

# Schools' Absence Management Policy and Procedure



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## **A ABSENCE MANAGEMENT POLICY**

### **1. Introduction**

- 1.1 The purpose of this policy and procedure is to provide a fair and consistent framework for managing absence. The Trust recognises that promoting good attendance not only creates a more stable working environment for employees, but ensures continuity and high quality education for pupils. It applies to all employees of the Trust, with the exception of those subject to procedures determined by Trustees.
- 1.2 The Trust has a responsibility for the health, safety and welfare of its employees. Whilst employees are not expected to attend work if they are not well enough, absence levels need to be managed. This policy provides the Trust with a fair and supportive framework to deal with short and long term sickness issues and provides a range of supportive measures to assist employees who are absent due to sickness, to return to work. It is acknowledged that there are occasions where continued poor attendance levels cannot be sustained and the policy and procedure provides for appropriate steps to be taken in these circumstances.
- 1.3 This policy may occasionally need to be cross-referenced with other Trust policies and procedures, such as those relating to health and safety, stress management, flexible working, alcohol and substance misuse and guidance on disability and maternity legislation. Non-compliance with the policy or procedure or absence/performance difficulties for reasons other than genuine sickness, may need to be dealt with in accordance with the Trust's procedures for discipline and managing employee performance.
- 1.4 In the application of this policy and associated procedure, special considerations have been given to instances of sickness absences arising from pregnancy, disabilities and reported work related injury or disease. At each stage of the procedure, all the circumstances of each case should be carefully considered before moving to the next stage of the procedure.

### **2. Managerial Responsibilities**

- 2.1 An essential feature of a Headteacher's duties is to proactively promote and nurture a culture of attendance, and to exercise a duty of care towards employees in providing a healthy and safe environment in which to work. In practical terms, this also includes the responsibility for monitoring employee attendance and dealing appropriately with situations whereby attendance fails to reach required standards.
- 2.2 It is essential that the Headteacher understands the rules and procedures for reporting and recording sickness absence and are clear about their responsibilities for ensuring that employees comply with them. Successful implementation of this procedure will require up to date knowledge and data, and key to this will be

timely, accurate recording of sickness absence by Headteachers of the employees in their School.

- 2.3 All employees should be informed by the Trust of the rules and procedures that need to be observed if they are unable to attend for work because of sickness. Employees should be given this information on appointment, during their induction training and also reminded of the procedures periodically in staff bulletins/circulars/team meetings.
- 2.4 The Trust will be required to deal appropriately with all sickness absence, including engaging in dialogue with the employee to establish the cause of absence and any preventative measures that could be explored. It should be recognised that the majority of sickness absence is for genuine reasons and should therefore be approached with empathy and understanding. Apparent health-related absence can, at times, mask another issue that the Trust may be able to provide support with, such as balancing responsibilities outside of the workplace.
- 2.5 When deciding what action is appropriate according to this Policy, the Trust is required to take all sickness absences into account notwithstanding whether they have been short term or long term. In circumstances where absence causes concern, or where recurring conditions or patterns of absence are evidenced, the Trust is advised to contact HR to discuss the situation and determine an appropriate way forward. Depending upon the circumstances, it could be appropriate to use other policies or procedures, e.g. drug, alcohol and substance misuse policy, stress awareness policy or disciplinary policy.
- 2.6 In order to improve attendance levels, the Trust may on occasion need to seek advice and work closely with the Trusts Human Resources department and Occupational Health through Schools Advisory Service (OHU), and consult with employee representatives and Trade Unions to reach a successful outcome for the Trust and the employee.
- 2.7 The Trust should undertake risk assessments where appropriate and agree, implement and monitor appropriate supportive interventions with the employee.

### **3. Employees' Responsibilities**

- 3.1 The Trust is committed to improving the attendance of employees, and expects them to make every effort to attend work. When this is not possible due to sickness, it is important that all employees comply with this procedure, keep their Headteacher informed of their situation and participate in any support offered to help them return to work. In the case of a Headteacher's absence this should be the Chair of Governors, who is expected to provide appropriate support and assistance to the Headteacher in consultation with HR.
- 3.2 Employees are required to provide the Trust with any relevant contact details in order that contact can be maintained whilst the employee is off work. The employee and the Trust should agree on the frequency and type of contact that takes place during the absence period.

- 3.3 Employees are required to attend meetings held under this policy and occupational health appointments where required.

## **4. Human Resource Service Responsibilities**

4.1 The Human Resources Service will be responsible for:

- Providing support to the Trust in respect of individual cases, and identifying options and solutions for ensuring the maximum attendance of employees.
- Identifying and arranging appropriate interventions to prevent sickness absence and/or enable employees to return to work as soon as possible.
- Supporting dialogue between the Trust, members of staff, Occupational Health, and trade union representatives to discuss areas of concern, and ensure that the Trust takes a proactive approach to dealing with absence due to illness and develops initiatives to support the health and wellbeing of the workforce and improve attendance.
- Working in partnership with Trade Unions to identify positive approaches for individual employees' return to work.
- Providing advice, briefings and training to the Headteacher and trade union representatives where appropriate, on all aspects of managing absence.
- Attendance at Headteacher's Absence Management Hearings and/or appeal committees, and provide professional advice regarding legal and other implications of terminating employment.
- Monitor and review the compliance with and effectiveness of this Policy.

## **5. Support to Employees, Headteachers and the Trust**

5.1 This Policy aims to ensure that employees and senior staff within the Trust are aware of, and know how to access help and support to improve attendance. This support will come from a variety of sources, with key elements including:

- Regular contact from the Headteacher or nominated alternative manager if appropriate, with the employee to ensure that the employee does not become or feel isolated. The type of contact should be determined on a case by case basis but could include welfare review meetings, weekly contact, issuing of team meeting minutes, being made aware of workplace developments.
- Return to work interviews to discuss any support needed for a full return to work and sustained attendance.

- Consideration of rehabilitation options, such as phased returns to work, reduced hours, flexible working, reasonable adjustments and redeployment considerations.
- Where appropriate, referral to OHU for a view on how an individual's health may impact on their ability to undertake their role, and what steps can be taken to assist them, over what timescales. This may also help to identify any additional support/therapies/treatments.
- Consideration towards payment for private referral for tests, investigations and consultations, where OHU recommends that this is likely to reduce the waiting period for diagnosis and/or treatment, and where this is likely to have a positive impact on attendance and school provision.
- Training for employees, Headteachers and trade union representatives where appropriate, on relevant subjects such as stress awareness, lifting and handling, etc.

