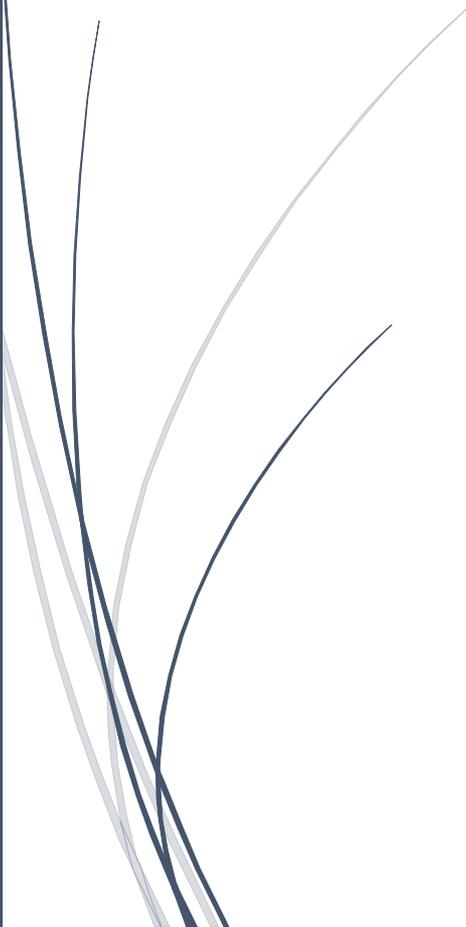


9/29/2021

# Hillstone Primary School

Management of Sickness Absence Policy  
2021





## Model Policy and Procedure for the Management of Absence

### 1. Introduction

- 1.1 The Governing Body recognises its responsibility for the health, safety and welfare of its staff. This Absence Policy sets out our procedures for the reporting and management of absence in a fair and consistent way. This policy places emphasis on proactive support for staff in the event of ill health difficulties and general absences. This policy does not form part of any employee's contract of employment and it may be amended at any time.
- 1.2 It is the responsibility of management to monitor and control absence and to respond effectively to actual and potential problems. The school has standards for attendance of staff as it does for pupils. It is the responsibility of the Head Teacher and all levels of management to ensure these standards are achieved and to raise awareness of the effect of absence levels on the quality and continuity of teaching and learning and other aspects of the effectiveness of the work of the school. In addition, managers have a clear obligation placed on them to identify and address problems in the work environment and/or job factors that may be contributing to staff absence.
- 1.3 Absences can vary from short intermittent periods of absence to a continuous period of long-term absence and have a number of different reasons.
- 1.4 The Head Teacher is responsible for monitoring the implementation of the procedure across the school to ensure that the procedure is communicated to employees and that it is applied consistently. Levels of absence will be monitored and will record the average number of working days lost due to absences per full time equivalent employee and identify areas where the work of the school, in particular the continuity of teaching and learning, is being affected by absence levels. This will include a breakdown of total absence into long term and short-term absence (normally more than 28 days) and reasons for absence. The information will be reported to governors on an anonymised basis. The procedure sets out the steps which the Head Teacher and line managers will normally follow when staff absence occurs.
- 1.5 In normal circumstances, Managers with authority to have Return to Work discussions are:  
Business Manager and HR Manager

Managers with authority to hold Informal Absence Meetings are:  
Business Manager and HR Manager

Senior Managers with authority to hold Stage 1 Meetings (and review Stage 1 decisions at appeal) are:  
Deputy Head, Assistant Head and the Business Manager

The Head Teacher has authority to hold a Stage 2 meeting.  
In the event that the Head Teacher has held the Stage 1 meeting, the Stage 2 will be considered by a committee of Governors.

## **2. Employees' Responsibilities**

2.1. Attend work when fit to do so

2.2 Follow the Notification of Absence procedures:

2.1.1 An employee in a school who is prevented from reporting for duty shall personally notify Head Teacher or Deputy Head Teacher by telephone before 7.00 a.m. on the FIRST DAY OF ABSENCE.

2.1.2 If an employee does not report for work and has not explained the reason for absence then the HR Manager/Business Manager will try to contact the employee, by telephone. This must not be treated as a substitute for reporting absence.

2.1.3. The employee should state the reasons for their absence, the likely duration and confirm the actual date they became unwell. In exceptional circumstances, if the employee is not well enough to make contact personally, it may be appropriate for a close relative to facilitate contact, but they must have the appropriate information available to provide an informed update. They need to specify exactly when the absence started as this relates to their pay entitlement.

