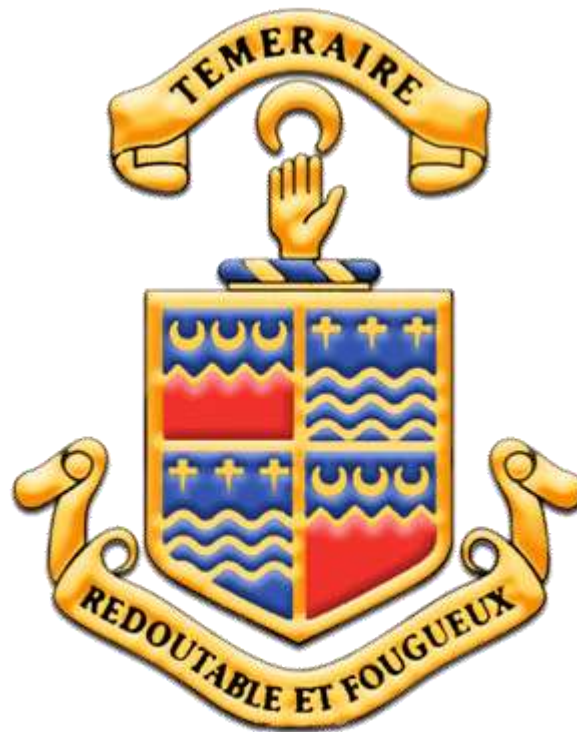


# THE HARVEY GRAMMAR SCHOOL



Founded 1674

## ABSENCE MANAGEMENT POLICY (Staff)

Adopted September 2014

## **Management of Absence due to sickness**

### **General Principles**

When an employee is absent for a long period, or short intermittent periods, there are a number of factors the Headteacher should consider including the following:

- the length of the absence and likelihood of a return to work (in cases of long term absence)
- the impact of the employee's absence on the running of the school
- the difficulty in finding and/or continuing with a temporary replacement
- the employee's length of service.

The school has procedures for reporting absence (see Appendix 2) which are shared with staff. Employees should be spoken to, in private, on their return to work. Generally this will be a short, informal conversation, but sometimes may need to be a more formal back to work interview. The purpose of the meeting is to enquire about the employee's health, to brief the individual about any work issues that arose while he/she was away and how the work was covered in their absence.

Accurate records are kept of employees absence together with the nature of the illness for monitoring purposes (see Appendix 2). Separate records are kept of any absence for other reasons (e.g., unauthorised absence, special leave etc.). See Appendix 3 of this procedure for guidance on special leave. Records are also maintained of discussions/meetings with employees and action taken. This may take the form of an informal diary note in respect of short back to work discussions or more formal records of Absence Review Meetings, in which case a copy should be given to the employee.

Employees will be given the opportunity to be accompanied by a trade union representative or workplace colleague at an Absence Review meeting. The Headteacher may also request a Personnel Adviser to attend such meetings if required. The Headteacher will consider when and if an employee should be referred to an Occupational Health Adviser (OHA) depending on the circumstances of the case. A medical opinion must be sought from an OHA where the termination of an employee's contract of employment may be an outcome. The main purpose of a referral to an OHA is to ascertain when (or if) an employee will be fit to return to work and what action the school can take to assist the return.

Retirement on the grounds of ill-health may sometimes be an option. Early retirement may be an option for employees over 50 in appropriate cases. Where absence (and possibly conduct/capability) is affected by alcohol or drug dependency, specialist support will be sought before considering any formal action against the employee.

In some cases it may not be possible (due to illness) for the employee to attend a Formal Absence Review with the Headteacher, or a hearing with Governors. Whilst the school must make every effort to help the employee attend personally, including reasonable postponement if appropriate, it may be necessary to hold the Review/hearing in the employees' absence. In these cases, the employee should be given the opportunity to make written representations and/or be represented by a trade union representative or workplace colleague.

In normal circumstances the termination of employment will not take place until contractual sick pay has expired.

### **Supporting the employee's return to work**

The Headteacher, in consultation with the employee, will consider ways in which the school can assist the employee. For example, adaptations to the job such as a voice-activated computer for an employee suffering from arthritis; return to work part-time or with reduced responsibilities for a limited period. In the most extreme cases medical redeployment will be considered.

While information received from an Occupational Health Adviser and the employee's General Practitioner is useful, it should be recognised that the employee will often also have a view when he/she will be fit to return to work. However, employees cannot return to work until their medical certificate has expired or the OHA/GP has certified the individual is fit to return.