## **6. Requirements To Submit To Medical Examination**

- 6.1 Any employee shall, if required by the Trust, undergo a medical examination with an appropriately qualified occupational health or medical practitioner. This may be in any reasonable circumstances where there is the need for advice on fitness for work, regardless of whether or not the employee is currently absent.
- 6.2 In the event of a difference of opinion between an employee's GP and the Trust's Occupational Health Unit regarding an employee's fitness for work, functional capacity or the existence of an underlying medical condition contributing towards persistent sickness absences, the OHU's advice will normally take precedence. However, the matter will, at the request of the Trust or the employee, be referred to an independent medical referee ("independent" referring to either a specialist or an alternative OHU physician not previously involved in the case).
- 6.3 If the independent doctor determines that an absent employee is fit to resume work, then the Trust would expect an immediate return to work.

## **7. Elective Treatments**

- 7.1 Elective treatments and procedures should not be covered by sickness absence unless supported by an underlying medical reason, supported by a medical practitioner, or where the procedure results in unanticipated complications (see Authorised Leave Policy for further information, a Headteacher's guide to gender reassignment is also available on the intranet). Where an employee undergoes any surgical interventions during the course of the treatment, any absence related to the surgery should be treated as sickness absence.

## **8. Medical Suspension**

- 8.1 An employee may be suspended from duty where the Trust, through the process of risk assessment, has a genuine concern about the health, safety or wellbeing at work, as follows:
- An employee attends for work (or returns to work after a sickness absence) and the Trust doubts their ability to perform the full range of their duties in a safe way; and/or
  - An employee is unwell or has a condition which causes the Trust concern and might present a risk to the employee or to others.
  - If the employee is pregnant and following a risk assessment it is identified that there is a health and safety risk to the employee or their baby and the Trust cannot provide a reasonable and safe alternative to their role.
- 8.2 The decision to suspend should only be taken in exceptional circumstances and after the Trust has advised the employee of their concerns and asked the employee to seek medical advice and obtain sickness certification. The Trust may take the decision to suspend on medical grounds, following discussion with Human Resources and, if necessary, OHU. Consideration of adjustments to the role or temporary redeployment should be considered first. Medical suspension should last no longer than a maximum of 26 weeks. Absence management will still take place during medical suspension. This will not count towards absence triggers.
- 8.3 The employee may alternatively be required to seek an appointment with their GP to obtain a fit note (which will confirm their fitness to work, or not).
- 8.4 Providing the employee has complied with any request to provide a fit note or attend OH, the employee will be paid full pay if suspended. If an employee does not seek advice from their GP or the GP provides a fit note confirming unfitness for work occupational or statutory sick pay will be paid in accordance with the employee's sick pay entitlement.

## **9.0 Annual Leave and Sickness**

- 9.1 The following rules apply with regard to the accrual of annual leave during an employee's sickness absence (for NJC staff only):
- Contractual annual leave will continue to accrue whilst the employee is absent (i.e. the annual leave entitlement under the contract of employment);
  - Employees are entitled to take their annual leave whilst they are on sick leave (annual leave will always be paid on full pay and sick pay will be suspended for that period). Doctor's notes should still be provided for this period.



- Where an employee has not been able to take their annual leave in the leave year due to sickness, they can carry over their statutory leave entitlement. Term Time Only staff would not be entitled to take additional leave during term time, however their pay will reflect the carryover of additional leave.
- Bank Holiday entitlement does not accrue whilst on sick leave.

9.2 In circumstances where an employee becomes sick whilst on annual leave, they shall be regarded as being on sick leave from the date of a doctor's note.

## **10. Third Party Claims**

10.1 An employee who is absent as a result of an accident, where damages may be receivable from a third party, must notify their Headteacher of the circumstances of their absence. The Headteacher or the employee should then pass on the information to the relevant payroll provider who will liaise directly with the employee. Where loss of earnings may form part of the damages received, the Trust will undertake to reclaim a refund of the sick pay allowance paid to the employee during their absence.

10.2 Where a refund of any payments under the sick scheme is made in full, the period of absence will not be counted against the employee's entitlement to sick pay allowance, however absence will still be considered for the purposes of any absence triggers or attendance targets under this Policy.

## **11. Failure to comply with the Absence Management Procedure**

11.1 Where an employee does not submit medical certification, occupational and statutory sick pay will be withheld.

11.2 Unreasonable failure to comply with the Absence Management Procedure may result in disciplinary action being taken and occupational sick pay being withheld.

11.3 This includes, but is not limited to:

- Unreasonable failure to attend OHU appointments
- Failure to submit medical certification where this is required under the Trust procedure
- Failure to respond to attempts by a Headteacher to make contact during absence
- Unreasonable failure to attend any meetings organised in connection with the Absence Management Procedure

11.4 Under circumstances whereby employees unreasonably fail to attend any stage of the absence management meeting or the hearing, given due notification these

meetings can be held and decisions made in their absence, based on the information available at the time of the meeting.

## **12. Absence Triggers**

12.1 Trigger points are a key part of the Absence Management Procedure to ensure that the Trust has the opportunity to investigate any possible underlying reasons for absence at an early stage and that there is a consistent and fair approach to absence management.

12.2 The absence management process will be started when an employee's absence level reaches the following trigger points:

- 4 occasions of absence in a rolling 12 month period; and/or
- 10 working days in a rolling 12 month period (for part time employees and employees working a compressed week, see below); or
- The employee's absence falls outside of these thresholds, but their level of absence is a cause for concern. This may be where, for example, there is a regular absence pattern that falls outside the thresholds of the policy (e.g. if an employee has the same period of time off sick each year or considerable absence year on year).

### **Pro-rata Trigger Points:**

Trigger points for employees working fewer than 5 days in a week need to be pro rata by the number of days, as detailed below, but not the number of occasions. This is calculated by  $10 / 5 \times$  working days (or average working days).

For example employee working:

- 1 day = trigger point is 2 days absence
- 2 days = trigger point is 4 days absence
- 3 days = trigger point is 6 days absence
- 4 days = trigger point is 8 days absence
- 5 days = trigger point is 10 days absence

The above is applied irrespective of the number of hours worked in a day. For those employees who condense their working weeks, for example: 37 hours over 4 days, then the trigger point would be = 8 days absence.

Where employees do not work the same amount of days each week, the Trust needs to pro-rata the trigger to an average working week. For example: employees who work a 9 day fortnight and work alternative 5 days one week and then 4 days the following, they would apply the average working week, which would be 4.5 days and the trigger point would be = 9 days absence.

