

Telford & Wrekin Council
Schools HR Advisory Service
Model Policy Document

Absence Management Policy

Introduced	September 2014
Revised	April 2024
Consulted the following Trade Unions: ASCL, NAHT, NASUWT NEU, GMB, Unison and Unite	April 24 - Shared with Trade Union for information only as the only amendments were to reflect legislative changes under the Employment Rights (Amendment, Revocation & Transition) Regulations 2023 in relation to the sickness and annual leave and changes have been to the terminology used around the absence management process, changed from Stages to Steps.
Adopted by Old Park Primary School and Nursery	8 th April 2024

1. Introduction

When people are away from work, we miss the valuable contribution that they make to our success. We also recognise that keeping people at work or getting them back quickly if they do go off sick or are absent from work, is a key factor in protecting their longer term health and wellbeing.

For these reasons we are committed to reducing absence and to improving the health, wellbeing and attendance of our employees. This policy sets out how we intend to do this in a fair, consistent and proactive way.

This policy should be read in conjunction with the Guidance Notes which are referred to throughout the policy.

2. Scope of Policy

This policy applies to all School employees working at the school, except those directly employed by the Council and providing services to the School as a contractor e.g. catering and cleaning staff. It does not apply to casual workers.

3. Policy Commitments

As a Governing Body we are committed to:

- Supporting you to maintain high levels of attendance and helping you to successfully return to work as quickly as possible if you are sick or have an absence.
- Actively monitoring absence levels and initiating action for improvement
- Managing absence fairly, consistently and in line with ACAS best practice guidance and employment legislation, including the Equality Act 2010
- Ensuring that in all cases, your confidentiality is respected when dealing with personal medical information.
- Treating you reasonably and fairly, taking into account your individual circumstances as well as the needs of the business.

This policy recognises that:

- Attendance at work is an implied term of your contract of employment.
- References to “your manager” in this policy should be taken to mean the Chair of Governors (or nominee) in respect of the Headteacher’s absence and Head Teachers, Deputy/Assistant Head Teachers, School Business Manager or nominee in respect of all other members of school staff.
- You have the right to be accompanied at each formal stage of the process by a trade union representative or a work colleague.
- Failing to follow the requirements of this policy without reasonable justification or abusing the policy may result in absence being treated as unauthorised and occupational sick pay being withheld. In some circumstances it may also result in disciplinary action being taken.
- Where a decision is made to withhold sick pay, you will be notified of this in advance and advised of the reason for the decision.

4. Absence Reporting

If you are unable to attend work due to sickness or other reason, you must personally telephone your manager (or an agreed individual specified by your manager) prior to your normal start time and in accordance with the schools agreed reporting arrangements that exist.

Emails or text messages are not an acceptable method of reporting absence. Asking someone else to make contact on your behalf is only acceptable in exceptional circumstances (such as hospitalisation).

If you are unable to speak to your manager, your manager will call you back as soon as possible.

You will be asked to provide the reason for your absence, how long you expect to be off work, a contact telephone number, and details of any work of which you are aware which may need to be re-allocated or any meetings which may need to be rescheduled in your absence.

You must telephone your manager (or an agreed individual specified by your manager) every day that you remain off sick for the first five days of absence (unless your absence is covered by a Fit Note or unless an alternative contact arrangement is agreed with your manager), to keep them informed of your progress and your likely return to work date. After five days, your manager will discuss and set out the future regularity of contact with you.

5. Absence Recording

Any absence up to seven calendar days will require a self-certification form to be completed on your return to work.

Any absence which extends beyond seven calendar days must be covered by a signed Statement of Fitness for Work (Fit Note) from your GP. You must give this to your manager immediately on your return to work, or, if your absence is continuing, as soon as you obtain it from your GP. Backdated Fit Notes will not be accepted.

In **exceptional circumstances** you may be required to provide a Fit Note before the eighth day of absence (for example: if the manager has reason to believe that the employee was not legitimately sick or if there is an identifiable pattern of regular absence).

