

Absence Management Procedure

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Absence Management Procedure

1. Introduction

Everyone at The Charter Schools Educational Trust (the 'Trust'), at all levels, feels the impact of ill health and sickness absence and it significantly affects how the Trust performs. This in turn affects the level and quality of service we provide to our pupils.

2. Responsibilities

Members of staff

- Attend work when fit to do so
- Notify sickness absence in line with Trust procedures
- Provide a self-certificate for episodes of absence of up to seven calendar days and medical certificates for longer episodes (see Appendix 1)
- Co-operate with return-to-work discussions
- Attend meetings under the procedure and Occupational Health appointments as required
- Report accidents at work
- Set cover work where appropriate for the first 3 days of absence

Line managers

- Manage attendance procedures
- Ensure all staff understand and comply with certification and departmental notification procedures
- Hold return-to-work discussions after every period of sickness absence -staff member fills in a selfcertification form (Appendix 1) and returns it to HR
- Notify staff in writing when they hit one of the 'triggers for concern' and complete a 'Return to work form (Appendix 2)
- Monitor absence levels and take appropriate action in line with this procedure
- Ensure a completed accident incident form is sent to the Business Manager or Office Manager within 24 hours of any accident at work.
- Report any accident that results in staff being absent for three calendar days or more directly to the School HR Lead by e-mail on the fourth day of absence
- Inform the School HR Lead if a referral to Occupational Health is appropriate.
- Ensure staff understand the reason for referrals to Occupational Health.
- Consider reasonable adjustments, which enable staff with long term health conditions to work effectively and maintain satisfactory attendance records.
- Take reasonable steps to ensure that staff work in a healthy and safe environment.

School HR Lead

- Will monitor staff absence levels identifying any areas of concern and contact line manager regarding any concerns with individual staff member's absence.
- Will refer individual staff members to Occupational Health if appropriate, providing sufficient background information [description of duties, absence data, etc.] when doing so.

Triggers for Concern

 When a staff member's sickness or absence exceeds three episodes and/or six working days in any six-month period, the line manager will inform the member of staff, normally in the context of a normal return to work discussion (filling in the Return to work Form (Appendix 2) and then confirm the discussion in writing.

Reporting absences

Days 1-5

- Contact cover manager/staff absence line on the designated absence line to report your sickness by 7.15am.
- If you cannot contact yourself, you must arrange for someone to do it for you (e.g partner, friend, etc.)
- If you are unwell at work, you must inform your line manager and the cover manager of your intended sickness absence immediately. Absence before completion of ½ of the working day will be recorded as ½ day.
- You must inform your line manager of any meetings and important information relating to your work
- If you are sure you are not going to able to be in school the following day then please call as soon as possible.
- You will be required to fill in a self-certification form on your return to work.

<u>Day 6</u> (6th working day of sickness absence)

- Contact your line manager and cover manager to report that you are still sick and to give an indication of when you expect to return to work.
- Periods of sickness absence in excess of 5 continuous working days must be covered by a medical certificate. You must, therefore, obtain a medical certificate from a doctor and send it to the School HR Lead without delay.

Every Further 5th Working Day

• Contact the School HR Lead and your line manager to report that you are still sick and to give an indication of when you expect to return to work.

Contact whilst absent from work

If your absence is likely to be for a long period (possibly more than five weeks), it is important that the school maintains contact with you from the first stage of sickness absence. It may be necessary to meet with you to discuss the possible implications of your continued sickness absence, monitor progress of your recovery and establish when you may be able to return to work. This meeting may be arranged at your place of work or another suitable venue at a mutually agreed date and time.

Return to work

When you return to work after a sickness absence (of any duration) your line manager will hold a return-to-work meeting with you and fill out a return to work form (appendix 2) which you will sign. Where practical, this meeting will take place on the day you return to work. Return to work meetings are an important part of a proper and fair sickness absence management framework since they provide the line manager with an opportunity to:

• confirm the reason for the absence and the nature of it;

- confirm there are no underlying problems at school or home or patterns of sickness that need to be addressed;
- to identify any assistance and support required;
- to ensure the Trust meets its duty of care regarding the health and safety of its staff and pupils.
- update the employee's sickness record and decide whether there is a need for any further action to be taken.