- 12.3 In certain circumstances, periods of sickness absence will be considered separately when applying triggers. For example pregnancy related sickness absence should not count towards absence triggers.
- 12.4 Sickness absences related to disability should also be given separate consideration (see Appendix 3). Whilst there is not a requirement to exclude disability-related sickness absence from the consideration of formal action, there may be the requirement to reasonably adjust triggers and policy-application in certain circumstances. Consideration to the Equality Act 2010 must be made as soon as possible, when it is established that the employee may meet the definition of disability. This must be done in consultation with Human Resources and relevant employee representatives, in terms of offering and/or making reasonable adjustments to enable the employee to undertake their job, or any other suitable alternative employment.
- 12.5 Where a period of sickness absence relates to a reported accident/injury at work, arising through no fault of the employee, this may also be given special consideration. The advice of HR and OHU is strongly recommended in any consideration of potential work-related conditions. Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme. For absence management purposes, it will be managed in line with this policy.

### **13. Identifying and Discussing Patterns of Absence that may cause concern**

- 13.1 When reviewing an employee's absence record any patterns which cause concern should be identified and discussed. This could include, for example, repeated absences on a particular day of the week or that tend to occur at a particular time e.g. just before a deadline is due or successive periods of short and long term absence without any identified underlying health reasons.
- 13.2 Where the Trust has cause for concern in relation to patterns of absence, they may review previous year's absence records to identify whether the pattern has occurred over a longer period.

### **14. Implementation of the Procedure**

- 14.1 The procedure for managing absence will be followed when:
- The absence is over 4 weeks long and is deemed to be long term;
  - An employee has hit the trigger points as described above;
  - The pattern of absence causes concern;

## **15. Review**

This policy will be reviewed in 12 months' time to ensure implementation has been successful. Any amendment to it (other than factual amendment following changes in statute or Trust structures) will be subject to consultation with the recognised Trade Unions through the appropriate Joint Consultative Panels.

## **B ABSENCE MANAGEMENT PROCEDURE**

### **1.0 Absence reporting and recording**

1.1 Employees should inform their Headteacher (or nominated alternative manager, in appropriate circumstances) of their inability to attend for work within 1.5 hours of their normal starting time on the first day of sickness absence. In some areas of work requiring essential cover, this may be longer, such as minimum three hours prior to start time, or as soon as an employee is aware that they will not be attending work. Employees should be asked to specify the reason for sickness absence and where possible give an indication of when they expect to return to work.

1.2 The employee should make this call personally. Only under exceptional circumstances should someone else telephone on their behalf. If the employee has been unable to personally speak to the Headteacher, an interim message should be left regarding their non-attendance to enable immediate cover arrangements if necessary. At that stage, agreement should be made for one of the parties to call back at the earliest opportunity for further discussion to take place.

The contact person in school taking the call will record the following information:

- The employee's name
- How long they are likely to be away from work
- The reason they are away from work (i.e. what illness the employee believes they have) and a brief summary of any relevant background to the health condition
- If the sickness absence is perceived to be due to the direct result of an accident or injury sustained at work this should be reported, and an indication given as to when and whom the incident was reported at the time it occurred.
- When the employee will call again (for example when they have been to see a doctor or in 48 hours if they are not fit enough to return to work)

1.3 The Headteacher should, if appropriate, discuss with the employee any immediate implication for work of the employee's sickness absence (e.g. meetings that may have to be rearranged).

1.4 Where the sickness absence is for a reason relating to stress/anxiety/depression, or a musculo-skeletal condition, the Headteacher should discuss the nature and circumstances of the condition with the individual, and contact HR to discuss the appropriateness of an immediate referral to OHU.

1.5 Where the employee is unable to return to work on the date indicated they should contact their Headteacher again, in accordance with the agreed notification requirements, indicating the revised expected date of return or agree a date and time when they will contact their Headteacher again to inform them of their progress.

- 1.6 On the first day of sickness absence managers will record the employee's absence, using the appropriate absence notification documentation. If an employee goes off sick during the working day and has worked at least half of their normal shift, the absence will not be recorded as an occasion of sickness absence. Headteachers are still advised to monitor this, look for patterns, and to undertake an informal return to work interview if the employee reports for their next shift. If the absence continues beyond that day, their first day of absence will be recorded as the first full day of absence. If the employee has reported to work, but then worked less than half their shift, this will be treated as an occasion of absence. This absence will contribute towards the trigger points referred to in the policy.
- 1.7 Sickness absence that extends beyond 7 days needs to be covered by a medical certificate (i.e. a fit note). Medical certificates may be required for other reasons and employees should ensure that they take copies of the document before sending it to their Headteacher.

## **2.0 Maintaining Contact**

- 2.1 Contact should be maintained between employee and the Trust at appropriate, regular intervals. The main reasons for this are as follows:
- To show support and prevent the employee from feeling isolated.
  - To find out if the employee needs particular arrangements made to facilitate their smooth return to work.
  - To ensure the Trust is fully briefed on the employee's circumstances, should a referral be needed to OHU.
- 2.2 Employees must contact their Headteacher at least 2 days before their medical certificate is due to expire to update the Headteacher of progress. N.B. Failure to supply medical certificates may result in the absence being considered as unauthorised, which may lead to the withholding of sick pay and disciplinary action.
- 2.3 Whilst appropriate contact can occur at any time, as a minimum the Trust should ensure that they have made appropriate contact with the employee by the time their sickness absence has reached two weeks' duration. Where appropriate, arrangements can be made to see the employee in person. This may be through a home visit or agreement to meet at a mutually convenient location. This will normally be an informal meeting to check on the employee's welfare and progress. As this is an informal welfare meeting there is no requirement for an employee to be accompanied. However if an employee would like a Trade Union representative or colleague with them then this should be accommodated where possible.
- 2.4 Long-term sickness absences can be distressing for the employee concerned and the Trust needs to handle contact between the workplace and the employee sensitively. Balance needs to be struck between the "moral support" type of contact and that needed to establish the level and duration of cover required. The Trust should maintain regular contact to prevent employees from feeling isolated

and, if appropriate, keep employees informed of developments in the workplace. In deciding what is appropriate, the Trust will need to be sensitive to the individual's wishes/circumstances, whilst remaining mindful of employers' statutory responsibilities.

