

# LEAVE OF ABSENCE POLICY

V2

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## 1.0 Policy Statement

- 1.1. Leave of absence is not an entitlement to a number of days off per year. The purpose of leave of absence is to ensure that employees are able to manage particular circumstances that may occur in their lives where it is not possible to arrange these during school holiday periods and time off may be required. It is expected that requests will only be made for leave of absence in term time once all other possible alternatives have been considered.
- 1.2 It is also important to bear in mind that such entitlements must be considered against the overall working arrangements of the different categories of staff and, in particular, the need for arrangements to be made to cover such absences.
- 1.3 All periods of leave of absence will be recorded and considered running from 1 September to 31 August.
- 1.4 Any employee who is suspected to have abused the provision for time off may be subject to disciplinary proceedings in line with the Trust's Disciplinary Procedure.
- 1.5 This procedure does not form part of any employee's contract of employment, and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.
- 1.6 The policy has been implemented following consultation with recognised trade unions. It has been formally adopted by the Trust Board.

## 2.0 Scope and Purpose

- 2.1. The purpose of this policy is to ensure that employees within the organisation understand how requests for leave will be considered by the Headteacher/Central Director. It will also ensure that staff across the organisation are treated in a fair and consistent way when requesting time away from work.
- 2.2 The procedure applies to all employees regardless of length of service. It does not apply to agency workers.
- 2.3 This procedure is used to deal with requests for absence from work for the reasons contained within this policy. It does not cover requests for flexible working, maternity, paternity, parental or adoption leave. Information on these can be found in the relevant policy within the Trust.

## 3.0 Overarching Principles

A dependent for the purposes of this policy is:

- An employee's spouse, civil partner, parent or child.
- A person who lives in the same household as the employee, but who is not their tenant, lodger, boarder, or employee; or
- Anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in paragraph 4.4.1.

## **4.0 Responsibilities and Arrangements**

### **4.1 Process for making requests**

- 4.1.1 The Trust recognises that it may not always be possible to request certain types of leave in advance, for example, bereavement leave, compassionate leave and leave in emergency situations. Where it is not possible to request leave in advance employees should contact the Headteacher/Central Director as soon as possible to tell them the reason for the absence and the number of days leave that they anticipate being absent. The Headteacher/Central Director will then discuss the situation with you and agree next steps.
- 4.1.2 Employees should ensure that other than in emergency situations they make their request for leave in advance to enable the Trust to consider the request carefully and to ensure that cover can be implemented where required.
- 4.1.3 Employees should make a request for leave of absence on the EVERY portal. A reply will be returned to you when a decision has been made. Please note that in all cases the decision to agree to a request will be at the absolute discretion of the Headteacher/Central Director. Where a request is refused, the response will include reasons for the refusal and if you are dissatisfied with the decision, you may make a complaint under our Grievance procedure.
- 4.1.4 Where it is possible to do so in advance or when you return to work after taking time off under this policy, we might ask you to provide evidence for your reasons for taking the time off.

### **4.2 Parental bereavement leave**

- 4.2.1 Up to 2 weeks parental bereavement leave (PBL) for parents, with parental responsibility, to help them cope with the death of a child under the age of 18 years will be granted. This includes birth parents, adoptive parents, individuals who are fostering to adopt, legal guardians, most foster parents, (excluding short term and emergency foster care), intended parents under a surrogacy arrangement, looks after the child in your home other than a paid carer and have done so for at least 4 weeks and parents who suffer a still birth after 24 weeks or more into pregnancy. There is no minimum service requirement for eligibility to take this leave.
- 4.2.2 Employees may be entitled to statutory parental bereavement pay (SPBP) for parental bereavement leave if they meet the below criteria:
- Have 26 weeks continuous service with the organisation ending on the Saturday before the child died.
  - Have normal weekly earnings in the eight weeks up to the week before the child death that are not less than the lower earnings limit for NI contributions.
- 4.2.3 Parental bereavement leave will be granted as a single block of 2 weeks or 2 separate blocks of 1 week at different times. This leave must be taken within 56 weeks of the loss of the child.
- 4.2.4 If parental bereavement leave is taken straight away and during the first 8 weeks after the child has died, there is no requirement to give advance notice of PBL. However, employees should make contact with the Trust to inform of the reason for their absence.
- 4.2.5 Any parental bereavement leave taken after the initial period will be subject to at least 1 weeks' notice to the employer.
- 4.2.6 Employees taking parental bereavement will be asked to produce a written declaration to confirm they are entitled to the leave.

