



Partnership of Fleggburgh and Freethorpe Schools Management of Staff Absence 2016-18

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RATIONALE:

This policy and procedure aims to support staff to be in good health and to attend work at all times. Schools need to be able to rely on employees being at work and being able to carry out their duties. This policy covers absence for any reason. The school recognises that many staff will have some absence, due to ill health or agreed leave for example, and this is to be expected in any organisation. The majority of sickness absence is unpredictable and, though it may cause operational problems, has to be dealt with on a day-to-day basis. The Staff Absence Policy details the school's approach to this and all absence. When there is persistent or long term sickness, appropriate action will be taken to ensure the effective provision of education at the school.

The school's management of staff absence is compatible and works in conjunction with established practice.

- Education (Teachers Qualification and Health Standards) (England) (Statutory Instrument 2003 No 107) (Amendment) Regulations 2003
- Equality Act 2010
- Employments Rights Act 1996

PURPOSE:

The fundamental principle of this policy is that the needs of the school are balanced with the interests and circumstances of each individual employee. The purpose of this policy is to give guidance to all employees of Freethorpe CP and Fleggburgh CE Primary Schools about staff absence for any reason, and to ensure that all staff take full responsibility for communicating about and managing their absence in a professional and accountable manner. It includes the school protocols to be observed in cases of absence from school. (There is an additional section dedicated to non-medical absence entitled Leave of Absence.)

AIM:

The primary aims of this policy and procedure are both to support employees with genuine health concerns, whilst also improving and maintaining attendance via early management action where employee attendance is causing an operational difficulty.

To ensure that all employees of our schools have effective guidance about what to do in the event of illness which results in absence from school or may affect an employee's ability to perform their professional duties.

All staff need to know and understand the guidelines relating to ill-health which might affect their ability to attend the workplace and/or perform their professional duties.

Staff will be treated fairly and with dignity and the principle aim is, where possible, to seek an effective return to work.

Please be advised that failure to comply with any of the requirements and statutory obligations outlined above might result in action according to Norfolk CC HR policy which might include loss of earnings.

GUIDELINES for ABSENCE due to sickness

1. Reporting Procedure

A member of teaching staff who is ill should report their absence and give a reason for the absence by phone, leaving a voice message by 7:45am at the latest on the day of the absence. A text message may be sent – however this is in addition to a voicemail message; please do not assume that a text message has been received, oral confirmation of absence is required. A member of support staff should telephone his/her line-manager via agreed numbers in appendix, and also inform the school office, leaving a message if necessary, or inform school office staff/head via e-mail office@freethorpe.norfolk.sch.uk; office@fleggburgh.norfolk.sch.uk

1.1. Other than in exceptional circumstances the absence should be reported in person and not through a third party.

1.2. If, at this time, it is possible to give an expected date for returning to school, please do so.

1.3. In any event, please phone school during the day prior to return to notify your intention to return to work – **by 3.15pm**

1.4. If absence is going to be longer than three days please notify the school as soon as this becomes apparent.

1.5. A teacher's line-manager must also be contacted directly regarding the absence.

2. Certification Procedures

2.1. For an absence of up to (and including) seven calendar days, a self-certification form should be completed on return to work.

2.2. For an absence of between four and seven days, a self-certification form should be completed on return to work.

2.3. A Statement of Fitness for Work (medical certificate) will be required for absences due to illness of longer than seven calendar days (note: absence over weekends or holiday is included in calculations of entitlements to benefits such as Statutory Sick Pay but only 'working days' count when the Human Resources service assess 'sick leave entitlement'. Subsequent doctors' certificates must be submitted to cover the entire period of absence if it extends beyond the period covered by the initial statement. Upon receipt of medical certificates, the school office staff will record the details and will return the doctor's certificate to the employee, so that if he/she is (or becomes) ineligible for SSP he/she is able to forward certificates to the Department of Social Security with a claim for Incapacity Benefit. Please note that this is statutory requirement and failure to comply could result in a loss of earnings.

