

# MANAGING SICKNESS ABSENCE

FPTA Academies

APPROVED SEPTEMBER 2019

## MANAGING ABSENCE

This Policy applies to all employees of the Trust. It does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance only and the Trust reserves the right to amend its content at any time.

This Policy should be read in conjunction with the Sickness Absence and Sick Pay Policy.

There are four key aims of this Policy:

- To understand the causes of any absence and the effect it may have/will have on the employee's ability to carry out their job function effectively
- To provide support to employees to help them manage their health, work or welfare problems, including work-related stress
- To explore any options which could help employees to improve attendance and/or facilitate their return to work
- To outline the key stages of an absence management process and the potential outcome(s)

In addition, the Trust will bear in mind:

- Employees' rights to medical confidentiality
- Employees' expectation of fair and consistent treatment

The Trust recognises that different approaches may be required, depending on the nature of employees' absences. The procedure to be followed in the case of an acute or long-term medical problem ("long term sickness absences") is set out in paragraph 3 of this Policy. The procedure to be followed in the case of persistent, intermittent short-term absenteeism ("short term intermittent absences") is set out in paragraph 4 of this Policy.

**Roles and Responsibilities** Managing sickness absence is one of a line manager key role. Every 'manager in a school' has a responsibility to manage sickness absence in a way that safeguards the interests of the school's resources, service provision and employees. This procedure aims to ensure that all employees are treated consistently and fairly.

### Employee responsibilities:

- familiarise themselves with this policy,
- ensure they comply with the reporting absence procedures as set out in the school's procedures; and
- understand that failure to adhere to the procedures or following their Head teacher instructions in relation to their absence may result in disciplinary action and/or suspension of sick pay.

### **Head teacher (or delegated manager) responsibilities:**

- monitor and timely report all sickness absence to enable payroll to be correct;
- ensure that return to work interviews and subsequent formal meetings are undertaken;
- ensure that these procedures are applied consistently and fairly considering individual circumstances;
- ensure that all staff are made aware of this policy and that they follow the requirements of sickness absence notification procedures;
- encourage and support employees to maintain good attendance, through good management practice and use of other appropriate services;

### **Trust HR responsibilities:**

- Trust HR Manager will provide Head teachers with the tools to be able to manage sickness absence effectively including training and template documentation;
- provide Head teachers with specialist advice on implementing this policy and procedures;
- support line managers when referring employees to the Occupational Health Adviser;

## **1. MEETINGS UNDER THIS POLICY**

Meetings under this Policy will be arranged during normal working hours, and therefore the employee should be available to attend, and must take all reasonable steps to do so. Failure to do so without good reason may be treated as misconduct.

We will notify the employee in writing of the time, date and place of any meeting, and why it is being held.

Meetings will be conducted by the Head teacher/Deputy Head teacher/Line Manager/Trust HR Manager

All employees will have the right to be accompanied by a work colleague or an accredited trade union official at any of the following meetings: -

#### **Long Term Sickness Absence**

- Formal Absence Review Meetings
- Consideration of Dismissal Hearing
- Appeal Hearing

#### **Short Term Intermittent Absences**

- First Absence Review Meeting
- Second Absence Review Meeting
- Final Absence Review Meeting
- Consideration of Dismissal Hearing
- Appeal Hearings

Please note that the mere fact of being signed off by the GP as unfit to work does not of itself mean the employee is unfit to attend a meeting. Unless the nature of the ill-health is such that the employee is unable to attend, they would normally be expected to attend.

However, if the meeting is one at which the employee is entitled to be accompanied, and the companion is unavailable to attend at the time specified the employee should immediately inform Trust HR Manager who will seek to agree an alternative time within a reasonable period (normally 5 working days). If this is not possible, the employee would be expected to find an alternative companion.

A meeting may be adjourned if the Head teacher/Trust HR Manager is awaiting receipt of information, needs to gather any further information or consider matters discussed at a previous meeting. The Employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

Confirmation will be given to the employee in writing as soon as reasonably practicable following a sickness absence meeting of:

- The issues discussed;
- Any decisions made or actions agreed at a meeting;
- The reasons for such;
- Any measures or support agreed;
- The consequences of failure to improve; and
- Any right of appeal.

