

# Schools HR Consultancy Team

## Guidance on Managing Absence and Attendance

<b>Date of Issue</b>	<b>Date of last issue</b>	<b>Date of review</b>	<b>Union Consultation</b>
Dec 2021	October 2013	Dec 2023	Feb 20 & Nov 21



**Foreword and Scope**

This document provides information and advice to help schools manage absence and attendance issues.

The document is split into two sections:

Part A deals with sickness absence

Part B deals with absence due to any other reason, including leave and special leave

There is a separate policy on medical capability which sets out a formal procedure for addressing sickness absence issues that cannot be resolved using this guidance.

This document refers to staff entitlements as well as those matters that are at the discretion of the school.

Managers have a key role in dealing fairly and effectively with staff absence and considering the best way to ensure staff are supported and absence is recorded and monitored. Effective absence management will improve morale and help control costs and should include training/briefing for managers. Costs can be measured in financial terms, the impact on other staff and in the potential disruptive effect on the ability of a school to plan for and provide its service.

The School, as a good employer, has a duty of care to staff and does not expect that staff attend work when they are unable to do so (e.g. through illness) and/or when they are legitimately absent for other reasons. The School does however, expect its staff to account for their absence and meet their contractual obligation to attend work. The cost and disruption caused by staff absence can be reduced if effective measures are taken and consistently applied. When considering measures to manage absence it is important that procedures adopted are fair and consistent and that within this framework managers can still treat individual cases on their own merits, taking into account all the circumstances of the case.

These guidelines are written for all school-based staff and accordingly where the term staff or employee/s is used, unless otherwise specified, it covers all staff. The guidance also recognises that different terms and conditions apply to teaching and support staff.

The term manager includes Headteacher, Deputy and Assistant Headteachers and any other employee at a school who has line management responsibility. It also includes Governors. The guidelines detail the extent of any discretion the managers have.

## Contents

Item		Page
	<b>Foreword and Scope</b>	<b>2</b>
	<b>PART A – SICKNESS ABSENCE</b>	<b>4</b>
1.	General	4
2.	Role of Schools HR Consultancy Team (SHRCT)	4
3.	Manager & Employees Responsibilities	5
4.	Trigger Points	7
5.	Occupational Health (OH)	8
6.	Short Term Persistent Absence	10
7.	Long Term Sickness Absence	11
8.	Return to Work Meeting	13
9.	Attendance Review Meeting	14
10.	Reasonable Adjustments & Phased Return	16
11.	Monitoring & Reviewing Absence	18
12.	Notification & Reporting Procedures	21
13.	Entitlement to sick Pay	23
14.	Alcohol & Drug Dependency/Abuse	26
	<b>PART B – LEAVE, SPECIAL LEAVE AND LATENESS</b>	<b>27</b>
15.	Annual Leave	27
16.	Lateness	28
17.	Leave of Absence & Special Leave	29
18.	Leave of Absence & Special Leave Requests	30
<b>Appendices</b>		
1	Leave of Absence & Special Leave for Teachers	34
2	Return to Work Guidance & Form	35
3	Sickness Absence & Certification Procedures	39
4	Special Leave Request Form	40

# **PART A**

## **SICKNESS ABSENCE**

### **General**

#### **1. Key issues for managing sickness absence**

- a. Make sure staff know how to report and record sickness absence
- b. Consider reasonable means to stay in regular contact with absent employees
- c. Regularly discuss health, wellbeing, and attendance with staff
- d. Take time to conduct a return-to-work meeting with staff after every sickness absence
- e. Comply with the relevant legislation around absence including the General Data Protection Regulations (GDPR) and access to medical records, the Equality Act etc
- f. Take prompt action when absence levels become a cause for concern
- g. Monitor attendance regularly
- h. Deal with ill health sensitively and confidentially
- i. Seek advice from HR and Occupational Health (OH) when necessary
- j. Understand your obligations under the Equality Act for those staff who are sick and have a disability
- k. Ensure that managers are properly trained and briefed on the management of absence

#### **2. Role of Schools HR Consultancy Team**

- 2.1 The Schools HR Consultancy Team (SHRCT) provides advice on the management of absence. Schools are advised to seek the advice of SHRCT in respect of individual cases and overall implementation of this guidance. The SHRCT can offer training in absence management. The training would be free to those schools who purchase the team's services through its service level agreement.

### 3. **Manager and Employee Responsibilities**

#### **3.1 Managers Responsibilities**

As a manager, you should;

- Starting with induction, make sure employees understand and comply with the **sickness absence notification and certification procedures** if they are unable to attend work due to sickness.
- Ensure sickness absence is recorded
- If the employee does not comply with the sickness absence notification and certification procedures without a reasonable explanation, remind them of their obligations within a reasonable timeframe and if they still do not comply then you can consider more formal action (e.g., suspending salary and ultimately disciplinary action after consulting with HR)
- Meet with employees when they return from every instance of sickness absence regardless of the length of sickness absence. At this 'return to work' meeting you should:
  - (i) discuss the sickness absence and confirm that the employee is recovered and well enough to be back at work and discuss any other issues that have impacted their absence
  - (ii) discuss how the employee, with your support, if necessary, can maintain or improve their attendance, if attendance is a concern
  - (iii) confirm what has happened in the workplace in their absence
  - (iv) remind them of the absence triggers
  - (v) consider making reference to the impact of their absence on the service, including cover etc,
- When appropriate, consider referring the employee to OH and if you are going to make a referral, communicate this to the employee. Remind the employee that they have access to the Employee Assistance programme, if the school purchase this service

- Ensure that the employee completes a self-certification form for the first 7 days of sickness, note any action arising out of your return-to-work discussion
- If an employee states that they are too unwell to attend a meeting that you have arranged under this guidance and do not have a fit note, then discuss this with HR.

Once you have considered managing the absence through the absence management guidance you may decide it is appropriate to commence the **Medical Capability Procedure** and if at this point the employee has not been referred to OH then consider doing so. You can discuss these actions with your HR adviser.

