

Newington Community Primary School



ABSENCE MANAGEMENT POLICY 2023-2024

Newington CP School Absence Management Policy has been written following advice from Schools Personnel Service and DfE guidance.

Amended:	Term 1 2023
Updated by:	Hannah Tudor
Approved by the Governing Body:	
Signed:	(Chair of Governors)
Review:	Term 1 2024

Management of Absence and Special Leave for Employees at Newington Community Primary School

A. Management of Absence due to sickness

Introduction

All schools are likely to experience levels of absence due to illness, however, it is important that absence is managed from an early stage. In the most serious cases, where an employee is unable to discharge the terms of his/her contract of employment within/over a reasonable period of time, the contract of employment may be terminated. However, it should also be noted that Governing Bodies have legal responsibilities under the Disability Discrimination Act 1995 (see Appendix 1).

The Headteacher is responsible for managing absence. However, absence rates and the action being taken to address absence problems are reported to the Governing Body via three Headteacher reports per year. Care must be taken not to discuss individual employees as this could prejudice Governors who might be involved formally later.

References to the management role of the Headteacher include his/her nominee.

Where the absence or leave of the Headteacher is an issue, the management role will need to be undertaken by the Chair of Governors, with appropriate professional advice and in liaison with the LA.

The Governing Body has a legal responsibility to ensure, through the Headteacher, that employee absence is fairly and effectively managed.

General Principles

- When an employee is absent for a long period, or short intermittent periods, there are a number of factors the Headteacher should consider including the following:
 - the length of the absence and likelihood of a return to work (in cases of long term absence)
 - the impact of the employee's absence on the running of the school
 - the difficulty in finding and/or continuing with a temporary replacement
 - the employee's length of service.
- The school has laid down procedures for reporting absence (see below and also Appendix 2) which are shared with staff. Useful information is also included in the 'Staff Handbook' which is updated annually.

The procedure is as follows:

- (i) In the event of sickness the employee should telephone the Headteacher as early in the day as possible (on mobile or school office before 8:00am) and telephone the school office by 2:30pm the same day to say if they will/will not be returning the next day. (The Midday Meal Supervisors should contact the school office). Unless certificated by a doctor, they should contact the school office each day to inform the school when they will be returning.
- (ii) Beyond one week's sickness, employees are encouraged to contact the school at appropriate intervals via phone or letter, and at a minimum, before the expiry of the medical certificate. If possible, employees should indicate when they expect to return to work.

- After absence, all employees attend a 'Return To Work Interview' with the Headteacher. Generally, this will be a short, informal conversation, but sometimes may need to be a more formal. The purpose of the meeting is to enquire about the employee's health, to brief the individual about any work issues that arose while he/she was away and how the work was covered in their absence.
- Accurate records are kept of employees' absence together with the nature of the illness for monitoring purposes (see Appendix 2). Separate records will be kept of any absence for other reasons (e.g. Special Leave, Unauthorised Absence etc). See part B of this policy for guidance on Special Leave.
- Records will be maintained of discussions/meetings with employees and action taken. This may take the form of an informal diary note in respect of short back to work discussions or more formal records of 'Absence Review Meetings', in which case a copy will be given to the employee.
- Employees will be given the opportunity to be accompanied by a trade union representative or workplace colleague at an 'Absence Review Meeting'. Headteachers may also request a Personnel Adviser to attend such meetings if required.
- The Headteacher will consider when and if an employee should be referred to an Occupational Health Adviser (OHA) depending on the circumstances of the case. The Headteacher will seek advice from Personnel where appropriate. Employees will be referred after 4 weeks absence depending on the circumstances. A medical opinion must be sought from an OHA where the termination of an employee's contract of employment may be an outcome.
- The main purpose of a referral to an OHA is to ascertain when (or if) an employee will be fit to return to work and what action the school can take to assist the return.
- Retirement on the grounds of ill-health may sometimes be an option. The Occupational Health Adviser will advise in such cases (or the Teachers Pensions Agency in the case of teachers).
- Early retirement may be an option for employees over 50 in appropriate cases. Area Personnel will advise. Approval for early retirement will only be considered in exceptional cases within the terms of the LA's Early Retirement Scheme.
- Teachers Pensions have introduced 'stepping down' arrangements which will protect a teacher's pension if it is agreed that the teacher moves to a post of less responsibility (and pay). This may be particularly appropriate where the teacher's absence is due to a stress related condition.
- Where absence (and possibly conduct/capability) is affected by alcohol or drug dependency, specialist support will be sought before considering any formal action against the employee.
- In some cases, it may not be possible (due to illness) for the employee to attend a 'Formal Absence Review' with the Headteacher, or a hearing with Governors. Whilst the school must make every effort to help the employee attend personally, including reasonable postponement if appropriate, it may be necessary to hold the Review/hearing in the employees' absence. In these cases, the employee should be given the opportunity to make written representations and/or be represented by a trade union representative or workplace colleague.

