

Employee Absence Management Policy and Procedure – School-based Employees

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1. Policy

- 1.1 The purpose of this policy and procedure is to facilitate the management of employee absence resulting from ill health, injury or disability in a fair and consistent way.
- 1.2 The policy is designed to ensure that the reason for absence is understood, is investigated where necessary and that, where appropriate and reasonably practicable, measures are taken to facilitate attendance at work.
- 1.3 However, high levels of sickness absence can have a significant impact on the school. It may, therefore, be necessary to take appropriate action, which

could lead to dismissal, if the length or frequency of absence becomes unsustainable.

2. Scope

2.1 This policy and procedure applies to all Leicester City Council school-based employees. It also applies to all teachers employed directly by Leicester City Council, subject to appropriate amendments being made in the context of management responsibilities.

3. Responsibility for managing absence

3.1 In this procedure the term 'manager' means the Headteacher or, where appropriate, another manager nominated by the Headteacher.

3.2 Appropriate representatives of the governing body are responsible for managing absence in the case of a Headteacher.

4. Responsibilities

4.1 Employees

- To look after their general health and wellbeing and seek medical or other support where necessary in order to minimise their sickness absence.
- To comply with the absence reporting and evidence requirements.
- To maintain regular contact with their manager during absence.
- To co-operate with the absence management procedure, attending meetings and occupational health appointments as required.

4.2 Managers

- To manage employees' sickness absence, applying this policy and procedure fairly and consistently whilst taking account of individual circumstances.
- To advise employees how, when and to whom they should report sickness absence.
- To record sickness absence accurately and on time.
- To conduct return to work meetings after every absence and other absence management meetings where appropriate.
- To maintain appropriate contact with absent employees.
- To ensure they understand the reason for absence and make all appropriate efforts to facilitate attendance.
- To implement reasonable adjustments in line with legislation, where appropriate, to facilitate attendance.

4.3 Headteachers

- Where the Headteacher has been given delegated authority by the governing body and where they have not been responsible for managing

the employee's absence, they may, with an appropriate member of the governing body, consider and determine a recommendation to dismiss an employee.

4.4 Governing body panels

- To consider, and decide upon, recommendations regarding dismissal of employees due to sickness absence, where not undertaken by a Headteacher, as per clause 4.3.
- To hear appeals against warnings or dismissal.

4.4 The council's HR service (where the school subscribes)

- To provide training for managers in the management of sickness absence.
- To provide advice and support to managers when dealing with cases of sickness absence including absence related to a protected characteristic.
- To provide sickness absence monitoring reports to managers.

5. Disability and pregnancy

5.1 Throughout the procedure consideration will be given to whether an employee's absence may result from a disability, or whether common ailments may have exacerbated an existing disability. If so, consideration will be given to whether there are any reasonable adjustments that could be made to the employee's working arrangements. Guidance on reasonable adjustments is available to schools subscribing to the council's HR service.

5.2 Adjustments to the operation of the absence management policy may also be considered if appropriate.

5.3 If the employee considers that they are affected by a disability or any medical condition which affects their ability to attend work, they should inform their line manager.

5.4 Pregnancy related sickness absence will not be included for the purpose of considering what level of absence is unacceptable.

6. Stress

6.1 It is important that management action is taken with a view to reducing the risk of employees being absent due to work-related stress, or minimising the potential for further absence when an employee returns to work following a period of stress-related absence. Refer to the council's Stress Management Safety Management Standard.

6.2 Where an employee is absent due to stress and does not feel able to have contact with the school themselves, it is acceptable for them to communicate via a representative.