### 3.2 Employees Responsibilities

As an employee you should;

- Comply with the **sickness absence notification and certification procedures** if you are unable to attend work due to sickness. Failure to do so without a justifiable reason, may result in formal action (e.g., your pay being withheld and/or disciplinary action),
- Attend OH appointments as requested and note these are in line with your terms and conditions of employment. (section 8.1 (iv) Burgundy Book for Teachers (section 12.1.3 of local conditions for support staff) If you do not attend an OH appointment without an explanation that is acceptable to the school, formal action may be taken
- Complete the self-certification form if required when you return from a period of sickness absence and submit this to your manager
- Make sure you submit a **'fit note'** statement (from your GP or medical practitioner) to your manager for all sickness absence that lasts over 7 calendar days. Statements must be dated from no later than the 8<sup>th</sup> day of absence to cover the whole period of any absence, with each subsequent statement signed and dated from the expiry date of the previous one, without any uncertified gaps, and submitted promptly to your manager either by posting or scanning and sending electronically, if that facility is available (you may still be asked to submit originals so the employer can keep a copy), to ensure continuity of any entitlement you have to occupational or statutory sickness pay. In any event you should, if you are able, contact the school and confirm the issue of your certificate and the time period you are expected to be away from work.

- Attend any meetings arranged (unless you have indicated in advance that you are too unwell to attend) and comply with any instructions issued under these guidelines and associated procedures
- Maintain regular contact with your manager during any sickness absence and agree a form of communication for this contact
- If you have a disability that may impact on your work, tell your manager to ensure any reasonable adjustments can be considered

#### **4. Trigger Points**

- 4.1 Managers should review the case of an employee (including considering a meeting) if their absence through sickness reaches one of the following triggers:
- Any regular pattern of part or full day absences, certain days (e.g., Mondays or Fridays) or known busy days.
  - Absence for a whole day or more on four or more occasions in a four-month period (or one school term)
  - 8 or more working days in a rolling year
  - Continuous absence of more than 10 working days.
  - The manager has legitimate concerns about health or absence
- 4.2 If an employee does reach one of these trigger points, it does not mean that a formal process needs to be followed, but rather that the manager should look at the absence/s and decide if further action is necessary taking account of the individual circumstances of the case. Further action could include an attendance review meeting (ARM) with the employee (see section 9 of this guidance) and/or a referral to OH. The manager may choose to consider the absence informally (without a meeting) in the first instance or may decide to take no action at the time. The nature of the illness/injury and the previous sickness record of the employee are factors that will also be taken into account.

## **5. Short Term Sickness Absence**

- 5.1 Short term sickness absence is intermittent absences that may meet the trigger points described in section 4 above. Sometimes the nature of the absence are sporadic and attributed to unconnected ailments. This can suggest that there is no single underlying medical cause although as a part of the management of absence process, OH can be asked for a view on this point.
- 5.2 The manager should deal with short term sickness absence with reference to section 4. This may include dealing with the absence informally or lead to no action being taken at this point and the manager should make a note to show that they reviewed the case and decided at this time to take no further action.
- 5.3 If the manager decides that action is needed then two actions that are available would be to convene an attendance review meeting (see section 9) and/or make a referral to the OH team. Sometimes the attendance review meeting would lead to a referral being made to OH as one of its outcomes.
- 5.4 The actions arising from the attendance review meeting/s would hopefully resolve any short-term sickness absence concerns. If they did not, then the manager may need to give consideration to more formal processes under the medical capability procedure.
- 5.5 The expectation is that the employee will have co-operated with requests regarding access to medical information and will have attended all appointments with OH. If the employee has not, then the manager may have to proceed with what information they have.
- 5.6 It is important that, taking account of individual circumstances, managers are consistent in the way staff are treated over short term sickness absence.



## 6. Long Term Sickness Absence

For the purposes of this guidance long term sickness absence is defined as a continuous period of 4 weeks or more absent through sickness.

6.1 During a long-term sickness absence, arrangements for contact with the employee need to be established and agreed early in the absence. The manager should look to maintain reasonable contact with the employee as circumstances dictate. This may be fairly straight forward depending on the relationship with the member of staff and the nature of their illness, or it may be more challenging if the reason for absence makes contact difficult. SHRCT can be contacted for advice.

In any event as a guide the approach to managing long term sickness absence would be along the following lines:

- Up to 4 weeks – Maintain regular contact if you can and ascertain if the employee is likely to return within the 4-week timeframe.
- By the 4<sup>th</sup> week and beyond – consider a referral to OH, if not already done. Confirm the referral with the employee. Establish likely duration of absence unless this has been set out in a fit note. If a return is likely soon and subject to OH advice, consider return to work planning which may include a phased return. The manager should consider how or if it is possible to conduct an ARM at this stage.
- By the 8<sup>th</sup> week - The manager should review all action taken and information known to date and should have conducted an ARM unless circumstances dictate otherwise.
- 3 months - if there is no immediate likelihood of return and an ARM has already been held, (unless circumstances dictate otherwise) the manager should consider the case under the formal medical capability procedure (unless this has already been started).
- 6 months to one year – The medical capability procedure should have already been applied and the expectation is that in the period between 6 months and one year of sickness absence, the employee will either return to work, be retired on ill health grounds, been redeployed or have been dismissed under the medical capability procedure.

- 6.2 Before any decision to dismiss is taken, up to date medical advice should be sought and the question of whether ill health retirement or medical redeployment would apply should be asked.
- 6.3 The expectation is that the employee will have co-operated with all requests regarding access to medical information and will have attended all appointments with OH. If the employee has not, then the manager may have to proceed with what information they have.
- 6.4 It is important that, taking account of individual circumstances, managers are consistent in the way staff are treated over long term sickness absence.

### **Terminal Illness**

Consideration should be given to being flexible with working arrangements such as working from home, reduced working hours, redeployment and time off for treatment. The employee has the right to work for as long as they are fit, able and wish to work. It is wise to have a communication protocol with the employee on what should and should not be shared with their colleagues. For further advice please contact SHRCT.

