

THE HARVEY GRAMMAR SCHOOL



Absence Management Policy (Staff)

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Statement of Intent

The Harvey Grammar School is committed to maintaining the health, safety and welfare of its staff. We seek to provide a positive and healthy working environment, and recognise the value of our staff's work-life balance. Regular attendance at work is an integral part of each staff member's contract of employment; however, we recognise that staff will, on occasion, have genuine and acceptable reasons to be absent from work. On those occasions, we will aim to support a staff member during the period of absence, with the aim of assisting their return to work at the earliest opportunity.

We recognise that, on occasion, leave may need to be taken due to unforeseen circumstances, and we will try our utmost to accommodate the needs of our staff. This policy outlines provisions to minimise staff absence levels across the school, the school's duties regarding staff leave of absence, and the provisions for staff to follow when requesting leave, as well as information on how we support staff who are unable to attend work due to ill health.

This policy also aims to provide a fair and consistent framework for managing attendance and informs all staff of their responsibilities regarding attendance at work. In accordance with our obligations under the Equality Act 2010, we will make all reasonable efforts to allow staff with a disability that affects their attendance at work to continue their employment. This policy is not contractual, and we may depart from its terms where reasonable and circumstances dictate

Legal Framework

This policy has due regard to all relevant legislation and non statutory guidance including, but not limited to, the following:

- The Statutory Parental Bereavement Leave (General) Regulations 2020 (Jack's Law)
- The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018
- Working Time Regulations 1998
- Employment Rights Act 1996
- Equality Act 2010
- The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)
- Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999
- DfE (2021) 'Teachers' Standards'
- DfE (2022) 'School teachers' pay and conditions document 2022 and guidance on school teachers' pay and conditions' (STPCD)
- Department for Work and Pensions (2022) 'The fit note: guidance for patients and employees'

This policy operates in conjunction with the following school policies:

- Staff Disciplinary Policy
- Data Protection Policy

Scope of this Policy

This policy applies to all members of staff. The procedures are based on good practice and are intended to ensure that a consistent approach to the active management of sickness absence is adopted across the school. The main aims are:

- to provide a supportive environment for those members of staff affected by ill-health;

- to provide a framework within which cases falling within the ambit of the disability discrimination legislation can be more readily identified and supported;
- to balance the interests of the individual and the operational needs of the school in cases of long-term sickness and debility;
- to encourage and develop a positive culture towards attendance at work with a consequent benefit of reduced rates of absence due to sickness.

Reference should also be made to the sick leave and sick pay arrangements, set out in the Conditions of Service for the relevant category of staff, which operate in conjunction with the procedures outlined below. It should be noted that the sick pay arrangements relate solely to the absence of the member of staff due to ill-health and not to absences arising from the illness of dependants and others.

Data Protection

The school may monitor and maintain records of absence as required for the express purposes of occupational health referrals, reporting purposes, absence management and to aid in supporting assessment under performance management. The school will only collect, retain and process information about your absence(s) whilst employed by the school where it is necessary.

Absence Procedure

Appendix 1 is an Absence Guidance Flowchart to be followed for absences.

Reporting Absence

Staff must ensure that their absence is notified to the school by 8.00am on the first and each subsequent day of absence:

- all staff should notify the Cover Manager (on 01303 252131) and their Line Manager stating the reason for their absence and, if known, when they are likely to return to work.

If the absence appears to be work related the Line Manager must liaise with the School Business Manager to ensure that:

- any health and safety reporting requirements have been met;
- Occupational Health has been involved if appropriate; and,
- where necessary, any remedial action is taken.

On the very rare occasion that it is impossible for the member of staff to report absence directly on the first morning of absence, arrangements should be made to do so at the first opportunity that circumstances allow. Should a member of staff not report their absence by 9.00am the School Business Manager will attempt to make contact.

Absence not notified in accordance with the above procedure will be treated as unauthorised absence and will not be eligible for payment, unless the reason for the delay given is considered acceptable by the Headteacher.