### **LONG TERM ABSENCE - PROCEDURE**

The following is intended as general guidance. Each case should be dealt with according to the individual circumstances.

#### **AFTER 1 WEEK**

The Headteacher (or his/her representatives) should keep in regular contact with the individual so:

- (i) employee does not feel isolated; and
- (ii) Headteacher maintains an accurate picture of the circumstances.

Regular contact by telephone or letter should be considered depending on the circumstances.

#### **AFTER 4 WEEKS**

Where an employee has been absent for a period of 4 weeks, the Headteacher should:

- establish the state of the employee's health through direct contact and/or reference to the medical certificates. (In some cases, on grounds of sensitivity, it may be appropriate for someone in the school other than the Headteacher to make this contact).
- write to the employee, the purpose of which is to enquire about the employee's health and to ask the individual to inform the Headteacher, whether she/he has an indication about when he/she will be fit to return to work.
- arrange a meeting with the employee

#### **AFTER 6 WEEKS**

Consideration should be given as to whether it is appropriate for an appointment with an OHA should be arranged as soon as it is known that the absence will be long term, or as a guideline, after 6 weeks of absence.

### **On receipt of the report from the Occupational Health Adviser**

From the information provided in the medical report the Headteacher should ascertain when and if the employee will be fit to return to work. If the medical report does not indicate that the employee will be fit to return in the foreseeable future then a review meeting should be arranged with the individual and the Headteacher, and the employee should be advised that they have the right to be accompanied by a trade union representative or workplace colleague.

### **The First Review Meeting**

The purpose of this meeting is as follows:

- to investigate whether there is any action the Headteacher can take to assist the employee's return to work.
- to ascertain if the individual is able to indicate when she/he will be fit to return to work.

Possible outcomes of the meeting with the employee.

- The employee is able to indicate a date in the foreseeable future when she/he is fit to return to work (and this is not contradicted by the OHA/GP). In this case the situation should be monitored. If action has been agreed to assist the employee's return this should be arranged.
- The employee is unable to indicate a date in the foreseeable future when she/he is fit to return to work.

If the employee is unable to indicate that she/he will be fit to return to work in the foreseeable future the Headteacher should inform the individual that his/her future employment will be reviewed. This review will be made on the basis of the information obtained from the Occupational Health Adviser and at the meeting with the employee. A further review should be arranged (the Second Review meeting). The date of this review will depend on the circumstances, as a guideline it should be after a period of 4-6 weeks. (At this review date it may be necessary to meet the employee again or it may be possible to make a decision based on the information available).

Following the meeting a letter should be sent to the individual outlining what was discussed. If there is no foreseeable return to work, the letter should also confirm that the employee's employment is being reviewed and ultimately a possible outcome could be termination on the grounds of capability due to ill-health.

### **The Second Review Meeting**

The possible outcomes of the second Review meeting will be the same as the First Review meeting (see above). It may be necessary for a further review period or it may be possible to make a decision on the information available. If the employee is unable to indicate a date in the foreseeable future when she/he is fit to return to work, the Headteacher, having reviewed the case, can reach the conclusion that the employee is no longer capable of discharging the terms of his/her contract of employment and can decide to recommend to governors, termination of employment on the grounds of capability due to ill-health. A hearing of the appropriate Committee of the Governing Body should be convened accordingly. However, it should be noted that this in no way implies that absence is a disciplinary matter.

### **Termination - Governors Responsibilities**

- On the basis of the case made Governors will decide what action is to be taken. A decision may be taken to allow further time for improvement or to dismiss the employee, in which case they must also give the employee the right to appeal to the Appeals Panel of the Governing Body.
- Governors must be satisfied that they have treated the employee reasonably and have not acted with undue haste. When making this judgement governors should balance the needs of the employee with the needs of the school. It is important to take into account the circumstances of the case, for

example how long the employee has worked for the school, the nature of the illness and, the likelihood of the employee returning to work within the foreseeable future.

## **SHORT TERM ABSENCE - PROCEDURE**

In terms of managing the school, intermittent absence may cause as many (and sometimes greater) problems as long term absence. It is therefore important that this issue is addressed effectively.