## **7. Occupational Health Unit (OH)**

- 7.1 Managers can decide to refer an employee to OH when the sickness absence level or health of an employee absence has become a concern, which may also be linked to the absence triggers detailed in section 4, or in cases of longer-term sickness absence. Managers are advised to refer an employee to OH promptly when the reason for absence is stress related. Employees may also be referred if they have had no absence and the Manager has concerns about their medical fitness to work and/or their well-being. When making the OH referral managers should ensure that the employee is aware of the referral, preferably in discussion with them.
- 7.2 The OH team provides advice and guidance on the employee's fitness and capacity to carry out their duties and where possible indications of time scales for recovery/improvement. Advice that is provided by OH includes reference to the information that is supplied to them via the OH referral form and should you have any queries about the advice you have received, you should contact OH or your SHRCT adviser; a link to the referral form from the EGFL is shown here - <https://www.egfl.org.uk/human-resources/staff-wellbeing-and-occupational-health/management-referral-occupational-health>

### **OH Report**

- 7.3 Once OH receive a referral an appointment will be made with the OH nurse or doctor. Managers should allow employees paid time from work (if they are at work) to attend such appointments.
- 7.4 The guidance and advice provided by OH is based on their medical assessment of the situation. The employee will be given time by OH to consider the report before it is sent to the manager. It remains the managers decision on whether any recommendations, including adjustments, that are suggested can be implemented. If adjustments can be made the manager should ensure that the time scales and reviews of the adjustments are clearly identified

### **Management Discussions with OH**

- 7.5 There will be occasions when a manager decides that they should speak with OH before or after the appointment to discuss the circumstances of the case or maybe about reasonable adjustments. OH, welcome such discussions to enable them to get a fuller perspective and to understand what may or may not be possible in terms of adjustments. The manager should keep their own note of

what was discussed. The types of outcomes for an employee following an appointment with OH include:

- The employee is medically fit to resume or continue work but needs to be reviewed regularly, there may be a recommendation for alternative duties or adjustment/s, which may be temporary, and management will need to see if this can be accommodated.
- Medically fit no further review required
- Is deemed permanently unfit for work therefore ill health retirement should be considered. The employee should be advised to consult with their trade union representative in these circumstances.
- They are unfit at present and further medical reports will be required from their consultant/GP for OH to advise on when the employee will be fit for work.

This list is not exhaustive.

### **Employee Assistance Programme – Advice**

- 7.6 The causes and/or consequences of absence from work can lead to employees needing support and advice. Schools that subscribe to the employee assistance programme provided currently by Workplace Options can advise staff to avail themselves of the free confidential advice and support available via the Workplace Options offer.

## 8. Return to Work Meeting

- 8.1 It is an essential part of the absence management process to conduct a return-to-work meeting with an employee when they return from any period of sickness absence and to confirm that the employee should not feel guilty about their sickness absence. Due regard should be given to sensitive and confidential issues which employees may rather discuss with someone other than their line manager.
- 8.2 A return to work meeting form is appended to this guidance and can be used to provide a record of a return-to-work meeting that is held with the employee when they return to work after a period of sickness. In any event a record of the discussion should be kept.
- 8.3 The return-to-work meeting should be held on the first day back at work after the sickness absence and should be conducted in a confidential setting. The return-to-work meeting is not a formal meeting, it does however provide a record of the issues discussed and provides the opportunity:
- To emphasize the employers duty of care by asking about their health and check that they are feeling better and fit to return to work. You may also want to briefly explore what can be done to avoid further absences for this same reason
  - To demonstrate that the school takes their absence and their welfare seriously and is consistently monitoring and reviewing absence and discuss how with your support, if necessary, the employee can maintain/improve their attendance
  - To identify if there are any concerns about the absence level for the employee and identify how these will be addressed (e.g., at another meeting). Remind them about the absence triggers and where they are in relation to those and consider referral to OH if appropriate
  - Update the employee about work issues and provide information and/or discuss any arrangements that may be necessary to help them with their return to work

## 9. Attendance Review Meeting

- 9.1 If a manager decides that there are concerns over the sickness absence levels of an employee and that these should be considered in a meeting (with the employee) then an Attendance Review Meeting (ARM) should be convened.

The following principles apply when convening an ARM:

- The employee should have reached one of the trigger points set out in section 4 above
- The meeting is informal, and this must be confirmed to the employee
- The meeting should be conducted on a one-to-one basis between the employee and the manager – there is no need at this stage to involve either HR or Trade Unions at the meeting
- The meeting should be handled confidentially and sensitively and convened in a private setting
- The manager should write to the employee within five working days of the meeting, confirming what was discussed and the outcomes agreed including next steps and the potential consequences of further absence
- The manager may take confidential notes to aid in drawing up any outcomes
- The purpose of the meeting is to discuss the reasons for absence and what can be done to improve attendance

The aims of an ARM are:

- To allow the manager to signal that the absence level is a cause for concern
- The primary aim is to consider what can be done, by both parties, to help improve attendance
- To advise the employee about the implications of continuing absence
- To allow the employee to raise any relevant issues, medical or otherwise

- To consider support that the school can offer to the employee to help improve attendance
- To consider any strategies or actions that the employee can propose which could help improve their attendance

The outcomes from an ARM include:

- A possible referral to the OH unit
- A monitoring period – which is set for a period of time depending on circumstances and should be a minimum of 4 weeks. During the monitoring period a review meeting to assess progress may be held.
- The written ARM outcome should confirm what was discussed and agreed and that if attendance does not improve, formal action under the medical capability procedure may follow.
- No further action at this time

9.2 A second meeting may be convened at the end of the monitoring period or earlier if unsatisfactory attendance has continued.

9.3 If at this second meeting the required improvement in attendance has been reached the matter would normally be closed and a letter to that effect issued within five working days.

9.4 If at this second meeting the required improvement has not been reached then, subject to prevailing circumstances, the matter may either be considered under the formal medical capability procedure or a further monitoring period may be agreed.

## **10. Reasonable Adjustments & Phased Return**

10.1 The purpose of a phased return to work is to support an employee to return to work following illness or injury. An employee may be allowed to work reduced hours and/or an adjustment to duties for a temporary period (typically 4 to 6 weeks) following a period of sickness absence or an injury, the onset of a medical condition or deterioration/worsening of an existing condition (the condition may or may not constitute a disability under the Equality Act 2010).

