

St. Nicholas School

ST NICHOLAS SCHOOL

Absence Management Policy

Regular attendance is a requirement for school staff to carry out their professional duties as set out in their contracts of employment, job descriptions and statutory conditions of employment. St. Nicholas School is committed to supporting the health, well-being and attendance of all employees and requires each employee to take responsibility for achieving and maintain good attendance.

St. Nicholas School is committed to supporting an employee during a period of absence with the aim of assisting their return to work and maintaining the required levels of performance. Advice may be sought from occupational health advisors or personnel providers in the management of ill health issues.

An employee will be advised of the possible consequences of their absence, including if their employment is at risk. St. Nicholas School will seek to balance the needs of the school with the needs of the employee. Where an employee is unable to discharge the duties of their post due to ill health and all reasonable alternative options have been exhausted, consideration may be given to terminating employment.

Sickness

1. Introduction

This policy provides clear guidelines for all staff employed at St. Nicholas School. These rules and procedures promote fairness and consistency in the treatment of individual employees which reflect the relevant policy on equal opportunities, legislation covering health and safety issues and the avoidance of discrimination. The provisions of the Equality Act may also apply to some cases.

2. Scope

This procedure should be followed when dealing with absence(s) due to sickness.

Persistent lateness or unauthorised absence will be dealt with in accordance with the Disciplinary Procedure.

This procedure will be applied by the Headteacher, or manager to whom the responsibility has been delegated. If the procedure is to be applied to the headteacher, the role normally undertaken by the headteacher or manager will be carried out by a nominated governor, normally the chair of the governing body. In that event all subsequent references to headteacher or manager in this procedure should be replaced by governor.

Managers will show understanding towards employees who are absent for reasons of ill health or injury.

All absences will be recorded and monitored accurately.

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Managers should make employees aware that they may be accompanied by a trade union or professional association representative, or a workplace colleague, at any formal stage in the procedure.

3. Reporting of absence

All employees have a responsibility to report by phone to the school before 8.00am that they will be absent, the reason and the expected return date as soon as it is known. If the employee is not able to return on the date they have specified they will need to inform the school as soon as possible.

Any short term absences due to sickness must be supported by the completion of the self-certification form available from the school office. If the absence extends beyond seven days, a certificate of fitness to work from a GP or other medical adviser must be provided from the eighth calendar day onwards. Certificates should be submitted directly to the school at the earliest opportunity to ensure that pay is calculated correctly.

In exceptional circumstances the school may request an employee to provide a 'fit note' for a period of sickness absence not exceeding seven days. In such cases the school will meet the cost of any 'fit note' being issued.

Should a 'fit note' indicate that an employee is not fit for work they should remain on sick leave until the expiry of the note. There is no requirement for the employee to be signed 'fit for work' by a medical practitioner before returning. Should the employee feel fit to return to work prior to the expiry of the note then the school will give this request due consideration and undertake a risk assessment. The school reserves the right to ask the employee to remain on sick leave until the expiry of the note.

Payment of sick pay is conditional upon meeting both statutory and school requirements concerning absence notification and medical certification. Appropriate certification is required for the entire period of absence including school closure days and non-working days. Failure to follow these requirements or provide certification in a timely manner may result in the absence being regarded as unauthorised and in exceptional circumstances the school reserves the right to withhold pay. The making of false sickness declarations will be addressed in accordance with the School's Disciplinary Procedure.

4. Short term absences

A sickness will be considered to be short term if it is less than 20 working days. The manager will meet informally with the employee as soon as practicable following their return from any short term absence. The purpose of the meeting is to check on the employees' welfare as well as to demonstrate that the absence has been noted. The appropriate self-certification documentation should be completed. The record of return to work interview will be completed.

5. Frequent short term absences

It is important to be clear when further action may be needed to address frequent short term absences. These will be **five periods of absence within a rolling 12 months or fifteen working days absence (cumulative) within a rolling period of 12 months.**

In the event of either of the above an absence review meeting will be convened as soon as possible. The manager may seek the advice of a human resources adviser prior to the

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meeting. The employee will be advised of the meeting in writing, including their right to be accompanied by a work place colleague or trade union representative. The meeting will be confidential and will have the following agenda.

