



### Statement of Intent

**St Mary's Catholic High 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 employees' work-life balance. Regular attendance at work is an integral part of each employee's contract of employment; however, we recognise that employees will, on occasion, have genuine and acceptable reasons to be absent from work. On those occasions, we will aim to support an employee during the period of absence, with the aim of assisting their return to work at the earliest opportunity.

We also understand that holidays are precious time away from the regular stress of work, and strongly encourage staff to take annual leave, where leave is not covered by the school holidays. We also 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 employees 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 employees 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 employees 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 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:

- Maternity, Paternity, Adoption, Parental and Parental Bereavement Leave Policy
- Disciplinary Policy and Procedure
- Records Management Policy

## **Roles and responsibilities**

The governing body is responsible for:

- Reviewing this policy and ensuring it is adhered to across the school.
- Ensuring that this policy is implemented fairly, consistently and in line with the body's equality duties.
- Signing off any special leave requested by the headteacher, e.g. bereavement leave.

The headteacher is responsible for:

- Implementing this policy in line with their statutory duties.
- Informing all employees of attendance management procedures, including the conditions of the sick pay scheme.
- Recording all sickness absence upon notification.
- Monitoring and reviewing sickness absence across the school.
- Deciding if a stage one absence hearing with an employee is appropriate when their sickness absence level has reached a trigger point.
- Maintaining reasonable contact with employees during a period of absence.
- Meeting with employees on their return to work, regardless of the duration of the absence.
- Implementing a special leave reporting structure for staff and reporting any requests to the governing body.
- Delegating responsibilities to line managers to sign off annual leave in line with this policy.

Line managers are responsible for:

- Implementing this policy in line with their statutory duties.
- Briefing employees on the schools sickness absence procedures.
- Ensuring employees are supported throughout their period of leave and being a point of contact for any queries or problems they may have.
- Managing and signing off annual leave requests.
- Recording all sickness absence on notification.

Staff are responsible for:

- Attending work when fit to do so.
- Complying with the school's notification of sickness absence procedures.
- Maintaining reasonable contact with the school and meeting with the school when required during periods of absence of four weeks or longer ("long-term sickness absence").
- If requested to do so by the school, attending occupational health (and potentially other medical) appointments.
- Arranging annual leave during school holiday periods.
- Requesting special leave as soon as possible.
- Submitting annual leave requests to their line manager.
- Arranging leave for a convenient time, i.e. not in conflict with other relevant staff leave.

- Adhering to this policy at all times.

## **Annual leave**

### **Teacher annual leave**

Teachers will be required to be available for work for 195 days each year, of which 190 shall be days they may be required to teach pupils and 5 will be for other duties.

Teachers will not be permitted to request annual leave to take a holiday within term-time. Term-time leave may be permissible in exceptional circumstances, e.g. to take care of a dependant.

### **Support staff annual leave**

Entitlement to annual leave for support staff will be specified in their individual contracts of employment.

The provision for support staff employed on a term-time only basis is the same as for teaching staff above. The annual leave year for support staff runs from 1 April to 31 March. For all-year-round staff, the school expects annual leave to be taken during the school holidays. Support staff may not take annual leave when they are required to be in school for a specific purpose.

Line managers are responsible for approving annual leave for their respective support staff. Where support staff request leave during term-time, their request will be granted having given due regard to the exigencies of the service.

Staff may carry forward a maximum of 5 days of annual leave where a minimum of 20 days annual leave has been taken in the current leave year. Any leave carried forward must be taken before 30 June that year and with the prior written consent of their line manager.

## **Other annual leave**

Annual leave entitlement for workers with irregular hours will be based on the last 52 weeks or the total number of weeks they have worked so far for the school.

## **Sabbatical leave**

Staff may request sabbatical leave from the headteacher – leave will be granted based on the following considerations:

- Job role

- Number of years continuous service
- Performance standards to date
- Length of time requested

Staff requesting sabbatical leave must give at least three months' advance notice. Staff who request sabbatical leave of absence will receive a response within two weeks of their request. Any rejected requests can be appealed to the governing body.