7. Reporting and providing evidence of absence

- 7.1 An employee who is unable to attend work because of illness, injury or disability must contact their line manager by the most appropriate method. Ideally this will be by telephone. However, where this is impracticable, alternative local arrangements within the school should apply.
- 7.2 The employee must make contact themselves unless they are too unwell to do so. If contact is made other than by telephone, or the manager is unavailable at the time the employee telephones, the manager may telephone the employee in the context of their duty of care.
- 7.3 The employee must state the reason for absence and provide an overview of any non-diarised items, but is not expected to submit work. If the employee speaks to someone other than their line manager they will not be required to state the reason for absence, but will subsequently be required to tell their manager. If, exceptionally, the employee is unwilling to disclose the reason for their absence to their manager because it is highly personal, they may disclose it to another person such as the HR Adviser, a colleague or trade union representative at this stage.
- 7.4 If an employee needs to leave work due to illness or injury they must inform their manager before leaving.
- 7.5 If an employee is still absent on the eighth calendar day they must obtain a statement of fitness for work from their doctor and provide this to their manager as soon as possible. If the absence continues further statements, which run consecutively, must be provided immediately to cover the whole period of absence, including school closure periods if applicable.
- 7.6 Where absence has not been notified, or evidence provided, in accordance with the above the absence will be deemed unauthorised and will be dealt with under the disciplinary procedure. This may result in loss of pay.
- 7.7 If a manager, following discussion with the employee at a return to work meeting (see below), has cause to doubt the reason for absence given he/she may require the employee to provide a statement of fitness for work for any subsequent absence regardless of duration. The school will pay the cost of obtaining a statement for absences of less than eight days, on production of a doctor's invoice.
- 7.8 If the doctor provides a statement indicating that the employee 'may be fit for work', the employee should inform their manager immediately. The manager will then discuss with the employee any measures that may be needed to facilitate a return to work, taking account of the doctor's advice. If appropriate measures cannot be implemented, the employee may remain on sick leave and the manager will set a date to review the situation.
- 7.9 Where an employee's statement of fitness for work has expired, but the manager has reason to seek advice from the school's occupational health

provider on the employee's fitness to return before he/she does so, this will be deemed to be a medical suspension and the employee will receive full pay pending the occupational health referral and advice.

8. Sickness absence and annual leave (staff on whole year contracts)

- 8.1 If an employee becomes ill or injured during a period of pre-arranged annual leave they may choose to treat that period as sickness absence instead. The employee must telephone their manager to inform them that they are unfit for work, and the reason, as soon as possible even if they are abroad. The period will normally only be treated as sickness absence from the date the employee contacts their manager. The evidence requirements above also apply.
- 8.2 If the employee is off work because of sickness they may choose to cancel any pre-arranged annual leave that would otherwise coincide with the sickness absence. They should notify their manager as soon as possible that they wish to do this. In cases of long term sickness it may be appropriate for the manager to remind the employee of any pre booked leave.
- 8.3 If an employee's period of sickness absence extends into the next holiday year, or if there is not enough time left in the current holiday year to make it practicable to take the remaining holiday entitlement, the employee can carry any unused holiday entitlement over to the following leave year. Any annual leave not taken within 15 months of the end of the holiday year in which it accrues (whether or not the employee has returned to work) will be lost.

9. Sick pay entitlement

- 9.1 Details of sick pay entitlements, and circumstances in which sick pay may be withheld, can be found in the relevant conditions of service.

10. Keeping in touch during absence

- 10.1 Following initial notification of their absence employees must, depending on the length of absence, maintain regular direct or, if necessary, facilitated contact with their manager and should also expect to be contacted from time to time by their manager and/or Human Resources.
- 10.2 Regular contact is particularly important in long term ill health cases so that the employee can update the manager on his/her progress and to enable the manager to provide appropriate support where necessary.
- 10.3 The frequency of contact should be determined by the manager in consultation with the employee, taking account of all the circumstances. Whilst managers have a duty of care to keep in contact with the employee, and keep them up to date on developments at work, they should act with sensitivity and satisfy themselves that contact is appropriate.

10.4 Where an employee is asked to attend a meeting in connection with their absence this may be on school premises, at an alternative venue or by agreement at the employee's home. Unless otherwise agreed, a minimum of five working days' notice will be provided of a meeting.

11. Return to work discussion/meeting

11.1 An appropriate senior manager must hold a return to work discussion with the employee after every period of absence. Where possible this should take place on the day the employee returns. If this is not possible the discussion must take place as soon as possible thereafter.