- In normal circumstances the termination of employment would not take place until contractual sick pay has expired.

Supporting the employee's return to work

The Headteacher, in consultation with the employee, will consider ways in which the school can assist the employee. For example, adaptations to the job, return to work part-time or with reduced responsibilities for a limited period. The school will check the position with our insurers and try to negotiate financial arrangements for teachers who return to work part time.

- In the most extreme cases medical redeployment will be considered (usually within the school).
- While information received from an Occupational Health Adviser and the employee's General Practitioner is useful, it is recognised that the employee will often also have a view when he/she will be fit to return to work. However, employees cannot return to work until their medical certificate has expired or the OHA/GP has certified the individual is fit to return.

LONG TERM ABSENCE - PROCEDURE

The following is intended as general guidance. Each case should be dealt with according to the individual circumstances.

AFTER 1 WEEK

The Headteacher (or her representatives) will keep in regular contact with the individual so:

- (i) employee does not feel isolated; and
- (ii) Headteacher maintains an accurate picture of the circumstances.

Regular contact by telephone or letter should be considered depending on the circumstances.

AFTER 2 WEEKS

Where an employee has been absent for a period of **2 weeks**, the Headteacher will:

- establish the state of the employee's health through direct contact and/or reference to the medical certificates. (In some cases, on grounds of sensitivity, it may be appropriate for someone in the school other than the Headteacher to make this contact).
- Consider writing to the employee, the purpose of which is:
 - (i) to enquire about the employee's health and to ask the individual to inform the Headteacher, whether she/he has an indication about when he/she will be fit to return to work.
 - (ii) with sensitivity, to ask the employee if they would like to receive information about issues arising and events happening in the school generally.
- Consider arranging a meeting with the employee.

AFTER 4 WEEKS

Consideration should be given as to whether it is appropriate for an appointment with an OHA should be arranged as soon as it is known that the absence will be long term, or as a guideline, after **4 weeks** absence. Further advice on medical referrals is available from SPS.

On receipt of the report from the Occupational Health Adviser

From the information provided in the medical report the Headteacher will ascertain when and if the employee will be fit to return to work. If the medical report does not indicate that the employee will be fit to return in the foreseeable future then a review meeting should be arranged with the individual and the Headteacher, and the employee will be advised that they have the right to be accompanied by a trade union representative or workplace colleague.

The First Review Meeting

The purpose of this meeting is as follows:

- (i) to investigate whether there is any action the Headteacher can take to assist the employee's return to work.
- (ii) to ascertain if the individual is able to indicate when she/he will be fit to return to work.

Possible outcomes of the meeting with the employee.

(a) The employee is able to indicate a date in the foreseeable future when she/he is fit to return to work (and this is not contradicted by the OHA/GP). In this case the situation should be monitored. If action has been agreed to assist the employee's return this should be arranged.

(b) The employee is unable to indicate a date in the foreseeable future when she/he is fit to return to work.

If the employee is unable to indicate that she/he will be fit to return to work in the foreseeable future the Headteacher will inform the individual that his/her future employment will be reviewed. This review will be made on the basis of the information obtained from the Occupational Health Adviser and at the meeting with the employee. A further review will be arranged (the Second Review meeting). The date of this review will depend on the circumstances, as a guideline it should be after a period of 4 weeks. (At this review date it may be necessary to meet the employee again or it may be possible to make a decision based on the information available).