## **2. DISABILITIES**

We are aware that sickness absence may result from a disability. At each stage of this Policy, consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

The School may also adjust the process where appropriate. For example, to accommodate an employee's disability: -

- Trigger points may be adjusted;
- Meetings may be held off-site or by telephone;
- While no right to accompaniment applies at the informal stage of the process, the School may extend this right in appropriate circumstances;
- At the School's discretion, the employee may be permitted to bring a companion who is not a work colleague or union representative (for example, a family member) where this will help overcome difficulties caused by a disability; or
- The School may, in appropriate circumstances, elect not to impose disciplinary warnings in relation to disability related absence. This shall not however prevent the absence management procedure from moving to the next stage.

If the employee considers that they are affected by a disability or any medical condition which affects their ability to undertake work, the employee should inform the Head teacher.

### **3. MANAGING LONG TERM SICKNESS ABSENCE**

The following paragraphs set out our procedure for dealing with long-term sickness absence. The purpose of the procedure is to investigate and discuss the reasons for absence, whether it is likely to continue or recur, and whether there are any measures that could improve the health and/or attendance of the employee. We may decide that medical evidence, or further medical evidence, is required before deciding on a course of action.

#### **3.1. MEDICAL REPORTS**

We may consider it necessary to request details regarding the employee's health from a medical practitioner.

When this is the case, the employee will be fully informed of their rights under the Access to Medical reports Act 1988 and/or the General Data Protection Regulations and permission will be sought for the report to be obtained and/or any referral to be made.

When requesting a report from the medical practitioner we will provide the medical practitioner with as much information as possible on the employee role and explain why the report is being sought.

We will provide the medical practitioner with:

- Signed consent to the request for a medical report
- Confirmation that the employee is aware of their rights under the Access to Medical Reports Act 1988 and /or the General Data Protection regulations
- Details of the major features of the job and information on the employee absence

We will ask the medical practitioner to identify:

- The nature of the illness
- When, if ever the employee is likely to be fully fit to resume normal duties
- Any alternative duties the employee may be fit to undertake and when the employee is likely to be fit to undertake such duties
- Any reasonable adjustments which could be made to the employee working conditions or work premises which would facilitate a return to work: and
- The likelihood of a recurrence of the illness once the employee has returned to work.

If the employee refuses us permission, or delay consent to contact the employee medical practitioner, we may have to make a decision with the benefit of access to medical records.

If we wish to take action following the report, we shall do so only after consultation with the employee and full and careful consideration of all the facts provided.

### **3.2. REFERRALS TO THE OCCUPATIONAL HEALTH**

The School has access to an Occupational Health service and may use this to obtain expert medical advice:

- To provide appropriate support to employees
- To aid decision-making in sickness absence cases

The School may refer an employee to the Occupational Health service at any point if they are concerned about the impact of an employee's health on their work or attendance. Referrals will also take place at appropriate points throughout the process set out in this Policy.

It is likely that a referral will take place when an employee has been on sick leave for 4 continuous weeks, or the School receives a medical certificate indicating that an absence of this length is anticipated.

### **3.3. WELFARE MEETING**

The purposes of a welfare meeting will be to discuss the reasons for the employee absence, how long it is likely to continue, whether it is likely to recur, whether to obtain a medical report, and whether there are any measures that could improve the employee health and/or attendance. Such a meeting will usually be arranged after a continuous period of 4 or more weeks' absence; however, can be arranged sooner if either party consider it beneficial to do so.

We will discuss with the employee:

- The reason for absences;
- The anticipated duration of absence;
- The treatment and care the employee is receiving;
- Whether it is necessary for the School to consider taking reasonable measures to facilitate the return to work;
- Whether medical evidence is required to assess fitness to return to work and if any changes are necessary to assist the employee,
- If the continued absence may lead to a formal absence review; and
- A time-scale for review.

The aim of this meeting will be to seek to agree a return-to-work programme, possibly on a phased basis and consideration will be given to the above discussions to determine whether such a programme can be agreed, and if so, the various aspects of that programme, for example, a return to work date, the support measures that the School can put in place on a temporary or permanent basis and any dates for review which may be appropriate.