Return to work meetings are a normal part of the everyday management / supervisory process and as such, there is no requirement nor entitlement for the employee to be represented or accompanied at such meetings.

In cases where the employee has had an extended absence, it will be necessary for the School HR Lead to consider, with the employee and in consultation with the Occupational Health Service, whether the illness should now be defined as a disability.

Regardless of whether or not the employee has a disability, re-introduction, or induction into the workplace situation must be addressed. At a simple level this may involve acclimatisation and information updating. However, it may also require temporary or permanent adjustments to working arrangements, such as shorter working days.

In cases where a serious change to the normal working arrangements appears warranted, advice may be sought from the Trust Director of HR, and where reasonable phasing, timescale and pay arrangements agreed and documented. Advice may also need to be obtained from the Occupational Health Service on any professional health issues.

Certification

For sickness absence of up to and including 7 calendar days you must complete a Self-Certificate of Sickness (appendix 1) and submit it to your manager for authorisation.

For absences of 8 or more calendar days, you must obtain a medical certificate from your GP called a Statement of Fitness for Work (Fit Note).

The Fit Note system means that your doctor can advise the Trust that you are either

- Unfit for work or
- May be fit for work

Your GP will state whether they need to assess your fitness for work again at the end of the Statement period. Where the GP does not need to see you again, in most cases the Trust can expect you to return to work or your usual duties at the end of the Statement period. If your GP needs to see you again and during the subsequent consultation, they feel that you are able to return to work without any functional limitations, your GP will not issue you with a new Statement.

There is an option for your GP to advise whether you may be fit for work with some support. There is also more space for your GP to provide information on how your condition will affect what you do, and helpful tick boxes for your GP to use to suggest common ways to help you return to work. Where your GP feels an assessment by an occupational health professional is required, they will state this. If this is not stated, it does not prevent the Trust from referring you to occupational health services if it is felt that this is necessary. Managers who are unsure of your GP's recommendations may liaise with the Trust's Director of HR on the way forward.

Medical certificates must be submitted to your School HR Lead and/or line manager without delay. Certificates obtained after the period of sickness absence will not normally be accepted, except in exceptional circumstances subject to the Headteacher's discretion.

Provision of Medical Certificates

A medical certificate covering each day of the sickness absence period must be obtained if you are sick:

- during a period of notice
- on the day either side of a public bank holiday
- annual leave
- first / last days of school break.

Medical certificates must indicate the period of sickness they are covering. If this is not shown, the certificate is assumed to provide a maximum cover of 5 working days from the date of issue.

Medical certificates obtained after the sickness absence will not be accepted. Failure to provide medical certificates as required will result in loss of pay.

Other Sickness Absence:

The general procedure for reporting sickness absence also applies to staff who are outside the Trust when they fall sick (for example, at a meeting, on a training course).

- For staff working part-time or job share of less than 5 days a week or uneven hours each day, the time-scales are to be counted pro rata for the purposes of completing the sickness record and in consideration for the manager's monthly review.
- Staff who do not comply with the above framework, and fail to report their absences as required, will be deemed to be absent without permission. This will result in loss of pay. Continued non-compliance will lead to action being taken in accordance with the Trusts' disciplinary procedure.

Staff who are employed to attend school all year should follow the same procedures outlined above during school closure periods.

Contractual Sick Pay

Contractual sick pay for non-teaching staff

Sick pay entitlement depends upon the length of service of the employee. Previous service with other local authorities is taken into account.

The scale is as follows:

Period of Service	Entitlement (working Days)			
During 1st year of service	1-month full pay and (after completing 4 months' service) 2 months half pay			
During 2nd year of service	2 months full pay and 2 months half pay			
During 3rd year of service	4 months full pay and 4 months half pay			
During 4th and 5th year of service	5 months full pay and 5 months half pay			
After 5 years' service	6 months full pay and 6 months half pay			

The amount of sickness absence taken is calculated on a rolling 12-month period (i.e 1 January 2021 to 31 December 2021) that determines the person's entitlement to sick pay.