2.1.4 A medical certificate (Fit Note) must be provided from the EIGHTH day of absence (including Saturdays and Sundays).

2.1.5. In cases where the first medical certificate (Fit Note) covers a period exceeding fourteen days or where more than one medical (Fit Note) is necessary the employee must obtain a final medical certificate (Fit Note) certifying fitness for work.

2.1.6. Employees must continue to submit medical certificates (Fit Notes) during school closure periods. In the event that an employee becomes fit during a school closure period then Paragraph 2.1.5 applies.

2.1.7. Informal discussions with absent employees may be appropriate before consideration is given to formal stages. Early support may take the form of preventative action, including referrals to occupational health, physiotherapy, counselling, mediation, or risk and/or stress risk assessments as appropriate.

2.3 Self Certification

All employees must complete a self-certification form detailing the reason for absence for any period of sickness absence up to seven days. The self-certification form must be completed immediately on return to duty.

2.4 Attend an Occupational Health Appointment

An employee shall, if required at any time, attend a medical examination by a registered medical practitioner nominated by the school, subject to the provisions of the Access to Medical Reports Act 1988 where applicable.

2.5 Ensure medical advice and treatment is obtained and adhered to in order to facilitate a return to work as soon as possible.

## **3. Contact with Absent Employees**

3.1 There is a shared responsibility between managers and employees to maintain reasonable contact during periods of absence. If an employee fails to contact the Academy, it is reasonable for the Head Teacher, or nominated manager to initiate communication as part of his or her duty of care. This may prevent the employee from feeling isolated and may provide the opportunity to:

- Discuss his or her welfare and offer support as appropriate (e.g. referral to OH, risk assessments); and/or
- Find out about a likely return date (if known) so cover can be arranged; and/or
- Agree the method and frequency ongoing contact whilst the employee remains absent; and/or
- Provide key work updates as necessary.

3.2 It must not be assumed that an employee who is suffering from a serious illness or one whose sickness is described by the GP as stress or depression is incapable of discussing his or her condition with a manager or occupational health. A referral to occupational health may be necessary if the employee and their GP are stating that they are unfit to attend a meeting. The Academy should contact their nominated HR Consultants for advice.

3.3 The Chair of Governors must also ensure that the Academy has appropriate arrangements for reporting and managing a Head Teacher's absence (including maintaining reasonable contact) to ensure consistency with other employees.

#### **4. Reimbursement of Cost of Doctors' Statements.**

4.1 Where the Head Teacher requires a medical certificate (Fit Note) from an employee, the employer shall on provision of a receipt, reimburse the employee if a charge is made for the statement.

#### **5. Absence Indicators**

5.1 Absence indicators can help manage attendance by:

- Alerting the Academy that an employee is having frequent and regular absence; and/or
- Encouraging early dialogue with employees in order to improve attendance levels and establish clear expectations; and/or
- Providing a consistent approach when monitoring attendance levels; and/or
- Helping the Academy identify possible trends so that preventative measures can be put in place.

5.2 Whilst each case of absence should be considered individually and may not result in formal action, the following absence indicators should prompt a review of the absence(s) and an informal discussion with the employee. Depending on the circumstances, it may also be appropriate for the Academy to have an informal discussion and to offer support to an employee before the absence indicators below have been reached.

5.3 For consistency, the following absence indicators should be used:

- Two or more separate episodes of absence within a term (and episode if any period of absence lasting a working day or more); and/or
- A continuous absence lasting four continuous weeks or more; and/or
- Any other absence trend which is giving cause for concern e.g. The persistent Friday and/or Monday absentee or an employee who is repeatedly absent at certain points in the year.

#### **6. Illness or Injury Arising from Work**

6.1 Any accident arising out of or in the course of employment with the school must be reported and recorded in accordance with the procedures laid down by the school. The accident will be subject to investigation and report by an employee authorised for the purpose by the school;

6.2 Where an employee seeks medical advice about an absence which is suspected or alleged to result from the nature of his or her employment, the employee must report relevant information to the Head Teacher or Senior Manager at the first opportunity;

- 6.3 In the case of the first, and any subsequent absence, due to industrial disease or accident, an employee shall submit, at any time during such absence, if so required by the employer, to a medical examination by a registered medical practitioner nominated by the school.