- Discussion of the cause(s) of the absence(s) and consideration of strategies to help improve attendance
- Possible referral to occupational health
- Reinforcing expectations regarding attendance levels with targets for improvements
- Review date
- Advise that a possible consequences of insufficient improvement could be further formal action

A copy of the record of the meeting will be placed on the employees file and sent to the employee who may supply a written response to be placed on file also.

If sufficient progress has been made by the review date the process will not be continued and the employee will be notified accordingly.

If satisfactory progress has not been made a formal absence review meeting will be arranged to explore the reasons and to consider what further action should be taken. This may result in:

- The provision of additional support and advice
- A further period of monitoring
- A warning being issued
 - i. Formal recorded verbal warning
Where the manager is not satisfied that attendance has reached a satisfactory level a formal verbal warning may be issued. The recording of this warning will be retained on the employee's file and only expunged after a period of six months satisfactory attendance. Attendance will not be deemed to have been satisfactory if any further warning has been issued within the six-month period
 - ii. Formal written warning
Where attendance has not reached a satisfactory level following one or more recorded verbal warnings a formal written warning may be issued. The record of this warning will be retained on the employee's file and only expunged after a period of 12 months satisfactory attendance. Attendance will not be deemed to have been satisfactory if any further warning has been issued within the 12 month period.
 - iii. Formal final written warning
A formal final written warning may be issued if attendance has not reached a satisfactory level following a formal written warning. The warning will make it clear that any further unsatisfactory attendance may result in dismissal. The record of this warning will be retained on the employee's file and only expunged after two years satisfactory attendance. Attendance will not be deemed to have been satisfactory if any further warning has been issued within the two-year period.

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The employee will have the right of appeal against any formal warning that is issued.

6. Long term sickness absence

A sickness will be considered to be long term if an employee has been absent consecutively for 20 working days. Contact will be made with the employee and if there is no likelihood of an early return to work then a welfare meeting should be offered. This can be at school or at the employee's home. The employee will be advised that they may ask a workplace colleague or trade union/professional association representative to be present. Advice and/or assistance from the school's human resources advisor will be sought also. The meeting will discuss the following:

- The cause of the absence and the relevant details of the diagnosed illness
- How long the absence is likely to last
- Any other factors at home or at work that might be contributing to the absence
- Any suggestions that could be considered in order to help the employee return to work
- Referral to the occupational health advisor
- Possible outcomes if the employee is unable to return to work
 - Mutually agreed transfer to reduced employment or stepping down of responsibilities
 - Retirement through ill-health
 - Voluntary resignation
 - Convening a governing body ill-health dismissal hearing

After the initial meeting further review meetings may take place in order to monitor and re-evaluate the situation.

7. Occupational health advice

Referrals to occupational health may be appropriate for a variety of reasons but are primarily in order to provide the employer with their own expert advice about the health of the employee in relation to their employment.

8. Returning to work

A return to work meeting should be held as soon as possible after the employee has informed the school that they will be fit to return to work, but may need to be deferred if the headteacher decides that it is necessary to obtain a further report from the occupational health advisor. The employee will be entitled to receive their usual pay as soon as their own medical advisor has indicated they are fit to return to resume their normal duties. The employee will be entitled to be accompanied by a trade union representative or professional association representative or a workplace colleague.

An employee will not be able to return to work until a meeting has been held and the school is satisfied that the employee is fit to return to carry out their normal duties or that a return to modified duties will not prejudice their recovery. An employee cannot return to work before the date indicated by their most recent certificate of fitness to work.

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The meeting will consider the content of any reports from the occupational health advisor. If the headteacher agrees that the employee is fit to return to work, there will be a discussion of any measures that might be taken to seek to ensure that the employee remains fit once they do return to work. Such measures may include:

- A temporary reduction in the hours of work (a phased return)
- Limited duties/responsibilities
- The provision of specialist equipment
- Additional support or training

The meeting will normally include the issuing of a formal warning at the level deemed to be appropriate in the circumstances.