4.2.7 Entitlement to maternity leave and pay is not affected if a child has died or been stillborn. Maternity leave can be taken in addition to parental bereavement leave.

### **4.3 Other bereavement leave and compassionate leave**

4.3.1 Up to 5 days paid bereavement leave may be granted to help employees cope with the death of a close relative, to deal with necessary arrangements and attend their funeral.

4.3.2 Compassionate leave may be granted to help employees where they need to deal with necessary arrangements for or assist a close relative who is seriously or critically ill. This does not apply in the case of domestic emergencies, or where normal caring arrangements have been disrupted. We will consider compassionate leave for other traumatic events or difficult personal circumstances on an individual case by case basis.

4.3.3 Bereavement leave and compassionate leave may be granted in relation to a spouse, civil partner or partner, stepchild, grandchild, parent, step-parent, parent-in-law, grandparent, brother or sister, stepbrother or stepsister, or brother or sister-in-law. Children are covered separately in the parental bereavement section above. The Headteacher/Central Director may exercise their discretion in relation to any other relative or close friend, depending on the circumstances. When agreeing the amount of leave the Headteacher / Central Director will take into account the circumstances and relationship of the employee to the deceased/seriously or critically ill.

### **4.4 Dependants (Time off for)**

4.4.1 The law recognises, and we respect that there will be occasions when you will need to take time off work to deal with unexpected events involving one of your dependants. Up to 2 days paid leave of absence may be granted per year to care for a dependent (as defined in 3.1). All employees have the right to take a reasonable amount of unpaid time off work when it is necessary to:

- Provide assistance when a dependant falls ill, gives birth, is injured or assaulted.
- Make longer-term care arrangements for a dependant who is ill or injured.
- Take action required in consequence of the death of a dependant.
- Deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant; and/or
- Deal with an unexpected incident involving their child during school hours (or those of another educational establishment).

4.4.2 Employees are only entitled to take reasonable time off under this policy where there is an immediate crisis, and it is necessary to take action in relation to a dependent. This will depend on the nature of the problem, the closeness of the relationship between you, and whether someone else is available to assist. Reasonable time off will not normally be more than 1 or possibly 2 days and in most cases will be less than a day. However, we will always consider each set of circumstances on their facts.

4.4.3 If you know well in advance that a problem might arise or you wish to take time off to care for a dependant yourself, rather than make alternative arrangements, this policy will not apply. You should make other arrangements to deal with such situations.

4.4.4 You will only be entitled to time off under this policy if, as soon as is reasonably practicable, you tell the Headteacher/Central Director:

- The reason for your absence; and
- How long you expect to be away from work.

4.4.5 If you fail to notify us as required by paragraph 4.4.4, you may be subject to disciplinary proceedings under our Disciplinary Procedure for taking unauthorised time off.

#### **4.5 Domestic, personal and family reasons**

4.5.1 Up to 5 paid days leave of absence may be granted for domestic reasons (urgent or otherwise). It is expected that those employees who have the option to choose when to take their leave, will use their annual leave entitlement before making a request for domestic reasons.

Leave to be granted under this provision may include the following, but the Headteacher/Central Director will consider each set of circumstances on the facts, including the nature of the request, the relationship of the employee to the person the request relates to where applicable and whether the event or incident is an exceptional circumstance that could not be arranged outside of normal working hours:

4.5.2 Moving house. Employees should normally make arrangements for moving house outside normal working days. Where this is not possible, up to a day's leave may be granted by the Trust.

4.5.3 Wedding or civil partnership ceremony. Employees should make their own wedding/civil partnership arrangements outside normal working days. Up to one day's paid leave may be granted by the Trust to enable employees to attend a close relatives or close friend's wedding or civil partnership ceremony where this is held during normal working hours.