### **3.0 Return to work interview**

- 3.1 A return to work interview will be carried out with an employee following any period of sickness. This should be carried out in private by the Headteacher or designated Manager following any instance of sickness absence, for whatever reason. The return to work interview can, at the reasonable request of the employee, be conducted by a Headteacher/Manager of the same gender. The Headteacher/Manager must have available details of sickness absence within the previous 12 months, dating back from the first day of sickness absence.
- 3.2 The interview will take place, in most circumstances, upon the immediate return to work of the employee. It is accepted that this may be difficult in certain circumstances. However, unless there are exceptional circumstances, the interview will take place no later than three days following the return to work.
- 3.3 The interview should be recorded on a standard return to work interview form (see Appendix 2) as a record of what was discussed and actions agreed. The Headteacher/Manager will keep a signed copy for their own records. A signed copy may be given to the employee if they request a copy.
- 3.4 At the conclusion of the return to work interview the employee will be informed that either:
  - (a) Where circumstances reveal a need for advice and/or support then this will be offered and progress monitored, e.g. referred to Occupational.
  - (b) Where, if this sickness absence brings the total to less than 10 days (pro rata for part time employees) or less than 4 occasions within the previous 12 months rolling period, reference will be made to the need to achieve good attendance. If the employee has not had a period of sickness absence during the previous year/s it is important to make reference to this in recognition of their previous good attendance.
  - (c) Where in the previous 12 months, the total sickness absence has reached 10 or more days (pro rata for part time employees), and/or this is the fourth occasion of sickness absence during the same period, the employee will be notified that their sickness absence level is reaching the stage for concern, and that the sickness management process will commence and a Stage One meeting will be arranged.
  - (d) Failure to follow sickness notification procedures or unauthorised absence should be handled under the disciplinary procedure. It may be necessary to remind employees at the return to work interview of the requirements for notifying sickness, timescales, when self-certification and doctors

certificates are required. This should be noted on the pro-forma if necessary (see Appendix 2).

- 3.5 There may be occasions where an employee wants to return to work before the end date on their fit note. An employee will not need to see a doctor to be signed back to work, but must agree with the Trust whether this is appropriate or not. If the Trust is in any doubt they could refer the individual to occupational health prior to return.

## **4.0 Occupational Health Referrals**

- 4.1 OHU advice plays a key role in supporting a healthy workforce and reducing sickness absence. OHU will advise the school on the impact of an employee's health condition/s on their ability to undertake their role, and to suggest reasonable supportive measures in this regard. This information will help the Trust to make informed decisions when managing sickness absence.
- 4.2 If a sickness absence extends beyond its reasonable expected duration, with no date set for a return to work, or if no prognosis has yet been established, the Trust will take steps to establish the likelihood of the employee returning to work within a reasonable timescale.
- 4.3 The Trust needs to be clear on the reason for the referral and what questions they would like to be answered by the medical practitioner. Referrals should not be a matter of course, but have a specific purpose, e.g. to ask about reasonable adjustments, ill health retirement, phased returns, restrictions to duties, is the condition covered by the Equality Act, is there a likely return date to work etc.
- 4.4 The Trust should discuss their intention to make a referral with the employee, in advance of making the arrangements.

## **5.0 Conflicting Medical Opinions**

- 5.1 In the event of a difference of opinion between an employee's GP and the Trust's occupational health unit, regarding an employee's fitness for work, functional capacity or the existence of an underlying medical condition contributing towards persistent sickness absences, the OH unit's advice will normally take precedence. However, the matter will, at the request of the Trust or the employee, be referred to an independent medical referee ("independent" referring to either a specialist or an alternative OH physician not previously involved in the case).
- 5.2 If the independent medical practitioner determines that an absent employee is fit to resume work, then the Trust would expect an immediate return to work.



## **6.0 Absence Management Process**

### Informal process

- 6.1 Sickness absence concerns are most effectively managed as early as possible. In most cases informal discussions between the Trust and the employee will help to understand the issues and assess what support might be needed.
- 6.2 During an informal discussion, which could take place during 1:1's or return to work interview, the employee should be advised of any attendance concerns. This discussion should be considered as a reminder about triggers and that there is a need to improve attendance. Feedback should be constructive, with the emphasis being placed on finding ways to support the employee and improve attendance wherever possible.

### Formal process

- 6.3 The formal absence management process should be implemented when absence levels reach the triggers, informal action has not succeeded or where an employee has been absent long term. See Appendix 1 for the process map.
- 6.4 Long term sickness absence is defined as continuous or linked periods of absence through ill-health. A "long-term" sickness absence will often be indicated by a duration of four weeks or more, however, the adoption of this procedure should not be dependent upon this period elapsing.
- 6.5 Once it is apparent that an employee's sickness absence will be for this duration or more, consideration needs to be given to whether an employee should be referred to the Occupational Health Unit (OHU). Such consideration should happen immediately for employees whose sickness absence is related to stress/anxiety/depression, or a musculo-skeletal condition. The Trust should discuss the nature and circumstances of the condition with the individual, and contact HR to discuss the referral.
- 6.6 Depending upon the nature and duration of a health condition, there may be various meetings undertaken between the Trust and the employee to discuss progress and next steps. These may include welfare meetings as well as formal meetings under the procedure. The number and frequency of such meetings cannot be pre-prescribed, however, there are certain recognised stages within this process.
- 6.7 In some cases, it may be clear at an early stage that the employee is unlikely to be fit to resume work and may meet the criteria for retirement on the grounds of permanent ill health. If the employee requests retirement on grounds of permanent ill health and the OHU can support this, then mutually acceptable arrangements can be made. For example there will be no need to go through each stage of the formal process. Once the ill health retirement has been agreed it may be possible to proceed directly to the Absence Management Hearing.

6.8 Employees may be accompanied by a trade union representative or workplace colleague at each of the absence management meetings/hearings.

### **Stage One – First Absence Management Meeting**

6.9 The Trust and the employee will discuss the absence(s), the reasons, the actions to be taken, and support to be given, the impact that the sickness is having on the team/service and, where appropriate, the need for an improvement in attendance.

6.10 At this Stage 1 meeting, the following specific points should be addressed:

- Review the current state of health; potential length of the sickness absence and likelihood of a return to work (if absence is ongoing) taking account of any medical advice available and/or if triggers have been hit.
- Determine if a referral to OHU is required (in line with Section 4 above).
- Explore with the employee whether they consider reasonable practical adjustments could be made to the job to enable improved attendance or a return to work. This may then need further discussion through others, such as HR, Health and Safety or external specialist advisors. Special considerations may be necessary for employees with disabilities.
- Where the employee is in work, and triggers have been hit, a review period of 6 months should be put in place to monitor sickness absence (see Section 8 below).
- Where the employee is absent, a date for a Stage Two absence management meeting should be set taking account of any planned medical interventions or occupational health reviews.
- If a rehabilitation plan has been recommended by OHU, and is compatible with the Trust's needs, this will be at no detriment to the individual's normal pay for a period of up to four weeks. If the phasing exceeds four weeks, the plan should be reviewed and any continuation of reduced hours should normally be accommodated by adjusting employees' pay to reflect actual hours worked. Any extension to this four-week period of accommodation will only be under exceptional circumstances.
- At the meeting, the Trust should explore with the employee whether there is an underlying cause to the sickness absence, and consider if anything can be offered to assist in improving attendance levels or a return to work. Consideration should be given as to whether there is a pattern to the sickness absence, whether the condition is a recurring one, and whether or not the employee perceives there to be any work-related cause/contributor.
- It will be necessary to explain that failure to improve attendance, or return to work within a reasonable timeframe, may ultimately put their employment at risk.

