

ABSENCE MANAGEMENT POLICY

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REVIEW

Last reviewed: November 2020 (HR Committee)

To be reviewed: Every three years or as the need arises

Policies may be subject to review and revision at any time, notwithstanding that the next review date has not been reached. Review dates are for guidance only; all policies will remain in force until a review has taken place and been formally approved by the Trust

1 General Principles

- 1.1 This procedure enables the Trust to address absence issues, both short and long-term, in a fair, consistent and equitable manner. It is recognised however that all cases must be managed on an individual basis because of differing circumstances. Therefore this policy aims to give an outline of the principles to be observed.
- 1.2 This policy will be invoked where there is a cause for concern regarding an employee's short-term persistent or long-term absence.
- 1.3 The Trust recognises that everybody is sick or subject to emergencies from time to time, however, regular attendance at work is a contractual requirement.
- 1.4 Short-term absenteeism refers to a series of illnesses that are often unconnected which result in frequent, short periods of absence.
- 1.5 Long-term absence would normally be classed as at least four weeks continuous absence.
- 1.6 In accordance with the Equality Act 2010, this procedure will not discriminate, either directly or indirectly, on the grounds age, gender, disability, gender reassignment, marriage / civil partnership, pregnancy / maternity, race, religion or belief, sex, or sexual orientation trade union membership, or any other personal characteristics.
- 1.7 Where possible the Trust will always endeavour to comply with any timescales stipulated in this policy. However, where it is not reasonably practicable to do so, such as where action precedes a school holiday, an extension of the time scales may be necessary. The Trust will always try to avoid unreasonably delay.
- 1.7 This policy does not form part of an employee's contract of employment and may be amended at any time. It will be reviewed periodically giving due consideration to any legislative changes.

2 Who is covered by this Policy?

- 2.1 This policy applies to all employees of the Trust regardless of length of service.
- 2.2 This policy does not apply to agency workers, self-employed contractors, supply staff or anyone who is not an employee of a school within the Trust, whether on a permanent or temporary basis.

3 Definitions

- 3.1 The term 'Trust' means the Multi-Academy Trust.
- 3.2 The term 'Schools' means any of the schools in the Trust.
- 3.3 The term 'Dependant' is assumed to mean a child, a parent, a family member or any person depending on an employee's care.

- 3.3 'Compassionate Leave' is an authorised paid leave granted in the event of bereavement.
- 3.4 'Fit Note' (or Statement of Fitness for Work) is the form issued by Doctors to employees when they are ill or injured. The Fit Note, which is usually required for absences of more than seven calendar days is a record of advice from the employee's doctor.
- 3.5 The Executive Team within the Trust consists of the Chief Executive Officer, the Director of Finance and Operations and the Headteachers of each school within the Trust. Responsibilities can be delegated by these individuals to the Trust HR Manager and other members of the Trust/School senior leadership teams as required.

4 Forms of Authorised Absence

- 4.1 Any absence must be authorised. If the reasons for absence are not due to illness, correct authorisation procedures for time off must be followed. Additional leave procedures are detailed in Appendix 3. Failure to follow procedures may result in an absence being treated as unauthorised and may render the employee liable to –action under this policy.
- 4.2 It is the responsibility of the Headteacher at each of School to ensure that appropriate records are kept on absences and that the reasons for absences are recorded accurately and clearly and are fully up-to-date.
- 4.3 It is the responsibility of the Trust HR Manager to ensure that the absences for cross-Trust staff are recorded clearly and accurately.

5 Employee Responsibilities

5.1 Reporting Sickness Absence

- 5.1.1 All employees must make contact with their school or with the Trust as appropriate (see section 5.1.2) as early as possible on the first day of absence. The employee must make this call. The only exception is where it is clearly not possible for employees to ring personally – for example, where the employee has been admitted to hospital.
- 5.1.2 **Nonsuch teaching staff** must leave a message on the main answer machine or talk directly to the Cover and Attendance Secretary by 8am.
Wallington teaching staff must report their absence directly to the Cover and CPD Coordinator before 7.15am.
Carshalton teaching staff must inform the Cover Manager by 7.30am.

Members of the **support staff** in all schools must report their absence before their usual start time to their line managers in addition to 5.1.1.

The GLT Shared Services staff (staff who work across the Trust) must report their absence to their line managers and inform the Trust HR Manager.