Upon return to duty or as soon as possible after the expiry of the seven-day period, whichever is earlier, a member of staff is required to complete a self-certification form (available from the Personnel and Administration Manager) for sickness absences of up to seven calendar days. When the duration of illness exceeds seven calendar days, the member of staff must obtain medical certificates/fit notes from his/her General Practitioner, which must be forwarded as early as possible to the School Business Manager, who will liaise with the relevant departments and return the medical certificate to the member of staff. Staff

must forward certificates to cover the whole absence period to qualify for payment under the school's sick pay scheme.

The Cover Manager should on a daily basis provide a summary of sickness for all staff to the School Business Manager, who will ensure that all records of sickness absence are maintained for the purposes of monitoring the position and determining if any future action is needed under these procedures.

Return to Work Interviews

The school recognises that it will need to adopt a flexible approach to managing returner interviews in order to take account of the different nature and duration of absence. Accordingly, during a rolling year (i.e. the previous 52 weeks), a decision should be taken about arranging a returner interview where a member of staff has been absent for:

- six or more continuous days; or
- pattern of short term absences.

Return to work interviews, as set out below, are to be conducted by the School Business Manager. A return to work interview form will need to be completed at the time. The information will be treated as confidential and the interview form should be signed by the absentee and School Business Manager. This form will then be held on the staff member's personnel file. An additional signed copy may be given to the absentee for their records if requested.

The member of staff is responsible for working in accordance with the outcomes of the return to work interview and any action plans derived from the interview.

Where a return to work interview is to be conducted, the School Business Manager will arrange a meeting on the first day, if possible, that the member of staff returns to work. This will be to discuss the reasons for the absence and/or pattern of absence and to ascertain whether there may be any underlying cause with which the school could help. If the Line Manager has any concerns regarding the member of staff's absence he/she should contact the School Business Manager prior to the interview, so that these can be raised.

Absence Review Process

Informal Absence

This stage applies when a staff member has:

- either ten or more working days absence in the preceding twelve months; and/or
- four episodes of absence of whatever length within the preceding six months.

In addition, should a staff member develop a pattern of absence that causes concern, this stage of the procedure will begin. Examples include absence regularly occurring on a particular day of the week or occurring close to school holidays.

The School Business Manager will inform the staff member and Headteacher that this stage in the procedure has begun.

In the case of continuous absence the Headteacher (or nominated person) will confirm the reason for the absence and will check whether or not there is a good prospect of recovery on a case-by-case basis or if a return to work is likely to be within a week's time (in which case there may be no need for further action).

The Headteacher will check whether any facilities or actions are necessary to help speed the return, reference to any 'fit' note should be made. If any points are identified these should be considered.

If the absence is likely to continue for a further one week or more the absence will need to be considered under the formal absence review procedure.

The Headteacher must, in the case of repeated absences, discuss with the staff member whether there are underlying factors causing the absences and whether or not there is anything that either the staff member or employer can do to minimise the chance of repeated absences.

Formal Absence

This stage begins once the situation continues beyond the provisions of the informal stage above.

The Headteacher and School Business Manager will hold, if possible, a formal absence review meeting with the staff member (this could be by home visit, with the staff member's agreement).

For continued absence the purpose of the meeting is:

- to explore the possibilities of a return to work and how workloads can be handled, with reference made to any 'fit' note where appropriate;
- to consider and put into action reasonable adaptations that may be made to assist the staff member's return;
- where there is continuing concern and there is either dispute between the staff member and their GP, or the 'fit' to work recommendations are considered inappropriate, the staff member should be asked to agree to a referral to the Occupational Health Service.

For repeated absences the purpose of the meeting is:

- to alert the staff member to the difficulties caused by their absences;
- to identify any underlying cause for the absences, referring as appropriate to any 'fit' note;
- where such cause might be work related, to make reasonable adaptations to the job/premises;
- to consider referral to the Occupational Health Service to obtain a second opinion in addition to any 'fit' note.

