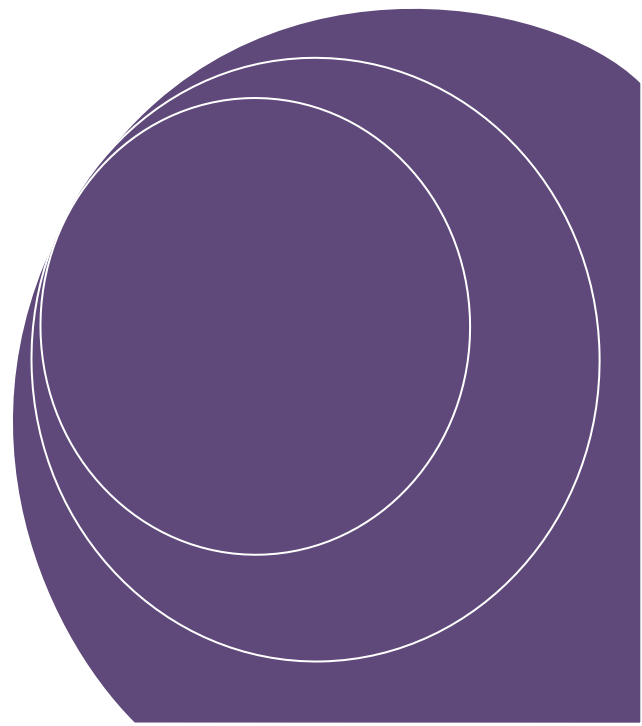


E-ACT

Absence Management Policy and Procedures



ABSENCE MANAGEMENT POLICY AND PROCEDURES

PART 1: GENERAL POLICY

1. Introduction

- 1.1 E-ACT is committed to creating a positive working environment. Employees who are absent from work due to sickness need to be treated with consideration and respect. In particular, Principals and managers should make every effort to assist staff in their recovery and return to work. The needs of the individual suffering from sickness must however be balanced against the needs of the Academy and the pupils.

2. Purpose

- 2.1 This policy is intended to support staff and enable managers to manage sickness absence in a way, which is fair and consistent and complies with employment and education legislation.

3. Governance

- 3.1 The Local Governing Body (LGB) is a Committee of E-ACT. The LGB is responsible for setting out capability rules and procedures for staff, however, they may delegate these matters to either:

- The Principal;
- A sub-committee of the LGB; or
- A sub- committee and the Principal.

Therefore, where this procedure refers to the LGB representative, this can be any one of the above.

The Director of HR or his/her nominee may attend any meetings or hearings held as part of this procedure.

4. Scope

- 4.1 This procedure applies to all permanent and fixed term employees who have satisfactorily completed their probationary period.
- 4.2 Other staff will be reviewed in the light of their actual attendance.
- 4.3 The general principles for resolving absence problems are the same for teaching and support staff. The HR Department at E-ACT can be contacted for advice in more complex situations.

4. Equal Opportunities

- 4.1 The absence management procedure must always be applied fairly and in accordance with employment law and Academy's Diversity and Equality Policy.
- 4.2 Sickness absence may amount to a disability under the Equality Act 2010. Where this is a possibility, specialist advice should be obtained (e.g. from Occupational Health and HR) and reasonable adjustments to the individual's working systems or environment that may be appropriate should be considered. Under the legislation, employers have a duty to make 'reasonable adjustments' where any aspect of working arrangements (including premises) places a person with a disability at a substantial disadvantage.
- 4.3. It is acknowledged that disability is by no means generally synonymous with sickness or absence from work, however, guidance recognises that some people with a disability will have conditions, which are from time to time relevant in terms of sickness absence management.
- 4.4. The legislation defines a person with a disability as a person with a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

5 Confidentiality

- 5.1 Information about sickness absence must be handled carefully and in accordance with the Data Protection Act 1998 to ensure that sensitive details remain confidential.