Failure to submit the appropriate forms in a timely manner may have an impact on your receiving the appropriate pay.

6. Fit Notes

On receipt of a 'Fit Note' your manager (or agreed individual specified by your manager) should:

- Check whether your doctor has assessed that you are **not fit for work**, or **may be fit for work**
- Check how long your Fit Note applies for, and whether you are expected to be fit for work when your Fit Note expires.

- If you may be fit for work, discuss your fit note with you and see if any changes can be agreed to help you come back to work while it lasts, for example a phased return to work, flexible working, amended duties, workplace adaptations. Advice from Occupational Health may be sought.
- If you are not fit for work, use the Fit Note as evidence for sick pay purposes.
- The original Fit Note will be returned to you.

Once you are well, you may return to work at any time, even if it is before your Fit Note expires without the need to go back to your Doctor. If this is the case, your manager (or agreed individual specified by your manager) will meet with you either before your return to work or on the day of your return to manage your return to work with you.

7. Sick Pay

Where you have complied with the above reporting and recording procedures, sick pay will be paid as follows:

Teachers

Length of Service	Full Pay entitlement	½ Pay entitlement
First year of service	25 working days	50 working days after completing 4 calendar months service
Second year of service	50 working days	50 working days
Third year of service	75 working days	75 working days
Forth & subsequent years	100 working days	100 working days

Support Staff

Length of Service	Full Pay entitlement	½ Pay entitlement
0 -4 Months	1 month	0 days
4 -12 Months	1 month	2 months
12 - 24 Months	2 months	2 months
24 - 36 Months	4 months	4 months
36 - 60 Months	5 months	5 months
60 Months +	6 months	6 months

Sick pay may be extended beyond the above entitlement in **exceptional circumstances**, such as terminal illness, with the agreement of the Governing Body.

Where there is medical evidence that you are no longer able to fulfil the requirements of your role and all other options have been explored including reasonable adjustments and redeployment within the school, the school may end your employment before the expiry of your contractual sick pay and before you have reached the final stage of the absence procedure.

8. Returning to Work

Your manager will conduct a return to work meeting with you after every period of absence, regardless of its length or the reason for it. This will take place on your first day back at work or as soon as is reasonably practicable thereafter (and no later than 3 days after returning).

The nature of the return to work meeting will vary in accordance with the reasons for your absence and your previous absence history. The discussion will take place in private and as a general rule the discussion will cover the following points:

- Welcome you back to work and check how you are feeling
- The reason for your absence
- The impact of your absence on the team/children/School (if appropriate)
- Your absence record and implications of any future absence (if relevant)
- Any adjustments / alterations / support necessary to settle you back into work
- Any key changes that have taken place during your absence

An agreed record of the Return to Work meeting will be kept by your manager. A copy of the Return to Work meeting will also be sent to you for your records.

A phased return to work or a temporary adjustment to duties may be agreed after an extended period of absence where your GP or specialist supports this and/or Occupational Health advises it as appropriate to the individual circumstances. Your manager must review your GP / Occupational Health advice and decide whether the phased return can be accommodated within the needs of the school.

A phased return to work will be paid up to a maximum of 2 weeks. An agreed phased return to work which extends beyond 2 weeks will be covered by unpaid leave.

In exceptional circumstances, following discussion with the Head Teacher and/or Governing Body to ensure a consistent approach, a manager may agree to extend pay during the return to work beyond 2 weeks.

9. Managing Absence

Individual and School absence levels will be monitored by your line manager.

Where absence levels meet the agreed triggers, the formal absence management process will start. Although a manager may raise concerns regarding your attendance with you at any stage.