## **7. Phased Return to Work Arrangements**

- 7.1 Depending on the nature and length of an employee's absence, a phased return to work on full pay may be appropriate. Such an arrangement should be considered and discussed with the employee **before** he/she returns to work and advice sought from occupational health where appropriate.
- 7.2 If the employee plans to return to work having fully recovered after a long period of absence, it may be reasonable for either party to propose a short period of adjustment through a phased return to work. This allows the employee to build up their hours of work, responsibilities and duties gradually. A phased return may not be necessary or appropriate in every case.
- 7.3 The phrase "phased return" is also used by GPs when advising that an employee, whilst not fully fit, may be fit for some duties. During the first six months of an employee's absence, a GP can recommend in a fit note that an employee may be fit to work if certain adjustments are made before the employee returns, including a phased return of up to three months. This provision was introduced to help employees return to work sooner than might otherwise have been the case. Occupational health can also make recommendations about the type and duration of a phased return to work.
- 7.4 If based on the Academy's needs, it is not possible to accommodate the proposals made by a GP or occupational health about a phased return to work, it may be necessary for the school to treat the fit note as if it says the employee is not fit for work (so that the employee remains on sick leave until they have fully recovered) or to agree a mutually agreed and convenient alternative such as a temporary reduction in hours.
- 7.5 A record of discussions with the employee about either type of phased return should be retained with a copy issued to the employee. It is often helpful to include the employee's trade union representative or a work place colleague of their choice in these discussions. If a phased return is agreed, it is useful to provide review meeting(s) at suitable points, to ensure that the employee is coping.

## **8. Return to Work**

- 8.1 Where an employee returns to work on a part time basis following long term absence, with the expectation that they will be able to work their full contractual hours within a reasonable period of time, on medical advice provided by the Occupational Health doctor, the following arrangements will normally be made in relation to pay:

Where the employee has exhausted their pay, the salary payment made will be based on the number of hours worked. Where the employee has not exhausted sick pay, the employee will be paid in accordance with the number of hours worked, or the occupational pay entitlement that would be payable if the employee remained absent, whichever is the greater amount.

- 8.2 If the employee returns to work with a Fit Note which states 'may be fit for work', the advice on the note will be discussed and consideration will be given as to how it impacts upon the job, the workplace, pupils and colleagues. The G.P's functional comments, any of the return to work tick boxes, and any other action that could facilitate a return to work will be considered with due regard to the Equality Act. Options may include a phased return to work, altered hours, amended duties or workplace adaptations. If a return to work is possible, the agreed action plan will be documented and implemented. If it is not possible to provide the support suggested by the G.P, the note will be used as if the G.P had advised 'not fit for work'. The employee will not need to

return to their G.P to obtain a revised statement. An Absence Interview will be held to review the support in place at an appropriate time.

- 8.3 Consideration will be given as to whether a risk assessment is required to ensure the health and safety of the employee in light of the reason for their ill health, for example a stress, ergonomic or more general risk assessment may be required.
- 8.4 The employee may return to work before the expiry of a Fit Note without going back to see their doctor, even if their G.P has indicated that they need to assess them again. This will not breach the school's Employer's Liability Compulsory Insurance, providing a suitable risk assessment has taken place if required.

## **9. Trade Union Representatives**

- 9.1 Trade union stewards are subject to the same standards of attendance as other employees. However, to ensure that they are not discriminated against as a result of carrying out their legitimate trade union duties, no action under the formal process will be taken against a recognised trade union representative without prior discussion with the full time trade union officer.

## **10. Probationary Periods for Support Staff**

- 10.1 All staff employees are subject to a probationary period. Absence issues that arise during a staff employee's probationary period will be taken into account in determining whether or not the probationary period is completed satisfactorily and this procedure will not apply.

## **11. Equality Act**

- 11.1 The governing body fully recognises its legal obligations to fulfil the requirements of the Equality Act and that a failure to comply with this duty will amount to an act of discrimination. In the event that this procedure is applied to an employee who is disabled under the Equality Act, a detailed investigation will be undertaken to ensure that the school's legal obligations have been fully met, in particular with regard to an analysis of requests for reasonable adjustments, the implementation of those adjustments and the effects of these adjustments.
- 11.2 Absences due to an employee's disability under the Equality Act will not be taken into account when monitoring levels of absence, unless there is an objective justification; for example, where the impact of the absence on teaching and learning cannot be reasonably tolerated. Guidance must be obtained from EPM before any action is initiated.