6. Responsibilities

- 6.1 The LGB is responsible for maintaining fair, consistent and objective procedures for matters relating to staff sickness absence.
- 6.2 The Principal is responsible for the management of the policy in their Academy.
- 6.3 E-ACT has a duty of care to all its employees and may decide to involve Occupational Health at any point where there is a cause for concern.

7 Reporting Procedures

- 7.1 It is important that all staff absent from work due to sickness follow the Academy's local procedure for reporting sickness absence. Any persistent failure to follow the procedure by an individual could result in the disciplinary procedure being invoked at the LGB representative's discretion.
- 7.2 If an employee provides false evidence of incapacity or if an absence is not notified or a valid reason for absence is not given, it will be dealt with through the E-ACT Disciplinary Procedure.

8 Time Off to Attend Medical Appointments

- 8.1 Line managers will allow employees paid time off to attend appointments with their doctor, dentist, optician or medical specialist and health checks (i.e. Well Man or Well Woman) during working hours, where these are supported by an appointment card or letter. This is not recorded as sickness absence. Appointments should be made whenever possible at the beginning or end of the working day to minimise absence in work time. Term time only staff are expected to arrange none urgent appointments when the Academy is closed.

9 Sick Pay and Entitlement

- 9.1 The sick pay and sick leave terms and conditions for employees are as outlined in their contracts of employment.

10 Sickness During Holidays

- 10.1 If employees are sick on a public holiday they will not qualify for time off in lieu at a later date.
- 10.2 If all year round employees are sick whilst taking annual leave, the absence will be classified as sickness subject to the following criteria:
- The line manager must be informed at the time of sickness and not after the period of annual leave; and
 - A Doctor's medical certificate must be produced regardless of the length of the absence.

11 Support

- 11.1 All employees have access to the Employee Assistance Programme.
- 11.2 All employees can also contact their unions/professional associations for support.

12 Breaches of the Absence Management Policy

12.1 Breaches of the absence management policy or procedure will be dealt with under the disciplinary procedure. Examples of conduct that may be subject to disciplinary action are:

- Unsatisfactory attendance;
- Taking part in activities that are inconsistent with the cause of absence or prejudicial to recovery; and
- Failing to comply with the requirements of the Absence Management Policy and Procedure.

12.2 Examples of offences that may be regarded as gross misconduct and could result in summary dismissal are:

- Making a false claim of incapacity for work due to sickness;
- Altering the contents of medical certificates; and
- Carrying out other employment whilst on sick leave without permission.

Please note that the above list is not exhaustive.

PART 2: SHORT-TERM ABSENCE MANAGEMENT

1. Occasional short-term sickness

- 1.1 It is good practice for the line manager to hold a return to work discussion with an employee after every period of short-term absence, no matter how short. This is to ensure that the employee is fit to return to work, to ask if the Academy needs to take any action to aid the return to work, as well as to ensure that the relevant certification has been received/completed.
- 1.2 The manager should document all stages of the procedure.

2. Repetitive and persistent short-term sickness

- 2.1 Cases of repetitive and persistent short-term sickness need handling in a reasonable and fair way, but prompt and consistent treatment are essential in order to demonstrate to both the employee concerned and other employees that repetitive and frequent absence is regarded as a serious matter.
- 2.2 It is expected that if there is any concern about absences, it should be expressed informally to the employee at an early stage. This is best dealt with during a return to work discussion and appropriate advice and support offered as necessary. This should usually occur if there is a pattern of frequent short-term absence that is considered unsatisfactory and as having a damaging effect on the pupils' learning.
- 2.3 In most cases, an informal discussion at a return to work meeting will suffice and the level of attendance will improve. However, in those circumstances where an employee's attendance is unsatisfactory, the formal procedure should be invoked.
- 2.4 Sickness management procedures should be considered whenever an employee meets any of the following conditions:
- Seven days absence within any rolling twelve month period (pro-rata for part time staff);
 - Three separate absences within any six month period; or
 - When a combination of odd days, or longer periods and patterns of absence causes concern.
- 2.5 The line manager needs to use their discretion and consider individual circumstances when making a decision as to the particular stage at which the problem should be addressed through an Attendance Review meeting (see below). If s/he is in doubt as to whether an individual's sickness levels warrants informal or formal action, s/he should consult HR for guidance.