- The Headteacher should conduct the interview, with the support of an HR Business Partner if appropriate. The outcome of the meeting should be confirmed in writing, making explicit any reference to expectations and potential consequences of a failure to return to work and/or sustain attendance that was discussed at the meeting.
- During the review period if absence continues to be a cause for concern, consideration should be given to convening a Stage Two absence meeting.

### **Stage Two – Second Absence Management Meeting**

- 6.11 If the employee has not returned to work or there is no improvement in attendance during the review period a Stage Two – Second Absence Management meeting should be arranged to review the position.
- 6.12 In the case of an employee in work, the Trust and employee will discuss the reasons for continued levels of sickness absence and the need to improve attendance, and a further review period may be put in place (see Section 8). The Trust will inform the employee that failure to improve their attendance may ultimately lead to consideration of dismissal from employment.
- 6.13 Where an employee is long term absent, the current state of health and prognosis for a return to work should be further discussed, as well as any redeployment opportunities and reasonable adjustments to the job, taking into account available medical information. If a return to work is not likely, a date for a Stage 3 Absence Management meeting should be set taking account of the timing of any relevant medical or occupational health appointments.
- 6.14 The outcome of the stage 2 meeting should be confirmed in writing, again making explicit any reference to expectations, any support that had been agreed, any reasonable adjustments where appropriate and potential consequences of a failure to return to work, and sustain attendance, that were discussed at the meeting.

### **Stage Three – Third Absence Management Meeting**

- 6.15 If the employee has not returned to work or there is no improvement in attendance during the review period a Stage Three meeting should be arranged to review the position.
- 6.16 In the case of an employee in work, the Trust and employee will discuss the reasons for continued levels of sickness absence and the need to improve attendance, and a further review period may be put in place (see Section 8). The Trust will inform the employee that failure to improve their attendance during the review period may ultimately lead to consideration of dismissal from employment.
- 6.17 In the case of an employee who is long term absent the current state of health should be reviewed as well as the prognosis for a return to work. Redeployment options and reasonable adjustments should also be considered and discussed. If there is no prospect of a return to work within a reasonable timeframe the employee should be informed that an Absence Management hearing will be

convened. In this case, Occupational Health must be consulted with a view to the possibility of ill health retirement prior to any hearing, where the employee is in the local government pension scheme.

- 6.18 If the sickness absence continues with no reasonable prospect of a return to work, consideration should be given to whether it is appropriate to move straight to an Absence Management hearing.

### **Absence Management Hearing**

- 6.19 Before arranging a hearing the Trust should undertake a full review of the case and the current circumstances, to ensure that it is appropriate to proceed to this stage.

- 6.20 In determining what action to take, and before a decision is taken to arrange an absence management hearing to consider the options, including the dismissal of an employee for unsatisfactory attendance through either ongoing sickness absence and/or failure to give regular and efficient service, the Trust must be satisfied that every avenue to continue employment has been explored. This may include consideration of adjustments, particularly in relation to employees with disabilities or redeployment to another role. Prior to taking formal action, Human Resources should be consulted. Where Occupational Health is not already involved, the overall medical position must be obtained from the Trust's Occupational Health Physician.

- 6.21 If a hearing is to be arranged, the employee should be informed in writing that he/she is required to attend a hearing. The letter should explain that the purpose of the meeting is to enable the Trust to review all aspects of the case and determine the way forward. The review will include consideration as to whether the employee should be dismissed because of a continuing sickness absence and/or unsatisfactory attendance record resulting in a failure to provide regular and efficient service.

- 6.22 Decisions to dismiss will be taken by the Trust. A formal Absence Management Hearing will be convened and conducted in accordance with the usual provisions regarding notification (i.e. normally 10 days' notice) and the right to representation/be accompanied.

- 6.23 Following full consideration of the case, including available Occupational Health advice, the representations of the employee and any managerial or organisational issues in the workplace, the Presiding Officer(s) must make a decision about an appropriate way forward. This may entail, but not be limited to:

- A further review of matters – with advice that specific information is to be reported back, and the Hearing reconvened within a specific period of time; or,
- Dismissal on the grounds of lack of capability through ill health, and / or failure to give regular and efficient service.

- 6.24 This decision should be confirmed in writing. Where appropriate and where a decision to dismiss from employment is taken, it will be necessary for the Trust to take account of appropriate notice provisions and confirm the employee's right of appeal against dismissal to the Trustees Appeals Committee.
- 6.25 For NJC staff, there should also be clarification of the Internal Disputes Resolution Procedure in cases where the Trust has not granted an employee's request for early release of pension benefits on the grounds of ill-health.