4.5.4 Other special events. The Trust recognises that in exceptional circumstances there will be special events in an employee's family life that cannot be arranged outside normal working days e.g. graduation ceremonies, school productions, sports day. The Trust will consider requests for time off for these purposes.

4.5.5 Urgent domestic business. This would enable school staff to deal with emergencies of a domestic nature e.g. flooding, structural damage, burglary etc.

4.5.6 Special absence for other personal or family reasons, e.g. to visit relatives who live abroad or to nurse a sick person may also be considered in exceptional circumstances. A holiday will not be considered as an exceptional circumstance.

4.5.7 Plans or arrangements for the time off should not be made by the employee until they have received a decision in relation to their request and their request is granted, if appropriate.

#### **4.6 Health and welfare**

4.6.1 Employees are expected to make routine medical appointments on their non-working days/outside working hours. Where it can be demonstrated that it is not possible to obtain appointments outside of working hours the Headteacher or Central Director may grant unpaid time off for reasons of the personal health and welfare of an employee. For example, visits to a doctor, dentist, optician, and clinic. Hospital appointments that cannot take place outside of working hours will be paid. The Trust will expect employees to provide evidence of their requirement to attend any medical appointments during working hours.

4.6.2 All employees are encouraged to attend medical appointments for preventative screening, such as smear tests, mammograms, prostate examinations. These appointments are covered by this policy.

- 4.6.3 Employees who donate blood or other medical tissue are encouraged to do this outside of working hours. Where this is not possible requests for time off to attend these appointments will be considered under this policy.
- 4.6.4 Requests for time off for medical appointments in relation to adoption, pregnancy or a disability will be considered under the Trust's Maternity, Paternity, Adoption, parental and Shared Parental leave policy that covers these circumstances.
- 4.6.5 Employees who are planning to undergo a course of fertility treatment or are planning to become a surrogate should discuss with the Headteacher/Central Director their treatment plan and requirements for time off. The Trust will consider these cases based on the individual circumstances.

#### **4.7 Secondments, extended leave of absence, career breaks and extended study leave**

- 4.7.1 In the event that an employee requests an extended period of unpaid leave, the Headteacher/Central Director will consider the taking request taking into account any financial, organisational or educational effects on the school and/or team, and the circumstances and reasons given by the individual. The Headteacher/Central Director will seek advice from the central HR team where necessary.
- 4.7.2 Beckfoot Trust will not normally approve absences of more than two years in length and may require that the dates of commencement and ending are consistent with the practicalities of recruiting temporary cover staff.

#### **4.8 Interviews**

- 4.8.1 Beckfoot Trust accepts that employees will have little or no control over when an interview will take place and therefore may grant time off for interviews. Interviews for posts connected with education is with pay, all other interviews are without pay.
- 4.8.2 Employees must inform their Headteacher/Central Director of the time, date and duration of the interview as soon as they have this information so that the request can be considered promptly to avoid disappointment. The Trust can ask employees to provide evidence of interview.

#### **4.9 Time off for public duties**

- 4.9.1 The Trust supports employees to perform certain public duties that they may be committed to undertake and will give them time off to do so where it does not conflict with the operational needs of the school / team. The Trust is not obliged to grant employees paid leave for these purposes. The circumstances in which we are prepared to do so are set out below:

##### **4.9.2 Jury service**

Employees should tell the Headteacher/Central Director as soon as they are summoned for jury service and provide a copy of the summons if requested.

Depending on the demands of the Trust, we may request that the employee applies to be excused from or have the jury service deferred.

The Trust is not required to pay employees while they are absent on jury service. You will be advised at court of the expenses and loss of earnings that you can claim. We pay basic pay to employees who are doing jury service less any amounts you can claim from the court for lost earnings.

### 4.9.3 Voluntary public service

Employees are entitled to a reasonable amount of unpaid time off work to carry out certain public duties. All employees may be granted up to 5 days' paid leave to perform voluntary public service duties. Any additional leave will be granted on an unpaid basis subject to the exercise of our discretion to grant further paid leave.

Public service duties include service as a:

- Tribunal member
- Magistrate
- Local councillor
- Member of an NHS Trust
- Prison visitor
- Lay visitor to police stations
- School/Academy/Trust governor

If you are unsure whether a public service that you perform is covered by this policy, you should speak to the Headteacher/Central Director.