### **Accruing annual leave during sick leave**

Employees will have the right to accrue annual leave during sickness and to take this upon return or carry forward the annual leave into the next leave year. The time an employee takes leave will be agreed by the staff member's manager in line with the needs of the school.

Full time employees are entitled to 28 days (5.6 weeks) of statutory annual leave under the Working Time Regulations 1998; therefore, the entitlement to statutory annual leave can be offset by any periods of school closure, whether they occur before or after the period of sickness. Where there is insufficient school closure time to allow the statutory annual leave to be taken, the school will allow the employee to carry forward the leave to be taken in a school closure.

When an employee commences sick leave, the amount of leave an employee has had in the current leave year will be established by the amount of school closure periods that have already occurred during the leave year. If this exceeds the entitlement to statutory annual leave, there will be no further entitlement to leave.

### **Leave of absence**

The school will comply with any statutory regulations regarding allowance of time off for employees. The school recognises that there may be times when employees will need to take additional time away from work and will comply with this in line with their statutory duties.

Staff seeking to take leave of absence will be required to gain approval from the headteacher in advance, where possible. It is at the discretion of the headteacher to grant leave – any refusal will be reasonable and justified. Staff

are able to appeal to the governing body if their request for leave has been rejected.

The procedures outlined in this policy will be reviewed annually by the governing body to ensure they remain unbiased and fair for all staff.

The following are examples of leave of absence which may be requested (this is not an exhaustive list):

- Bereavement leave
- Time off to care for dependants
- Urgent domestic reasons
- Jury service and/or witness summons
- Justice of the Peace (Magistrate) duties
- Other public duties
- Personal health and welfare
- Examination and revision leave
- Religious observance
- Service in non-regular armed forces or volunteer reserve services

Retrospective leave may be requested in exceptional circumstances, e.g. a family emergency.

Maternity leave, paternity leave, adoption leave, parental leave and parental bereavement leave will be arranged in line with the Employment Rights Act 1996 and the school's Maternity, Paternity, Adoption and Parental and Parental Bereavement Leave Policy.

A minimum of two weeks' Statutory Parental Bereavement Leave will be granted to staff who have lost a child under the age of 18, or who have suffered a still birth from 24 weeks of pregnancy, which took place on or after 6 April 2020. The leave will commence on or after the date of the death or stillbirth and will finish within 56 weeks of that date of the death or stillbirth. If the staff member is already taking another form of leave, e.g. maternity leave, at the time of the death or stillbirth, the Statutory Parental Bereavement Leave will start after the other leave period has ended.

Statutory Parental Bereavement Leave will be implemented alongside Statutory Parental Bereavement Pay, using the [Statutory Parental Bereavement Pay tables](#) to calculate this. Statutory Parental Bereavement Leave and Pay will be

implemented in line with the school's Maternity, Paternity, Adoption and Parental and Parental Bereavement Leave Policy at all times.

The school will permit staff a maximum of 6 days of paid leave per annum in order to take necessary action to deal with the emergency arrangement of an ill dependant. For the purposes of this policy, a dependant is defined as a staff member's spouse or civil partner, their child or parent, or any other person who lives in the same household as the staff member and is dependent on the staff member for care and assistance when ill.

There may be situations where paid leave is not appropriate, and in this case unpaid leave or time off in lieu arrangements will be considered.

If an employee takes leave without permission from the school, the leave will be considered unauthorised unpaid leave and may result in disciplinary action, including dismissal.

### **Sickness absence**

The school will make appropriate arrangements to minimise the impact of sickness absence, including arranging supply cover or longer-term arrangements in the event that an employee is absent for a longer period of time. Any leave granted, whether paid or unpaid, will be subject to the availability of staff to cover the employee's period of absence.