11.2 The return to work discussion is an important part of absence management. Depending on the circumstances it may range from a brief 'chat' to a more formal meeting. The discussion can help to identify issues which could, if not addressed at an early stage, cause further short or long term absence. It is an opportunity for the manager to start or continue a dialogue with the employee about any underlying issues which may be causing absence and any changes or support that may be appropriate.

11.3 Depending on the circumstances the purpose of the discussion may include to:

- confirm the reason for the absence and provide an opportunity for the employee to give any other details. If the employee is unwilling to disclose the reason for their absence to their manager (see 7.3), the manager will be limited in the support they are able to provide.
- check that the employee is fit to return to work
- give the employee an opportunity to raise any concerns or questions they may have and to bring any relevant matters to the manager's attention
- consider whether there may be any underlying health issue that should be investigated further, or determine whether the employee may have developed a disability, or consider any other issues that may be affecting the employee's ability to attend work
- provide an opportunity to discuss any changes or reasonable adjustments needed to facilitate/support the return
- ensure that the employee has an appropriate level of support, if required, e.g. referral to occupational health, IPRS, Amica (charged)
- update the employee on work related matters
- depending on the level of previous absence, advise the employee that the formal absence management procedure is to be invoked or that further absence could lead to the formal procedure being invoked.

11.4 The return to work discussion will be recorded and signed by both the employee and manager and a copy kept by the manager on the employee's file.

12. Referral to occupational health

12.1 The manager may, at any time in operating this procedure, require the employee to attend an appointment with the council's occupational health

service and/or a doctor nominated by the council. The employee has the right to be accompanied at these appointments.

- 12.2 In order to ensure that all relevant information is available to assist in managing an employee's absence it is essential that employees attend such appointments.
- 12.3 If an employee does not co-operate in assisting the school to establish his/her true medical position, any decisions made on their continued employment will be based on the information available.
- 12.4 Failure to attend an occupational health appointment, or an appointment with a doctor nominated by the council, without giving the correct notice (as notified to them), may also lead to loss of pay.
- 12.5 Where ill-health redeployment or ill health retirement (support staff) is recommended, but the employee does not agree, they may request a second medical opinion. Occupational health will identify a suitable medical practitioner.
- 12.6 The employee will be asked to agree that any report produced in connection with any such examination may be disclosed to the school and that the school may discuss the contents of the report with their advisers and the relevant doctor.
- 12.7 Management guidelines on occupational health referral are available from the school's occupational health provider.

13. Procedure for reviewing short term absence

- 13.1 In managing short term absence any action taken should be fair, reasonable, and justifiable in the particular circumstances. Advice and support is available from Human Resources at any stage.

Note: If a manager has cause to believe that an employee's absence is not due to sickness the disciplinary procedure should be invoked.

- 13.2 On each occasion an employee is absent the manager should consider (having reviewed the employee's previous absence record and taking account of previous return to work discussions) whether the level of absence is unacceptable.
- 13.3 The review of an individual's absence record should include an assessment of whether:
- the record indicates the likelihood of future absences, for example apparent general poor health with a variety of ailments
 - the record indicates a disabling health problem
 - the absences could have been attributable to work related incidents or situations

- the absences result from a disability or a common ailment that may have exacerbated an existing disability
- the record indicates a discernible pattern

13.4 Where the manager considers that the level of absence is unacceptable, at the return to work meeting following the latest absence (subject to anything revealed in that meeting), he/she should advise the employee that the formal absence management procedure is to be invoked. The manager should explain the procedure to the employee and the potential consequences if their attendance does not improve to an acceptable level.

13.5 The manager will give the employee at least five working days' notice, in writing, of the date, time and place of the meeting. The manager will include the reason for the meeting and any concerns about the sickness absence, including the basis of those concerns. The employee will be informed of their right to be accompanied at the meeting by a trade union representative or a colleague.

13.6 The employee must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If the employee or their companion is unable to attend at the time specified the employee should immediately inform the manager who will seek to agree an alternative time.

13.7 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to the employee in writing following the meeting.