When reporting absence employees must give the following information:

- the reason for the absence
- the expected length of absence

5.1.3 Employees are required to call in on every working day of their absence using the timings above. In cases of a known continued absence, teaching staff must contact appropriate cover officer at regular intervals and normally maintain contact on every third day of absence, unless specifically agreed otherwise, to provide them with up to date information. Support staff must maintain regular contact with their line managers providing them with up to date information on their absence.

5.2 Sickness Certification

5.2.1 If an absence lasts for seven calendar days or less, on the first day back at work, employees will be required to complete a Sickness Absence Self-Certificate (Appendix 1) giving the reasons for their absence. This will be countersigned by their line manager and kept in the individual's personnel file.

5.2.2 All sickness absences should be followed up as soon as reasonably practicable by the employee's line manager

5.2.3 If an absence exceeds seven calendar days, a Fit Note must be submitted to the Trust HR Manager for processing.

If an absence continues beyond the period covered by the initial Fit Note, further Fit Notes must be submitted to give continuous cover for the period of absence. On eventual return to work, employees must complete the Trust Sickness Self-Certificate in respect of the first seven days or fewer that are not covered by a Fit Note.

If the Fit Note does not specify the period of absence covered, it will be classed as covering a period of seven calendar days only.

6 Short-term persistent absence

6.1 Monitoring and Consultation

The Trust records and monitors levels of absence. If the amount of time being taken off for illness is giving cause for concern, this will be discussed with employees at the return to work interview.

6.2 Continued Absence

If an employee's absence levels continue to cause concern, then the employee may be referred to the Occupational Health Service (see 7.2) for an independent medical examination.

If the absence is the consequence of an underlying medical condition then medical advice by either the employee's GP or consultant or Occupational Health provider could be sought to identify any reasonable adjustments or assistance that the Trust can provide.

Unacceptable levels of absence from work or long term absences will be managed subject to Section 9 of this policy. If appropriate, they may be managed subject to the GLT Disciplinary or Capability policies.

The Trust reserves the right to request a Statement of Fitness for Work for periods of absence of less than seven days in cases of short-term persistent absence.

7 Long Term absence

7.1 Maintaining Contact with the Employee

During any period of long term absence, an employee's line manager should take positive steps to keep in touch so that the employee knows that support is available. This should be done either by telephone, email or a combination of both. Sometimes it may be appropriate to meet in person.

7.2 Occupational Health/Medical Advice

As soon as it becomes clear that an employee's absence will be long-term, a member of the Executive Team and/or the Trust HR Manager should speak to the employee about a referral to Occupational Health for an assessment of the condition, the likely duration and whether or not there are any steps that the Trust could take to facilitate the employee's return to work. Where an employee does not consent to an Occupational Health referral it may be necessary for the Trust to make decisions without the benefit of medical information. Once the referral is made, employees must make themselves available to attend.

8 Trigger Points

A member of the Executive Team will consider taking formal action when:

- Self-certificated absences exceed 10 days in any rolling 12 month period OR exceed 5 days in a rolling 6 month period or less, although one isolated absence of 5 days would not normally require action
- The timing of absences is causing concern, such as falling regularly on specific days, e.g. a Friday and/or Monday
- Eight or more spells of sickness absence are taken in a rolling 12 month period, or four or more spells are taken in a rolling six month period or less, irrespective of the length of the absences
- Absences for frequent and unrelated non-specific illnesses, e.g. headache, stomach ache, back trouble, especially where these are self-certificated.

9 Sickness Absence Procedural stages

9.1 Informal Action

Employees should expect to have a brief conversation with their immediate line managers after any period of absence. On return from a period of absence exceeding seven calendar days, all employees must be interviewed by their immediate line managers. At this interview, the **Return to Work** form (Appendix 2) must be completed agreeing the reason for the absence, the period of absence and, where appropriate, what course of action is required as a result of the absence. The form must be signed by both parties before filing it in the employee's HR file.

- 9.1.1 The Trust HR Manager is responsible for keeping the completed forms and Fit Notes, together with any other information about the absence, on the individual's HR file in school.

9.2 Formal Stage 1

Where an employee's sickness absence causes grounds for concern, a member of the Executive Team will meet (an "attendance meeting") with the employee to investigate the reasons for the concern, including any underlying causes.

The meeting will be arranged as soon as possible with no less than two working days' notice in writing given to the employee who may be accompanied by a work colleague or a trade union representative. However, a meeting can be held with less notice if the employee agrees to this. If the employee or their representative is unable to attend, an alternative date will be arranged. This should typically be within 5 working days of the original date. Action under this procedure may not be unreasonably delayed because representatives are not available.