The staff member must be told that this is the first formal stage of the absence monitoring procedure.

In both cases a date for a review meeting should be set (perhaps one month later). At this meeting the reviewer will decide:

- that the staff member's return to work/level of attendance is satisfactory and the procedure can be halted at this stage, but may be resumed if a similar level of absence recurs within one year; or
- to arrange a further review meeting before the staff member's sick leave expires where the Occupational Health Service envisages a return to work; or
- to give the staff member a formal written notification that attendance is unsatisfactory and that the matter will progress to the next stage (final absence review) of the procedure.

Final Absence Review

This stage applies where the staff member has either no prospect of return within their period of paid sick leave or has an unacceptable continued absence or pattern of absences calling into question their capability to carry out the requirements of their employment.

The Headteacher or their nominee will, where possible, hold a meeting with the staff member to consider the prospects of the staff member's return to work/an acceptable level of attendance. Where he/she is not satisfied that the staff member will achieve this within a reasonable time (perhaps one month), he/she will:

- explore the possibilities of redeployment/reducing responsibility, etc;
- further consider any adaptations to the job or premises that will help the staff member;
- ensure that any reasonable adaptations are made;
- set a review period (perhaps one month) within which time a return to work/acceptable level of attendance is achieved;
- set the date for a further review meeting.

If the staff member has returned to work and an acceptable level of attendance has been achieved, the procedure can be halted at this stage, but may be resumed if a similar level of absence recurs within one year. The staff member must have complied with the recommendations of their doctor included on any fitness to work note and/or the school's occupational health provider.

Where the staff member has not returned to work/achieved an acceptable level of attendance by the time of the follow-up meeting, the reviewer can give a final warning in writing. This should state that the situation is unacceptable and that the case will be passed to the Governing Body for consideration by their dismissal committee unless the necessary improvement is achieved within a specified period (perhaps one month).

Consideration of Dismissal

Any such consideration will be by the Staff Dismissal & Redundancy Committee of the Governing Body and will be in accordance with the Dispute Resolution Regulations 2009.

The grounds for consideration will be that the staff member is incapable of fulfilling their duties by reason of continued absence/absences following a final warning under this procedure.

The proceedings for the Staff Dismissal & Redundancy Committee will be in accordance with the school's disciplinary procedure.

The right to appeal for the staff member will be as set out in the school's disciplinary procedure.

Medical Suspension and Capability

There are a number of circumstances where the school may medically suspend an employee. Reasons for such a decision include consideration for the protection of the person's own health, as well as the health and welfare of other staff and pupils who may be put at risk by the medical condition of an employee. Occupational Health may recommend medical suspension to management.

Subject to Local Authority arrangements, a referral to LADO may be recommended in cases where a staff member is suffering from or has suffered from suicidal thoughts. The school will undertake a full risk assessment on the risks posed to the employee or others before deciding on whether the employee is fit to be in work.

If, following advice from Occupational Health, it appears that the employee is likely to be unable to return to their role or to provide regular and efficient attendance within a reasonable period of time, the employee will be invited to attend a medical capability hearing.

Prior to a medical capability hearing, a preliminary meeting will be arranged in order to discuss the following:

- The history of the employee's absence, including the number of absences or duration of absences
- Any reasonable adjustments that have been made or considered
- If and when the employee may be able to return to work or to provide regular and efficient service
- Any redeployment options that have been considered within the school
- Up-to-date medical advice

The employee has the right to be accompanied at this meeting by a colleague or a trade union representative.

If, following the preliminary meeting, Human Resources or the staff member's line manager remains of the opinion that the employee is not able to return to work within a reasonable period of time and that their absence cannot be sustained or that the employee will not be able to provide regular and efficient service in accordance with their contract of employment, the employee will be invited to attend a Medical Capability Hearing.

Medical Capability Hearing

The purpose of the Medical Capability Hearing is to consider the viability of the employee's continuing employment. The employee will be given written notification of the meeting giving five working days' notice.