The absence triggers for management action are as follows:

- Short Term Absence** - 3 separate occurrences or absences totalling 1.4 weeks (this equates to 7 working days for a full time employee that works their hours over 5 days)

OR

- Short Term Absence** - 5 separate occurrences or absences totalling 2 weeks (this equates to 10 working days for a full time employee that works their hours over 5 days)
- Long Term Absence** - One continuous absence of 4.3 weeks (which equates to a month) in a rolling 12 month period and/or
- An identifiable and potentially unacceptable pattern of absence.

When you hit the absence triggers, you will be managed through a 3 step process.

The 3 stages are progressive; however the Governing Body reserves the right to enter the formal procedure at any stage as required by the circumstances.

The Governing Body also reserves the right to accelerate progress through the 3 steps when circumstances demand.

Step 1 meeting

As soon as you hit an absence trigger, your manager will arrange a step 1 meeting with you.

You will be invited to the meeting in writing with reasonable notice (around 5 working days). A copy of the Absence Management Policy will be provided.

The meeting will normally take place at your place of work or in the case of on-going absence, at your home (with prior agreement) or another mutually agreeable venue.

You have the right to be accompanied at this meeting by a trade union representative or a work colleague.

The purpose of this meeting is to:

- Establish the current situation regarding your health/reasons for absence
- Offer appropriate support that will help improve your health, wellbeing and attendance or facilitate a return to work.
- Agree an Action Plan and targets which will assist in improving your attendance or achieving a return to work, and an appropriate review period.

The nature of the meeting will be constructive and is likely to vary, depending on the reasons for absence. During the discussion, managers need to act sensitively and with due consideration for the reason for the absence. Where the reason for absence may be disability related, managers must be aware of their legal obligation to:

- Ensure that the employee is not disadvantaged because of his/her disability

- Make reasonable adjustments to enable the employee to continue to work,

An Action Plan will be mutually agreed which includes agreed attendance targets or a target return to work date, and an agreed review period.

A referral to Occupational Health may be made depending on the nature of the absence.

Details of the Step 1 meeting will be recorded and followed up in writing via a letter following the meeting. A copy of the agreed Action Plan will also be sent to you.

At the end of the agreed review period, your manager will review your attendance with you against your agreed action plan. Your manager will communicate the decision to you and follow it up in writing. The decision may be to either:

- End the Sickness Absence Management process
- Set a further review period under step 1 of the policy
- Move to Step 2 if your absence has continued for a further 8 weeks, and/or you have failed to reach the attendance targets set at step 1
- In exceptional circumstances your manager does not have to wait until the end of the review period to progress to Step 2.

Step 2 meeting

At step 2, a meeting will be held with you, your manager and, where appropriate, a representative from HR.

You will be invited to the meeting in writing with reasonable notice (around 5 working days). A copy of the Absence Management Policy will be provided.

The meeting will normally take place at your place of work or in the case of on-going absence, at your home (with prior agreement) or another mutually agreeable venue.

You have the right to be accompanied at this meeting by a trade union representative or a work colleague.

The purpose of the step 2 meeting is to

- Establish the current situation regarding your health
- Review your action plan during Step 1
- Explore further support that is available that will help improve your health, wellbeing and attendance or facilitate a return to work.
- Agree an Action Plan and targets which will assist in improving your attendance or achieving a return to work, and an appropriate review period.

As in step 1, the nature of the meeting will be constructive and is likely to vary, depending on the reasons for absence

At step 2, a referral to Occupational Health will always be made to request medical advice regarding your absence.

Details of the Step 2 meeting will be recorded by your manager and followed up in writing via a letter following the meeting. This letter will indicate that one of the potential outcomes of moving to step 3 is your dismissal from post on the grounds of capability. A copy of the agreed Action Plan will also be sent to you.

At the end of the agreed review period, your manager will review your attendance with you against your agreed action plan. Your manager will communicate the decision to you and follow it up in writing. The decision may be to either:

- End the Sickness Absence Management process
- Set a further review period under step 2 of the policy
- Move to Step 3 if your absence has continued for a further 8 weeks and/or you have failed to reach the attendance targets set at step 2.