At the end of the attendance meeting, the member of the Executive Team will conclude either:

- that no further action is needed at this stage;

or

- agree an action plan with the employee for improving attendance.

The employee's attendance will continue to be monitored and reviewed against the action plan. The action plan may consist of the following, which is not, however, exhaustive:

- any support measures
- measurable attendance targets;
- timescales and review dates.

The employee should be informed of the consequences should their attendance not improve to an acceptable level.

The decisions / actions decided by the member of the Executive Team should be confirmed to the employee, in writing, within five working days of the meeting.

9.2.1 Stage 1 Review

Where the employee's attendance has shown improvement to an acceptable standard, they will be informed by member of the Executive Team in a review meeting and advised to maintain an acceptable standard of attendance in the future.

If the employee's attendance has not improved to an acceptable standard, the member of the Executive Team will discuss this with the employee and explain why it is necessary to either:

- move to the second stage of the procedure. The employee needs to be advised of the seriousness of this matter in moving to a second stage, which could lead to termination of employment;

or

- exceptionally, extend the review period under the first stage formal process.

The Trust HR Manager will also be present at the review meeting.

9.3 Formal Stage 2

When an employee has not improved their attendance to an acceptable level after the first stage review, a member of the Executive Team will arrange a second stage formal meeting with the employee, giving no less than 2 working days' notice, in writing.

At the meeting, the employee's absence record will be discussed again and any other reasons, which may be affecting their unacceptable level of attendance, will be explored.

The employee has the right to be accompanied by a work colleague or trade union representative. If the employee or their representative is unable to attend, an alternative date will be arranged. This should typically be within 5 working days of the original date. Action under this procedure may not be unreasonably delayed because representatives are not available. The Trust HR Manager will also be in attendance at the meeting.

If the employee has been referred to the Trust's Occupational Health provider, any reports provided will normally be discussed with the employee.

The decisions / actions decided by the member of the Executive Team should be

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confirmed in writing to the employee, within five working days. A date must be agreed to review progress.

9.3.1 Stage 2 Review

During the review period, the member of the Executive Team will monitor the employee's attendance and give helpful feedback and support, as necessary.

During and / or at the conclusion of the review, member of the Executive Team will meet with the employee to review their attendance. The Trust HR Manager will also be present at this meeting.

The member of the Executive Team must have the most up-to-date attendance figures and any medical information available.

The possible outcomes of meeting(s) are:

- the employee is informed that their attendance has improved to an acceptable level and advised that the standard of attendance must be maintained in the future. The employee's attendance will continue to be monitored and, if the improvement is not sustained over a period of at least three months, the process will move to a final stage attendance hearing. If it is not sustained for a least a year, it can be referred back to a second stage formal hearing.
- there has been some improvement but a further period of monitoring and review is required. The period will be relevant to the circumstances and set by the member of the Executive Team and the process remains at stage 2.
- there has been little or no improvement to an acceptable level and the member of the Executive Team decides to move to a final stage attendance hearing. The employee must be advised that their continued employment with the school may be at risk.

The decisions / actions decided by the member of the Executive Team should be confirmed in writing within five working days to the employee.

9.4 Final hearing – Stage 3

In reaching this stage of the procedure, the member of the Executive Team must:

- have thoroughly considered the reasons for the absences;
- explored all the available options to improve attendance;
- allowed a reasonable period of time for improvement

The Clerk to the Trust Board will arrange an attendance hearing, convene the panel and

appoint the Chair. A panel of three trustees and/or members of the Trust HR committee and/or school's Local Governing Body, who will have had no prior involvement with the employee's case, will be appointed to hear the case. There must be at least one trustee on the panel. The purpose of the attendance hearing is to consider the employee's attendance record and any actions taken to date to enable the employee to improve their attendance.

The Clerk to the Trust Board will write to the employee, giving at least five working days' notice, of the arrangements for the hearing. The Chair of the Panel will conduct the hearing and ensure that an accurate record of the meeting is made. The Chair of the Panel may adjourn the meeting to carry out further investigations or agree to a reasonable request from either side to adjourn the meeting.

The employee has the right to be accompanied by a work colleague or trade union representative. If the employee or their representative is unable to attend, an alternative date will be arranged. This should typically be within 5 working days of the original date. Action under this procedure may not be unreasonably delayed because representatives are not available.

The Trust must ensure that any relevant medical advice and documentation obtained is included within the material available at the hearing. If no recent relevant medical advice is available, then the Trust must consider whether any further more up-to-date information should be sought, which may include advice from an independent specialist medical adviser, where appropriate.