If a member of staff requires a 'Statement of Fitness to Work' following a period of sickness absence shorter than a week, a GP will require payment for a private statement.

Where a member of staff leaves work early due to sickness, but has worked **over half the working day, this will be recorded as half day's sickness absence**. Where the staff member leaves work early due to sickness and has worked less than half the working day, this will be recorded as a full day's sickness absence.

2.4. The school may, in exceptional circumstances, require a medical certificate for any absence. If this is the case the school would pay any charges incurred.

3. Time off for Medical Appointments

3.1. It is expected that non-urgent appointments for doctors, dentist etc., should be arranged outside of an employee's directed time.

3.2. Where an appointment absence is unavoidable, in the case of an emergency medical appointment with a hospital consultant for example, paid leave will normally be granted. For other unavoidable working time appointments, paid leave will normally be considered. If there is a large number of appointments over a period of time consideration may need to be given for time to be made up. Please be aware that verification of the appointment might be requested.

3.3. Time off for ante-natal appointments will be given; again, verification of the appointment might be requested.

4. Return to Work

4.1. Staff are expected to keep the school informed as to the progress of any sickness absence and to comply with 1.2, 1.3 and 1.5 above.

4.2. On return to work after a period of ten days or more, or has had more than 3 episodes of sickness absence in the last 12 months, the member of staff will normally be expected to attend a meeting with a member of the Senior Leadership team or his/her line manager. This meeting should normally take place within three days of the return to work. A Return to Work form (Appendix 1) will be completed by the Line Manager at this meeting. The purpose of such a meeting is to ensure

that staff have the opportunity to share information about their absence which is useful for the school to know and so that the school knows what support is needed in order to facilitate a smooth transition back to work and mitigate against circumstances that might result in further absence.

Time Keeping

- All staff are expected to keep to contracted times of work – see appendix for school teaching staff Directed hours
- Late arrivals or leaving early may be agreed in exceptional circumstances. Should a pattern of later arrivals etc., without authorisation occur then disciplinary action may be taken.
- All staff are expected to communicate professionally and courteously regarding any lateness, giving a clear reason for that lateness.

Leave of Absence

Unplanned Absence (not due to illness)

Where a non-medical emergency arises which necessitates lateness to or absence from school the member of staff should alert the school as point 1.1 above, or as soon as practically possible, indicating how long the delay or absence may be for and indicating a return time or date. Staff need to be aware that this absence may be unpaid; this will be at the Headteacher's discretion.

Protocol for Requesting Leave of Absence

This section does not relate to absence due to sickness or for medical appointments. It is to clarify the process in relation to requests for leave for a variety of personal reasons.

Each request for absence will be considered by the Headteacher. Leave requests cannot be agreed by other senior staff unless the Headteacher has specifically delegated that responsibility in her absence. A member of staff requesting leave of absence must make the request in writing to the Headteacher. As far as possible, sufficient notice should be given in advance of the period of requested leave. In return, the Headteacher will respond as soon as possible.

As a school, we value the contributions of all staff and acknowledge the need for good-will. It is appreciated that there might occasionally be times when a member of staff needs time off during the school day. We would like to extend a sympathetic but balanced response to such requests but need to ensure that we are conforming to the regulations and considering the guidelines laid down by Norfolk Local Authority as well as meeting the operational needs of the school.

Paid and Unpaid Leave

The maximum paid leave permitted in any twelve-month period should not exceed five days paid or unpaid leave (with the exception of entitlement to parental leave). In exceptional circumstances, subject to **Governors** approval, this may be extended. The agreement of paid leave for "exceptional circumstances" requires agreement in advance from the headteacher, in conjunction with the Governing Body. Leave cannot be assumed to be "paid".

Paid Leave

Where the regulations allow, or the Headteacher considers it is appropriate, paid leave may be agreed. Specific occasions when paid leave may be agreed are summarised here as: The following list is not exhaustive but is intended to serve as a guide.