### **3.4. FORMAL ABSENCE REVIEW MEETINGS**

If after a reasonable time, which would usually be discussed with the employee during the welfare meeting, the employee has not been able to return to work, we will hold a Formal Absence Review Meeting,

The purpose of the Formal Absence Review meetings will be to discuss the following: -

- The reasons for and impact of absence;
- The anticipated duration of absence;
- If it has not been obtained, whether medical evidence is required. If it has been obtained, the advice that has been given and whether further advice is required;
- Whether it is necessary for the School to consider taking reasonable measures to facilitate the employee's return to work, which may include consideration of adjustments that can reasonably be made to assist the employee in the current role, or any possible redeployment opportunities;
- Ability to return to the job in view of the employee's capabilities and the School's operational needs;
- Whether the School needs to notify the employee that may be at risk of dismissal if he/she is unable to return to work within a reasonable time frame;
- Action that will be taken and a time-scale for review and/or a further meeting.

The number of Formal Absence Review meetings required for this process will largely be determined by the content of any medical evidence obtained, and personal circumstances. However, if it becomes clear that the employee will either be unable to return to work within a reasonable timeframe, or if the employee is no longer able to carry out contracted duties and consideration has been given to any adjustments or possible redeployment opportunities without success, the School will arrange a Consideration of Dismissal Hearing.

### **3.5. CONSIDERATION OF DISMISSAL HEARING**

Where the employee has been notified that they are at risk of dismissal, and the situation has not changed significantly, we will hold a Consideration of Dismissal Hearing to consider the possible termination of employment. Before we make a decision, we will consider any matters the employee wishes to raise and whether there have been any changes since the last meeting.

Alternatively, in exceptional instances the School may receive clear Occupational Health advice that the anticipated duration of the absence means that the School would consider it appropriate to commence the process at this final stage, without it being necessary to conduct an Initial Sickness Absence meeting or Formal Absence Review meetings first.

Any such consideration will be by the Head teacher/a panel of Governors. In the case of proceedings involving the Head teacher, consideration will be by a panel of Governors.

The purposes of the hearing will be:

- To review the meetings that have taken place and matters discussed with the employee;
- To consider whether there have been any changes since the last meeting under this Policy, either as regards possible return to work or opportunities for return or redeployment;
- To consider the most up to date medical evidence;
- To consider any further matters that the employee wishes to raise;
- To consider whether there is a reasonable likelihood of the employee returning to work or achieving the desired level of attendance in a reasonable time;
- To consider any reasonable options for redeployment on medical grounds before making any recommendation for dismissal (where redeployment is an option identified by Occupational Health);
- To consider any reasonable options for ill health retirement before making any recommendation for dismissal;
- To consider the possible termination of the employment.

The grounds for consideration of dismissal will be that the employee is incapable of fulfilling the duties by reason of continued absence(s).

Any dismissal will be on notice or payment in lieu of notice.

The Employee will have the right to appeal against any decision to terminate the employment. This is detailed below.

#### **4. MANAGING SHORT TERM INTERMITTENT ABSENCE**

The following paragraphs set out our procedure for dealing with short-term intermittent absences. When considering the absence levels of any employee, the School will have regard to absences for both sickness and non-sickness related reasons.

The purpose of the procedure is to investigate and discuss the reasons for absences. Consideration will also be given to whether these short-term intermittent absences are likely to continue and whether there are any measures that could improve the employees' health and/or attendance. We may decide that medical evidence, or further medical evidence, is required before deciding on a course of action. The School will also give serious consideration to the impact that the absences are having on the students, colleagues and the wider School community as a whole, and will consider how to reduce any such impact and whether, as a result of any such impact, the level of absence can be sustained by the School.

#### **4.1. TRIGGER POINTS**

The purpose of the School specifying trigger points is to enable the Head teacher to take prompt action to deal with absence, alert employees that their level of absence is causing concern and identify potential problems and to deal with them effectively before they escalate.

It is not always necessary for a trigger point to be reached before action is taken. The Head teacher may take action at any time, (for example, referring an employee to Occupational Health), if they have concerns about an underlying cause of sickness and/or there is a significant impact on the service.

The School's current trigger points are:

- three occasions of absence during a six-month period (i.e. single days or multiple days)
- more than five days sickness, during a six-month period.
- patterns of short-term absence which have been identified over the past 6 months e.g. particular days of the week
- No adequate reason given for the absence.

