, please provide copies so that they can be circulated at least three days in advance of the hearing. Please also forward any documentation in addition to these that you will be presenting.

**NAME** will be presenting the management case and will be bringing **NAME** as a witness. The documentation to be presented by management is enclosed and will be as detailed below.

1. A copy of the Disciplinary Procedure for Staff Employed in Schools, including the process to be used at the hearing
2. A copy of the Absence Without Leave Policy and Procedure

3. A copy of the evidence to be presented:

|  |  |
| --- | --- |
|  | Page no |
| Record of attempted contact |  |
| Letter to employee **dated** |  |
| Letter to employee **dated** |  |
|  |  |
|  |  |

The Committee has the power to issue any level of warning (first, written or final) or to dismiss you. As the taking of unauthorised absence is deemed to be gross misconduct, the Committee may decide that you are summarily dismissed without notice.

At the hearing you are entitled to be represented by up to two trade union representatives or work colleagues not involved in the case. Please note it is your responsibility to arrange accompaniment. **Room** (name/location) will be available for you and your companion throughout the hearing.  If for any reason your chosen companion is unable to attend, statutory provisions require that you must propose an alternative date which must be within 5 working days of the original hearing date.The 5 working days begin with the day after the original hearing date.If your chosencompanion cannot be available within that time, it is your responsibility to choose another companion who will be available or attend the hearing unaccompanied. Dates outside of the 5 working days will be considered if necessary providing they do not cause an unreasonable delay.

If you have any queries about the arrangements please do not hesitate to contact myself on **NUMBER**.

Yours sincerely,

**NAME**

**ROLE**

*Cc Human Resources*

 *Trade Union*

*Enc LIST DOCUMENTS*