In exceptional circumstances your manager does not have to wait until the end of the review period to progress to Step 3.

Step 3 Meeting

At step 3, a meeting will take place which will be chaired by The Head Teacher (or Chair of Governors in respect of the Headteacher's absence) supported by an HR representative.

You will be invited to the meeting in writing with reasonable notice (approximately 10 working days). A pack of information detailing your case to date and a copy of the Absence Management Policy will be provided.

The meeting will normally take place at your place of work or in the case of on-going absence, at your home (with prior agreement) or another mutually agreeable venue.

You have the right to be accompanied this meeting by a trade union representative or a work colleague.

The purpose of the Step 3 meeting is to decide on your future employment, on the basis of all of the available information including medical evidence and the impact of your absence on the school.

The Head Teacher (or Chair of Governors in respect of the Headteacher's absence) will review your case to date, including:

- Your attendance levels and reasons for absence(s)

- The impact on the school
- The process that has been followed
- The options that have been explored and taken up including support such as reasonable adjustments / redeployment.
- All of the medical advice received to date
- Any other relevant information put forward during the meeting.

The Head Teacher (or Chair of Governors in respect of the Headteacher's absence) will decide on an appropriate outcome which may be:

- To agree a further review period
- To allow more time for recovery
- To request further medical information
- To re-consider redeployment within the school and/or other reasonable adjustments,
- Or, if all other avenues have been explored and it is reasonable in the circumstances, to terminate your employment on the grounds of capability due to ill health.

The decision will be communicated as appropriate and confirmed in writing within five working days of the meeting.

If the decision is made to dismiss you, you will be issued with notice of the termination of your contract in accordance with your notice period and you will be informed of your right of appeal.

Further guidance on Dismissals can be found in Guidance Note GN1 – Dismissal & Appeal Procedure.

10. Appeals

Appeals against the decision to dismiss must be submitted in writing to the Governing Body's Appeals Committee within ten working days of receipt of the written decision, stating the grounds of the appeal and the resolution sought.

An Appeal Hearing will be heard by members of the Appeals Committee, with support from HR.

You have the right to be accompanied at this meeting by a trade union representative or a work colleague.

The decision of the Appeal panel will be notified within five working days of the hearing. This decision is final and may not be the subject of any further appeal or grievance.

Further guidance on Dismissals can be found in Guidance Note GN1 – Dismissal & Appeal Procedure.

11. Occupational Health

At any stage of the absence management process, you may be required to attend an Occupational Health assessment.

Occupational Health may request your permission to seek a medical report from your GP/Specialist, in order to provide a more informed assessment.

You are entitled to view and discuss the contents of your manager's referral, and you will be provided with a copy of the Occupational Health report.

Refusing to agree to medical referral may result in sick pay being withheld and decisions regarding your future employment being made without the benefit of medical opinion.

12. Medical Suspension

Under the Education (Teachers Qualifications and Health Standards (England) Regulations 1999), the secretary of State has power to direct on medical grounds that Teachers can:

- be suspended
- have their employment terminated
- be made subject to conditions

For all staff employed within the school, if your manager has reason to believe that you may have become medically unfit to work, your manager may, in consultation with HR and Occupational Health, medically suspend you from work.

Where there may be risk to pupils / students and / or other member of staff, the school should take whatever action necessary.

Where suspension is considered necessary, it must be undertaken in the interests of the school and of the pupils or students in their care.

Suspension must be on full pay.

It is the responsibility of the school / employing authority to decide, after obtaining medical advice, whether an employee is fit to resume their duties.

13. Ill Health Retirement

Requests for ill health retirement for Local Government Pension Scheme members will be assessed by an approved independent doctor qualified in occupational medicine, appointed by the Pension Fund Administrators.

Teachers considering ill health will have to make an application to Teachers Pensions. The appropriate Ill health retirement form and medical form will need to be completed and evidence of ill health provided. Further information is available on the Teachers Pensions Website.