## **12. False Information**

- 12.1. The provision of any false information could result in disciplinary action being taken, including the possibility of dismissal.

## **13. Attendance at Meetings**

- 13.1 Throughout this procedure, if an employee indicates that they are too unwell to attend a formal or informal meeting they will be given the option to:
- Meet in a neutral venue or at their home; or
  - Attend via telephone conference; or
  - Send a trade union representative or work colleague to represent them providing appropriate written consent; or
  - Provide a written submission; or

- Request that the meeting takes place in their absence.
- 13.2 If an employee fails to communicate their wishes with regard to the above, the meeting may take place in their absence with the outcome communicated to them in writing. Meetings will not be postponed beyond 5 days unless there is medical evidence that the employee is not medically fit to take part by any of the means described above.
- 13.3 Any senior manager visiting an employee's home will be accompanied by another manager; the employee will be entitled to be accompanied by a person of their choice at a home meeting.

## **14. Informal Procedure**

### **14.1 Return to Work Discussion**

When an employee returns to work following any period of absence, the HR Manager, Business Manager or Line Manager will normally meet with the employee. The purpose of this meeting is to determine the reason for the absence and, where appropriate, offer assistance and support. It is also an opportunity to identify any difficulties that the employee is experiencing in carrying out the duties of the post. The return to work discussion will be held as soon as possible, upon the return to work. It will be private and confidential. The manager needs to maintain a balance between concern for the employee's welfare, without being too intrusive into their personal circumstances, and for the need of the school. A note of the meeting will only be made if there are action points arising from it. A note of the meeting will be made and the employee will be provided with a copy.

### **14.2 Informal Absence Interviews**

Absence interviews will be arranged with employees whenever it is considered necessary and/or whose absence record falls into the following categories:

- a total of 7 working days' absence within 1 term
- 10 working days within 3 terms or
- unacceptable patterns of absence

In preparation for the meeting the Manager will:

- Consider the school's statistical data on levels and types of absence for all staff to ensure consistency.
- Confirm that the "trigger" point has been reached or that the record shows a pattern of absence or some other factual data which identifies the cause for concern.
- Consider the job description and the impact of the absences on the work of the school and on the work group.

The line manager will use an Absence Interview Proforma as the agenda for the meeting and give the employee a completed signed copy after the meeting. There is no entitlement for the employee to be accompanied at an informal Absence Interview. A note taker may be present but that will not normally be necessary.

### **14.3 Monitoring Period Following Absence Interview**

After conducting an absence interview, the HR Manager or Business Manager will review or monitor the employee's attendance for a further period - normally this will be for a period of one month and no longer than three months. Further interviews may take place during the monitoring period if there is more absence.

The HR Manager, Business Manager or Line Manager will assess the employee's absence record and its effects on the work of the school, and attempt to establish reasons for the

absences; identify underlying trends and seek to offer any assistance to the employee (e.g. Occupational Health Services) with a view to supporting the employee and improving the employee's attendance record.

During the monitoring period, the Head Teacher may require that any period of absence is covered by a medical certificate (Fit Note). If the employee has a fit note which states 'may be fit for work', the process in 8.3 will also be followed. If the suggested support cannot be reasonably accommodated in order to facilitate the employee's return to work, a decision may be made to move to the formal part of the procedure.

14.4 Where the HR Manager, Business Manager or Line Manager is of the view that the employee's attendance has not improved to acceptable standards after the review period, the HR Manager, Business Manager or Line Manager should either inform the employee that the issue will:

- be referred to Stage 1 of the formal procedure. A letter requiring attendance at a Stage 1 meeting will be sent to the employee
- or
- if there are exceptional circumstances, extend the review period.

## **15. Formal Procedure**

### **15.1 Stages in the Process**

There are two stages in the formal process. The type of case (i.e. short or long term absence) will determine the need to move either through the stages (short term absence), or, in some circumstances, directly to Stage 2 (long term absence). The procedure can end at any point in the process if there is sustained improvement. If further concerns arise within 12 months of a Stage 1 meeting being held, the procedure may resume at Stage 2.

