

Policy document control box	
Policy title	<b>Absent without authorised leave (AWOL) Policy</b>
Policy owner (including job title)	Cathy Taylor (Executive Headteacher)
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Version	Date	Title	Status	Comment
1.03	20/9/2022	Executive Headteacher	Minor updates	Policy review to reflect the appropriate roles for Executive Headteacher/Centre Headteacher

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## **1. Purpose**

- 1.1. RBNWL will ensure that there is a fair and consistent approach to unauthorised absence across RBNWL and that managers discharge their duty of care to their staff members. The well-being of staff is the priority for RBNWL and managers should attempt to make contact with staff who are absent from work without prior notification as soon as possible

## **2. Scope**

- 2.1. This policy applies to all staff. It applies if a staff member:
  - Fails to comply with the sickness absence reporting procedure (or provide the required evidence within the required time period),
  - Fails to attend work,
  - Fails to return from holiday, or
  - Is absent from work for any other reason without permission.
- 2.2. If a staff member is absent from work without good cause and/or fails to properly and effectively notify their Centre Headteacher of their absence, this may be treated as a serious disciplinary offence, potentially constituting gross misconduct.

## **3. Policy statement**

- 3.1. This policy outlines the process that will be undertaken in the event that a staff member is absent from work without authorised leave. The purpose of the policy is to ensure that there is a fair and consistent approach to unauthorised absence across RBNWL and that managers discharge their duty of care to their staff.

## **4. Principles**

- 4.1. Staff have a duty to be at work in accordance with their agreed working practices, unless authorisation has been given for absence. Staff are required to tell their Centre Headteacher if they are unable to attend work as a result of illness or other unforeseen circumstances. Failure to be at work and to report absence may be an act of gross misconduct and potentially a breach of contract.
- 4.2. Managers will treat each case individually and be mindful of the need for consistency in approach. Consideration should be given to RBNWL's duty of care to its staff and the staff members past history, e.g. if there has been previous cases of unauthorised absence or if the occasion is out of character.
- 4.3. A staff member will be considered AWOL when they are absent from work and have not contacted their Centre Headteacher or any other nominated person to advise of the absence from work.

## 5. Procedure for managing AWOL

- 5.1. Where a staff member appears to be AWOL the following procedure should be applied. This procedure will be applied after initial attempts to contact the staff member as outlined below have been unsuccessful.
- 5.2. The application of this procedure could result in disciplinary action being taken against the staff member, including the termination of the staff member's contract. Therefore, the manager must contact HR prior to implementing this procedure and issuing any correspondence. All letters in association with the procedure are available from the HR.
- 5.3. 3.1 Timeline of actions
  - Day one of absence:
    - 5.3.1. The Centre Headteacher will attempt to make telephone contact with the staff member keeping notes of the date; time; duration; message left and response received (if any) and retain them).
    - 5.3.2. If the Centre Headteacher has been unable to contact the staff member by the afternoon of the first day of unauthorised absence, efforts will be made to contact the staff member's next of kin/emergency contact. The next of kin/emergency contact should be asked to contact the Centre Headteacher in the event that the staff member is located and unable to make contact themselves.
  - Day two of absence:
    - 5.3.3. The Executive Headteacher will try to make telephone contact with the staff member again, and keep notes as stated above.
    - 5.3.4. If unable to make contact, the Executive Headteacher will send a letter by recorded delivery, and also by standard post. A copy should also be delivered by hand, to the staff member's last known address where practical.
    - 5.3.5. The letter will remind the staff member of the absence reporting procedure and ask them to make contact. The letter will notify the staff member that no salary will be paid for the unauthorised days of absence unless medically certified and remind them that being AWOL may result in pay being suspended and disciplinary action being taken if no contact is made.
  - Day four of absence:
    - 5.3.6. If no contact has been made, the Executive Headteacher will try to make telephone contact with the staff member again and keep notes of details as stated above. If contact cannot be made, the Executive Headteacher will send a second letter by recorded delivery and also by standard post. A copy should also be delivered by hand to the staff member's last known address if practical.
    - 5.3.7. The letter will again ask the staff member to make contact urgently and advise that if they do not provide a medical certificate or make contact by the date specified in the letter their pay will be suspended, it is for the Executive Headteacher to inform payroll of suspended pay. It will again state that being AWOL may be considered an act of gross misconduct which may result in disciplinary action being taken if they fail to make contact.

- 5.3.8. In all steps of this policy the Executive Headteacher may delegate responsibility to a nominated colleague to undertake the attempts at contact on their behalf. Where an email address is known for a staff member this may be used as an additional method of communication.
- Day seven of absence:
- 5.3.9. The Executive Headteacher will try to make telephone contact with the staff member again, keeping notes as stated above. If contact cannot be made, the Executive Headteacher will send a third letter by recorded delivery and also by standard post. A copy should also be delivered by hand, to the staff member's last known address if practical.
- 5.3.10. The letter will give precise dates of unauthorised absence and explain actions taken so far to contact the staff member. The letter will call the staff member to a disciplinary hearing for Gross Misconduct. The disciplinary hearing date must allow for 7 calendar days' notice and clarifying that if they do not attend or provide a reason for their continued absence, the hearing will proceed in their absence.
- 5.3.11. The letter will advise the staff member of their right to be accompanied by a union representative or a work colleague at the hearing.
- Day fourteen of absence:
- 5.3.12. The hearing will be convened no earlier than 7 Calendar days, after working day 7. The disciplinary hearing for Gross Misconduct will be held. Should the staff member not attend this disciplinary hearing, a decision will be made in their absence.

## **6. Next steps**

- 6.1. In accordance with the Disciplinary Procedure, where the staff member does not attend the disciplinary hearing or provide any explanation for their continued absence, after the hearing is concluded a letter will be sent to the staff member to summarily dismiss them on grounds of gross misconduct. This will include a request for the return of any RBNWL equipment or property.
- 6.2. The letter will be sent by recorded delivery to the last known address and also by standard post. A copy will also be delivered by hand to the staff member's last known address if practical. The letter will include the staff member's Right of Appeal in accordance with Appeals against Dismissal Policy.
- 6.3. The staff member's date of termination will be the date the decision was taken to dismiss them. As the dismissal is for gross misconduct no notice will be given or paid. Following dismissal, the Executive Headteacher is responsible for advising payroll of the termination date, and any outstanding leave, and for ensuring that appropriate departments are advised such as IT for systems access, buildings access, and that the request for return of RBNWL equipment is pursued.

## **7. Considerations**

- 7.1. If the staff member gets in touch or returns to work at any stage of this procedure the Executive Headteacher must meet with them to discuss the

absence and why no contact was made. It is for the Executive Headteacher to decide whether it is appropriate to arrange for a disciplinary hearing to be convened if the reason given for the unauthorised absence is not satisfactory.

- 7.2. If pay was suspended during the unauthorised absence, the Executive Headteacher must contact Payroll if the staff member returns to ensure that pay resumes. Where the absence was not certified or there is no satisfactory reason for the staff member not seeking authorisation for the absence, pay deducted for the days the staff member was absent without authorised leave will not be reinstated

## **8. Records management**

- 8.1. The Executive Headteacher is responsible for the safekeeping of this policy. This policy will be available for all staff on the staff drive.

## **9. Related legislation and documents**

- 9.1. External Documents
  - 9.1.1. ACAS AWOL best practice
  - 9.1.2. Equality act 2010
  - 9.1.3. Employment Rights Act 1996
- 9.2. Internal Documents
  - 9.2.1. Code of Conduct for all staff
  - 9.2.2. Contract of employment
  - 9.2.3. Disciplinary policy