The Medical Capability Hearing will be conducted by the Headteacher. The Headteacher will consider dismissal on the grounds of medical capability where having considered any medical advice and any representations by the employee the Headteacher reasonably believes that:

- The employee is permanently unfit to work.
- They are unable to reasonably determine when the employee will be able to return to work or to provide regular and efficient service.
- The employee is unlikely to be able to provide regular and efficient service.

In the event that an employee has failed to attend appointments with Occupational Health and, therefore, there is no medical evidence to consider, the Headteacher may make a decision based on the information at the hearing. Where an employee fails to attend the hearing, it may go ahead in their absence.

The employee has the right to be accompanied at the Medical Capability Hearing by a colleague or a trade union representative.

Any documentation that the employee wishes the Headteacher to consider should be submitted at least two working days prior to the hearing. In certain situations, where medical evidence from an employee is in conflict with the medical evidence from Occupational Health, the school will decide to obtain a further medical report or may prefer either report.

If the Headteacher decides to terminate the employee's employment on the grounds of medical capability, the employee will be informed, in writing, of the decision to dismiss and their right of appeal.

Appeals Against Medical Capability Decisions

Any appeal arising as a result of a medical capability dismissal will be made in writing to the school within 10 working days of receipt of the outcome of the hearing.

If the member of staff submits an appeal, they will be invited to an appeal hearing where their case will be heard by the Staff Dismissal & Redundancy Committee of the Governing Body. The employee and the school will provide additional medical information for consideration at the appeal hearing.

The outcome of the appeal hearing will be confirmed in writing to the employee. There is no further level of appeal.

Management of Special Leave

Appeals against a decision made by the Headteacher about leave of absence must be made in writing within five working days of receipt of any such decision, to the Complaints, Appeals and Grievance Committee of the Governing Body.

If, following the refusal of a request for leave of absence, they are subsequently absent (for any reason) the absence will be investigated and may result in disciplinary action being taken if appropriate.

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;

Staff 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 staff 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 staff member (but not a lodger). It could also be someone else who reasonably relies on the staff member 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 staff 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 staff member'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 paid 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.

Proof of the appointments will be required.

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 any new employment training camps during school closures. The maximum entitlement to leave for such purposes is 10 days paid leave.

Emergency Situations

In addition, the Headteacher may choose to give time off to allow staff 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 staff 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 and it may be that such absences will then fall within the Absence Management Procedures.

Jury service/formal attendance at a court hearing

Paid leave will be granted to staff undertaking jury service or required to attend court or a tribunal as a witness on behalf of the Crown, Police or Defence, or for either side in a civil case.

Public Duties

Employees are entitled to a reasonable amount of paid time off to carry out certain public duties, such as School Governor or Local councillor. Requests for such paid leave must be made to the Headteacher in advance of the duty.

Other leave

Any other requests for leave which are not referred to in this policy should be referred to the Headteacher in the first instance. Where applicable these will be considered with reference to the relevant conditions of service for teaching or support staff.