Contractual sick pay for teaching staff

Sick pay entitlement depends upon the length of service. All previous teaching service recognised for salary increments is taken into account.

The scale is as follows:

Period of Service	Entitlement (working Days)				
1 st year of service	25 days full pay and for absences beginning in the second or third term an additional 50 days half-pay.				
2 nd year of service	50 days full pay, 50 days half-pay.				
3 rd year of service	75 days full pay, 75 days half-pay.				
4 th and subsequent years	100 days full pay, 100 days half pay				

Sickness Absence and Capability

Sickness is not in itself a disciplinary offence but it may be a contributory factor, particularly in cases concerning capability. The Trust's capability procedure outlines the courses of action to be taken where such action becomes necessary.

Wilful or consistent failure to follow the Trust's policies and procedures may result in disciplinary action. It is imperative therefore that all employees are fully aware of the sickness absence framework and ensure there are no breaches of school procedure.

Sickness Review Process

Monthly Review

On a monthly basis, managers should examine the sickness records for all their staff. If any of the following occurs, a review process will be set in motion:

- where there are 3 spells of sickness, of any length, in the previous 3-month period.
- where a total of 10 days' sickness has been taken in the previous 12-month period (for this purpose, there is no distinction between certificated, self-certificated and uncertificated sickness).
- where there are concerns

Return to work meetings, as a normal part of the everyday management/supervisory process, may have identified the reasons for absence and in some instances that no further action need be taken. However, an interview with the member of staff may need to follow the review process.

Sickness Guidance Interview

The Line Manager will conduct an interview, normally within 2 weeks of the end of the period. The purpose of the interview is twofold:

- To ensure the employee is fit to return to work from a management viewpoint (rather than on medical opinion) and to assist the employee to undertake work duties. Assistance may be offered from the manager direct or via another agency, as appropriate.
- To be confident that there is no underlying problem contributing to the absence, either at home or work.

The interview should be used as a structured method to communicate between the Line Manager and the employee, in order to: -

- outline the areas of concern, explain the effect their absence is having and why their attendance is not acceptable;
- ask for an explanation for the area of concern; discuss ways of resolving or overcoming the concern, e.g guidance or training, and consider if other support and assistance are required; confirm the standards of attendance/performance required and/or any targets to be reached; and
- review any arrangements made at a further interview, if necessary.

The line manager must keep a detailed written record of the guidance interview and any agreed outcomes.

At the conclusion of the meeting there must be clarity on:

- action for the future, which may impact upon the achievement of targets, and areas of responsibility
- · a date for the next review meeting

The Line Manager should confirm to the employee in writing the salient points of the meeting and the outcomes to be pursued.

Action which may be pursued as a result of a sickness guidance interview includes:

- referral to the occupational health service
- referral to other support functions, e.g confidential counselling service or specialist assessment temporary adjustment to duties/workload
- job redesign (where appropriate)

A further interview will be arranged within 6 weeks of term time.

6-week Review Interview

The Line Manager should use the meeting to recap whether the defined standards of performance have been achieved. There are two possible outcomes:

(i) Performance/attendance now meets required standards.

The Line Manager will confirm this to the employee and explain that the formal guidance process is at an end. The Line manager should confirm in writing to the employee the outcome reached.

(ii) Performance/attendance has not improved to required standards.

The Line Manager will confirm this to the employee, and use the meeting to:

 again, explore those issues of discussion in the previous guidance interview but within the context that an initial meeting has been held;

- to determine a further reasonable period for the employee to meet the required standards;
- to determine the next stage of the process which will follow the interval awarded to the employee to meet the required standards.

The two options available at all review meetings are:

- (i) at the end of the interview to hold a further review meeting
- (ii) at the end of the interview to take formal capability action. This decision should take account of:
 - the gravity of the poor performance
 - the previous instances that the sickness procedure has been invoked

The Line Manager should confirm to the employee in writing the salient points of the meeting and the outcomes to be pursued.

Second and subsequent formal guidance interviews

At the end of the period agreed for the employee to meet the required standards the Line Manager should determine whether:

(a) Performance/attendance now meets required standards.