As soon as you are aware that you will require time off for performance of a public service you should notify the Headteacher/Central Director in writing, providing full details of the time off that is being requested and the reasons for your request.

The Trust will agree to requests for time off to undertake public duties wherever reasonably possible having regard to the criteria set out in this policy. If it is not possible to accept a request, you will be given written reasons for our decision.

Each request for time off will be considered on its merits, in the circumstances in which it is made including:

- Whether the activity is reasonable in relation to your employment.
- How much time off is reasonably required for the duty in question?
- How much time off you have already taken for the public duty in question?
- How your absence will affect the organisation.

### 4.9.4 Reserve forces duties

We are aware that employees who are members of the Reserve Forces (the Territorial Army, Royal Navy Reserve, Royal Marines Reserve or Royal Auxiliary Air Force) may be called-up at any time to be used on full-time operations and will be expected to attend regular training.

Employees who need time off for reservist commitments are expected to use existing holiday entitlement. In exceptional circumstances we may grant additional leave (either paid or unpaid) in order for these commitments to be met.

Whilst we will do everything possible to meet your request for leave it may not always be possible for operational reasons. If we receive notice that you have been called-up there may be occasions when we need to apply to an adjudication officer for the notice to be deferred or revoked if your absence would cause serious harm to the organisation (which could not be prevented by the grant of financial assistance).

Once your military service has ended you may submit a written application for reinstatement to your employment. This should be made by the third Monday following the end of your military service and you should notify us of the date on which you will be available to restart work.

If it is not reasonable and practicable to reinstate you into your former employment, we will offer you the most favourable occupation on the most favourable terms and conditions which are reasonable and practicable.

#### **4.10 Professional examination duties**

4.10.1 The Trust will authorise leave for teachers to undertake professional duties in connection with GCSE, GCE A Level and other public examinations in line with the provisions of the Burgundy Book (Section 6). This also gives details of how the school may be reimbursed when a teacher has to be released.

#### **4.11 Redundancy – support for job seeking**

4.11.2 Employees who have been identified by the Trust as redundant will be allowed reasonable time off during working hours to support them with securing alternative employment or to arrange training for future employment. The amount of time-off is at the discretion of the Headteacher/Central Director. Each case will be considered on its merits.

#### **4.12 Religious festivals**

4.12.1 Employees whose religious beliefs require the observance of festivals which fall on days upon which they would normally work, may be granted up to 3 days leave with pay. This is a special arrangement for those staff who do not have a holiday entitlement other than during the school closure periods. The days can be taken only for the purpose of attendance at a religious ceremony or for observation of a religious festival, which the employee is under a moral obligation to attend or observe by reason of his/her membership of, or office in, a church or religious order. If the religious ceremony or festival falls at a weekend the time off is not transferable to the following working day.

4.12.3 Staff who are on all year-round contracts must use their normal holiday entitlement for the purpose of religious observance.

4.12.4 Employees must inform the Headteacher/Central Director at the start of each academic year of any dates that they may need to request time off for. Where this is not possible employees should provide this information as soon as they are able to and no later than 10 working days before the date of the requested leave.

4.12.5 The Trust's policy on the extended leave needed for Hajj is included at Appendix 1 to this document. Other requests for substantial religious leave will be considered on the same basis.

#### **4.13 Time off for trade union duties and activities**

4.13.1 Beckfoot Trust wishes to support employees with time off for trade union activities.

Trade union representatives are entitled to reasonable paid time off to carry out trade union duties and activities, to undergo training and to accompany a worker to a grievance or disciplinary hearing. A trade union representative means an officer of the union or an employee elected or appointed in accordance with the union's rules to be a representative of union members in the workplace.

Union learning representatives have a right to reasonable paid time off to perform their duties and undergo training.

Union members have a right to reasonable unpaid time off when taking part in trade union activities.

4.13.2 Employees should be aware that there will be occasions where, for operational reasons, or where the Trust believe the time off to not be reasonable, requests can be declined. Each application for time off will be assessed on its merits and the determination will ultimately depend on the needs at the time of the request and consideration will be given to:

- The nature and timing of the request
- The amount of time off previously granted or planned for the future
- The number of representatives or members seeking time off within a given period; and
- The legitimate need of the union representative or union learning representative to discharge their functions.