10.2 Recommendations will vary depending upon the nature of the condition, length of absence and nature of the employee's duties. Recommendations on adjustments or phased return to work may be recommended by the employee's GP as well as OH.

10.3 It is the Manager's decision whether they can accommodate the recommendations, considering service delivery, financial implications and impact on other members of staff or service users. The manager should liaise with OH and SHRCT where there is difficulty meeting the suggested adjustment/s to agree a way forward.

- a. Normally a phased return would be completed within a 4 to 6 week period, sometimes less and sometimes more time for a phased return is needed. In some cases where the employee has serious health issues, they may require a longer recovery period and then the adjustments advised cannot reasonably be accommodated by the school. In these circumstances, the manager can discuss this with the SHRCT and OH, if they have recommended the adjustments. The school decides on what pay the employee receives during an agreed phased return and as an incentive and inducement to return to work, can agree that the employee receives full pay during the phased return, normally to a maximum of 6 weeks. If the phased return is recommended or extended for a longer period, the expectation changes and the employee is normally only paid for the hours they work.

10.4 If an employee has a disability, it may be necessary to temporarily reduce their hours and agree a temporary change to their contract of employment while investigating long-term or permanent adjustments or waiting for implementation of agreed adjustments. If the adjustment to working hours is to be for a longer period, then the employee is normally paid for the hours they work.

10.5 It is not always possible to provide a definitive timescale for full recovery. Therefore, it is important that;



- the manager communicates with the employee **prior** to a return to work the terms of any phased return
- the terms of the phased return are agreed i.e., hours/duties
- the manager meets with the employee **regularly** to assess progress and determine if the next stage of the return can be implemented i.e., increase in hours/workload and discuss any difficulties/issues immediately
- where medical difficulties arise that cannot be addressed, the employee should be referred to OH

10.6 In some cases where recovery may be lengthy, a temporary placement may be suggested to an alternative post. The school must decide if this can be accommodated as there will be limits on what any single school can do.

### **Medical Redeployment**

10.7 The scope for medical redeployment within a school is limited as the Governing Body can only exercise authority over positions at their own school. This is likely to impact on any recommendation that is made for a school-based employee to be medically redeployed.

## **11. Monitoring & Reviewing Absence**

11.1 All medically related absences whether sickness absence or medical appointments should be recorded and monitored. Schools can then assess information and reports about the levels of absence for their employee and should ensure that this information is stored in accordance with the school's policy on the safe storage of personal or sensitive data (and meets GDPR requirements).

### **11.2 What should be monitored?**

- Sickness absence
- Disability related absence - both appointments and absence should be recorded as a disability related absence
- Medical appointments – it should be noted that evidence of the appointment can be required in the form of a letter, appointment card or the original text reminder message. Schools should be consistent in how they ask employees to provide evidence of medical appointments. Schools can and should make it explicit that they expect employees to arrange medical appointments (where the employee can influence the timing of the appointment) to cause minimum disruption to their working day (e.g. at or before the beginning or at or after the end of their working day, or in periods of school closure). If the number of appointments is a cause for concern, then the manager can, after discussing their concern with the employee, consider action including; a reduction of working hours, or unpaid leave.
- Cosmetic/elective surgery – if for non-medical reasons this will be treated as unpaid leave which will need to be applied for and agreed.

### **11.3 How to monitor sickness absence**

11.3.1 To manage sickness absence effectively it is important that a manager records sufficient details about absence. Anonymised absence levels or rates that are a cause for concern needs to be reported to the governors as well as discussed with the senior leadership team of the school. When recording sickness absence, you should ensure that patterns of absence within particular work groups are identified as well as individual patterns of absence.

## 11.4 Recording Sick Absence

11.4.1 Details of the first day of sickness absence should be recorded on your HR/Payroll system as well as on your SIMS database if you use SIMS. Any absences in excess of seven days i.e., from the eighth day of sickness absence will need to be covered by a 'Fit Note' (medical certificate) from the employees GP. The certificate can be scanned or copied and attached to the relevant HR record.

## 11.5 Calculation of absence rates

11.5.1 When managing sickness absence, ascertain the costs associated with the employee's absence to enable you to plan and manage your budget effectively. A calculation is detailed below to assist with this however, it should be noted that this calculation **does not** include the costs associated with supply cover for that role nor does it include on costs for teacher and/or support staff.

$$\frac{\text{Number of days lost through absence}}{\text{Number of working days available}} \times 100 = \% \text{ absence rate}$$

$$\frac{\text{Number of days lost through absence}}{\text{Number of Employees}} = \begin{array}{l} \text{average absence rate} \\ \text{per employee} \end{array}$$

11.5.2 The number of working days available will vary depending on the term time arrangements worked. For teacher and class-based support staff the number of working days is normally 195 (including training days). For office-based staff who are required to work 5 additional non-term time days per annum, this will be 200 days. For caretakers and other staff required to work all year round and who are in receipt of annual leave, this total will be 260 less the total of all leave and bank holiday entitlement (expressed as working days). Part time employees should be expressed as full-time equivalents in these equations.

## Different Opinions on Fitness to Work

11.6 On occasion, the information that is received from the GP will differ from the advice that has been received from OH. When a difference of medical opinions is presented then consideration of a third independent medical opinion may be sought (at the employers expense). If this difference is that the GP believes the employee is fit for work and OH do not believe the employee is fit for work, then a

decision has to be made about whether to allow the employee to work or to consider asking them to refrain from work and ultimately suspending them on medical grounds if they do not agree to refrain from work. When considering asking an employee to refrain from work on medical grounds or medical suspension, it is essential that advice is sought from OH and the SHRCT before taking action. The employee should be encouraged to contact their trade union if they are a member.