9. Legal framework

Termination of employment on the grounds of ill health constitutes dismissal for employment law purposes, except where the employee has resigned or has applied successfully for retirement on the grounds of ill health. Such a dismissal on the grounds of ill-health capability is likely to be fair provided that the employer has followed a reasonable process. This would mean that:

- Agreed procedures have been followed and these procedures are equitable
- The employee has been kept fully informed throughout the process
- The decision to dismiss is based on sound, recent medical advice
- The employee's need for time to recover their health is not compatible with the needs of the employer for work to be done
- All possible alternatives to dismissal have been explored and discounted for good, demonstrable reasons
- The dismissal has taken place after expiry of the appropriate statutory and/or contractual notice period, or else the employee has received pay in lieu of notice

Consideration should be given to the length of occupational sick pay entitlement but there is no absolute obligation to delay a dismissal process until the sick pay entitlement ceases.

In the case of teachers whose absence is due to accident, injury or assault attested by an approved medical practitioner to have arisen out of, and in the course of, the teacher's employment they will be allowed full pay for a period not exceeding six calendar months. Such absences shall not be reckoned against the teacher's entitlement to paid sick leave.

Consideration will need to have been given as to whether an employee with a disability might be protected by the provisions of the Equality Act, in particular the duty of care to provide reasonable adjustments in the workplace.

10. Dismissal procedure

This may be implemented following either a series of warnings relating to frequent short-term absences, or one or more periods of long-term absence, and normally where there is no realistic prospect of a sustained return to work within a reasonable period. A final absence review meeting between the employee and the headteacher may be arranged to ensure that all options have been fully explored.

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Following the final absence review meeting, or return to work meeting that has not resulted in a return to work, if it is the view of the headteacher that consideration is to be given to dismissal of the employee, the matter will be referred to a hearing before the governing body, i.e. the staff dismissal committee. In making the referral to the staff dismissal committee, the headteacher will set out his reasons in writing and provide copies of appropriate supporting documentation. The employee will be provided with copies of the same. At the hearing the headteacher will present the evidence on behalf of the school. The employee or their representative will be entitled to respond.

The decision shall be one of the following:

- Determine that the employee should continue to work at the school and that no further action under this procedure is required
- Extend the period of time allowed for improvement, supported with a warning that if improvements in attendance are not achieved governors may reconsider dismissal
- Determine that the employee ceases to work at the school

The written decision of the committee shall be given to the employee within three working days. When a committee has determined that the employee should cease to work at the school, the employee will be notified of their right of appeal and simultaneously written notification will be sent to the local authority where they are the employer.

11. Rights of appeal

An employee may appeal against a formal warning, or a determination that they should cease to work at the school, by giving notice in writing to the clerk to the governing body within five working days of receipt of written confirmation of the warning or the dismissal, setting out the grounds for their appeal. A meeting of the appeal committee shall be convened at the earliest opportunity, but normally within 15 working days. The employee, the headteacher and the chair of the dismissal committee shall be given at least five days' notice of the date, time and venue of the appeal hearing.

12. Arrangements for governors committee

The employee shall be entitled to:

- Be represented/accompanied by a workplace colleague or trade union official/professional association representative
- Receive advance notice of the date, time and venue of the meeting
- Receive details of specific concerns regarding attendance level, including sufficient detail to enable the employee to prepare a response, at least five working days before the meeting, including a copy of any written material which is to be presented at the meeting
- Be advised of the names of the presenter of the case and of any witnesses to be called

For the appeals committee the employee shall be entitled to:

- Be represented/accompanied by a workplace colleague or trade union official/professional association representative

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- Receive advance notice of the date, time and venue of the meeting
- Receive details of specific concerns regarding attendance level, including sufficient detail to enable the employee to prepare a response, at least five working days before the meeting, including a copy of any written material which is to be presented at the meeting
- Be advised of the names of the presenter of the case and of any witnesses to be called

At least five days before the appeal hearing the employee must provide the clerk to the governing body with:

- Written details of the grounds for their appeal
- Copies of any written material which is to be represented at the meeting, including sufficient detail to enable the school to prepare a response
- The names of any persons who will accompany the employee and of any witnesses to be called

The decision of the appeal committee will be final and there will be no further right of appeal to the governing body. The time periods set out in these procedures may be varied by mutual agreement.