#### **4.2. FIRST ABSENCE REVIEW MEETING**

When the employee has met a trigger point above or the School otherwise considers that the absence level is a cause for concern, the employee may be asked to attend a First Absence Review meeting with Head teacher/Deputy Head teacher/Trust HR Manager

The basis for the School's concerns about the absence levels and the reason for the meeting being called will be confirmed in writing. A reasonable opportunity for the employee to consider this information before a meeting will be provided.

The purposes of the First Absence Review meeting will be to discuss the reasons for absences, whether further absences are likely to occur and whether there is an medical link between the reasons for absence, which may result in the School benefiting from obtaining a medical report, and whether there are any measures that could improve the employee health and/or attendance.

We will discuss with the employee:

- The reason for absences;
- The anticipated duration of any further absences;
- The treatment and care the employee has received;
- Any medication taken and any expected side effects;
- Whether it is necessary for the School to consider taking reasonable measures to assist the employee in the workplace and to minimise the occurrence of repeated absences;

- Whether medical evidence is required to assess fitness and if any changes are necessary to assist the employee;
- What improvement is required in the attendance pattern;
- Targets to improve attendance if necessary, over a set period of time.

If the employee meets the attendance target during the review period set at the First Absence Review meeting, the School will arrange a meeting with the employee to discuss this at the end of that review period and this procedure may be brought to an end. However, the above trigger points will continue to apply and if the employee reach another trigger point the School may decide to recommence this procedure at this stage, without repeating the First Absence Review meeting.

### **4.3. SECOND ABSENCE REVIEW MEETING**

If the employee has been unable to meet the attendance targets during the review period set at the First Absence Review meeting, the employee will be invited to a Second Absence Review meeting. The purpose of the Second Absence Review meeting will be to review the discussions from the First Absence Review meeting and consider why further absences were required.

We will discuss with the employee:

- 
- The reasons for and impact of absences on the students, colleagues and the wider School community as a whole, and what support the employee believe the School could offer to reduce the impact of the absences;
- If the employee has met the targets set at the First Absence Review meeting;
- The anticipated likelihood and duration of any further absences;
- If it has not been obtained, whether medical evidence is required. If it has been obtained, the advice that has been given and whether further advice is required;
- Any measures which were put in place following the First Absence Review meeting to assist the employee in the workplace and to minimise the occurrence of repeated absences, and why they may not have been successful, and whether alternative measures could be put in place that could improve the employee's health and/or attendance. This may include consideration of adjustments that can reasonably be made to assist the employee in their current role, or any possible redeployment opportunities;
- Ability to remain in the job in view of capabilities and the School's operational needs;
- Action that will be taken and a time-scale for review and/or a further meeting. This may, depending on steps that have already been taken and the nature of the absence(s), include a first written warning.

The employee can appeal against a decision to give a written warning. Details of how to do so are set out below. Where an appeal is upheld, a further review meeting will be set, and the procedure will be resumed at the Second Absence Review meeting stage.

If the employee meets the attendance target during the review period set at the Second Absence Review meeting, the School will arrange a meeting with the employee to discuss this at the end of that review period and this procedure may be brought to an end. However, the above trigger points will continue to apply and if the employee reaches another trigger point the School may decide to recommence this procedure at this stage, without repeating the First or Second Absence Review meeting.

#### **4.4. FINAL ABSENCE REVIEW MEETING**

If the employee has been unable to meet the attendance targets during the review period set at the Second Absence Review meeting, the employee will be invited to a Final Absence Review meeting. The purpose of the Final Absence Review meeting will be essentially the same as the purpose of the Second Absence Review meeting, and the same issues may be discussed. However, depending on the steps that have already been taken and the nature of the absences, this may include a final written warning being issued. The employee will also be warned that a failure to meet the attendance targets set at the Final Absence Review meeting may place the employee at risk of dismissal.

The employee can appeal against a decision to give a written warning. Details of how to do so are set out below. Where an appeal is upheld, a further review meeting will be set, and the procedure will be resumed at the Final Absence Review meeting stage.