3. Attendance Review Meeting

- 3.1 A confidential informal meeting between an appropriate manager, and employee should be arranged as soon as the employee's manager identifies a short-term sickness problem.
- 3.2 The aims of the Attendance Review Meeting are to:
- Signal that the employee's time off is a cause for concern;
 - Allow the employee to provide information about any medical problem;
 - Allow the employee to explain other causes of absence; and
 - Identify any appropriate support for the employee.
- 3.3 A discussion should take place between the appropriate manager and the employee to register concern about the level of short-term absences, explore reasons for them and seek an explanation from the employee. If an underlying medical problem is suspected, the individual should be referred to an Occupational Health Specialist. If there are no underlying reasons identified for the absences, assurance about a sustained improvement in attendance pattern should be established. The outcome of the meeting should be recorded in a report.
- 3.4 Where appropriate, support should be offered in the form of assistance with making arrangements for treatment or temporary adjustments to working hours.
- 3.5 After this meeting, the employee should be allowed reasonable time to show improved attendance. This monitoring period should be for a period of up to three months*, although there may be some occasions where a longer monitoring period will be reasonable and date(s) for review established.

** In some circumstances the monitoring period may be less than 3 months*

4. First Formal Review Meeting

- 4.1 Where the individual's attendance record does not improve sufficiently after the Attendance Review Meeting, a member of the SLT or another appropriate senior manager should arrange a first formal review meeting.
- 4.2 The employee should be given ten working days notice of the review and advised of their right to be accompanied by a trade union representative or work colleague at the meeting.
- 4.3 The aims and purpose of the first formal review meeting is to:
- Continue to discuss the employee's sickness absence;
 - Identify reasons for the lack of improvement;
 - Agree that the employee be referred or re-referred to an Occupational Health Specialist, where appropriate, to establish whether there are any medical or work-related reasons for the employee's absences;

- Discuss any steps which the Academy's management might take in order to help the employee;
- Advise the employee of the employment implications of their absence;
- Check the potential for redeployment (although this will rarely be appropriate for persistent short-term sickness);
- Warn the employee that if there is not significant sustained improvement, a second formal review meeting or contractual review meeting will take place. The employee may be given notice (normally up to three months) of the second review meeting or contractual review meeting at this stage, or at a later stage during the monitoring period, which may be up to one year in duration; and
- Inform the employee that their attendance will be closely monitored for a specified period

4.4 The outcome of the first formal review (which may involve the issue of a first or final written warning) should be confirmed in a letter to the employee written by the member of the SLT, within five working days of the meeting. Where appropriate the manager may decide to reconvene the first formal review meeting in order to consider further evidence and advice.

4.5 Referrals to the Occupational Health Specialist are undertaken in parallel with any formal action.

4.6 If the employee does not give consent for an approach to an Occupational Health Specialist or the medical advice proves inconclusive, the employee should be seen have a further meeting with the appropriate manager. During this discussion, the employee must be told what level of improvement in attendance is required and warned of the likely consequences if no improvement is made.

4.7 If, following a referral to the Occupational Health Specialist, no underlying reasons have been identified and there is still no or insufficient improvement made, the Academy should consider the following points whilst deciding further appropriate action:

- The employee's length of service;
- The employee's performance whilst in service;
- The possibility of seeing a change in the employee's attendance;
- The availability of alternative work considered suitable for the employee; and
- The effect of past and future absences on the Academy.

5. Second Formal Review Meeting

5.1 Where the individual's attendance record does not improve sufficiently after the first formal review meeting and/or the issue of a first written warning, a member of the SLT or another appropriate senior manager should arrange a second formal review meeting.

5.2 The second formal review meeting will follow the format of the first formal review meeting (paragraphs 4.2-4.7 above).