13.8 The manager should exercise discretion throughout the process and give full consideration to the individual circumstances.

13.9 The procedure should be operated in a fair and open way with the emphasis on trust and providing advice, assistance and support where reasonably practicable in order to facilitate an acceptable level of attendance. Reasonable adjustment, redeployment, or ill health retirement should be considered at the earliest appropriate opportunity.

See guidance on reasonable adjustment ([link to follow](#))

13.10 The manager should, where appropriate, seek advice from the occupational health service. An occupational health referral should normally have been made, and advice received, before any decision is taken to issue a warning under the procedure.

14. Stage one formal meeting

14.1 Following discussion the manager may decide to issue a first warning that an improvement in attendance is required. The warning will remain live for 12 months.

14.2 Equally the manager may decide that a warning is not appropriate.

14.3 **If no warning is issued** the manager will continue to monitor the employee's attendance. If and when there is any further absence the manager may decide, and advise the employee at the return to work meeting following that absence, that a further stage one formal meeting is to be held.

14.4 **If a first warning is issued** the manager will continue to monitor the employee's attendance. If and when there is any further absence whilst the warning is live the manager may decide, and advise the employee at the return to work meeting following that absence, that a stage two formal meeting is to be held.

15. Stage two formal meeting

15.1 Following discussion the manager may decide to issue a final warning that an improvement in attendance is required and that, if attendance does not reach an acceptable level, his/her employment may be terminated. The warning will remain live for 12 months.

15.2 Equally the manager may decide that a final warning is not appropriate.

15.3 **If no final warning is issued** the manager will continue to monitor the employee's attendance. If and when there is any further absence whilst the first warning is live the manager may decide, and advise the employee at the return to work meeting following that absence, that a further stage two formal meeting is to be held.

15.4 **If a final warning is issued**, the manager will continue to monitor the employee's attendance. If and when there is any further absence whilst the warning is live the manager may decide, and advise the employee at the return to work meeting following that absence, that a stage three formal hearing is to be held.

16. Stage three formal hearing – consideration of dismissal

16.1 The case will be heard by a governor panel, unless previously delegated to a Headteacher and member of the governing body.

16.2 The employee should be informed in writing that this hearing could result in termination of their employment and of their right to be accompanied at the hearing (see 'Procedure for reviewing short term absence' above).

16.3 The employee will be informed of the date and time of the hearing and will be provided with full details of the manager's case for dismissing them together with any evidence to be relied on at the hearing, not less than ten working days prior to the hearing. The employee must provide the clerk to governors with details of any evidence they wish to rely on at a reasonable time prior to the hearing.

16.4 At the hearing the chair of the panel will resolve any procedural issues raised by either side. The manager will present their case and evidence and take questions from the employee and the panel. The employee will have the right

to respond, by presenting their case and evidence and taking questions from the manager and the panel.

- 16.5 The employee, and anyone accompanying them, must not make electronic recordings of any hearing conducted under this procedure unless as a reasonable adjustment under the Equality Act 2010, in which case advance notification should be given by the employee. In any event, a note of any hearings under this procedure will be taken.
- 16.6 If the employee fails to attend a hearing, due consideration should be given to the reasons for this. If an employee unreasonably or persistently fails to attend a hearing a decision may be made in their absence based upon the available evidence. Employees must still be offered the right to appeal this decision.
- 16.7 Where the employee is dismissed the council will confirm the dismissal within 14 days of being notified in accordance with the School Staffing (England) Regulations 2009 (as amended from time to time).
- 16.8 If the employee is not dismissed the manager will continue to monitor the employee's attendance. If and when there is any further absence whilst the final warning is live the manager may decide, and advise the employee at the return to work meeting following that absence, that a further stage three hearing is to be held.

Note: Further action under the procedure should not be taken whilst any appeal against a warning issued is outstanding.