- 11.7 One of the reasons that information received differs can be due to OH not receiving information from the employee's GP or hospital consultant, or the GP not being aware of the nature of the work that the employee does, and/or the employee not giving consent for their medical records to be released. Obtaining medical information and reports can take time (even when the employee consents). OH can chase for information and can advise managers and SHRCT on the progress of obtaining the reports.
- 11.8 When an employee is medically suspended, they would normally remain on full pay and there is not normally a requirement for the employee to provide a 'fit to work' medical certificate. They are suspended on full pay until such time they can return to their role on full duties or with reasonable adjustments or until some other resolution has been agreed.

## **12. Notification and Reporting Procedures**

- 12.1 All staff are required to comply with notification procedures for any absences they have due to illness. If the school has specific local arrangements for reporting sickness absence, these must be made known to staff. Please refer to **appendix 3** for further detail. Staff must be aware that failure to adhere to the reporting procedures without a valid and acceptable reason could lead to the school taking formal action

### **Medical Certificates**

- 12.2 A doctor's certificate ('fit note') is required if an employee has been off sick for more than 7 days and subsequent 'fit notes' should be provided for as long as the period of sickness absence lasts. The 'fit notes' should be submitted in a timely fashion (the employee should notify the school as soon as practically possible after issue of the fit note, normally by phone) and be sequential with no gaps of time between them. The original fit note should be seen by the school and copied, and the original returned to the employee.
- 12.3 The head teacher and or manager may ask the employee to produce a separate statement from a doctor or OH which confirms that the person is able to return to the full duties of their post. If this is the case the school should be prepared to reimburse any cost for the certificate, if necessary.
- 12.4 The fit note will confirm if the employee is either 'not fit for work' or 'may be fit for work', with amended/reduced duties. If this is the case this should be discussed with the employee and possibly with OH. The school is not obliged to permit the employee to return on the amended duties, especially if it would be difficult to accommodate or too costly, however full and proper consideration should be given.

### **Suspension of Salary**

- 12.5 Where an employee fails to provide a fit note, in accordance with the absence reporting procedures, and there is no known acceptable explanation for the absence, the manager should write to the employee explaining that they have not complied with absence reporting procedures and set a deadline by which they should produce a fit note. It should also be confirmed that if this is not complied with, then the school may take action to withhold salary. If a fit note is not provided by the deadline given, then the employee's salary can be suspended until such time that a fit note and a satisfactory explanation for the delay in providing it are received.

Before the head teacher or manager takes any action in this regard, they should consult with SHRCT. If the fit note and a satisfactory explanation are received, then pay will be reinstated.

### 13. Entitlement to Sick Pay

- 13.1 The contractual entitlement to sick pay for teaching staff is set out below: Please note that for teaching staff service refers to accrued service (not continuous service), so for a teacher gaps in employment (as a teacher) do not impact the accrued overall service

During the first year of service	Full pay for 25 working days and after completing four calendar months service, half pay for 50 working days.
During the second year of service	Full pay for 50 working days and half pay for 50 working days
During the third year of service	Full pay for 75 working days and half pay for 75 working days
During the fourth and successive years	Full pay for 100 working days and half pay for 100 working days.

- 13.2 The contractual entitlement to sick pay for School Support Staff is set out below: for support staff entitlement is calculated using continuous service and a rolling year.

During first year of service	One months full pay and after completing four months service two months half pay
During second year of service	Two months full pay and two months half pay
During third year of service	Four months full pay and four months half pay
During fourth & fifth years of service	Five months full pay and five months half pay
After five years service	Six months full pay and six months half pay

### Industrial Injury

- 13.3 Details of all accidents/incidents **must** be recorded in the Accident Book at school as well as via the Schools Incident Portal <https://ealing.info-exchange.com/SchoolIncidents> where you will also be asked about obtaining any witness statements. All supporting documentation should be sent to the health and safety team at Perceval House. The health and safety team can be contacted for information about training and support. It is important that at this preliminary stage no admission is made in respect of liability for an industrial injury whatever the circumstances schools are recommended to seek advice in the first instance from a member of

SHRCT. The employee should be kept informed of the process that will be followed.

- 13.4 The Head of the SHRCT may be asked to consider the issue of liability in conjunction with the Head of Health and Safety, the Council's Insurance Manager, and the Head Teacher. The Head Teacher should consult with the Head of SHRCT if there is any doubt on whether or not the absence should be treated as an industrial injury and that industrial injury pay should apply.
- 13.5 If an employee returns to work after an absence caused by industrial injury and subsequently is absent again for a reason the employee feels is attributable to the same industrial injury, the entitlement to industrial injury pay will not start anew (as per burgundy book). The maximum industrial injury pay for any one industrial injury is the six months full pay set out in the paragraphs below, after which if an absence continues or recurs the employee's entitlement to occupational sick pay will apply.

#### **Teachers Entitlement to Sick & Industrial Injury Pay**

- 13.6 Entitlement to industrial injury pay for teachers will be in accordance with the provision of the Burgundy book which provides for a maximum of **six months full industrial injury pay** after which period, and if the absence continues, the employee's entitlement to occupational sick pay will apply. The provision also sets out that the absence should be attested by an approved medical practitioner (approved by the employer) to have arisen due to an accident, injury or assault whilst on duty. Therefore, this confirmation can be sought before industrial injury pay is agreed.

#### **Support Staff Entitlement to Sick & Industrial Injury Pay**

- 13.7 To ensure parity for all staff the entitlement to industrial injury pay for School Support Staff should match that which is provided for teachers. Therefore, school support staff will be entitled to a maximum of **six months full industrial injury pay** after which, and if, the absence continues the employee's entitlement to occupational sick pay will apply.

### **III Health Retirement**

- 13.8 There are provisions within the respective pension schemes for the retirement of staff on the grounds of ill health. The decision on ill health retirement for teaching staff and support staff are made by different bodies but have similar criteria which are applied to



determine whether an employee qualifies for ill health retirement. Employees should be encouraged to speak to their trade unions about any application or request for ill health retirement.

### **Teaching Staff**

- 13.9 Teachers who belong to the Teachers' Pension Scheme, which is administered by Teachers Pensions (TP), have specific provisions for ill health retirement. The local authority does not consider applications from teaching staff for ill health retirement as an alternative to the scheme operated by TP. Teachers must make applications for ill health retirement to TP who, have their own medical advisers to decide on any applications received. The process for applying normally includes the provision of a report/opinion from a specialist which supports the application, and this may be the employers own OH team if they have been involved and reviewed the case. Once ill health retirement is agreed it is a matter for the school and employee to agree a last day of service taking account of any requirements that may relate to notice. The SHRCT can provide further advice.