9.4.1 Outcomes of Final Hearing

The potential outcomes from a final stage attendance hearing could include:

- dismissal on grounds of capability relating to attendance.
- if medical advice has been received and this confirms that redeployment would benefit the employee and enable them to improve their attendance, this should be explored before dismissal is considered.
- In exceptional circumstances, a further period may be identified in which to improve attendance. The review period will be relevant to the circumstances of the case and will not normally be less than six weeks or more than three months and will be set by the panel. Attendance will be monitored and reviewed on an ongoing basis and the employee will be given regular feedback. At the conclusion of the further review period, a meeting will be arranged with the panel to consider what action is necessary, including dismissal on the grounds of capability relating to attendance.

The decision of the Trust Panel will be given verbally after the hearing and confirmed in writing within five working days of the meeting.

10 Appeals

10.1 An employee may appeal against any form of written warning or against a

dismissal. The person(s) to whom an appeal should be made will be given in the warning or dismissal letter. Appeals will be held without unreasonable delay and at an agreed time and place.

- 10.2 Employees must inform the Trust in writing of the grounds for their appeal, within 5 working days of the written notification of the decision.
- 10.3 An appeal hearing will be held by person(s) appointed by the Trust, and will be different to the person(s) holding the Final Stage 3 Hearing. At the appeal hearing, employees have the right to be accompanied by a work colleague or trade union representative.
- 10.4 If, at the appeal, the employee raises new matters, there may be a need to adjourn to consider the new evidence.
- 10.5 The employee will be informed in writing of the decision of the appeal hearing as soon as possible. The decision is final and there is no further opportunity for appeal.

SICKNESS ABSENCE SELF CERTIFICATE

Please complete this form when you return to work following any period of sickness absence. For absence over 7 days you will also need to submit a Fit Note from your GP.

PART 1:

Name: _____ **Department:** _____

I certify that I became unfit for work due to illness and did not attend work from:

First day of absence: _____ **Last day of absence:** _____

(Please include Saturdays, Sundays & Bank Holidays)

This was a total of _____ working days

(Actual days you would have been at work had you not been sick)

I returned to work on (date): _____

Reason for absence: _____

(If the absence was a result of an accident or incident at work, you are required to complete an accident / incident / violence / near miss investigation report (Appendix 2 of H&S Policy))

Declaration

I declare that I have not worked during the period of sickness as detailed above. I confirm that the information I have provided is true and accurate. I understand that the provision of false information may result in action in accordance with the Trust's Disciplinary Policy.

Signed:

Dated:

I confirm that the above named has returned to work on the date stated.

Signed _____ Date _____

Print Name _____ Role _____

Appendix 2



RETURN TO WORK INTERVIEW

Name _____

Department _____

A Return to Work Interview should be used to update absentees on work carried out during their absence and any announcements made. It should be conducted between the Line Manager and the member of staff after a period of seven calendar days or more of sickness absence. The member of staff should be advised why the meeting is taking place and it should be confirmed that all absence is monitored for all Trust staff.

If an employee has a high level of sickness for a one-off reason, e.g. surgery, or if a question is not deemed appropriate by the Line Manager given the circumstances surrounding the absence, it may not be necessary or relevant to go through each of the areas below.

This form must be returned to the Trust HR Manager.

SECTION ONE: ABSENCE DETAILS

1. Date of return to work:
2. Dates of absence: From: _____ To: _____ Hours lost (if applicable): _____
3. Did the employee follow correct absence reporting procedures: Yes/No
4. Self-Certification /Fit Note received: Yes/No (If No, Why)?
5. Reason for absence:
6. Is the employee fit to resume normal duties: YES/NO

SECTION TWO: RETURN TO WORK INTERVIEW

Date of interview: _____
TOTAL ABSENCE OVER LAST 12 MONTHS: (including this period of absence)
No. of occasions: _____ Total days (or hours for part time staff) lost: _____
Currently under absence monitoring? YES/NO
Issues to address and employee response: <ul style="list-style-type: none">• How are you now and are you able to carry out normal hours and duties?• What was the possible cause of your sickness absence and what action have you taken to avoid any future occurrence (work/accident or personal)?

- Are you on any medication which may affect your performance?
- Do you feel that there is anything we can do to support you?
- Do you consider your illness to be work-related? If the answer is yes in what way is it work related?
If so an accident, incident or hazard report form should be completed.