- Public Duties e.g. Jury Service (subject to deductions of allowances)
- Serious illness or death of a close relative at the Headteacher's discretion for up to 3 days (with a maximum of 2 additional days at the discretion of the Headteacher in consultation with the Governors)
- Maternity Leave
- Paternity leave
- Attendance at interview for employment within local government service
- Transfer day (attendance at new post induction/familiarisation day in an educational establishment)
- Examination Board-related meetings (the Headteacher should have, in advance approved the teacher's application to become an examiner/assessor)
- Moving house (1 day)
- Wedding (own or immediate family member) – 1 day
- Funeral (immediate family member) - 1 day plus application for leave as noted above regarding death of a close relative
- Participation in certain sport or cultural activity
- Graduation of member of staff, partner or his/her child

Unpaid Leave

The decision to grant unpaid leave is normally at the Headteacher's discretion

NB At the discretion of the Headteacher a maximum of one day's paid leave may be allowed for miscellaneous reasons. In addition, at the Headteacher's discretion, unpaid leave may be agreed. If this is for an extended period the Headteacher must refer the matter to the Governing Body to ask for their approval. The following list is not exhaustive but is intended to serve as a guide.

- Caring for a dependant (this may be a maximum of one day's paid leave at the discretion of the Headteacher and each case will be considered separately)
- Ongoing care for or attendance to a terminally ill relative (after paid leave period as above)
- Funeral (non- family member) paid or unpaid at Headteacher's discretion
- Religious observance

Unauthorised absence

This occurs when the employee does not attend for work at the place of employment at the required times and does not have prior management approval for their absence. Unauthorised absence includes late attendance, attending interviews without seeking approval, prolonged breaks, taking annual leave without approval and taking sick leave without following the notification procedure. Individual instances of unauthorised absence will be dealt with in accordance with the procedure defined by Norfolk CC Manual of Personnel Practice – see Schools Peoplenet

Proactive and positive measures

The school is committed to creating a working environment which encourages and supports the attendance of all staff. Achievement of this aim will require the contribution of all staff. However, the school and Governing Body will use the following measures to provide a positive framework for supporting attendance.

- effective use of pre-employment health checks
- encouraging staff to make full and effective use of welfare and counselling services
- undertaking to identify and deal with potential causes of stress in the workplace –reviewing working practices/environments with a view to identifying measures which could be taken to support attendance
- ensuring effective application of policy regulating time off
- Conducting exit interviews to identify (amongst other things) potential causes of absence and measures which could be utilised to further support attendance.

Expectation of employees when they are absent from work

Generally, all employees are expected to obtain advance management approval for any period of absence. It is inevitable, however, that absence required to deal with an unforeseen emergency (e.g. the illness of a dependant) and most instances of sickness absence will not be authorised in advance. In these circumstances employees are expected to follow the agreed notification procedure, shown at **GUIDELINES for ABSENCE due to sickness**

The school expects to maintain regular sensitive contact with employees who are absent from work due to illness. This contact will be of a constructive and supportive nature and will normally seek agreement on the date and form of the next contact. Usually it will be the appropriate line manager's responsibility to maintain this contact although sometimes, with the agreement of the absent employee, this role may be delegated to another member of staff.

The Governing Body cannot require, and does not expect, staff to carry out official duties whilst off sick but staff can do so at their own discretion.

Policy created: September 2016

Policy shared with staff: September 2016

Review: September 2018

PROCEDURES FOR MANAGING LONG TERM, PERSISTENT OR EXCESSIVE ABSENCE

Absence causing a particular concern will be managed in accordance with school and local established procedures in reference to the guidance outlined in Norfolk County Council's Guidance

Each case will be different but the following points among others may be considered when determining any appropriate action:

- The need for medical opinion
- The nature of the illness
- The likelihood of recurring or other similar problems arising
- The length of sickness absence or the pattern of absence
- The impact of absence on other staff and effective curriculum delivery
- Any steps already taken to address the issue
- Consistency of approach
- The relevant provisions of the Equality Act 2010

If there is evidence that the reasons for absence are not genuine, then the matter will be fully investigated and depending on the outcome dealt with as misconduct under the school's disciplinary procedure.