The Line Manager will confirm this to the employee and explain that this ends the sickness review process. If there are further, similar capability concerns at a later date then these should be addressed at the First Review meeting stage rather than through a guidance interview. The manager should confirm in writing to the employee the outcome reached.

(b) Performance/attendance has not improved to required standards.

The Line Manager will confirm this to the employee, and again use the meeting to make a judgement on:

- whether to award a further period for improvement
- whether to now pursue formal capability action

The Line Manager should confirm to the employee the salient points of the meeting and the outcomes to be pursued.

Receipt of reports from the Occupational Health Service

Reports from the Occupational Health Service will provide valuable information to the Headteacher / Manager in determining an appropriate response to the employee's absence(s) from work.

(a) IF THERE IS AN UNDERLYING MEDICAL REASON

Medical opinion to be considered in the light of service needs and the likely duration as well as the requirements of the Disability Discrimination Act. Responses include; no further action, job redesign, redeployment, relocation, ill-health retirement, termination of employment on grounds of incapacity.

(b) IF THERE IS NO UNDERLYING MEDICAL REASON

Inform employee of Occupational Health Service view and ask employee for an explanation.

(c) IF THERE IS NO SATISFACTORY EXPLANATION

Inform the employee that this may give rise to disciplinary action. Consider setting new timescales and targets. Confirm any intended action in writing.

The process of referral to the Occupational Health Service and report back should normally take 4 weeks, but may be longer depending on the circumstances. Should this timescale be too lengthy in terms of the Line Manager's intended action, contact will need to be made with the Occupational Health Service to agree a specific timescale.

In accordance with the Access to Medical Reports Act 1988 the Trust must gain a person's written permission before they approach their doctor for a medical report.

Industrial Injury/Accidents and Assaults

Sickness absence due to accidents and/or assaults at work (or those which are directly related) will be managed in exactly the same way as all other sickness absence, although for pay purposes they are treated differently. Such absences must be identified and recorded separately from other sickness absence. The Headteacher and line managers will ensure that these absences are recorded on the appropriate documentation.

Sickness Payments

Non-teaching staff will be paid an allowance under the appropriate sickness payment scheme at a rate of full salary (less any Statutory Sick Pay or National Insurance benefit received) for no more than 12 months from the date when the accident occurred.

Teaching staff shall in all cases be paid full pay for a period of not exceeding six months. Where a teacher is still absent after the initial six months, the question of extension of payment shall be considered by the Governing Body. In the event of no extension of leave being granted, the teacher shall be entitled to normal sick leave and pay according to length of service.

Dental, Doctor, and Hospital Appointments

Requests for time off for essential dental and hospital appointments must be accompanied by an official appointment card. Appointments should always be made in order to ensure minimal disruption to attendance at work. Members of staff where possible should be encouraged to attend appointments before the start or at the end of the working day.

Where a member of staff needs to attend a series of appointments for ongoing treatment, the line manager should be told about the arrangements as soon as possible. If appropriate, the absence should be recorded as sickness absence and dealt with within this framework.

Special Leave

The special leave criteria specify areas where leave may be granted and the maximum duration. The line managers will ensure that staff know that special leave is available where there are domestic difficulties, rather than reporting sick. The Headteacher/Head of School and line managers have discretion to grant special leave, in accordance with the Guidelines. Further details are contained in the section on Special Leave.

Expectant Mothers

The Parental Leave arrangements provide time-off for ante-natal care. Such time should not be regarded as sickness absence.

Sickness absence that is maternity/pregnancy-related should be recorded separately from general sickness absence or disability-related sickness absence. Women have a number of statutory rights and protection from unfair dismissal relating to these issues.

GUIDELINES FOR CONSIDERING SPECIAL LEAVE REQUESTS

There is no entitlement to paid Special Leave for staff. However, staff may apply for Special Leave using the guidelines below.

All references to 'days' below are to be read as 'working days in a 12-month period'.