13. Absence during the probationary period:

The school will monitor attendance during an employee's probationary period. Any concerns will be managed in accordance with the probationary period guidance and without recourse to this full procedure.

14. Absence/poor performance related to an ongoing medical condition or disability:

Advice may be sought through the Occupational Health Advisor to put in place measures that can support the employee. This may include consideration of reasonable workplace support and adjustments under the provisions of the Equalities Act 2010 and/or redeployment to an alternative role. Regular informal review meetings will be arranged to monitor the situation. Should there be ongoing impact on performance these concerns may be addressed through the School's Capability Procedure.

15. Absence arising from management action to address performance/conduct concerns:

In circumstances where absence arises directly from management, action to address performance and/or concerns around conduct, the school will immediately seek advice from an Occupational Health Advisor on how to support the employee in the management of the absence and/or progress the performance or conduct issues.

16. Ill health retirement

If an employee is unable to return to work due to continuing ill health, an application for ill health retirement may be appropriate. Referrals for ill health retirement will be made in accordance with the provisions of either the Teachers' Pension Scheme or the Local Government Pension Scheme.

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17. Medical suspension

In some circumstances the school reserves the right to suspend employees in accordance with their duty of care on: medical grounds, pending medical advice, should their presence at work be deemed to be detrimental to the health, wellbeing and safety of the individual, colleagues or pupils. Any such suspension will be confirmed in writing, be for a limited period of time and reviewed regularly. Such suspensions are made on contractual pay and do not count against an employee's sick leave entitlement or pay.

18. Time off for medical appointments

Prior approval must be sought for time off for medical appointments during working hours.

19. Absence related to drug and alcohol dependency

Absences related to a declared drug or alcohol dependency will be managed as an ill health issue in the first instance. Guidance may be sought from an Occupational Health Advisor and appropriate support and management action taken. The school reserves the right to address instances of misconduct resulting from the use of alcohol or drugs under its disciplinary procedures.

20. Communicable diseases

Should an employee believe they have come into contact with a disease that could present a risk to public health, they should inform the school and not attend work if any symptoms are experienced. The employee should seek advice from their GP. If the GP advises that the employee remain off work then such an absence will be regarded as sickness absence. Should there be an infectious disease in school which may place an employee at risk the school will discuss with these individuals how to minimise the risk. In certain circumstances it may be appropriate to authorise a temporary period of paid absence.

21. Absences arising from recreational activities outside the workplace

Employees should consult with the headteacher about high risk recreational activities that may result in absence from the workplace to determine whether their sick pay entitlement may be affected.

22. Should an employee have an unexpired formal sanction on file relating to attendance

This will be disclosed, upon request, in any reference provided by the employer to a prospective employer.

Other Absence

1. Personal Leave Policy

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MONITORING AND REVIEW

This policy will be monitored by the Headteacher who will keep up to date with any adjustments to statutory legislation and any changes will go via the Governing Body when necessary.

EQUALITY, SAFEGUARDING AND EQUAL OPPORTUNITIES STATEMENT

St Nicholas School, in all policies and procedures, will promote equality of opportunity for students and staff from all social, cultural and economic backgrounds and ensure freedom from discrimination on the basis of membership of any group, including gender, sexual orientation, family circumstances, ethnic or national origin, disability (physical or mental), religious or political beliefs.

St Nicholas School aims to:

- Provide equal opportunity for all
- To foster good relations, and create effective partnership with all sections of the community
- To take no action which discriminates unlawfully in service delivery, commissioning and employment
- To provide an environment free from fear and discrimination, where diversity, respect and dignity are valued.

All aspects of Safeguarding will be embedded into the life of the school and be adhered to and be the responsibility of all staff.

Links to other policies

Safeguarding Policy

Health and Safety Policy

Staff Code of Conduct

All school policies

Daniel Lewis

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