The school expects staff to report absence using the following procedure:

- On the first day of sickness absence, staff will call their line manager by no later than 8:00am.
- Staff will notify their line manager of the reason for their absence and the likely duration of their absence.
- Staff will maintain contact with the school for the duration of their absence.
- Unless and until staff are certified by a fit note from a healthcare professional, they will call their line manager by no later than 8:00am for each day of absence unless instructed otherwise.
- If a staff member is absent for longer than seven consecutive days (including weekends), then they will submit a fit note from a healthcare professional to the school.

Failure to follow this process could result in sick pay being withheld or the absence being treated as unauthorised.

The school will accept fit notes that are handwritten or computer generated as a printed out or digital copy. The school will only accept fit notes that include the issuer's name or signature, profession, and the address of the medical practice.

The school will accept fit notes from the following healthcare professionals that deliver NHS services:

- Doctors
- Nurses
- Occupational therapists
- Pharmacists
- Physiotherapists

### **Headteacher sickness absence**

In the case of headteacher sickness absence, the absence management procedure will be managed by the governing body.

### **Long-term sickness absence**

Where a staff member is or is reasonably expected to be absent from work for four weeks or more, including any period of holiday, or where the staff member has been unable to sustain regular and efficient attendance due to a long-term condition, they will fall within the scope of the long-term sickness absence management procedure.

The school will maintain regular and supportive contact with the staff member, which may include:

- Regular review meetings to discuss their continuing absence.
- When they may be able to return to work.
- Any reasonable adjustments that the school may be able to make to assist them in returning to work.

It is a contractual requirement that the employee cooperate with the school during such period of absence.

### **Occupational health**

The school will refer staff to an occupational health advisor where necessary. The advisor will outline:

- When the staff member will be able to return to their role.
- The staff member's ability to carry out their role.
- Whether any adjustments or modifications will be made to assist the staff member in carrying out their role.
- Whether the staff member is, or will soon be, unable to carry out their role or alternative duties within the school.
- Whether any adjustments or modifications could be made to assist the employee in carrying out such alternative duties.

The school will consider appropriate support options, including reasonable adjustments or phased returns to work.

For employees experiencing a psychological illness, e.g. stress, anxiety or depression, or a musculoskeletal complaint, e.g. a neck, shoulder or back condition, an immediate referral to occupational health will be made.

### **Ill-health retirement**

Staff who are contributing to the Local Pensions or Teachers' Pensions (TP) will be considered for ill-health retirement where applicable.

### **Sick pay**

Sick pay is based on length of service. For teachers, this is aggregated teaching service within any LA and any academy. For all other staff, it is continuous service within any public authority to which the Redundancy Payments Modification Order 1985 applies.

If the school is concerned that the reason given for staff absence is not genuine, it may commence action under the school's Disciplinary Policy and Procedure. The school reserves the right to withhold sick pay in circumstances which are described in the relevant paragraphs of the conditions of service for teachers and support staff.

Staff who are absent from work on sickness absence must not participate in any other form of work, paid or unpaid, during or outside of their normal working hours without the prior written authorisation of school. Staff will notify the school if they are undertaking therapeutic work whilst off sick and will consult with the school's occupational health service as to the advisability of such activity. If staff are found to be carrying out other work within their contracted hours at the school, sick pay may be withheld.

Time off for surgery that is not for medical reasons will ordinarily not be paid by the school.

### **Statutory sick pay (SSP)**

In order to qualify for statutory sick pay (SSP), staff must:

- Be sick for at least four or more days in a row, including weekends and bank holidays as SSP is not payable for the first three days of any period of absence; and
- Earn an average of no less than the Lower Earnings Limit for National Insurance Contributions (NIC).

SSP is paid by the school for up to a maximum of 28 weeks.

### **Returning to work**

Where a healthcare professional advises a staff member that they are not fit for work, the healthcare professional will state the period for which this will be the case and whether they will need to assess the staff member again. If the healthcare professional has not stated that they need to assess the staff member again, the school will ordinarily assume that the employee will return to work on expiry of the fit note.

The school may ask the staff member to seek further advice from their healthcare professional regarding a return to work or to seek advice from an occupational health advisor before the employee is allowed to return to work. Staff will attend any additional appointments as reasonably instructed by the school.