15.2 Before starting the formal procedure, managers will satisfy themselves that sufficient reasonable action has been taken under the informal procedure to:

- seek medical advice from occupational health;
- consider whether the employee has a disability under the Equality Act;
- consider any support, training and adjustments that have been requested or implemented and the outcome of these actions;
- whether there is any other work related issues.
- ensure that the employee has been consulted throughout the informal process;
- consider all of the circumstances and available information.

## **16. Preparation for Stage 1 Formal Meeting**

16.1 A Senior Manager will arrange a formal meeting with the employee, giving him/her normally within 5 to 10 working days' notice, in writing, of:

- the reason for the meeting, outlining the concerns about the employee's attendance;
- the time, date and location of the meeting;
- who will be conducting the meeting and who else will be present;
- copies of any documents to be referred to including any previous action plan;
- the employee's right to be accompanied and/or represented and to refer to any documents if he/she wishes; and
- the requirement for the employee to provide 2 days prior to the meeting:
  - . the name of his/her representative (if applicable); and
  - . copies of any papers to be referred to and other parties to be called
  - . (if applicable).

## **17. Stage 1 Meeting**

- 17.1 At the stage 1 meeting the Senior Manager will (normally with advice from an EPM advisor):
- explain the purpose of the Stage 1 meeting;
  - set out the standard(s) of attendance expected of the employee;
  - explain how the employee's attendance has been assessed as falling below these standards and the effect of this on service delivery/colleagues;
  - review the results of the informal procedure, including any measures taken
  - to support the employee so far, any work related issues and any medical reports and advice received;
  - give the employee and/or his/her representative the opportunity to explain;
  - any mitigating circumstances
  - try to establish the reasons, including any underlying causes, for poor attendance, and seek agreement from the employee for a further referral to Occupational Health if this is required
  - confirm, where appropriate, that the poor attendance is due to an ill-health issue
  - if appropriate inform the employee that they may wish to consult their pension scheme provider with regard to ill health benefits.
  - discuss the way forward and determine an action plan that clearly identifies:
    - . the improvements necessary to achieve the expected standards;
    - . the timescale for improvement;
    - . how attendance will be measured/monitored;
    - . additional support/training to be provided; and
    - . the review period, (normally one month and no more than three months);
- 17.2 Within 5 working days of the formal stage 1 meeting the Senior Manager will write to the employee to:
- confirm the action plan in writing; and
  - advise the employee that if he/she fails to achieve the improvements in the review period a Stage 2 meeting will be arranged where dismissal for lack of capability due to ill-health will be considered;
  - confirm the employee's right to ask that another Senior Manager or Governor(s) review(s) the decision at an appeal meeting
- 17.3 Stage 1 Review Period
- The Senior Manager will ensure that during the review period the employee's attendance is closely and objectively monitored. Normally, weekly supervision meetings will be held between the employee and the Senior Manager to ensure:
- effective monitoring;
  - appropriate support is given to the employee;
  - positive feedback is given where possible; and
  - if further problems in attendance are identified, the reasons are discussed.
- 17.4 Notes of the monitoring process will be kept by the Senior Manager and a copy provided to the employee. The notes may be referred to at Stage 2 of the procedure.

## **18. Review Period Evaluation**

- 18.1 If, at the end of the review period, the employee's performance has improved to acceptable standards, no further action will be taken under this procedure, unless standards are not sustained during the next 12 months.
- 18.2 The decision to take no further action will be confirmed by the Senior Manager in writing, within 5 working days. This letter will also confirm that the improved attendance must be sustained consistently during the next 12 months and explain that if there are further issues, the Absence procedure may be invoked at Stage 2. A copy of this letter will be kept on the employee's personnel file.

- 18.3 An employee, who sustains the improved performance consistently over the 12-month period, will receive a further letter to acknowledge his/her continued efforts and confirm that any future attendance issues will be dealt with informally in the first instance.
- 18.4 If at the end of the review period, the employee's attendance has not improved to acceptable standards:
- the issue will be referred to the Head Teacher under Stage 2 of the procedure.
  - Or
  - in exceptional circumstances the review period will be extended.
- 18.5 If the employee is in a Pension Scheme, s/he will be given the option to explore eligibility for an ill health pension award prior to convening a Stage 2 Meeting.