5.3 An outcome of the second formal review may be to issue a final or further written warning.

6. Contractual Review Meeting

6.1 Where an employee's attendance record does not improve sufficiently following the second review meeting and/or the issue of a first or second written warning, a contractual review meeting should be rearranged. By this stage, the employee will have been given every opportunity to improve attendance to an acceptable level. If all efforts have failed, the Academy has a duty to consider termination of the contract of employment on the grounds that the employee is unable to meet their contractual obligations to work.

6.2 The Academy must clearly emphasise the fact that the employee has been given a chance to improve their attendance by allowing a reasonable period of time between the first formal review and the contractual review.

6.3 A letter should be sent to the employee, giving them ten working days notice of the Contractual Review Meeting, and also advised of their right to be accompanied by a recognised trade union Representative or work colleague. The letter should also outline the employee's sickness record to date and inform them that as a result of the review, a decision may be made to terminate their contract of employment.

6.4 The LGB will delegate a person(s) to hear the case who may invite advisers as appropriate but should include the Director of HR or his/her nominee if dismissal may be an outcome.

6.5 The purpose of the Contractual Review Meeting is to:

- Consider medical evidence where it is available or appropriate. Should the employee wish the Chair of the meeting to consider additional evidence e.g. further medical reports, this should be supplied to him/her at least five working days before the Contractual Review Meeting; and
- Consider possible ways to improve the employee's attendance. The Chair may, if appropriate, defer any decision to terminate the employment contract, in order to seek further advice.

6.6 However, if the Chair is satisfied that the employee is unfit to carry out the duties for which s/he is employed and is unable to sustain an acceptable level of attendance, a determination to dismiss the employee will be made on the grounds of incapability. The employee must be informed in writing of the outcome of the contractual review meeting within five working days, and advised of their right to appeal against dismissal. Appeals must be made in writing stating the grounds for the appeal and lodged with the Principal within ten working days of the written outcome of the contractual review.

7. Appeal

- 7.1 Appeals will be heard by the Appeals Sub-Committee of the LGB. Appeals must be made in writing to the Principal within ten working days of receipt of the written outcome of the Contractual Review Meeting and state the grounds for the appeal.
- 7.2 The Principal will then write to the employee, giving details of the Appeal Hearing, which will normally take place as soon as possible on receipt of the employee's written appeal. The employee will be advised in writing of their right to be accompanied at the Appeal Hearing by a trade union representative or work colleague.
- 7.3 A quorum of the Appeals Panel will be three.
- 7.4 The Chair will then communicate the decision, which will be final, in writing to the employee within ten working days of the Appeal Hearing.

PART 3: MANAGING LONG TERM ABSENCE
(or regular absence covering substantial periods)

1. Informal contact

1.1 Where an employee has been absent from work due to sickness and this extends into a second continuous week, the line manager must make every effort to make contact with the employee, in order to establish the current situation. This should be done in a sensitive manner, giving due consideration to the employee's well being. At this point, the frequency of contact should be discussed and agreed with the employee. It is advised that this should be approximately every two weeks, unless circumstances dictate otherwise. Moreover, it is important to keep a record of the contact (including attempted contact) on every occasion.

2. Formal contact

2.1 Long term sickness absence will normally be characterised by an underlying medical condition resulting in continual absence of 20 working days or more. However, alternatively, if the absence is shorter but of a serious nature or covers a briefer period but is one of a series of absences suggesting a possible deep-rooted problem, the manager should make arrangements for a referral to Occupational Health.

2.2 Where sickness absence monitoring indicates a long term absence or a development of a long term health problem, the manager should refer the member of staff to Occupational Health, in order to:

- Establish the state of the employee's health;
- Offer assistance and support to the employee, and
- Obtain an opinion on the likelihood of a sustained return to work.
- Consider any recommendations under the Equality Act 2010.