### **Support Support Staff**

- 13.10 If an employee is considered to be permanently unfit to work, they will be referred to OH. OH, will refer the matter to an independent doctor known as an IRMP (Independent Registered Medical Practitioner). The IRMP decides whether to issue a certificate to confirm that the employee is permanently unfit.
- 13.11 There is provision for employees who contribute to the local government pension scheme to receive a pension and in some cases, enhancement, where ill health retirement is agreed. Under the pension scheme arrangements there are several tiers of eligibility for ill health retirement. The employee is normally served with a letter confirming the ill health retirement and that letter will include any entitlement to paid notice that the employee has. Please contact the SHRCT for further information.

## **14. Alcohol & Drug Dependency/Abuse**

- 14.1 The Council has a document which sets out arrangements for dealing with alcohol, drugs, and substance misuse. This document can be made available on request. Schools can consider using this document to help deal with issues related to alcohol and drug (prescription and/or non-prescription) dependency/abuse.

### **Notifiable/Communicable Diseases or Illness**

- 14.2 There is a duty to safeguard the health and well-being of pupils and other staff in the event of a member of staff contracting notifiable or communicable disease or illness. Managers should contact the SHRCT or OH for further advice.

# PART B

## LEAVE, SPECIAL LEAVE AND LATENESS

### 15. Annual Leave

- 15.1 Most staff in schools have provisions detailing that their paid leave will coincide with periods of school closure. This includes all teaching staff and those support staff on “Term Time Only” contracts.
- 15.2 Those staff who are required to work all year round e.g. caretakers and school business managers, must be advised if the expectation is that they should book leave during school holiday periods. This should be agreed with the head teacher. Those staff who work term time only are paid annual leave as a part of their salary, therefore, cannot take annual leave during term time.

### Support Staff Annual Leave Entitlements

There are varying levels of annual leave entitlement for these staff according to length of service. These are as follows:

<b>Length Service</b>	<b>Number of Days</b>
Less than 5 years continuous Local Government Service	24 days
More than 5 years but less than 10 years	27 days
More than 10 years	30 days

- 15.3 Any request to book annual leave is subject to approval from the Headteacher/line manager who will consider the needs of the school, any necessary cover arrangements for the role as well as the wishes of the employee.
- 15.4 There is provision within the conditions of service of staff who qualify to book annual leave during term time, for carry over of 5 days annual leave from one leave year to the next. In exceptional circumstances managers may consider more than five days carry over. The school should monitor the leave of staff to ensure that leave does not build up to unmanageable proportions. There should be consistency across staff in agreeing and managing annual leave.
- 15.5 To monitor annual leave effectively accurate records should be maintained for all year-round employees.

15.6 Support Staff are also entitled to bank holidays and the 3 additional Ealing days.

## **Teachers**

15.7 The working time provisions for teachers are set out in the School Teachers Pay and Conditions Document.

## **16. Lateness**

16.1 All employees are expected to attend for work on the days and at the times for which they are contracted to work. If an informal discussion to highlight concerns over lateness, is unsuccessful, employees should be aware that in cases of persistent lateness, formal action may be taken.

16.2 When considering formal action thought should be given to the factors which may be a cause of the lateness e.g. childcare, carer responsibilities, work related issues e.g. working relationships, or whether the lateness is just attributable to the employees own self-management e.g. oversleeping. The employee must be made aware that their lateness is causing concern, that it is being monitored and that no improvement may result in disciplinary action.

16.3 A manager would normally meet an employee whose persistent lateness is a cause for concern and:

- Confirm the number of times the employee has been late, that it is in breach of their contractual terms and conditions and the impact of their lateness on others and the school
- Try and establish if there is an underlying cause or reason for the lateness and if there is, then is it something that the school can help with
- Confirm the expectations around punctuality
- Confirm the consequences (e.g. disciplinary action) if the situation doesn't improve
- Confirm a period over which the situation would be monitored
- Confirm the outcome from the meeting in writing

## 17. Leave of Absence and Special Leave

17.1 There are circumstances under which employees are entitled, to time off from work. There are various types of leave that can be taken. SHRCT can provide advice on general and specific queries concerning statutory leave. It should be noted that some special leave can be subject to the discretion of the headteacher who should be fair and consistent in their approach. The differing types of leave for teachers are shown in appendix one.

17.2 One of the most frequent enquiries is about how much leave of absence/special leave can be approved and how many days an employee can have in any given time period. Some types of leave of absence /special leave do stipulate maximum entitlements within a stated period. In any event managers should consider;

- The nature of the request
- The extent to which the request covers leave which is statutory versus discretionary
- How much leave (including special leave) has already been granted to that member of staff
- Overall absence record
- How other similar applications have been considered
- The effect on the running and organisation of the school.

SHRCT can provide advice on leave of absence/special leave. The employee should be advised whether or not their application for special leave is approved/not approved and with or without pay.

## 18. Leave of Absence and Special Leave Requests

### Teaching Staff

- 18.1 The responsibility for considering requests for leave of absence from teaching staff at schools' rests with the headteacher or (if the headteacher so decides) with another member of the SLT. In the case of the head teacher this rests with the Chair of Governors.
- 18.2 An extract on special leave entitlement from the Teachers Local Conditions of Service is at **appendix 1**. Periods of unpaid leave should be authorised by the head teacher and recorded on the payroll system to ensure salary deductions are made and a record of the special leave is kept.

### Use of Discretionary Powers

- 18.3 In exercising any discretionary powers, schools should have due regard for;
- the nature of the request and whether it constitutes an urgent personal difficulty for the member of staff
  - how many days the applicant has had in the past year to help determine whether the request should be paid or unpaid or a combination
  - the way in which similar requests have been dealt with
  - the effect of the absence on the running of the school.
  - Consistency and fairness
- 18.4 Leave of absence requests for periods exceeding 10 working days may be discussed with SHRCT to ensure consideration of any employment, contractual or statutory issues and any localised arrangement.