PURPOSE	RECOMMENDATION
Serious illness of a close family member (e.g. partner, parent, child or a person for whom the member of staff has care responsibility), requiring the presence of the member of staff. This is not intended to cover illnesses of a minor nature (e.g. colds, infections, minor ailments etc.)	Period reasonably necessary, normally not more than 5 days with pay.
Death of persons specified above, where the member of staff has responsibility for making funeral arrangements.	Period reasonably necessary, but not more than 5 days with pay.
Funeral attendance of persons specified above. Serious domestic difficulties caused by the	Period reasonably necessary and allowing for journey time. Period reasonably necessary, but not more than
sudden and unforeseen breakdown of childminding/nursery arrangements without the member of staff being able to make alternative arrangements where a member of staff has care responsibility.	3 days with pay in a 12 month period.
Unforeseen domestic emergency (e.g. burglary, fire, flood) which is beyond the control of the member of staff.	Not more than 1 day with pay (may be applied retrospectively on production of supporting information which may be required by the Headteacher or line manager)

The Headteacher/Head of School <u>may</u> approve special leave up to a maximum of 5 days per individual over a 12-month rolling period.

Special Leave

These notes are intended to provide guidance to the Headteacher/Head of School concerning the treatment of requests for special leave with pay. Such requests need to be treated fairly and consistently, and the needs of the member of staff should be balanced with the requirements of the Trust.

Whilst decisions on special leave will reflect the Trust's role as a caring and reasonable employer, it needs to be emphasised that special leave is at all times subject to the exigencies of the school and is entirely at the discretion of the Headteacher/Head of School.

As a general guideline special leave should relate to emergency situations, that is serious events of a sudden and unforeseen personal or domestic nature which are beyond the control of the member of staff and which require prompt attention.

The guidelines recognise that by virtue of the nature of special leave hard-and-fast rules cannot always be followed rigidly. The Headteacher/Head of School may sometimes need to apply an element of discretion in individual cases depending on the circumstances.

In determining special leave line managers will take into consideration all relevant factors:

- nature of the emergency
- the relationship of the person to the member of staff
- the member of staff's length of service
- the member of staff's work record
- amount of outstanding and uncommitted leave (if applicable)
- service requirements
- the possibility of unpaid leave
- the possibility of temporary variation in working times

It should be noted that for an extended period of unpaid leave (i.e exceeding one month) there are implications for pension and accrual of holiday entitlement.

Visits to the doctor, dentist and hospital clinics shall normally be regarded as outside the provisions of special leave. Staff are entitled to paid time off for the purpose of attending pre-natal classes as detailed in the parental leave arrangements. In all such cases the Headteacher/Head of School will request to see appointment cards, and wherever possible members of staff are expected to make appointments at the beginning or end of the day in order to minimise any disruption at work caused by their absence.

It should be noted that the provision for 'up to 10 days special paid leave', contained within the revised parental leave procedure, is maintained (for a person on maternity leave with less than 26 weeks service, or at time of adoption irrespective of length of service).

<u>Parental Support Leave (Unpaid)</u>:

This should be read in conjunction with the Parental Leave Procedure.

In addition to emergency situations of a personal or domestic nature, special paid leave may be granted for the following reasons: -

- a) for the duration of attendance at court or employment tribunal until such time they are freed by the court or tribunal providing:
 - the member of staff's attendance must be as a witness on subpoena, witness order or other directions through the court or tribunal or at the request of the police.
 - documentary evidence of required attendance is provided.
- b) jury service

- c) sitting sponsored exams and final revision (equivalent number of days to the length of the exam)
- d) acting as an examiner to outside authorities (not exceeding an aggregate of one week in any 12-month period)
- e) attendance at appeal hearings
- f) magisterial duties or meetings of public bodies or attendance at national conferences (not exceeding the equivalent of 12 days a year)
- g) serving as a member of a local authority (up to 208 hours a year)
- h) election duties
- i) duties undertaken as a school governor/trustee, whether within the borough or not (not exceeding 5 days a year)
- j) attendance at summer camp as a volunteer member of the non-regular forces (up to 2 weeks a year)

Applications for special leave should be made in advance of the requested absence or on the first day of absence in the event of emergency situations.

At all times the Headteacher/Head of School may require confirmation or proof for the need of special leave to be approved, and must be aware of the requirement to avoid discriminatory treatment or victimisation.