2.3 The employee must be informed of the referral to Occupational Health. A letter, telephone call or home visit by the appropriate manager may be necessary to allay any concerns the employee may have. This must be done sensitively and home visits should only be undertaken by mutual consent. The main aim is to maintain contact with the employee and allay any concerns the employee may have.

2.4 If it appears likely that the employee will be absent for a considerable period of time or when a terminal illness has been diagnosed, the manager will need to assess the situation with the Principal or his/her nominee. In either circumstance, it may be that no further action will be necessary, except for maintaining a reasonable level of contact with the employee.

2.5 The Director of Finance or his/her nominee in the Academies need to liaise with their payroll provider when staff members are absent due to long term sickness. This will ensure that staff members revert to half pay or where they are due in the next pay

period to exhaust their entitlement to occupational sick pay or statutory sick pay (SSP) and thus, overpayments will be avoided. Employees due to revert to half or nil pay should receive written notification from the Academy as far in advance as possible.

- 2.6 For Teaching staff, as stated in the Conditions of Service for School Teachers in England and Wales (“the Burgundy Book”), if a teacher has been absent because of depression, stress, anxiety or psychiatric illness, and they have been absent for three months or more, they must be referred to an Occupational Health Specialist before they can return to work. If the GP has signed the employee fit to return to work form before the referral process has been completed, the employee must be medically suspended on full pay pending an appointment with Occupational Health.

PART 4: FORMAL CONTACT

1. Return to work

- 1.2 In many cases following a long absence a phased or gradual return to normal hours and responsibilities within a fixed timescale is a key way of facilitating a sustained return to work. There is no single pattern that suits everyone. A meeting to prepare for the employees return to work will establish a Written Return to Work Programme. Advice from Occupational Health will be considered, at the meeting where management, the employee and their trade union representative will be present. Any medical reports and the views of the employee's General Practitioner will be taken into consideration.
- 1.3 Where an employee is recovering from a mental health condition, including stress-related illness, careful consideration will be given to taking steps designed to minimise undue workplace pressures.
- 1.4 Provision will need to be made that affords the opportunity for those who are recovering from a long-term illness or injury to return to work in a phased and supported manner.

2. First Formal Review

- 2.1 If the prognosis for a return to work is uncertain the Principal or his/her nominee will write inviting the employee to a first formal review, giving ten working days notice. The employee should be advised of their right to be accompanied by a trade union representative or a work colleague and they should be provided with details of their sickness record.
- 2.2 The purpose of the first formal review should be to determine:
- the medical treatment that the employee is receiving and the prognosis for recovery within a reasonable length of time;
 - what the employer can reasonably do to help the employee return to work, including any reasonable workplace adjustments that may need to be considered (advice on this may be sought from HR or Occupational Health);
 - whether in all the circumstances the employer can be expected to wait for the employee to return to work;
 - the likely length of continuing or repeated absences;
 - to advise the employee of the employment implications of their absence.
- 2.3 Outcomes from the first formal review meeting (which may include the issue of a first or final written warning) should be confirmed to the employee, in writing, within five

working days of the meeting. Where appropriate the manager may decide to reconvene the first formal review meeting in order to consider further evidence and advice.

3. Second Formal Review Meeting

- 3.1 Where the individual's attendance record does not improve sufficiently after the first formal review meeting and/or the issue of a first written warning, a second formal review meeting should be arranged.
- 3.2 The second formal review meeting will follow the format of the first formal review meeting
- 3.3 An outcome of the second formal review meeting may be to issue a final written warning.