If a union representative, union learning representative or union member is aggrieved by a decision to refuse time off to undertake their duties, training or activities, they should raise the matter in accordance with Beckfoot Trust's grievance procedure.

#### 4.13.3 Time off for union representatives - duties

Employees who are representatives of an independent trade union recognised by the Trust for collective bargaining are permitted reasonable paid time off to carry out their duties in connection with:

- Negotiations in relation to collective bargaining
- The performance of other permitted functions related to collective bargaining.
- Information and consultation over collective redundancies or TUPE transfers; and
- Agreeing new terms for the workforce following a TUPE transfer in an insolvency situation.
- Undergo training in aspects of industrial relations relevant to those duties which has been approved by the Trades Union Congress or by the trade union.
- Accompany a fellow worker to a disciplinary or grievance hearing.

#### 4.13.4 Time off for union members - activities and learning

An employee who is a member of an independent trade union recognised by the organisation in relation to their position is permitted reasonable unpaid time off to take part in a trade union activity or to consult a union learning representative. Examples of trade union activities include voting in union elections and attending relevant workplace union meetings, but not participating in industrial action.

#### 4.13.5 Time off for union learning representatives

Employees who are members of an independent trade union recognised by the Trust can take reasonable time off to perform duties as a union learning representative, providing that the union has given the Trust notice in writing that the employee is a learning representative of the trade union and that the representative is, or will be, sufficiently trained to carry out the learning representative duties. The purpose of a learning representative includes arranging training, promoting the value of training and analysing training needs

#### 4.13.6 Requesting time off - trade union representatives and learning representatives

Employees that are trade union representatives or trade union learning representatives should ensure that their trade union has provided written confirmation of this to the Trust.

The Headteacher/Central Director will meet with the employee to discuss their union role and the amount of time and facilities that the Trust believes to be reasonable to enable the employee to carry out their union duties.

When making a request for time off the employee should provide as much notice as possible and give further details, such as the location, timing, duration and purpose of the time off. The Headteacher/Central Director will look at each request and the circumstances before deciding what is reasonable.

Both parties accept the need to be flexible within this process and recognise their duties and obligations to the Trust. The parties will seek to agree a mutually convenient time for the duties or activities, with minimum disruption to the teaching and learning at the school. Where possible, the recognised trade union(s) will arrange workplace meetings towards the end of the working day or near break times.

#### 4.13.7 Requesting time off - trade union members

Employees who want to request time off for trade union activities during working hours should make a request to the Headteacher/Central Director giving as much notice as possible and provide further details, such as the location, timing, duration and purpose of the time off. The Headteacher/Central Director will look at each request and the circumstances before deciding what is reasonable.

### 4.14 Severe weather and disruptions to public transport

4.14.1 Beckfoot Trust recognise that employees may face difficulties travelling to and from the workplace during severe weather conditions or when there are major disruptions to public transport (this is not in circumstances of a high volume of traffic or normal disruption to public transport). If your normal mode of transport cannot be used to get to work, you should explore alternative means of safe transport.

Although we expect you to make a reasonable effort to attend work in all circumstances, it is not our intention for you to put yourself at unnecessary risk. However, at the same time we must also ensure that any disruption remains minimal.

#### 4.14.2 Lateness

- If you realise that, due to severe weather conditions or disruptions to public transport, you are likely to be late for work, you must telephone the school as soon as possible to explain the situation and give an estimate of when you expect to arrive at work.
- If the lateness amounts to half your normal working day or more, the arrangements set out below in relation to absence will apply.

#### 1.14.3 Absence

- Where the Headteacher/Central Director is satisfied that you have made every reasonable effort to attend work but have been unable to do so due to severe weather conditions or public transport disruptions, you will be paid your normal pay for the day.
- Where Headteacher/Central Director is satisfied that you have made every reasonable effort to attend work but have been unable to do so due to severe weather conditions or public transport disruptions, you will be required, if possible, to work remotely until the situation has improved.
- Where it is not possible to accommodate a remote working arrangement, you will be entitled, in consultation with Headteacher/Central Director to take the day as unpaid leave.