Appendix 1



Self-Certification Form

<u>Confidential</u> Please complete this form if you are absent for any period between 1 and 7 calendar days (you should include weekends and/or days when you are not due to work if you were sick on those days). The form should be completed on your return to work or post it to your Line Manager. Your Line Manager will meet with you, and send your certificate(s) to the HR Department.

Employee's details					
Name		Job title			
School		Line Manager			
Full Time Yes No		Part Time Yes No	M T W T F (Circle)		
Details of the absence Please use the space below to record details of the absence. If you are absent for more than 7 calendar days you must also obtain a Medical Statement from your General/Medical Practitioner to cover you from the 8th calendar day onwards until you return to work.					
First day of absence	ı	ast day of absence			
Method of notification	1	No. of days absent			
Returned to work		No. of days absent in last 12 months			
Reason for absence: Operation	Accident Other p	please specify:			
Details of absence Please say cle (Words like "unwell" or "illness" are not Declaration I declare the period of absence above.	enough). The second	at work or outside of work please giv whether it was reported and to whon			
Employee Signature		Date			
Line Manager's Rec	ord For absences of 6+ working d	ays, please record discussion on Return	rn to Work Meeting Record Form.		
Total No. of working days absent		GP / Doctor visited	Yes No No		
OHS referral	Yes No No	Certificate supplied	Yes No		
Return to work discussion – Key point	raised		•		
Line Manager Signature			Date		

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Appendix 2

Employee's details



Sickness Absence – Return to work Interview Form

<u>Confidential</u> This Return to Work Interview Form is designed as a guide for the line manager when meeting with employees on their return to work from sickness absence. The meeting should be formal, polite and relaxed with the manager encouraging discussion; listening as much as talking.

Name			Job title		
Line Manager Conducting Interview			School		
Full Time Yes No			Part Time Yes	□ No □	MTWTF (Circle)
Details of the absence Plea days you must also obtain a Medical State until you return to work.	se use the space below t ment from your General	o record details o	of the absence. If yoner to cover you f	ou are absent for from the 8 th cal	more than 7 calendar endar day onwards
First day of absence		Last day of abs	ence		
Medical Certificated yes \(\square\)	lo 🗆	No. of days abs	absent		
Returned to work		No. of days abs months	sent in last 12		
Reason for absence: Operation A	ccident Other	please specify:			
Interview	D	etails			
Is employee fit to resume full range	of duties?				
Yes □ No □	N.B duti		nt must be carried or	ut for any employe	e not fit to resume full
Was this absence linked to any previous absence?					
Yes □ No □					
Is there reason to believe a recurre type of absence is likely? Yes No	nce of this				
Was this absence work related?					
Yes □ No □					
Are there any underlying problems absence (personal, work or domest employee wishes to inform us of?					
Yes □ No □					

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Is there any assistance that the so provide?	chool can					
Yes □ No □						
Notes of any additional discussions absence (e.g. requests for improve of absence, advice given to emplo	ement, patterns					
Further Action						
Referral to Occupational Health			1	∕es □	No 🗆	
Unauthorised absence - requires further investigation			,	∕es □	No 🗆	
Sickness review meeting required)	∕es □	No 🗆	
Investigation into failure to follow Company Procedure			,	∕es □	No 🗆	
			•			
Reminder to employee						
If appropriate, remind employee of	of the following:					
 HR and/or Line Manager will assist in any way they can to prevent a recurrence of problem The effect their absence may have on the School, department and team 						
Employee's responsibility to make the School aware as soon as possible of any problems before they escalate.						
Declaration I declare that the information which I have given is complete and correct.						
Employee Signature			Date			
Line Manager's Record						
Total No. of working days absent		GP / Doctor vis	sited	Yes 🗌	No 🗆	
OHS referral	Yes 🗌 No 🗌	Certificate sup	plied	Yes 🗌	No 🗌	
Return to work discussion – Key point raised						
Line Manager Signature						Date

Please send completed Sickness Absence Return to work Interview Form to HR so that they can record the employee as having returned to work. A copy of this form should be kept on the employee's personal file held within the School.

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^{*} If you wish to make a referral to Occupational Health please discuss this with HR.