4. Contractual Review Process

- 4.1 Where an employee's attendance record does not improve sufficiently after a second review meeting and/or the issue of a final written warning, a contractual review meeting should be rearranged.
- 4.2 Occupational Health may be asked as to whether a further review of progress is necessary before any prognosis of the employee's future state of health can be given.
- 4.3 The employee should be given ten working days notice of the contractual review meeting and advised of their right to be represented by a recognised trade union or work colleague. The letter should outline the employee's absence record to date and inform them that as a result of the review a decision may be made to terminate the contract of employment.
- 4.4 As delegated by the LGB the person(s) hearing the case may invite advisers as appropriate and a representative from E-ACT may attend.
- 4.5 The purpose of the meeting is to:
 - Explain the medical advice received;
 - Explain the implications for the employee's colleagues and the service, where the advice is not encouraging;
 - Determine the likely duration of the absence or continuation of the condition;
 - Check the potential for redeployment/job redesign or any other reasonable adjustments that may need to be considered;
 - Check the appropriateness of ill-health retirement;
 - Where a full return is expected but not within the near future, where the prognosis is indeterminable, or where there is an underlying medical condition causing persistent short term sickness, the Chair must assess whether in all the

circumstances the employee's continued absence is tolerable. Where a determination to dismiss is made, this will be on the grounds of incapability.

- 4.6 The employee must be informed in writing of the outcome of the Contractual Review meeting within five working days, and advised of their right to appeal against dismissal. (See page 10 paragraph 6 for Appeals)

5: LEAVE OF ABSENCE AND SPECIAL LEAVE

Employees who work on a term time only basis are not expected to take time off during term time except in exceptional circumstances. However, in such circumstances the Principal can consider offering paid or unpaid special leave following a request in writing from the employees and in line with the Academy's local arrangements.

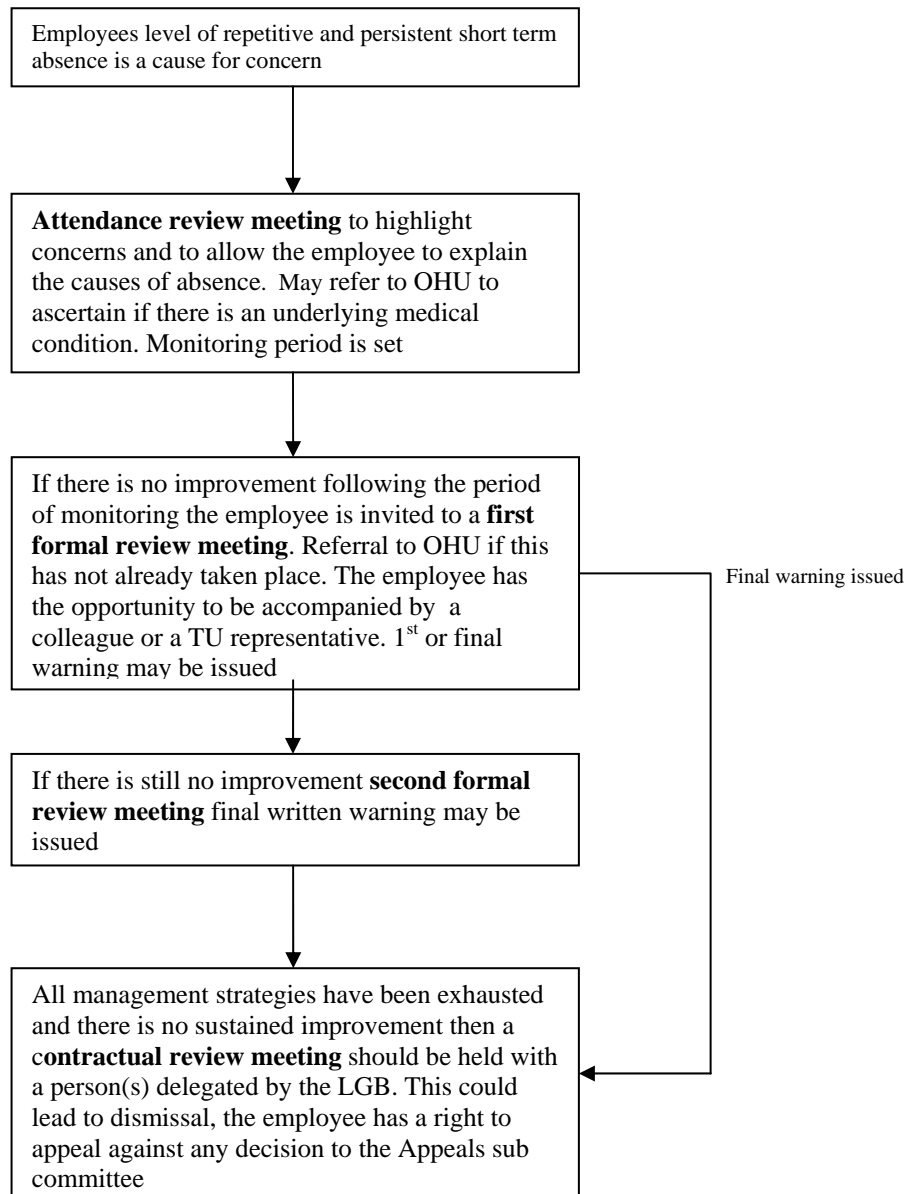
Where such requests are declined and the employee is absent on the date(s) requested he/she may be asked to produce a medical certificate.