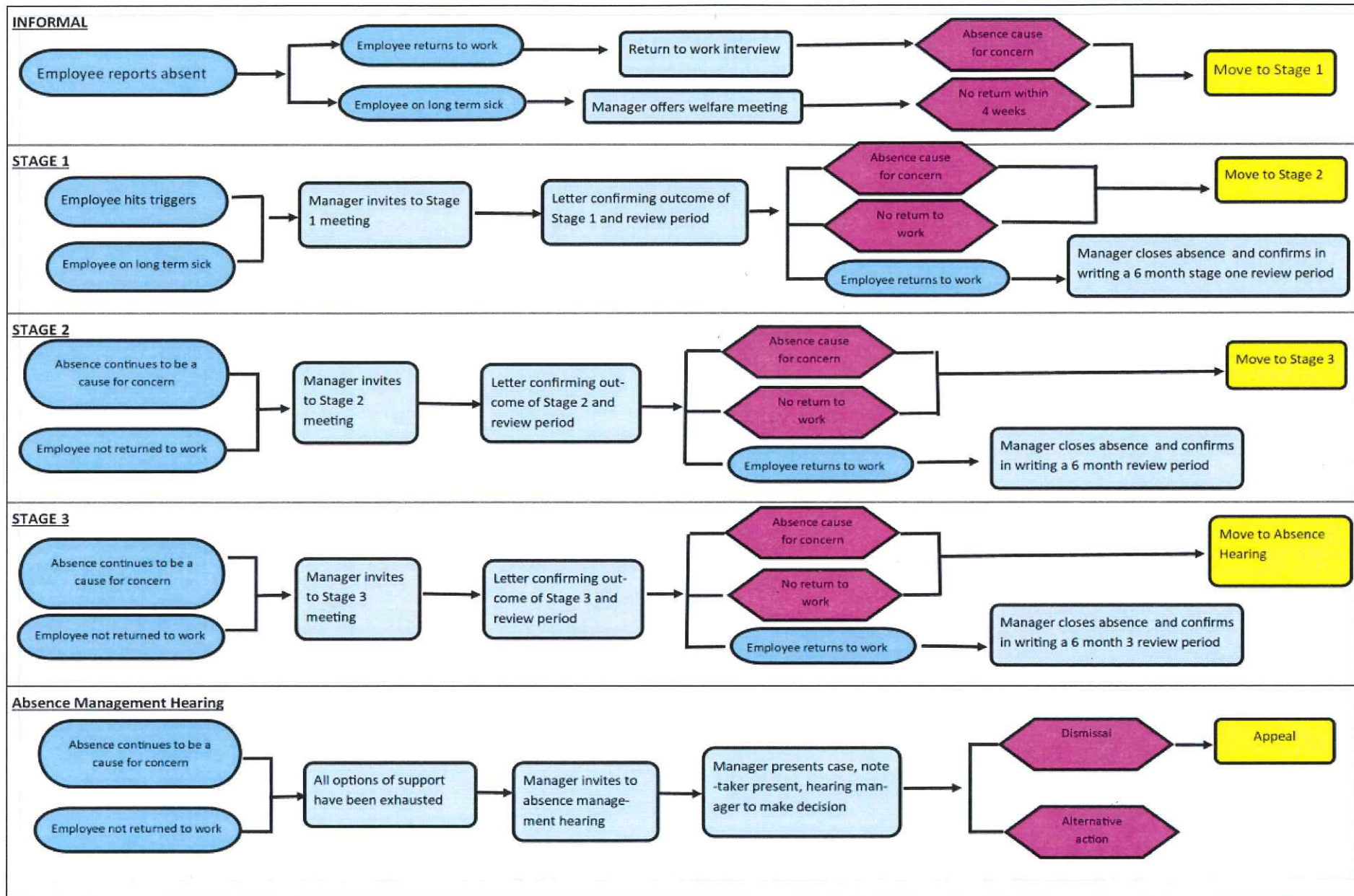
## **7. Right of Appeal**

- 7.1 An employee may exercise a right of appeal against dismissal, within 10 working days of receipt of the written notice of dismissal. This must be made in writing, addressed to the Chair of Trustees, stipulating the grounds of appeal. Appeals on dismissal will be heard in line with the School's constitution on appeals.
- 7.2 When lodging an appeal against dismissal, the employee should clearly state the grounds on which the appeal is made; including detailed reasons and evidence (where relevant).

## **8. Review periods**

- 8.1 Review periods should be used to monitor absence levels where an employee has hit the triggers (see Section A 12). Review periods will be determined on an individual basis dependent on each case, however they should be for at least 6 months.
- 8.2 In some circumstances, it may be appropriate to extend a review period, for example where some improvement has been made, but attendance remains a cause for concern.
- 8.3 Where an employee is subject to a review period when they begin a period of long term absence, consideration may be given to beginning absence management meetings at the stage in the policy under which the existing review period was in place.
- 8.4 When an employee returns from long term absence, a review period will be put in place to monitor attendance.
- 8.5 If during the 12 months following the expiry of a review period an employee's attendance level reaches the absence triggers again, consideration may be given to holding a further meeting at the same stage previously reached under this procedure, or where appropriate, a hearing. This decision would be dependent on the circumstances and managers should seek advice from Human Resources before taking any formal action.

- 8.6 At the end of a review period the Trust should assess whether the employee's absence level has improved. The employee will be informed of the outcome of the review period in writing. If it becomes clear before the end of the review period that the attendance has not improved and triggers are still being hit, the Trust should not wait until the end of the review period to move to the next stage.
- 8.7 If there has been satisfactory improvement the Trust will acknowledge this in the letter. The employee will be reminded that their attendance will continue to be monitored under the absence management policy.



**APPENDIX 2**

**SELF CERTIFICATION AND SICKNESS PAY CLAIM FORM  
and RETURN TO WORK PRO FORMA**

When an employee has been absent through sickness his/her Headteacher should conduct a return to work interview using this form. This form also meets the requirement for the employee to self-certificate for up to the first 7 days of absence. A doctor’s note is needed from the 8<sup>th</sup> calendar day of absence. For guidance on return to work interviews, and other useful information please consult the Trust’s Absence Management Policy and Procedures. This is available on the Intranet site, or alternatively can be obtained from your directorate HR Business Partner.

<b>Name of Employee</b>	
<b>Job Title</b>	
<b>School/Dept</b>	
<b>Name of Headteacher/Manager Conducting Interview</b>	
<b>Date of Return to Work Interview</b>	
<b>Date Absence Began</b>	
<b>Date of Employee’s Return to Work</b>	
<b>Did the employee properly notify the School of his/her absence?</b>	<p>Yes/No</p> <p>If No, give reason why.</p> <p><i>A copy of the procedure should be provided to them and an indication of the consequences of not following procedure.</i></p>
<p><i>If relevant:</i></p> <p>Did the employee attend all Formal Absence meetings in line with the Absence Management policy that they were invited to during his/her absence?</p>	<p>Yes/No/ Not applicable</p> <p>If <b>No</b>, reasons for this:</p>



<p><b><i>If relevant:</i></b> Did the employee attend all OHU appointments made for him/her during his/her absence?</p>	<p>Yes/No/ Not applicable If <b>No</b>, reasons for this:</p>
<p><b>Reason for current absence</b></p>	

**CATEGORY OF SICKNESS ABSENCE:**

Please tick one category below that you feel best describes the reason for your absence. For further guidance please see the attached list of classifications per category.