#### **4.5. CONSIDERATION OF DISMISSAL HEARING**

If the employee has been unable to meet the attendance targets during the review period set at the Final Absence Review meeting, the employee will be invited to a Consideration of Dismissal hearing.

Alternatively, in exceptional instances the School may receive clear Occupational Health advice that the likelihood of continued high absence levels means that the School would consider it appropriate to commence the process at this Consideration of Dismissal stage, without it being necessary to conduct the First, Second or Final Absence Review meetings.

### **5. APPEALS**

The employee can appeal any written warning or decision to terminate their employment, within 10 working days of receiving written confirmation of such a decision, to the Chair of the Governing Body in accordance with the disciplinary appeals procedure set out in the Disciplinary Policy and Procedure.

### **6. UNAUTHORISED ABSENCE**

Cases of unauthorised absence will be dealt with under our Disciplinary Procedure. Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.

If, at any time, the Head teacher considers that the employee has taken or is taking sickness absence when the employee is not unwell, they may refer matters to be dealt with under the Disciplinary Procedure.

## **7. ILL HEALTH RETIREMENT**

Where the relevant employee is a member of the Local Government Pension Scheme or the Teacher Pension Scheme, the School will consider whether ill-health retirement may be an appropriate course of action before making any recommendation for dismissal.

For all staff, the Head teacher should normally have met with the employee and their representative to discuss the options including the ill health retirement process.

If ill health retirement is confirmed by Occupational Health the Head teacher will need to confirm the decision in writing.

### **7.1. SUPPORT STAFF**

In accordance with the Local Government Pension Scheme (LGPS), the Head teacher will satisfy him/herself that they have exhausted all reasonable options in accordance with this procedure, including consideration of a phased return/adaptations to duties/working patterns/alternative employment, before requesting an assessment under ill health retirement. If based on the facts it is evident that there is not likely to be a return to work in the foreseeable future and no likelihood of being fit, the employer may consider make a referral to Occupational Health for ill health retirement.

### **7.2. TEACHERS**

In accordance with the Teachers' Pension Scheme, the request for an assessment under ill health retirement should be issued by the Head teacher. In that case, the Head teacher has to satisfy him/herself that they have exhausted all reasonable options in accordance with this procedure, including consideration of a phased return/adaptations to duties/working patterns/alternative employment. If based on the facts it is evident that there is not likely to be a foreseeable return to work in the future and no likelihood of being fit, the School may consider making a referral to Occupational Health for ill health retirement. However, in addition the Teachers' Pension Scheme also allows the ill health retirement to be instigated by the teacher themselves. Teachers who may be eligible to apply for ill health retirement should initially advise their Head teacher of their situation.