### Support Staff Provisions

- 18.5 The process for considering requests for special leave/leave of absence from support staff follows the same principles that apply to teaching staff. Certain leave requests are covered by statute or incorporated into the conditions of service of staff. Discretionary powers should be exercised in much the same way as detailed for

teaching staff although it is acknowledged that the two groups have some different national and local conditions of employment.

### **Special Leave**

- 18.6 Headteachers can grant up to a maximum of five days paid special leave (examples are on compassionate grounds for care of dependants and for study before an examination). Headteachers may also grant any period of unpaid leave.
- 18.7 Employees who apply for special leave to deal with an unexpected need or emergency relating to the care or support of a dependant of the employee, (as envisaged in schedule 4, part 2 paragraph 57A of the Employment Relations Act 1999) will be granted reasonable **unpaid time** off to deal with the situation.
- 18.8 A Governing Body may grant an employee an extended period of unpaid leave (a “career break”) to cope with domestic responsibilities or to undertake higher education. A career break will be of at least six months and not more than three years duration. The procedure for taking such leave is detailed in the Local Conditions of Service, and advice can be provided by SHRCT.

### **Bereavement Leave**

- 18.9 Employees who have suffered a family bereavement are entitled to take up to five days paid leave. Family bereavement includes partners (including same sex relationships), sons and daughters, mothers and fathers, parents in law, brothers and sisters and grandparents. Employees who have to make funeral arrangements for any member of their family not covered above are also entitled to up to 5 days paid leave.
- 18.10 Paid bereavement leave is a separate provision from special leave. Any further leave needed by the employee to deal with matters arising from bereavement, which affect his/her dependants, can be granted as unpaid leave.

### **Public Service Leave**

- 18.11 Employees appointed to serve as a Magistrate, School Governors, Councillor’s or other statutory or public bodies are entitled to paid leave of up to 26 days (pro rata for part time staff) during any twelve-month period for carrying out duties that require absence from work with the permission of the Headteacher. Employees must declare any money that is paid to them for these duties (except for out-of-

pocket expenses and attendance allowances for Councillors) and this will be deducted from their pay. Failure to declare any money that is paid as part of their duties may result in disciplinary action.

### **Jury Service**

18.12 Employees will be paid as usual during periods of Jury Service. Money paid to jurors by the courts should be deducted from the employee's salary via I-Trent. Employees are required to provide appropriate letters and/or receipts from the court where they have served jury service.

### **Leave for Election Candidates and Agents**

18.13 Employees are entitled to leave with pay under certain circumstances. Please contact SHRCT for further details.

### **Leave for Employees Serving in Non-Regular Forces**

18.14 Employees are entitled to paid leave under certain circumstances. The number of days is dependent on the annual leave entitlement of the individual. Please contact SHRCT for further details.

### **Maternity Leave**

18.15 Teaching and support staff have different schemes with similar provisions. All pregnant employees, regardless of length of service have the right to paid time off during working hours for antenatal care and relaxation and parent craft classes. For further information relating to the maternity leave please refer to the EGFL or the SHRCT.

### **Parental & Maternity Support Leave**

18.16 There are provisions for teaching and support staff for parental and maternity support leave.

### **Adoption Leave**

18.17 An employee with 30 weeks service in local government and who is the principal carer of the adopted child is entitled to adoption leave. Eligibility for paid leave is dependent on length of service, and the details and circumstances of the adoption. Further details are available from Schools HRCT.



**TEACHERS CONDITIONS OF EMPLOYMENT  
LEAVE OF ABSENCE & SPECIAL LEAVE**

<b>REASON FOR ABSENCE</b>	<b>SALARY PAYABLE FOR A PERIOD NOT EXCEEDING</b>
Serious illness of Husband, Wife or Child	5 working days
Death of Husband, Wife or Child	5 working days
1) Serious illness or death of near relative 2) Serious illness <b>and</b> death of near relative	3 working days 5 working days
Attendance at funeral in approved representative capacity	1 to 3 working days according to distance and circumstances
Wedding of near relative	1 working day
Removal of household effects	1 working day
To attend interview for other appointment	1-3 working days according to distance and circumstances
Examination, if it is one that would be improve the educational qualifications of the teacher.	Period necessary to sit for examination
Local Authority, Department of Education and other approved short courses	Duration of course
Public duties	In accordance with the general regulations of the Council relating to officers as in force from time to time
Attendance at Conferences	In accordance with the general regulations of the Council relating to officers as in force from time to time
Religious Festivals	Up to three days in any educational year as required for observance of Religious Festivals. Other days unpaid can be considered
Attendance at Meetings of Examiners during school time	Period necessary to attend – provided any fee receivable is refunded to the Council
Duties as Examiner for Universities and similar bodies	Period necessary, subject to approval of Head teacher and provided any fee receivable is refunded to the school
Duties as visiting Examiner for Certificate of Secondary Education	5 days in Education year provided any fee receivable is refunded to the school.
Duties as Justice of the Peace	Reasonable periods to act as Justice of the Peace in Court.

### **Return to Work Meetings Guidance**

In accordance with ACAS and HR best practice a return-to-work meeting should be conducted on the first day that the employee returns to work this does not necessarily have to take place on a face to face basis and can be conducted by telephone if the manager is not on site when the employee returns to work.

Return to work meetings are an important part of absence management and can help identify short and long-term absence problems at an early stage, they also provide a manager with an opportunity to start a dialogue with staff about underlying issues which may be causing the absence and allow managers to make any changes to support the employee.