Note: Where the member of staff is the Head, meetings should be conducted by the Governing Body in conjunction with Norfolk CC HR staff. In this instance, support will be sought from the LA before any proceedings take place.

2. Informal Stage

A member of staff who has been identified as having a level of, or frequency of, absence which gives cause for concern should be invited to a counselling interview with the Headteacher or Senior Leader with Line Management responsibility.

The purpose of the meeting will be to:

- Explain concern at the current absence level
- Explore the reasons for it
- Agree strategies to resolve any problems which might improve attendance and identify areas of support and assistance

At this stage the interview is as informal as possible with the emphasis on counselling and support. A member of staff should be accompanied by a friend or trade union representative. In this instance the Head (or manager) may also be accompanied.

At the conclusion of the interview, the Head should summarise the main points discussed including:

- Concern about the level of absence
- The action points that have been agreed including assistance and support
- That the situation will be reviewed

A record of the meeting and the agreed outcome will be kept indicating the employee's responses. A copy should be given to the employee.

If a member of staff has had a long period of absence (two months) subsequent to the commencement, or during consideration of, formal competency or during procedures the case will go straight to Stage 2 of these procedures.

If during absence due to illness a member of staff declines to attend this interview without due course or participate at any further stage during this process, it may be necessary to proceed straight to Stage 3 of these procedures. This may also apply if, when asked, an employee declines to give permission to access medical reports.

3. First Stage

A member of staff who has failed to show a reasonable improvement in attendance, or whose attendance has deteriorated following some initial improvement, will be required to attend a formal interview. The Head will seek appropriate advice at this stage if necessary.

Notification of the meeting should be in writing giving the date, time, place and reason for the meeting. The purpose will be to:

- Explore why the absence level continues to cause concern and the reasons for it.
- Offer any further help or guidance
- Establish a review period
- Seek permission to access medical reports through the LA's medical advisors

If, after medical advice, in consultation with the member of staff, it is apparent that a medical condition may be chronic and will continue to effect attendance, then consideration may need to be given to move to Stage 3. In such instances a supportive approach should be agreed and consideration given to alternative work or any reasonable adjustment in the workplace.

A record of the interview will be kept including the employee's response and any agreed areas of support and assistance.

The Head will again stress the points made at the previous stage and the need for continuous monitoring. This period will vary according to circumstances and will be agreed at a review meeting. In addition, the Head may issue a warning as part of this procedure that unless there is an ongoing

significant improvement in attendance at work their job could be at risk subject to employment protection rights.

A letter confirming the above warning and a record of the meeting should be sent to the employee. If the employee's record is significantly improved at this stage the Head will write to the member of staff to recognise this and that the improvements should be maintained.

4. Second Stage

An employee who has not shown sufficient improvement following the Stage 1 interview or a member of staff who is absent due to formal competency procedures may be required to attend a formal hearing before the Head.

Notification of the meeting will be in writing giving the time, date and place of the meeting, the reason and status of the meeting and a reminder of the employee's rights of representation. At least seven days notice will be provided.

The purpose of the hearing will be to:

- Explore why the absence level continues to be of concern
- Explain continued concern at that absence level and the impact on the school
- Explore other options such as ill health retirement, redeployment, stepping down etc.

If referral to the County Council's Medical Advisors has not already taken place this will now be actioned. Dependent on any reports a member of staff may be required to attend an examination. Dependent on the outcome of the hearing the Head may formally warn the employee that the absence level is unsatisfactory and that a failure to improve may result in termination of employment. A member of staff may appeal against this warning to a first panel of Governors and should log their intention to do this with the Head within ten days of receipt of the written issue of the warning.

A letter confirming this will be sent to the employee with a record of the hearing. If an employee's attendance improves a letter should be sent to confirm this as in Stage 1 above.

5. Third Stage

An employee who has not shown sufficient improvement following Stage 2 will be required to attend a formal hearing before a panel of three members of the Staff Discipline/Dismissal Committee (this is the full title of the panel and does not necessarily mean dismissal will result). A representative of the Local Authority will be invited to be present to advise the panel.