During any additional period of assessment, the staff member will remain entitled to sick pay in accordance with the SSP or the employee's terms and conditions of service.

Staff will take on board any advice given by their doctor on how to return to work. Advice may include:

- A phased return to work.
- Flexible working.
- Amended duties.

- Workplace adaptations.

The school will consider any recommendations made by the staff member's doctor and implement additional measures to support the staff member's return to work where possible.

On their return to work, staff will contact their line manager and complete a sickness notification form as directed before commencing duties.

The interview will:

- Welcome the staff member back to work.
- Inform the staff member of any changes during their absence.
- Seek assurance that the staff member is well enough to be at work.
- Establish if the staff member requires any additional support.
- Assess whether the staff member needs to be referred to occupational health.

During the interview, staff will be made aware of the following:

- Whether their absence may lead to a stage one absence meeting
- Any support the school will offer to avoid a stage one absence meeting
- Whether they have surpassed the trigger points for a stage one absence meeting and the implications of this, e.g. being invited to an absence meeting

If a staff member has already received an official warning over their attendance, they may be invited to a stage two or three absence meeting.

A record of a return to work interview will be signed by both the staff member and their line manager, and a copy will be kept and stored securely in line with the Records Management Policy.

## **Redeployment of staff**

Staff who are fit to return to work, but not in their original role, will be transferred into an alternative role which they are able to undertake with or without reasonable adjustments or training.

## **Persistent absence**

If a staff member is persistently absent and their attendance levels have not improved to a satisfactory level following informal action through the return to work interviews, and having taken into consideration the trigger points, their line manager may choose to obtain medical advice from occupational health if appropriate, or may proceed to a stage one absence meeting.

Where there is a history of formal absence warnings that result in a successful monitoring period which is then immediately followed by further absences, the school may not recommence the informal attendance monitoring process but move instead to the next stage in the formal procedure.

All sickness absence hearings relating to the headteacher's sickness absence will be conducted by a nominated governor and any subsequent appeal will be held by the chair of governors.

### **Stage one absence meeting**

If a staff member's sickness absence levels have not improved despite being addressed in their return to work meetings, and the employee has reached the trigger points, the line manager will invite the staff member to a stage one absence meeting. The staff member's line manager will provide at least **three** working days' notice, in writing, of the stage one absence meeting. They will communicate the following to the staff member:

- The time, date and place of the meeting
- The reason for the meeting
- Any evidence to be discussed at the meeting
- The staff member's right to be accompanied by a trade union representative or work colleague not involved in the case

The line manager will prepare for the meeting by ensuring that they have identified the employee's sickness absence levels and the support that has been provided via the return to work meetings. Any medical evidence or documentation that the staff member wishes the line manager to consider will be submitted prior to the meeting.

In the stage one absence meeting the line manager will:

- Explain the concern about the absence level and reasons for that concern, such as operational difficulties caused.

- Listen to reasons and respond appropriately.
- Consider whether to refer the case to occupational health if they have not already done so.
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement.
- Identify any support required.

The potential outcomes of this meeting include:

- Giving the staff member a stage one warning, to remain on file for 6-12 months, and explaining that continued failure to improve attendance to the specified level may lead to a stage two absence meeting, which could lead to the staff member's employment being put at risk.
- An extension of informal monitoring.
- No further action.

### **Stage two absence meeting**

If the staff member's attendance drops below the required level within the set monitoring period, their line manager will ask the employee to attend a stage two absence meeting. The line manager will provide at least **three** working days' notice of the stage two absence meeting in writing. They will communicate the following to the staff member:

- The time, date and place of the meeting
- The reason for the meeting
- Any evidence to be discussed at the meeting
- The staff member's right to be accompanied by a trade union representative or work colleague not involved in the case

In the stage two absence meeting, the line manager will:

- Explain the concern about the absence level and reasons for that concern, such as operational difficulties caused.
- Listen to reasons and respond appropriately.
- Consider whether to refer the case to occupational health if they have not already done so.
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement.
- Identify any support required.