#### **Purpose of the Meeting:**

- Welcome the employee back to work
- To ensure the employee is fit enough to resume their duties
- To identify the reason for the absence and confirm their length of absence
- To give the employee an opportunity to discuss any concerns they have that may be causing or contributing to the absence
- To discuss any adjustments to the workplace that may reduce/eliminate absences
- To advise the employee how many days or occasions they have been absent and discuss the trigger points and whether they have reached one of them

#### **Preparation before the meeting**

- Ensure you have the right information available; this includes having the details of the absence, return to work interview form, dates and reasons of current and previous absences, any other previous return to work interview notes and contact details of employee assistance programme
- Identify if there are any patterns or trends in the employee's absence and be prepared to discuss them
- Have a confidential area for this meeting to take place to ensure privacy e.g. a meeting room

- Approach the meeting with an open mind, be supportive and with no pre-judgements

### **What should be discussed?**

- Ask the employee how they are feeling, and whether they have recovered from their illness
- Reassure them of the value you put on their role within the team. Update them on anything they have missed at work while being absent.
- You can ask if their absence involved a visit to their GP.
- What preventative measures can be taken (if relevant) to avoid recurrence of this reason for absence and discuss putting these in place for the future
- If relevant review reasonable adjustments already in place and review if still needed
- Ascertain if there are any personal or work-related issues that may have contributed to the illness. They may not wish to divulge any personal issues and they do not have to. However, if you do not know then you can only go on what you know.
- Highlight any trends that you have identified
- Remind the employee of the correct sickness reporting procedure – if not followed
- If appropriate, offer help with problems including the availability of employee support programmes and counselling and the schools flexible working policy and special leave policy and procedure
- Refer the employee to the schools Managing Absence Guidance

### **Future Action:**

- Summarise any agreed actions from the meetings, e.g. reasonable adjustments or referral to occupational health

## CONFIDENTIAL RETURN TO WORK INTERVIEW FORM

Date of meeting	Method of discussion	Face to Face <input type="checkbox"/>	Telephone <input type="checkbox"/>		
<b>EMPLOYEE DETAILS</b>					
Full Name:		Job Title			
<b>ABSENCE DETAILS</b>					
Start date of absence:			Date of Return:		
Reason for absence					
Dates of absences in last rolling 12-month period (refer to managers desktop or local employee file)					
Has the employee been updated on any issues that occurred during his/her absence?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
If the period of absence has been long term does the employee require any retraining?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
If yes, please provide details of the training required.					
Any issues that the employee wishes to raise following their recent absence?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
If yes, please provide details of the issues the employee wishes to raise.					
Does the employee consider themselves to have a disability?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
If yes, please provide an explanation of the disability and if any support is required.					
Do any reasonable adjustments need to be considered?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
If yes, please provide details of the reasonable adjustments					

Has the employee received a fit note from GP?		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, are there any recommendations/adjustments to support the employee at work?					
Has the employee met the trigger points* in a rolling in accordance with the Managing Absence Guidance?		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, what action will you be taking?		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
*Trigger points for employees that work fewer than 5 days in a week will need to be pro rata to the number of days. Refer to section 4 of the guidance					
If yes to the above question please state what stage you are up to within the Medical Capability Procedure, e.g. stage 1, stage 2?					
If the employee has met a trigger and the line manager has decided not to start/progress with the Absence Management Procedure, then record the reasons why.					
Has the employee been made aware of future actions (e.g. ARM, Medical Capability Procedure) if their absence levels continue to be a cause for concern?		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is a referral to Occupational Health required? If yes, please complete the relevant referral form and send it to Occupational Health		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Details of support offered to employee (actions agreed, including timescales)					
Please include any additional information discussed at the return to work interview					
I understand that this information will be used for the purposes of recording and monitoring sickness absence.					
Signed Employee					Date
Signed Manager					Date

**Sickness Absence and Certification Procedures – for Employees unless school has its own Notification Procedures**

<b>SICK LEAVE – WHO TO CONTACT BY WHEN</b>	
<b>When to contact</b>	<b>What action you need to take</b>
<p><b>1<sup>st</sup> working day of absence</b></p> <p>As soon as possible and by no later than one hour after you are due to start work unless your school has different local arrangement in which case follow those local arrangements</p>	<p><b>Speak to your Manager and explain;</b></p> <ul style="list-style-type: none"> <li>• Why you cannot come into work</li> <li>• When you anticipate returning to work</li> <li>• That you will complete a self-certification form upon your return</li> </ul>
<p><b>4<sup>th</sup> working day of absence</b></p> <p>As soon as possible and by no later than one hour after you are due to start work or in accordance with any local agreement</p>	<p><b>Speak to your Manager and explain;</b></p> <ul style="list-style-type: none"> <li>• Progress concerning your sickness e.g. if you have seen or intend to see a doctor.</li> <li>• When you anticipate returning to work (note the requirements below if your sickness absence goes into the 8<sup>th</sup> calendar day)</li> </ul>
<p><b>7<sup>th</sup> calendar day of absence (or next working day if this is not a working day for you)</b></p> <p>As soon as possible and by no later than one hour after you re due to start work or in accordance with any local agreements</p>	<p><b>Speak to your Manager and explain;</b></p> <ul style="list-style-type: none"> <li>• Progress regarding your sickness</li> <li>• When you anticipate returning to work</li> <li>• That, if your sickness goes into an 8<sup>th</sup> calendar day, you will obtain from your GP a 'fit to work' statement and send a copy to your manager by 1<sup>st</sup> class post or email.</li> </ul>
<p><b>Absence that lasts longer than 7 days</b></p>	<p><b>Speak to your Manager and explain;</b></p> <ul style="list-style-type: none"> <li>• Progress regarding your sickness</li> <li>• Confirm that you have obtained a 'fit to work' statement</li> <li>• When you anticipate return to work</li> </ul>

Special Paid and Unpaid Leave Application Form

<b>Name:</b>						
<b>Employee No:</b>						
<b>Job Title</b>						
<b>School:</b>						
<b>Working Pattern:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</b>	<b>Fri</b>	<b>Total</b>
<b>Days Worked:</b>						
<b>Hours Worked:</b>						
<b>Leave requested for the following reason: :</b>			<b>Paid</b>	<b>Unpaid</b>	<b>Authorised</b>	<b>Date</b>

I confirm that my request is in accordance with the terms and conditions of my employment and that I shall provide evidence upon request by my line manager.

Signed: .....	Date: .....
<b>For Office Use only:</b>	<b>Actioned by and Date</b>
Itrent Input:	
Payroll informed:	
Personal File:	