SECTION THREE: NEXT STEPS

Summary of action points (if applicable) agreed and any other comments:

Review date for agreed actions

Employee's signature:

Date:

Line Manager's signature:

Date:

Line Manager's Name:

Post:

Appendix 3

PROCEDURES FOR ADDITIONAL LEAVE

Additional leave is wholly at the discretion of the Trust.

These procedures have been developed to allow employees to take periods of leave to cover certain situations and include emergency leave situations for assisting dependents, compassionate leave and public service leave. All additional leave may be paid or unpaid, and is granted wholly at the discretion of the Trust, which delegates individual decisions to the Chief Executive Officer, Headteacher and/or Director of Finance & Operations.

To apply for additional leave, staff should complete the Additional Leave Form (available in school and/or from the Trust Payroll Manager) and pass their request to their line manager for comment. Final approval will be granted by the Chief Executive Officer, Headteacher or Director of Finance & Operations.

The following table provides some examples and indicative approaches for the Trust:

Reason	Indicative approach (at the discretion of the Chief Executive Officer, Headteacher or Director of Finance & Operations)
Religious Observance	Up to one day paid for recognised religious observance will be granted. Requests for longer than one day will generally be unpaid. Annual leave or TOIL may be used as an alternative.
Medical Appointments	Where possible, these should be made outside of normal working hours or during school closure periods. If undergoing a period of unavoidable medical treatment involving regular appointments, reasonable time off will be given. Employees may be asked to provide an appointment card in evidence of medical or dental appointment. Each case will be considered on an individual basis.
Interviews	Paid leave will be given to attend <u>up to three</u> interviews at educational establishments only in any rolling 12 month period. All other interviews will be unpaid.
Moving House	If this cannot be arranged during a school holiday, a total of one day's paid leave may be granted.
Examination & study leave	Paid leave for an exam related to career development within the Trust will be given. Up to one day per exam.
Graduation	Own graduation – paid leave of up to one day. Son/daughter/partner - <u>unpaid</u> leave of up to one day will generally be granted, but TOIL may be used as an alternative.
Non regular armed forces	Up to one week's paid leave each year.
Extension to school holidays	Not usually granted. <u>Unpaid</u> leave maybe granted in exceptional circumstances.
Trade Union / Safety Representatives	Paid leave in accordance with legislation.

Jury Service / Witness	Leave of absence will be granted. Staff should claim loss of earnings from the court / tribunal and present the paperwork to the Trust Payroll Manager.
Magistrate / School/Trust Governor	Up to 5 days paid leave per year
Maternity/Paternity & Adoption Leave	In accordance with statutory arrangements. Paid leave .
Shared Parental Leave	In accordance with current statutory requirement and will be paid at the statutory rate as set by the government.
Adoption Hearing (birth parent)	Up to one day paid leave to attend court hearing for adoption.
Dependent's care / illness / medical appointments / care arrangements / pre adoption leave	<p>From time to time an employee may require time off to look after a dependent or to deal with the emergencies and unforeseen matters. Up to 5 days paid leave in any rolling 12 month period may be granted, together with a reasonable unpaid leave to accompany a dependent to a medical appointment or make a long term care arrangements (ie care home or a pre-op visit).</p> <p><i>(A dependant is the staff member's spouse, partner, child, or parent, or someone who lives at the household other than a lodger or tenant or someone who reasonably relies on the member of staff for assistance to make arrangements on their behalf – i.e. the staff member is the primary carer or the only person who can help in an emergency.)</i></p>
Compassionate Leave	<p>The Trust will consider compassionate leave in the case of bereavement in the family. Using a member of the Executive Team's discretion, up to <u>five paid days</u> may be granted. Paid leave of one day maybe given for the funeral of a friend at the discretion of the Chief Executive Officer, Headteacher or Director of Finance & Operations.</p> <p><i>'Compassionate Leave' is an authorised paid leave granted in the event of bereavement.</i></p>
Other	Requests will be considered on an individual basis and should be discussed with the Chief Executive Officer, Headteacher and/or Director of Finance & Operations.

All amounts of additional leave are calculated for a rolling twelve month period apart from a compassionate leave in case of bereavement in the family.

JACK'S LAW

Parents who suffer the devastating loss of a child will be entitled to 2 weeks' statutory leave. The legislation entitles parents who have lost a child under the age of 18, or whose baby is stillborn from 24 weeks of pregnancy, to a statutory minimum of two weeks' leave. They can take this as a single block or as two one-week breaks across the first year after the child's death.