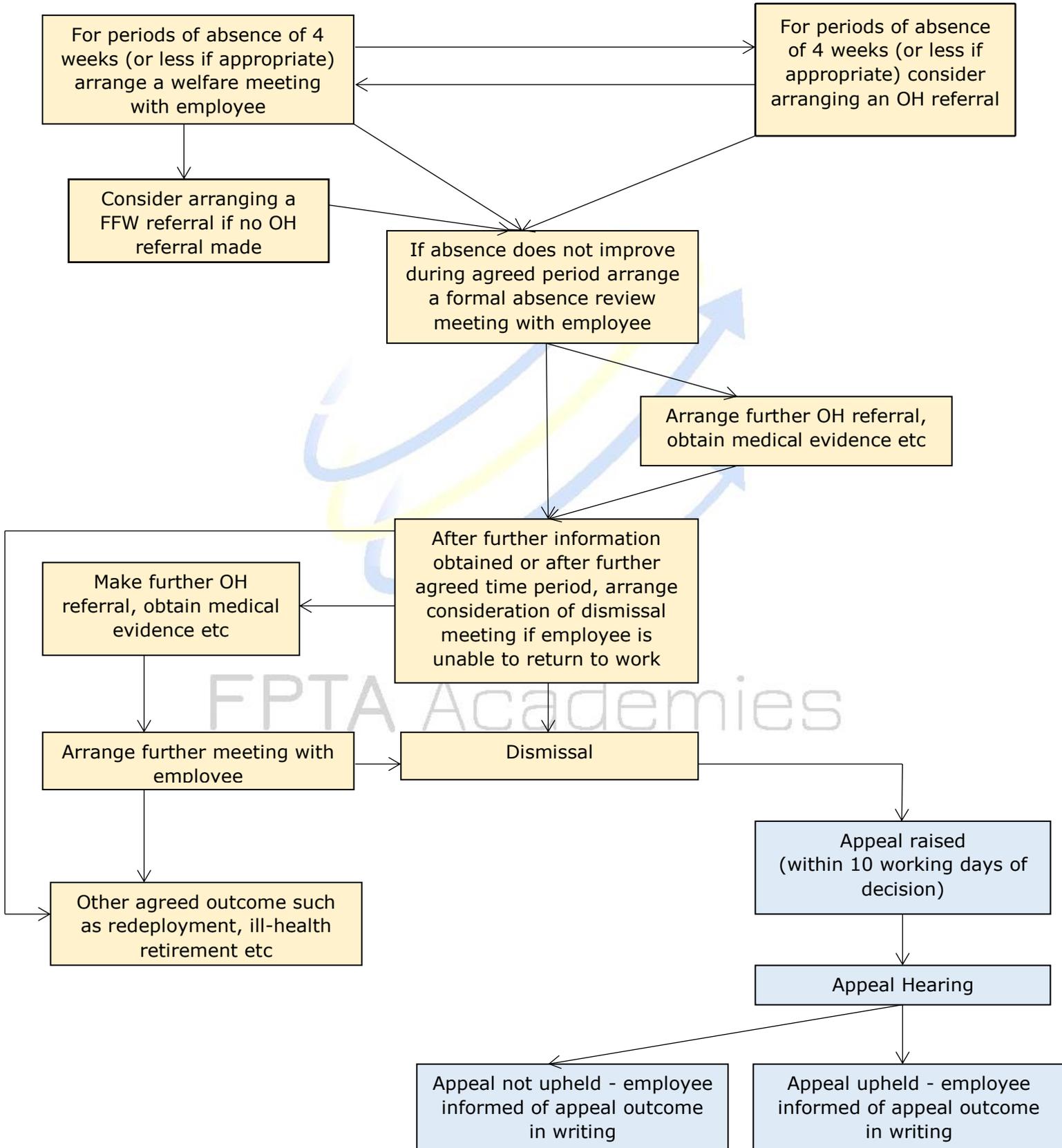
## **8. SICKNESS ABSENCE AND ANNUAL LEAVE**

While it is recognised that during a period of sickness absence, time away from home for example going on holiday or visiting family may be therapeutically helpful, the employee is required to seek prior approval from the School. A decision to take time away from home during a period of sick leave without giving prior notice to the School may result in a loss of Occupational Sick Pay during that period.

If, during a period of sick leave the employee would prefer not to be contacted by the School or required to attend meetings as part of this procedure for a period of time, we can discuss treating that period as annual leave or unpaid leave, at the School's discretion.

Please note that the requirements in the employment contract regarding requesting annual leave will continue to apply during any period of sickness absence.

**Long term absence of employee**



**Short term absence of employee**

Once first trigger met hold First Absence Review Meeting with employee. Agree if further medical evidence required and/or a review period

Further meeting following medical evidence and to agree review period

Second Absence Review Meeting if review period target not met

Agreed next steps e.g. obtain medical evidence

First written warning (if agreed target not met) and new target set

Further meeting to discuss medical evidence and agree targets

Appeal received. If appeal not upheld, warning stands. If upheld, procedure resumed at Second Absence Review Meeting stage.

Target met - further meeting with employee to discuss bringing procedure to an end

If target not met invite employee to Final Absence Review Meeting at which further target agreed

If target not met - final written warning and final target agreed

Target met - further meeting with employee to discuss bringing procedure to an end

A Academics

Appeal received. If appeal not upheld, warning stands. If upheld, procedure resumed at Final Absence Review Meeting

Target not met - invite employee to Consideration of Dismissal Hearing. (Or commence at this stage if clear OH advice received that other stages not required)

Dismissal

Other agreed outcome e.g. ill-health retirement or redeployment etc

Target met - further meeting arranged with employee to discuss bringing procedure to an end

Appeal received (within 10 working days of outcome).

Appeal upheld - employee notified

Appeal Hearing within 10 working days

Appeal not upheld - employee notified