Where staff do not contact the Academy or produce a medical certificate, this will be viewed as an unauthorised absence and may be addressed using the Disciplinary Procedure.

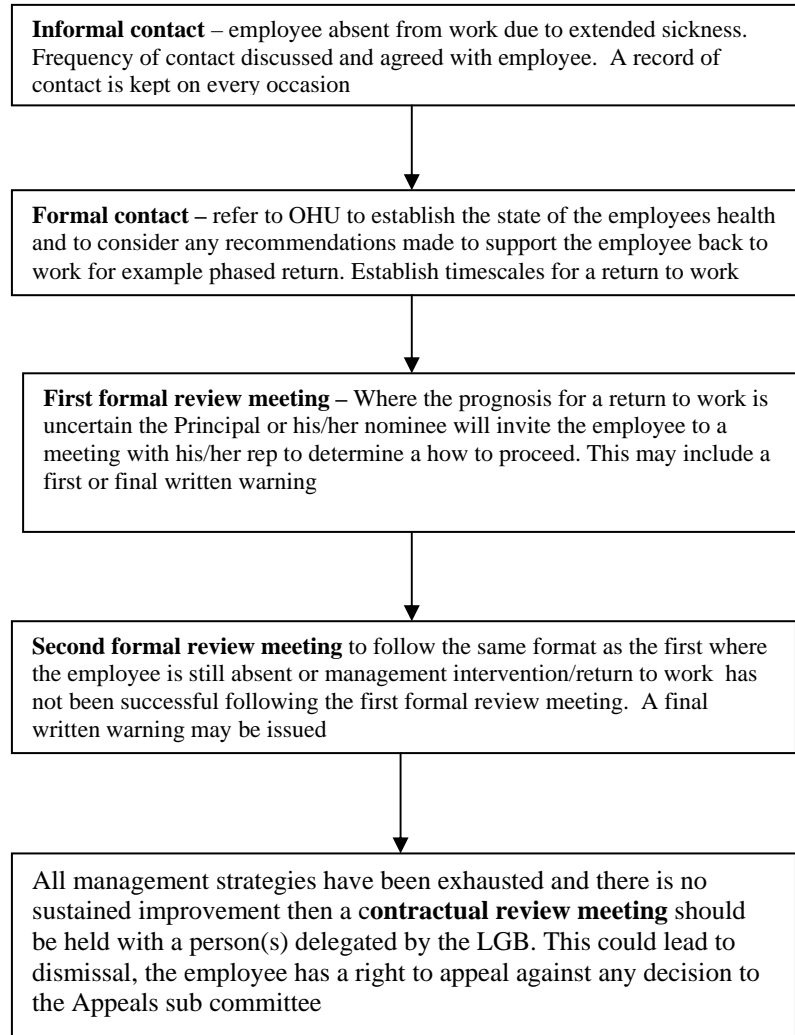
Review

This policy will be reviewed every two years in consultation with the recognised trade unions

Process for managing short term absence



Process for managing long term absence (or regular absence covering substantial periods)



Model invitation to attendance review meeting (short term absence)

Date.....