The potential outcomes of this meeting include:

- Give the employee a stage two warning, to remain on file for 9-12 months, and explaining that continued failure to improve attendance to the specified level will lead to a stage three absence hearing which could result in dismissal.
- An extension of monitoring and support within stage one of the formal process.
- No further action.

The staff member's line manager will fully record the details of the meeting and send a letter to the staff member confirming the details of this meeting.

If at any stage a staff member has reached a level of improvement acceptable to the school, monitoring will revert back to informal arrangements.

### **Stage three absence hearing**

If the employee's attendance drops below the required level within the set monitoring period, their line manager will ask the staff member to attend a stage three absence meeting. The line manager will provide at least **five** working days' notice of the stage three absence meeting in writing. The notice will include:

- The purpose of the hearing.
- Details of the employee's attendance.
- The stage reached in the procedure.
- When and where the hearing will be conducted.
- The right to be accompanied by a trade union representative or work colleague not involved in the case.
- The requirement for the employee to provide, in at least **two** working days before the hearing, all documents that they intend to present at the hearing.

The stage three absence meeting will be conducted by the headteacher. Any medical evidence or documentation that the staff member wishes the headteacher to consider will be submitted at least **two** working days prior to the hearing.

The purpose of the stage three absence meeting will be to consider whether the staff member is capable of continuing employment with the school in the light of their health, their attendance and their ability to perform the role with reasonable effectiveness. The meeting will also consider whether the school can reasonably sustain the staff member's level of attendance.

The potential outcomes of this meeting include the following:

- An extension of monitoring and support within stage two of the formal process
- If the headteacher decides that the staff member's attendance is not acceptable and is unlikely to improve to an acceptable level, the employee may be dismissed with notice on the grounds of failure to sustain required levels of attendance

Prior to a decision to dismiss, consideration will be given to any alternative working arrangements or roles with the school. If the school decides to terminate the staff member's employment on the grounds of the above, the employee will be informed of the school's decision to dismiss in writing and the employee will be advised of their right of appeal.

A copy of the letter dismissing the staff member will be sent to the Director of Children's Services. The Director of Children's Services will then formally confirm dismissal by letter to the employee.

### **Appeals**

Any appeal arising as a result of a warning or dismissal will be made in writing to the clerk to governors within **five** working days of receiving the outcome of the hearing.

If the staff member submits an appeal, they will be invited to an appeal hearing where their case will be heard by a more senior manager. In the event that a decision was taken by the headteacher, any appeal will be heard by the chair of governors. The outcome of the appeal hearing will be confirmed in writing to the employee. There is no further level of appeal.

An appeal following a stage three dismissal will be heard by a panel of up to three governors.

### **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 LA 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 trade union representative or work colleague.

If, following the preliminary meeting, 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 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.

## Staff absence management checklist

Absence management tool	Management procedure	✓
Absence notification	On the first day of the absence, the staff member must notify their line manager that they will be absent by no later than <u>8:00am</u> . The staff member should notify their line manager of the reason for their absence and the likely duration of their absence. The staff member must notify their line manager that they are going to be absent on each day of their absence by 8:00am, unless a duration has been stated in a fit note from a healthcare professional.	
Absence recording	The staff member's line manager must accurately record the staff member's absence on the school's system.	
Contact with the staff member	The staff member will be regularly contacted by their line manager for the duration of their absence.	
Fit note	If the staff member is absent for longer than seven days (including weekends), they must submit a fit note from a healthcare professional to the school.	
Specialist advice	For longer-term absences or other concerns, e.g. wellbeing upon return to work, advice must be sought via the relevant channels, e.g. the school's HR team.	
Occupational Health referral	A referral will be made to Occupational Health where needed.	
Return to work interviews	The staff member's line manager must conduct a return to work meeting for all absences before returning to work.	
Management of long-term absences	The staff member will be contacted by their line manager to determine the period of absence. The absence and their return to work will be managed accordingly, taking into consideration the needs of the staff member.	
Management of unacceptable absence	Concerns about persistent absences will be managed in line with the Staff Attendance and Absence Policy.	