- |                          |                          |                        |                          |                      |                          |
|--------------------------|--------------------------|------------------------|--------------------------|----------------------|--------------------------|
| A. Respiratory/E.N.T.    | <input type="checkbox"/> | F. Stress/Depression   | <input type="checkbox"/> | K. Malignancies      | <input type="checkbox"/> |
| B. Headaches/Eyes/Dental | <input type="checkbox"/> | G. Skin Problems       | <input type="checkbox"/> | L. Muscular Skeletal | <input type="checkbox"/> |
| C. Heart/Circulation     | <input type="checkbox"/> | H. Reproductive System | <input type="checkbox"/> | M. Pandemic Flu      | <input type="checkbox"/> |
| D. Digestive/Stomach     | <input type="checkbox"/> | I. Back/Neck           | <input type="checkbox"/> | N. Other             | <input type="checkbox"/> |
| E. Kidney/Gall Bladder   | <input type="checkbox"/> | J. Limb/Joints         | <input type="checkbox"/> |                      |                          |

<p><b><u>Industrial Injury</u></b></p> <p>Is the absence due to a work related injury or disease?</p> <p>If <b>YES</b>, what is the nature of the injury/disease?</p> <p>If <b>YES</b>, has it been reported to Health &amp; Safety and what, if any, actions have been agreed?</p>	<p><b>YES</b></p>	<p><b>NO</b></p>
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<p><b><u>Pregnancy</u></b></p> <p>Is the absence pregnancy related?</p> <p>If <b>YES</b>, has a pregnancy risk assessment been carried out?</p> <p>Details of any adjustments to the risk assessment required following this absence:</p>	<p><b>YES</b></p> <p><b>YES</b></p>	<p><b>NO</b></p> <p><b>NO</b></p>
<p><b><u>Disability</u></b></p> <p>Does the employee have any type of disability that falls under the Equality Act?</p> <p>If <b>YES</b>, please give details:</p> <p>Details of any adjustments already in place:</p> <p>Details of any further adjustments that may need to be considered:</p>	<p><b>YES</b></p>	<p><b>NO</b></p>
<p><b><u>GP/Hospital Consultant appointments</u></b></p> <p>Did you see your GP/Hospital Consultant whilst absent?</p> <p>If <b>YES</b>, details of any ongoing treatment and support:</p>	<p><b>YES</b></p>	<p><b>NO</b></p>
<p><b><u>Self Cert/Fit Note</u></b></p> <p>Was a fit note provided?</p> <p>Is the full absence covered? (Identify any gaps in absence cover)</p> <p>If <b>NO</b>, reasons for this?</p> <p>If <b>NO</b>, has the Headteacher/Manager notified the employee of their responsibility to provide certification to cover any gaps and that failure to do so may impact on their pay?</p>	<p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p>	<p><b>NO</b></p> <p><b>NO</b></p> <p><b>NO</b></p>

<b><u>General</u></b>				
<p>Has the employee indicated if there have been any factors at work that may have caused or contributed to the absence?</p> <p>If work related factors were indicated what, if any action, is to be taken to support the employee?</p>		<b>YES</b>	<b>NO</b>	
<p>Any pattern of absences identified?</p> <p>If <b>YES</b>, give details:</p>		<b>YES</b>	<b>NO</b>	
<p>Is the employee fit to carry out their normal duties?</p> <p>If <b>NO</b>, please specify:</p>		<b>YES</b>	<b>NO</b>	
<p>Is there anything that either the employer or employee can do to avoid further sickness absence?</p>				
<b><u>Absence/trigger information</u></b>				
<p>Dates of absences in rolling 12 month period):</p>				
	<b>No. of</b>	<b>Dates of Absence</b>	<b>Reason</b>	<b>Action</b>
1				
2				
3				
4				
5				
6				

Have triggers been reached in line with the Absence Management Policy (ie 4 periods of absence and/or 10 cumulative days in a rolling 12 month period (pro rata for part time employees))	<b>YES</b>	<b>NO</b>
If <b>YES</b> , have you advised the employee of next steps (ie will be shortly invited to attend a Stage 1 meeting)?	<b>YES</b>	<b>NO</b>
<b><u>Occupational Health</u></b>		
Has a referral to Occupational Health been made?	<b>YES</b>	<b>NO</b>
Is a referral required to Occupational Health?	<b>YES</b>	<b>NO</b>
Has a period of rehabilitation or phased return been advised by Occupational Health?	<b>YES</b>	<b>NO</b>
If <b>YES</b> , please specify agreed hours of work, duties and associated support in the programme.		

	Mon	Tues	Weds	Thurs	Fri	Sat	Sun
Week 1							
Week 2							
Week 3							
Week 4							

Duties \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Additional Support

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**Please continue on a separate sheet if necessary.**

I confirm this is a factual account of my illness

Signed \_\_\_\_\_ (employee) Date \_\_\_\_\_

Signed \_\_\_\_\_ (manager) Date \_\_\_\_\_

## **APPENDIX 3 DISABILITY RELATED ABSENCE**

### **Reasonable Adjustments**

Reasonable adjustments are required to accommodate disabled people by helping them overcome the practical effects of their disability. If the Trust does not make adjustments, where an employee is at a substantial disadvantage compared with those who are not disabled, the Trust has to show that the adjustments proposed would be unreasonable in all the circumstances of the case.

In determining whether an adjustment is reasonable, the following should be considered (this list is not exhaustive):

- The extent to which making the adjustment would remove the substantial disadvantage;
- Is it reasonable to make the adjustment;
- The financial and other costs that would be incurred in making the adjustment;
- The extent to which making the adjustment would disrupt the work of the Trust's or other employees;
- The extent of the Trust's financial and other resources;
- The availability of financial or other assistance with respect to making the adjustment (Access to Work can help with costs and in some cases will meet 100% of costs).

Most adjustments cost little or nothing and it is often a matter of flexibility and developing a creative approach to working practices.

Timely action is crucial and a delay in making a reasonable adjustment may amount to unlawful disability discrimination. Once it has been identified that a reasonable adjustment is to be made, this should be progressed without undue delay. It is useful to record the decision in writing being specific about the adjustment that has been agreed and setting out a timetable for implementation if necessary with review periods where appropriate to check that the agreed adjustment is having the intended effect.

It is important to regularly review that the adjustments put in place continue to work as part of your regular line management process.

Written records of reasonable adjustments considered and implemented should be kept. Where it has not been possible or practicable to make a particular adjustment the reasons should be documented and retained on file.

Occupational Health and disabled people themselves may have detailed knowledge on the effects of their impairment and how these can be overcome. The Trust should discuss possible adjustments and

engage in joint problem solving, remaining open to suggestions about how jobs or working arrangements might be done differently to support a disabled person to remain in employment.

## **Trigger points**

This Policy and Procedure is designed to improve employee attendance by ensuring that issues to do with employee health and wellbeing are addressed in an appropriate and timely manner. The policy outlines the 'trigger points' and the absence management processes the Trust will follow in cases where an employee's attendance is a cause for concern. Where an employee reaches a trigger point under the Policy they will be required to attend an Absence Management Meeting and, unless there are good reasons why it would be inappropriate to do so.

If the employee's absence is because of a disability (or some of their absence is because of a disability), the Trust must discuss the circumstances with HR before any decision to move to the next stage of the process is taken.