Dear.....

Attendance Review Meeting

I am concerned about your record of attendance over the past (*insert details*) and would like to invite you to attend a meeting to discuss these concerns.

The meeting will take place at.....(time) on.....(date) and be held in(place) (At least five working days notice)

You may be accompanied at the meeting by a trade union representative or colleague. I should be grateful if you could notify me before the date, the name of anyone who will be accompanying you. At the meeting I will be accompanied by andwill be in attendance to take notes.

I enclose a copy of the Academy's absence management procedure for you to refer to. If you have any queries please do not hesitate to contact me.

Yours sincerely

Model invitation to subsequent review meetings

Date.....

Dear.....

Meeting to review attendance record

At the meeting on.....(date) it was agreed that (*outline any action or targets that were agreed*) and I would like you to attend a meeting to review these. The meeting will take place at.....(time) on(date) and be held in.....(place). (At least five working days notice)..... will be in attendance to take notes

You may be accompanied at the meeting by your trade union representative or colleague. You may wish to produce additional medical evidence or a report at the meeting to support your case. You should provide me with copies of any such reports along with the name of anyone who will be accompanying you at least two working days before the date of the meeting.

If you have any questions, please let me know.

Yours sincerely

Model letter notifying the outcome of the review meetings

Date.....

Dear.....

Outcome of first/second review meeting

I write to inform you of the outcome of the meeting which took place on(date). Present at the meeting were(names and designations of all present).

I explained to you the purpose of the meeting, which was to discuss your attendance record. I explained that the level of absence was giving cause for concern and your absence was discussed. You stated that.....

I sought to identify any problems or difficulties that you might be experiencing which could be contributing to your absence. You indicated that.....

Indicate the outcome of the meeting(this list is not exhaustive):

I am satisfied that you intend to return to work on.....(date) and that, should your future attendance record be satisfactory following a monitoring period of(state length of time), no further action will be taken.

or

I advised you that we required further medical evidence and will contact OHU/independent medical adviser for further advice. A date was set for a review meeting to give further consideration to your attendance. The review meeting is to be held on.....(date) at.....(time) in.....(place), by which time the following targets for improved attendance should have been met.....

or

I advised you that your attendance record was not satisfactory. You were given an oral or first/final written warning that if your attendance continued to be unsatisfactory it could ultimately result in your continued employment being placed in jeopardy

or

OHU/independent medical adviser has indicated that you are unfit to continue in your current post *and/or* are permanently unfit to work. It is therefore necessary for me to ask you to attend a contractual review meeting *with person(s) delegated by the LGB*. You will be notified of the date and time of this meeting as soon as possible.

or

Having considered the details of your attendance record, together with your evidence and issues which were addressed at the meeting, I regret that it has become necessary for me to ask you to attend a contractual review meeting with *person(s) delegated by the LGB*. You will be notified of the date of this meeting as soon as possible.

If you wish to appeal the decision you should do so within 10 working days of the date of this letter in writing to the Principal stating clearly the grounds of your appeal.

If you have any queries or questions about the contents of this letter please do not hesitate to contact me. I would like to remind you that you have access to the free confidential Employee Assistance service if you require emotional support.

Yours sincerely

Model letter of invitation to an appeal hearing

Date,,,,,,,,,,,,,

Dear.....

Appeal Sub-Committee hearing

In response to your letter of.....(date) stating you wish to appeal against the decision notified to you on..... on the following grounds.....(state grounds of appeal). I write to inform you that an appeal hearing will be held on(date).....(time).....(place).

You may be accompanied by your trade union representative or a colleague. The appeal will be heard by.....(name of person(s) delegated by the LGB.

I enclose/will forward the documents to be considered by the Appeal Sub-Committee committee. If you wish to submit any additional documents please send them to me by.....(2 working days before the hearing)

If you have any questions please do not hesitate to contact me

Yours sincerely