### **Initial Action**

Where there are periods of short term absence which cause concern the Headteacher should, in the first instance, review the causes of the absences. In some cases, on review of the available evidence, it may be that no further action is necessary at this stage. However, where action is required, an informal meeting should be arranged with the individual. As this is an informal meeting, normally this should be between the Headteacher and employee only. The purpose of the meeting will be as follows:

- To identify, with the help of the employee, possible reasons for the absences (e.g., stress from work, stress from outside work, lack of ventilation in the classroom causing asthmatic problems);
- To inform the employee of his/her level of absence and the effect it has on work performance and the school;
- To give the employee an opportunity to explain;
- If feasible to work out a plan with the employee, to support the individual to improve their attendance by trying to address any possible reasons for the absences;
- The Headteacher may wish to make clear their expectations in respect of attendance and arrange a review date. The review date will depend on the individual case, but it is recommended that 6 weeks is used as a guideline.
- If there appears to be an underlying medical condition consideration should be given to a referral to an Occupational Health Adviser. It may also be appropriate to seek advice in respect of Disability within the Equalities Act 2010 (Appendix 1)

### **Informal Review Meeting**

The Headteacher should review the attendance record since the previous meeting.

Possible outcomes of the meeting:

- Attendance improves to a required standard in which case the employee should be informed and a note placed on the personal file. However, the Headteacher should continue to monitor the attendance level to ensure satisfactory standards are maintained, and the employee should be aware of this;
- The Headteacher may decide to proceed to a Formal Absence Review meeting. The employee must be given the opportunity of having a trade union representative or workplace colleague present at this meeting.

The employee should be referred to the Occupational Health Adviser if this has not previously been done. One purpose of this is ascertain whether there is an underlying medical condition contributing to the high level of absence and, if so, whether the OHA has any advice on action the school could take to support the employee in improving his/her attendance.

### **Formal Review Meeting**

Purpose of the formal meeting

- To consider whether the employee will be able to maintain a satisfactory level of attendance and to set targets, by agreement wherever possible
- To consider whether there is any action the school can take to assist the employee in attaining a satisfactory level of attendance.
- To clarify with the employee that insufficient improvement could ultimately lead to termination of employment.

The possibility of redeployment on medical grounds within and outside of the school should also be considered, while recognising that redeployment outside the school is problematic under delegated employment powers for schools.

In considering the above options the Headteacher should refer to the opinion received from the Occupational Health Adviser.

After the meeting a letter should be sent from the Headteacher to the employee outlining what was discussed and the outcome of the meeting. The letter should also contain a review date, which will vary according to the circumstances, as a guideline, 6 weeks after the meeting at which time a further Formal Review Meeting should be held. The employee should be told that insufficient improvement over this period could ultimately lead to dismissal for reasons of 'Capability due to ill-health' or 'Some Other Substantial Reason'.

If after this Formal Review period the Headteacher considers that the only feasible option is to consider the termination of the employee's employment (the Headteacher could decide to have a further Formal Review period) the employee should be informed in writing and a meeting of the appropriate Committee of the Governing Body convened.

### **Termination: Governors' Responsibilities**

On the basis of the case made Governors will decide what action is to be taken. A decision may be taken to allow further time for improvement or to dismiss the employee. Governors must be satisfied that they have treated the employee reasonably and must give the employee the right to appeal to the Appeals Panel of the Governing Body, if they decide to dismiss.

**Disability Discrimination**

Employers have responsibilities within the terms of the Equalities Act 2010. It is against the law for an employer to treat a person less favourably than someone else because of their disability, unless there is good reason. The Act gives rights to people who have had a disability which makes it difficult for them to carry out normal day to day activities. The disability could be physical, sensory or mental. It must be substantial and have a long term effect (that means the disability must last or be expected to last for 12 months). However, conditions which have a slight effect on day to day activities, but are expected to become substantial are covered. In order to help a disabled person to do the job, Headteachers have to look at what changes they could make to the workplace or to the way the work is done, and make any changes which are reasonable. You can take into account how much the changes would cost and how much they would help when considering what is reasonable. You should also take into account other implications such as any impact on school effectiveness or the education of pupils.

**SICKNESS ADMINISTRATION AND MONITORING****Administration**

- *Self Certification form* - this must be completed by the employee on their return to work if the period of sickness absence has lasted for 7 days or less. The Headteacher (or delegated member of staff) should countersign the form so that they have seen the employee's explanation for absence and to confirm that there is no reason to doubt that the absence was genuine.
- *Medical certificates* - if the absence continues for 8 consecutive days or more, including weekends and rest days, the employee must contact his/her doctor to be medically certified unfit for work. Schools should keep details of the certificates but return the originals to the employees. In these cases, the employee should not return to work until the medical certificate has expired or unless certified fit to do so by his/her doctor.
- *Instruction to payroll* - Complete the relevant form both at the end of a period of sickness absence: failure to do so could have financial implications for both the employee and the school's budget if the statutory and occupational sick pay regulations are not correctly applied.