Where an employee has triggered the absence management process and they have been invited to an absence management meeting, the meeting should explore:

- The level of absence and reasons for absence
- Whether some or all of the absences are because of a disability
- The specific impact (if any) of the employee's absence i.e. impact on the team/service/other colleagues, etc. This should not be theoretical statements about the impact of employee absence generally but specific examples of how the individual employee's particular absences have impacted on the relevant work area.
- If the absence is because of the employee's disability, whether any reasonable adjustments can be considered to help the employee attend work.

The Trust may consider whether it would be reasonable in all the circumstances to adjust the application of the Policy (including triggers) for the disabled employee to avoid the employee being placed at a disadvantage when compared with non-disabled employees. For example, the Trust might agree to discount some of the absences taking into account the nature of the employee's disability. Consideration of any reasonable adjustments already in place or that could be put in place to support the employee at work should be given.

In all cases where an adjustment is being considered, the Trust should seek advice from HR.

Dismissal, including compulsory early retirement, of a disabled person for a reason relating to their disability would need to be justified by good reason and the reason(s) for it would have to be one(s) which could not be removed by any reasonable adjustment(s). In summary, it would be justifiable to terminate the employment of a member of staff whose disability makes it impossible for him/her to any longer perform the main functions of their job if an adjustment, (such as a move to a vacant post), is not practicable or otherwise not reasonable to have to make.

## **APPENDIX 4**

### **MENTAL HEALTH AWARENESS**

#### **Introduction**

Mental health problems can affect anyone regardless of their job, age, gender or social background. Mental health can seriously affect some people's ability to cope with everyday life, including work, while others can effectively manage their condition alongside the demands of a job and their other responsibilities. The Trust should not assume that someone will be unable to stay in work if they have a mental health problem.

Stress is often regarded as a mental health problem. In itself, stress is not a medical condition, but it can lead to anxiety and depression. Managing stress effectively is therefore an important part of an organisational approach to supporting employees with mental health problems. For more information see the Trust's Stress Management Policy.

A mental health condition may be considered a disability under the Equality Act 2010 if it has a long term effect on normal day to day activities. The Trust has a duty of care under the law, which means they must do all they reasonably can to support their employees' health, safety and wellbeing. This includes:

- Making sure the working environment is safe
- Protecting staff from discrimination
- Carrying out risk assessments

#### **Attitudes to mental health problems**

People with mental health problems often say that the biggest problem they face is the stigma, rather than their actual condition. This can prevent them from being open about their mental health problems which can delay them getting the support they need.

The Trust can help to create an environment where employees feel able to be open about their health by:

- Providing opportunities for employees to discuss their health concerns, such as 1:1's;
- Making sure employees are aware of mental health support services and organisational support.
- Making sure that stigmatising language and banter are not used within the workplace.
- Treating mental and physical health as equally important.
- Encouraging positive mental health, for example arranging mental health awareness training, workshops or appointing a mental health 'champion' who staff can talk to.



## **Supporting an employee with a mental health problem**

Early intervention can be critical in supporting employees with mental health problems, helping them to stay at or return to work. If an employee tells you they have a mental health problem, or you suspect they do, it is important to talk to them as soon as possible to establish their needs and put the appropriate support in place. During the discussion, the Headteacher will:

- Explore any work-related issues and how they can be addressed.
- Discuss any temporary or permanent changes you can make to the employees work pattern or duties which might help.
- Ask the employee who you should contact if there is a crisis at work.
- Encourage the employee to see their GP or other healthcare professional, if appropriate.
- Make an early or immediate referral to occupational health for advice on how to manage mental health problems at work
- Ask the employee whether they would like any information to be shared with colleagues and respect their wishes.

## **Sources of Support**

### **Happy? Ok? Sad?**

happyoksad.org.uk is a mental health site for people who live or work in Warrington. The site has links to information about looking after your mental wellbeing, as well as directories of local and national mental health support services. There's also a page for front line workers with details of free training.

The aims of the site are to make people aware of:

- Simple things they can do to look after their mental wellbeing.
- Symptoms of common mental health problems.
- Services that can offer information, advice, support or treatment.
- Support available if someone needs urgent help.
- How to access free mental wellbeing training and resources.

### **SANE**

SANE is a UK wide charity working to improve quality of life for people affected by mental illness.

<https://www.sane.org.uk>

## **MIND**

MIND provide advice and support to empower anyone experiencing a mental health problem.

<https://www.mind.org.uk>

Samaritans

Samaritans offer a 24/7 mental health support service, call 116 123

<https://www.samaritans.org>

## **APPENDIX 5 INDUSTRIAL INJURY**

### **Conditions**

Where an employee is absent as a result of an industrial disease or accident/injury at work the employee shall be entitled to the provisions of the sickness pay scheme relating to industrial injury, provided they have complied with the following conditions:

1. Any accident arising out of and in the course of employment with the Trust must be reported and recorded in accordance with the procedures laid down by the Trust.
2. Where an employee seeks medical advice about an illness, which is suspected or alleged to result from the nature of their employment, the employee must report this to the Trust at the first opportunity.
3. Certification of absence due to industrial disease or accident is followed in accordance with the usual requirements for certification of normal sickness.
4. In the case of the first and any subsequent absence due to industrial disease or accident an employee shall attend, at any time during such absence, an appointment with the Trust's Occupational Health Advisor

Failure to meet these conditions will render the employee liable to exclusion from the provisions of the occupational sick pay scheme relating to industrial disease or accident.

### **Process**

Where an employee is absent from work as a result of an industrial disease or accident the employee shall be entitled to the provisions of the occupational sick pay scheme, if they have satisfied the conditions detailed above.

This absence is entirely separate from absence in respect of normal sickness and the one shall not be offset against the other for the purposes of calculating entitlements under the scheme.

The following process should be followed in relation to identifying industrial disease or accident:

1. Employees must notify their Headteacher of all the details of the accident, injury or industrial disease at the earliest opportunity and within 72 hrs of it occurring. The Headteacher will then report this to the CEO.
2. The Headteacher must ensure that the appropriate accident reporting documentation is completed and report this to the CEO.
3. The Trust must ensure a full investigation of the incident takes place immediately, checking that the above conditions are satisfied.

4. Where appropriate the Community Safety and Resilience Team will provide advice to the Trust on the investigation and where appropriate report accidents, injuries or industrial diseases to the Health and Safety Executive.
5. If an employee has not reported the incident and subsequently believes that their sickness absence or injury is caused by work, they should report this in writing to the Trust as soon as possible, setting out the reasons why they were not able to report it in the first instance and why they believe that work has contributed or caused their sickness absence or injury. Where an employee has failed to provide a reason for not reporting the accident within 72 hours, or if the Trust regards the reason as unsatisfactory and/or is unable to investigate whether there has been an industrial injury for whatever reason, the employee will not be entitled to an industrial injury allowance.