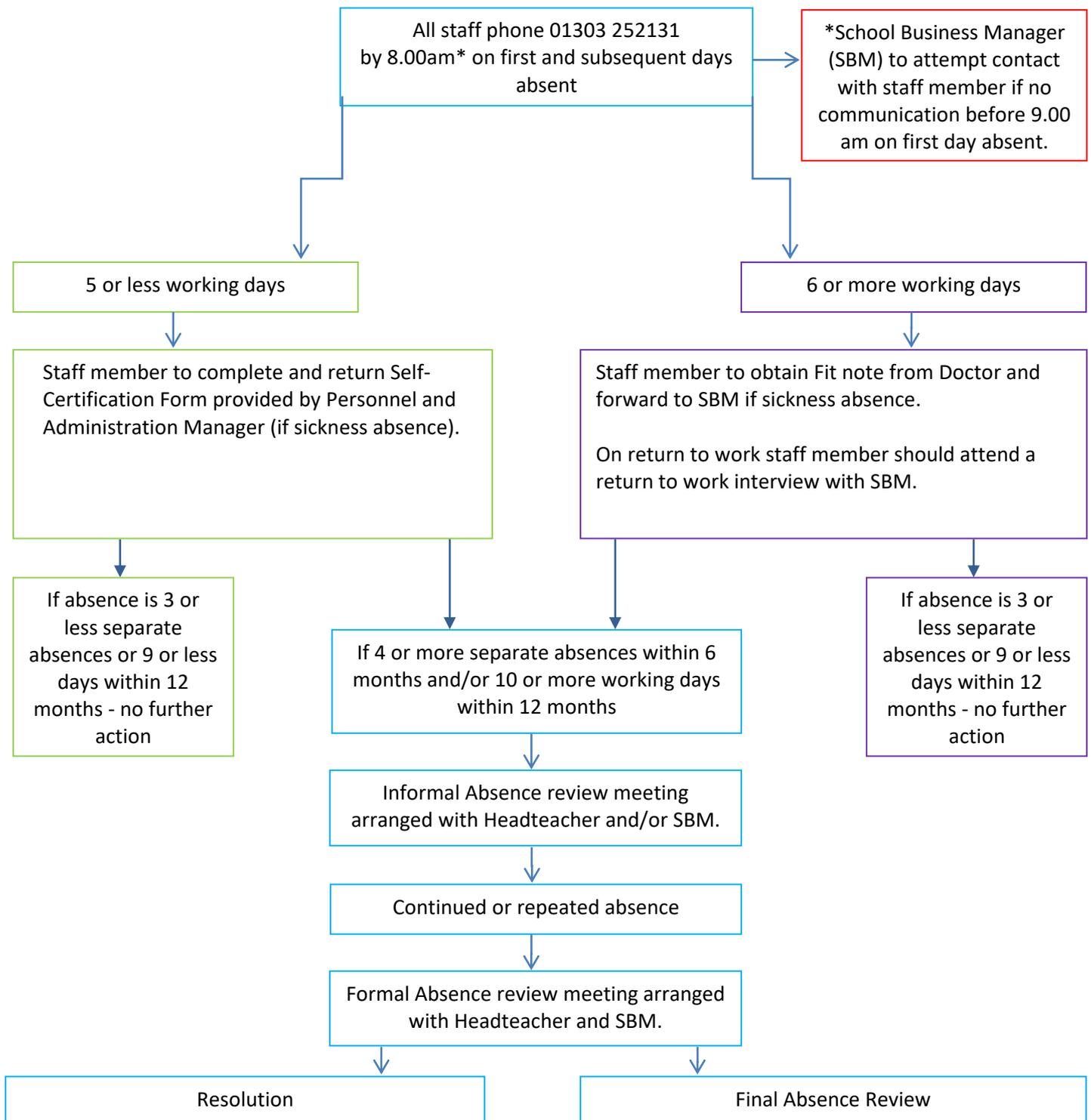
Extreme Weather

Occasionally travelling to school may be difficult due to extreme weather (snow, for example). In such circumstances:

- staff should pay attention to weather forecasts and take all necessary precautions to maximise the ability to get into school;
- routes that are regularly gritted should be fully utilised (these routes are available on www.kent.gov.uk, search “grit routes”); please take note of the grit routes and park near these so that you can make every effort to get into school;
- staff should make sure that their vehicle is winter ready;
- if staff are unable to come into work as the roads are too dangerous then the member of staff concerned should notify the school and ‘work from home’ or agree with his/her manager to take the time off in lieu;
- if staff do not attend school the decision on whether or not salary will be paid will be a discretionary decision by the Headteacher.

If school is officially closed time will be paid, but the expectation is that staff will do what work they can from home.

Absence Guidance Flowchart



*Every case will be treated on its own merits with regards to further action to be taken.