Guidance on the Ill Health Retirement procedure can be found in Guidance Note GN2 – Ill Health Retirement

14. Support

The following are examples of the range of support measures that may be discussed with you at any stage during the absence management process:

- Occupational Health referral
- Reasonable adjustments to your role or work location may be suggested by your GP and/or Occupational Health. Your manager will review the advice and may agree to assist you in your return to work and/or to help improve your attendance. Examples may include workplace modifications, reallocation of duties, reduced hours, relocation, changing work patterns etc.
- Provision of equipment, aids or adaptations.
- Provision of additional training or a buddy / mentor.
- Stress Risk assessment, Workstation / DSE assessment.
- Redeployment within the school to a suitable alternative role on a temporary or permanent basis may be considered in circumstances where Occupational Health suggests this and where reasonable adjustments to your current role have been explored.
- Occupational Health provides a range of support, including the confidential Counselling Service.
- You are advised to seek support and advice from your own GP or Specialist.
- Advice and support for employees is also available from trade union representatives. Managers may seek advice and support from HR.
- In the case of terminal or serious illness, managers should seek appropriate advice from HR and Occupational Health to ensure that this is handled carefully and sensitively and employees are given the support they need.

15. Holidays and Sickness Absence

This section only applies to support staff employed on NJC Green Book Terms and Conditions of Employment as those employed on Teachers terms and conditions of employment do not have an entitlement to annual leave in the same way.

Full working year employees

If you are a full working year employee you continue to accrue annual leave during sick leave.

If you remain off sick for an extended period, you may choose to take the annual leave that you have accrued while you are absent from work due to sickness.

If, because of extended sickness, you are unable to take your annual leave in the leave year in which it was accrued, you can carry over 4 weeks leave entitlement in to your new leave year (which must be taken within 18 months of the holiday year in which it was accrued. After this time it will expire). However, where additional leave will assist your return to work as part of a phased return, consideration may be given to the carry-over of a portion of, or all of your contractual entitlement.

If you are sick before or during a period of annual leave, you may have the leave credited only if you are able to provide a signed Fit Note confirming the dates of the sickness. No substitute day will be given for bank holidays or concessionary days that fall during such sickness absence.

If your employment is terminated before you return from sick leave, you will receive a payment in lieu of any accrued but untaken statutory holiday entitlement (5.6 weeks) for the holiday year in which the employment is terminated. In addition, you will be entitled to receive payment in lieu of carried over leave from previous leave years in line with the accrual of annual leave whilst off sick as detailed above.

Note: employees on sick leave during a bank holiday are not entitled to take the bank holiday day at an alternative date.

Part Year Employees

Where you have not been able to take your annual leave due to sickness, you will be provided with your paid annual leave at another date in line with entitlements detailed below. However, Part year employees are allocated a yearly allowance for holiday entitlement at the start of the leave year and as such, in the majority of cases, there is no need to calculate a separate accrued entitlement when an employee is off sick.

If, because of extended sickness, you are unable to take your annual leave in the leave year in which it was accrued, you can carry over 4 weeks leave entitlement in to your new leave year (which must be taken within 18 months of the holiday year in which it was accrued. After this time it will expire). However, where additional leave will assist your return to work as part of a phased return, consideration may be given to the carry-over of a portion of, or all of your contractual entitlement. This may be made in the form of a payment for leave where operationally you are unable to take the time off in term time.

If your employment is terminated before you return from sick leave, you will receive a payment in lieu of any accrued but untaken statutory holiday entitlement (5.6 weeks) for the holiday

year in which the employment is terminated. In addition, you will be entitled to receive payment in lieu of carried over leave from previous leave years in line with the accrual of annual leave whilst off sick as detailed above.

Note: employees on sick leave during a bank holiday are not entitled to take the bank holiday day at an alternative date.