**Monitoring**

- *At employee level* - records should be kept for each employee to monitor individual sickness absence. Using a summary form it should be possible to identify patterns (i.e. intermittent but frequent absence, long bouts of sickness) for each employee. It also enables comparisons to be made and provides evidence should an individual need to be approached in respect of sickness absence.
- *At school level* – records should be kept e.g. for DfE returns

**Management of Special Leave****Personal Leave**

Paid compassionate leave is granted at the discretion of the Headteacher in the following circumstances:

- sudden, serious illness of near relative, spouse, partner or child - up to 5 working days paid leave;
- death of a near relative, spouse, partner or child - up to 5 working days paid leave;

- funeral of a near relative, spouse, partner or child - 1 day of paid leave;
- accompanying wife or partner during labour - 1 day of paid leave;

Employees wishing to attend the funeral of other relatives, friends or colleagues may take unpaid leave, provided it does not affect the operational needs of the school. In exceptional circumstances, the period of leave may be extended at the discretion of the Headteacher.

### **Time off for Dependants**

All employees have a statutory right to take reasonable unpaid time off to deal with certain unexpected or sudden emergencies relating to dependants. A dependant is a spouse, partner, child or parent who lives with the employee (but not a lodger). It could also be someone else who reasonably relies on the employee for care. Staff taking time off under this right are requested to notify the Headteacher of their absence on the day they take time off and if possible to give notification in advance.

#### **Circumstances when an employee may take time off are:**

- if a dependant falls ill, or has been injured or assaulted
- when a dependant is having a baby
- to make longer term care arrangements for a dependant who is ill or injured
- to deal with the death of a dependant
- to deal with unexpected disruption or breakdown of care arrangements for a dependant
- to deal with an incident involving the employee's child during school hours

### **Sick Children**

It is recognised that it can be difficult for working parents to respond to the need to care for sick children. Staff have a statutory right to unpaid time off to make arrangements for the care of a dependant child. If it is impossible to make appropriate arrangements for the care of sick children, the staff in this school may, after discussion with the Headteacher, take reasonable (up to three days) unpaid leave to care for sick children. This arrangement applies to all staff with dependant children. For seriously ill children see personal leave.

### **Medical Appointments**

Routine medical appointments should be arranged outside of the working day. However, if this cannot be avoided, the leave may be unpaid. Hospital and necessary emergency medical appointments may be taken as allocated by the outside organisation and will be paid leave.

Requests to attend hospital or emergency appointments with dependant children under the age of 16 will normally be granted and paid. Requests to attend hospital or emergency appointments with adult relatives must be made in advance and leave granted may be unpaid.

The operational needs of the school will be considered before granting leave and there may be times when the Headteacher will need to refuse a request for leave.

### **Leave to attend significant events**

The Governors recognise that from time to time staff may have the opportunity to attend a significant social event during the term time. For example, the graduation ceremony for a son or daughter or the wedding of a close family member.



Teachers and term time only staff do not have a leave allowance which can be taken during term time. This policy enables staff to take one day of leave in order to attend a significant social event. Staff must seek the express permission of the Headteacher for leave in advance of the event. The leave may be unpaid. If the school incurs additional cost in granting such absence, the leave will be unpaid. The operational needs of the school will be considered before granting leave and there may be times when the Headteacher will need to refuse a request for leave.

### **Moving House**

Staff who are moving house are entitled to one day paid leave. If they require more than one day, then they may take unpaid leave up to a maximum of 3 days. Requests for such leave must be made to the Headteacher in advance of the move.

### **Religious Festivals**

Staff who wish to attend significant religious festivals which fall during the school term time may take unpaid leave to attend the festival. Requests for such unpaid leave must be made to the Headteacher in advance of the event.

### **Interviews**

All Staff may take reasonable paid leave to attend selection interviews for jobs. Requests to take leave to attend an interview must be made to the Headteacher in advance.

In the interests of the effective operation of the school, staff are encouraged, as far as it is possible, to attend training camps during school closures. The maximum entitlement to leave for such purposes is 10 days paid leave.

### **Emergency Situations**

In addition, the governors may choose to give time off to allow the employee to deal with certain personal emergency situations, i.e. a burst boiler at home, but this leave will not be paid.

It may not be considered appropriate to award paid or unpaid leave in circumstances where the employee can reasonably be expected to make alternative plans or arrangements which may therefore not require their assistance, or where the arrangements can be undertaken outside of term-time.

If an individual takes excessive time off for situations that are not “unexpected or sudden” this will be discussed with the individual.