#### 1.14.4 Childcare provision (school or nursery) closures

Where schools or nurseries close due to bad weather or public transport and you are unexpectedly required to provide or arrange care for a dependant, the Dependants (time off for) section will apply.

#### 1.14.5 School closure

The Headteacher may decide to temporarily close the school in extreme cases of bad weather or disruptions to public transport. If this is necessary, we will inform you as soon as possible. You will be required to work remotely where it is possible to accommodate a remote working arrangement. You will be paid your normal pay during the period of closure.

#### 1.14.6 Leaving work early

The Headteacher will decide on a case-by-case basis if, due to severe weather conditions or disruptions to public transport, it is appropriate for you to leave work early, taking into account your individual circumstances (for example, where you live and your mode of transport) and the needs of the organisation. In such cases you will be paid your normal pay.

If you leave work early, you may be required to work remotely where this is possible.

#### 1.14.7 Health and safety

We have a duty to ensure the health, safety and welfare at work of all our employees. You also have a duty to take reasonable care for your own health and safety and that of any other person who may be affected by your acts or omissions. This includes taking extra care when travelling to and from the work in severe weather conditions.

Beckfoot Trust will undertake regular risk assessments to ensure employees working in these conditions are properly instructed, provided with the appropriate clothing and equipment, and given adequate rest breaks.

### 4.15 Appeals

4.15.1 Appeals will be considered under the Trust's grievance procedure.

## 5.0 Retention and Data Protection

5.1 Through the application of this policy, Beckfoot Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Procedures and in line with the requirements of the Data Protection Legislation.

## 6.0 Review of Policy

6.1 This policy is reviewed and amended annually by the Executive and in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

## Appendix 1

Any request made for a substantial period of leave in order to carry out religious obligations for members of any religion will be considered on the same basis as set out in this policy.

### Aims of Policy

The purpose of this policy is to set a framework for the Trust to manage and administer requests from Muslim staff wishing to perform the obligatory pilgrimage of Hajj.

### Policy Statement

The Trust recognises the difficulty, which results from the academic year following the Gregorian and not the Hijri calendar, which means that Hajj can fall during times when the school is in session. Beckfoot Trust respects that Hajj is one of the five pillars of Islam and is an obligation upon Muslims once in their lifetime, financial/health conditions permitting. Beckfoot Trust is committed to providing high quality education whilst having a balanced approach to the religious needs of its staff. Staff requests for leave for Hajj will be considered according to the following criteria:

In order to minimise any possible disruption to colleagues and students, staff wishing to apply for the obligatory Hajj leave will notify the CEO and the Headteacher/Central Director in writing by the end of Ramadan for the following Hajj.

Staff wishing to perform the obligatory Hajj may apply for a maximum of three weeks unpaid leave (see "Unpaid Leave" for advice where school holidays are included).

In order to balance the needs of students and the need for staff to make the obligatory Hajj pilgrimage, Muslim staff will be granted Hajj leave subject to the school or Trust's ability to release staff without an adverse impact on service delivery.

All Muslim staff will be considered with fairness irrespective of their professional status within Beckfoot Trust. Applications will normally only be considered for the obligatory (first) Hajj. In exceptional circumstances requests made on compassionate grounds may also be considered by the Trust.

Permissions/requests for Umrah or non-obligatory Hajj will not be considered during term time except in exceptional compassionate grounds.

When making a request to undertake Hajj staff are asked to consider the effect their absence might have on the students with whom they work.

The initial decision on whether or not to grant exceptional leave for Hajj will be made by the CEO who will consider the written application made by the staff member. Any appeal against the decision will be heard by the Trust's appeals committee. The staff member may put his or her case in person to the Appeals Committee, assisted by a trade union representative or a work colleague.

The Headteacher/Central Director may present the management case to the CEO at the first hearing and at the appeal hearing.

In accordance with the Trust's overall policy on leave of absence, staff should not book tickets etc. before the Hajj leave has been approved.

Overstaying an approved absence may be considered as unauthorised absence (unless there are substantial grounds for having done so – staff in this situation should keep any evidence) and could lead to disciplinary action.