17. Procedure for reviewing long term absence

- 17.1 Given the nature of long-term sickness, the many and varied forms it can take and differing circumstances surrounding each case, flexibility may be required in implementing this procedure.
- 17.2 In managing long term absence any action taken should be fair, reasonable, and justifiable in the particular circumstances. Advice and support is available from Human Resources at any stage.
- 17.3 As a general rule long-term absence is defined as continuous absence of four weeks or more, or absence that is expected to last this long.
- 17.4 The reason for absence on the statement of fitness for work may give an indication of the seriousness of the condition and may help to inform how long the employee may continue to be absent.
- 17.5 The manager should speak to and/or meet with the employee at points during their absence considered appropriate, taking account of all the circumstances. Individual circumstances are likely to dictate how frequent contact should be. See also 'Keeping in touch during absence' above.

- 17.6 The purpose of the first meeting is for the employee to explain how they are, their treatment if appropriate and how long they anticipate being absent. The meeting also provides an opportunity to discuss any changes or reasonable adjustments needed to facilitate/support a return to work.
- 17.7 The manager should seek advice from the occupational health service if he/she considers this would be helpful in managing the absence. At what point this is appropriate will depend on individual circumstances. However, an occupational health referral should certainly be made if a recommendation is received from an employee's doctor that he/she should seek a different job more suited to his/her capability, or that he/she should undertake 'light duties' either permanently or for a defined period. Early referral is also considered good practice where the absence is stress related. An ill health retirement referral may be made if the manager (support staff) or teacher believes the criteria for this may be met.
- 17.8 The manager should discuss the occupational health report with the employee, allowing him/her to comment on the report, and then consider and communicate the next steps which can include:
- agreeing a way forward;
 - any action to be taken;
 - a date for a review or further meeting.
- 17.9 If a point is reached where continued absence is likely to lead to termination of employment, this should be made clear to the employee.
- 17.10 The school is committed to helping employees return to work from long term absence and will, where appropriate and possible, support a return to work by:
- making reasonable adjustments to the workplace, working practices and/or working hours;
 - considering redeployment; and/or
 - agreeing a return to work programme with the employee (see Therapeutic Return Procedure).
- 17.11 Any return to work programme should be for a fixed period and should be developed through liaison between the manager, the occupational health service, the employee and, if appropriate, the employee's doctor.
- 17.12 The length of absence may reach a point where the manager considers the employee's job can no longer be held open. If the employee does not agree with this a formal hearing will be held. The case will be heard in accordance with section 16.
- 17.13 If the employee agrees with the recommendation to terminate his/her employment the manager will meet with the employee and then send a letter confirming the outcome of the meeting and offering the right of appeal. A copy of this letter should be signed by the employee to confirm

that he/she agrees with the termination of his/her contract and does not wish to appeal against the decision to terminate employment.

17.14 Where the employee is dismissed the council will confirm the dismissal within 14 days of being notified in accordance with the School Staffing (England) Regulations 2009 (as amended from time to time).

18. Appeals

18.1 An employee has the right to appeal against a first written warning, a final written warning or dismissal.

18.2 The employee should send written grounds of appeal to the person notified to them within seven working days. The employee will be notified, in writing, of the date, time and place of the appeal and be advised of their right to representation.

18.3 The appeal will be heard by a panel of governors with no prior involvement in the case. A HR Adviser will also be present.

18.4 The appeal panel will have the power to:

- (a) uphold the sanction
- (b) overturn the sanction
- (c) extend a live lower level sanction

18.5 Appeals submitted out of time will only be heard in exceptional circumstances.

18.6 An appeal hearing will usually involve a review of the original decision but, in exceptional circumstances, there may be a complete rehearing of the matter.

18.7 The employee will be informed of the outcome of their appeal in writing. There will be no further right of appeal.

18.8 If the employee is dismissed due to ill health and has not been granted retirement on the grounds of ill health, or is not in agreement with the level of pension release, they have a right to appeal to the relevant Pension Scheme.

19. Review

19.1 This policy and procedure will be reviewed and updated in line with relevant legislation, case law and emerging good practice.

Document Control

Implementation Date	Author	Summary of Changes	Date to be reviewed
Agreed 7.11.2014	Jo Poynton/ Hannah Panter	Revised policy	January 2016