Prior to this stage being reached, it is expected that other options will have been discussed with the member of staff and/or their representative to resolve the matter.

The employee will be informed in writing of the date, time and place of the hearing, the reason for the meeting and the right to have representation. At least seven days' notice will be provided.

The hearing will consider evidence of the absence level, action previously taken, personal

circumstances, medical advice and prognosis and any implications of the Equality Act and Human Rights Act.

The Head will present the case and the employee and/or their representative will be able to present their case. The Head may be accompanied by an advisor from Education Personnel.

The procedure for the conduct of the hearing will be the same as that for a disciplinary hearing and it is important to stress that.

Should a dismissal result, it will be due to ill health or some other substantial reason not for a disciplinary reason.

If after considering the evidence and all the circumstances surrounding the case the Panel of Governors determine that termination of employment is in the school's best interest then the employee will be informed of this (and any rights of notice if appropriate). The employee will also be advised of their right to appeal to a second Panel of Governors against this determination. Any such appeal must be logged within ten days of receiving written notice of the outcome of the hearing. The employee will also receive a written record of the hearing. If the appeal is unsuccessful, or there is no appeal, then the LA will be asked to issue a letter of termination. An employee will still have the right to take their case to an Employment Tribunal. If the panel decides, after considering the evidence, not to terminate employment at this stage, the situation will continue to be appropriately reviewed over a reasonable time period. At the end of this period a panel will be reconvened to reconsider the whole case.

Supporting employees returning to work

The school is committed to assisting all employees who are absent for reasons of ill-health, and particularly those who experience a period of long-term absence, to make a smooth and effective return to work when they are fit to do so.

It is the school's and Governing Body's intention to apply the same principles to all staff, and accordingly on their return to work a member of staff will be supported by their line manager/ Headteacher, whilst the return to work of the Headteacher will be supported by the Director of Children's Services or his representative.

Where medical advice suggests this is necessary, the school will support an employee in making a phased return to work (initially on reduced hours/workload) where this will enable them to return to normal working within a reasonable period.

With a view to supporting employees returning to work from any period of sickness absence, back-to-work interviews will be conducted. These interviews will be conducted by an employee's immediate line manager where the employee has been absent for three working days or longer. For absences of less than **three** days, there will be a responsibility on the line manager to check on the employee's welfare. However, colleagues are always expected to operate sensitively and with consideration when communicating with colleagues who are off sick.

Back-to-work discussions will be conducted in a sensitive manner and will be focused upon facilitating the employee's return to work and supporting future attendance.

Key points

- All reports of sickness absence will be regarded as genuine, and should be managed in accordance with this guidance.
- However, if a manager has evidence to show that an employee is not genuinely sick, is failing to comply with or actively abusing the absence reporting procedure, the Disciplinary Procedure should be used to address the issue.
- Absence of 6 days in previous 12 months (pro-rata for employees with fewer than 12 months service) may be an early warning to managers that an issue exists and this level of absence will trigger an informal discussion as detailed above.
- Absence of 4 occurrences totalling more than 6 days, or 9 days or more in previous 12 months (pro-rata for employees with fewer than 12 months service) is regarded as an unacceptable level of sickness absence and will trigger formal action under the Capability Procedure.
- An occurrence of sickness is the full continuous absence period, e.g. if an employee falls sick on a Monday and tells their manager they expect to be off sick for that week. The manager may record the absence for that week and close the episode, if the employee is subsequently sick the following week, even if the absence is recorded as a separate episode, it should be regarded as one occasion of sickness.
- Where a series of absences may be related to a "reasonable adjustment" agreed with the employee under the Equality Act, or to a pregnancy related condition, advice should be sought from Occupational Health or Employment Practice.
- Each case should be considered individually and managers must use reasonable judgment in assessing the appropriate outcome of any discussion.
- No employee will be dismissed under this procedure without a health assessment from a qualified occupational health professional

This policy will be reviewed by Staff & Governors in Spring 2018.