## **19. Preparation for a Stage 2 Meeting**

- 19.1 The Senior Manager will hold a formal meeting with the employee giving him/her, normally within 5 to 10 working days, in writing:
- the reason for the meeting, outlining the outstanding concerns about the employee's work attendance due to ill-health;
  - the time, date and location of the meeting;
  - who will be conducting the meeting and who else will be present;
  - any documents to be referred to in the discussions, including, as appropriate, previous action plans, notes of the monitoring process, copies of reports received from Occupational Health
  - the employee's right to be accompanied and/or represented, to call other parties and to refer to any documents he/she wishes, copies of which should be sent to the Senior Manager 2-days in advance of the meeting; and
  - the possible consequences of the meeting, i.e. that it may result in the employee's dismissal on the grounds of lack of capability due to ill-health.

## **20. Stage 2 Meeting**

- 20.1 At the meeting the Head Teacher will (with advice from an EPM advisor, explain the purpose of the Stage 2 meeting;
- ask the Senior Manager to outline:
    - the ways in which the employee has been assessed as not meeting the expected work attendance standards due to absence; and
    - the process so far under the Absence & Attendance procedure;
  - review in detail, as appropriate
    - standards of attendance/performance expected;
    - details of Absence Interview meetings, records of home visits or other meetings plus any other information relating to the informal action taken;
    - monitoring of attendance against action plans;
    - medical advice received from Occupational Health and measures taken by management to support the employee, e.g. reasonable adjustments;
  - discuss with the employee and his/her representative whether, the employee has been assessed as achieving the required improvements in attendance;
  - review the effect of the poor attendance on teaching and learning, service delivery and work colleagues;
  - explore, as appropriate, the potential for employee's to achieve a sustained improvement in attendance;
  - give the employee and/or his/her representative every opportunity to answer the points made and to give an explanation or put forward any mitigating circumstances; and
  - discuss any options regarding the employee's pension that may be available.

20.2 In circumstances where the Head Teacher has assumed the role of Senior Manager or does not have delegated power of dismissal, a committee of Governors will assume the role of the Head Teacher as set out above.

## **21. Stage 2 Decision**

21.1 Following the discussions, the Head Teacher will adjourn the meeting to consider the options available:

- to take no further action under the procedure;  
or
- to set a further/final review period to allow for additional monitoring and/or additional management support. A further formal Stage 2 meeting will be held at the end of this review period. If attendance is not satisfactory by that time, then the employee will be dismissed for lack of capability due to ill-health.

or

- to dismiss the employee for lack of capability due to ill-health ensuring that alternative work options have already been explored or will be explored during the employee's notice period, that there is no prospect of their return within a reasonable timeframe, or that they will be able to achieve or sustain their attendance.

## **22. Dismissal**

22.1 If the decision at the Stage 2 meeting is to dismiss, the Head Teacher will inform the employee and his/her representative, orally, that the employee is dismissed, with the required contractual or statutory notice, on the grounds of lack of capability due to ill-health.

22.2 The Head Teacher will confirm in writing, to the employee within 5 working days:

- that he/she has been dismissed;
- the grounds for dismissal and the reasons;
- the required contractual or statutory notice due and the date the dismissal will be effective;
- the employee's right of appeal to an Appeals Committee of the Governing Body against the dismissal.

22.3 In some cases it may be appropriate for the employee not to work his/her notice, but to remain at home on 'garden leave'. A Fit Note must be provided that covers the employee's notice period.

## **23. Appeals against Dismissal**

23.1 An employee has the right to appeal against a dismissal decision. Any appeal must be submitted within 10 days of receipt of the letter confirming the dismissal, and must clearly state the grounds for appeal. All appeals against dismissal will be heard by Appeals Committee of the Governing Body. The purpose of an appeal hearing is to review the decision made to dismiss the employee and to decide if this decision was reasonable in all the circumstances. The appeal hearing will be held as soon as practicable, and the employee will have the right to representation at the hearing by a trade union representative or work colleague.

23.2 The Appeals Committee of the Governing Body has the authority to:

- uphold the appeal (i.e. to reinstate the employee);  
and/or
- issue a lesser level of management action, e.g. to:  
• drop the formal process;

- . refer to a lower stage in the formal process; and/or
  - . reduce standards of attendance or targets set in the action plan;
- or
- dismiss the appeal, i.e. the decision to dismiss remains in force.

23.3 The decision of the Appeals Committee of the Governing Body is final. The employee has no further right of appeal.