Following the meeting a letter should be sent to the individual outlining what was discussed. If there is no foreseeable return to work, the letter should also confirm that the employee's employment is being reviewed and ultimately a possible outcome could be termination on the grounds of capability due to ill-health.

The Second Review Meeting

The possible outcomes of the second Review meeting will be the same as the First Review meeting (see above). It may be necessary for a further review period or it may be possible to make a decision on the information available. If the employee is unable to indicate a date in the foreseeable future when she/he is fit to return to work, the Headteacher, having reviewed the case, can reach the conclusion that the employee is no longer capable of discharging the terms of his/her contract of employment and can decide to recommend to governors, termination of employment on the grounds of capability due to ill-health. A hearing of the appropriate Committee of the Governing Body should be convened accordingly. Please refer to the Personnel Manual for schools, Handling Disciplinary Matters for guidance on the arrangements for the hearing. However, it should be noted that this in no way implies that absence is a disciplinary matter. In most cases the Headteacher will be unable to make this assessment legally and reasonably until the

employee has had the opportunity to address the issue, in that (at least) one review has taken place and two review meetings have been held with the employee.

Termination - Governors Responsibilities

- (i) On the basis of the case made Governors will decide what action is to be taken. A decision may be taken to allow further time for improvement or to dismiss the employee, in which case they must also give the employee the right to appeal to the Appeals Panel of the Governing Body.
- (ii) Governors must be satisfied that they have treated the employee reasonably and have not acted with undue haste. When making this judgement Governors should balance the needs of the employee with the needs of the school. It is important to take into account the circumstances of the case, for example how long the employee has worked for the school, the nature of the illness and, the likelihood of the employee returning to work within the foreseeable future.

SHORT TERM ABSENCE - PROCEDURE

In terms of managing the school, intermittent absence may cause as many (and sometimes greater) problems as long term absence. It is therefore important that this issue is addressed effectively.

Initial Action

Where there are periods of short term absence which cause concern, the Headteacher will, in the first instance, review the causes of the absences. In some cases, on review of the available evidence, it may be that no further action is necessary at this stage. However, where action is required, an informal meeting should be arranged with the individual. As this is an informal meeting, normally this should be between the Headteacher and employee only. The purpose of the meeting will be as follows:

- To identify, with the help of the employee, possible reasons for the absences (e.g., stress from work, stress from outside work) and any way in which the school can assist the employee to return successfully;
- To inform the employee of his/her level of absence and the effect it has on work performance and the school;
- To give the employee an opportunity to explain their reason for absence;
- If feasible to work out a plan with the employee, to support the individual to improve their attendance by trying to address any possible reasons for the absences;
- The Headteacher may wish to make clear their expectations in respect of attendance and arrange a review date. The review date will depend on the individual case, but it is recommended that 6 weeks is used as a guideline.
- If there appears to be an underlying medical condition consideration should be given to a referral to an Occupational Health Adviser. It may also be appropriate to seek advice in respect of the Disability Discrimination Act (Appendix 1)
- Specialist advice is also available through the Area Personnel Teams.

Informal Review Meeting

The Headteacher should review the attendance record since the previous meeting.

Possible outcomes of the meeting:

- Attendance improves to a required standard in which case the employee will be informed and a note placed on the personal file. However, the Headteacher will continue to monitor the attendance level to ensure satisfactory standards are maintained, the employee will be made aware of this;
- The Headteacher may decide to proceed to a 'Formal Absence Review Meeting'. The employee must be given the opportunity of having a trade union representative or workplace colleague present at this meeting.

The employee should be referred to the Occupational Health Adviser if this has not previously been done. One purpose of this is ascertain whether there is an underlying medical condition contributing to the high level of absence and, if so, whether the OHA has any advice on action the school could take to support the employee in improving his/her attendance.

Formal Review Meeting

Purpose of the formal meeting

- To consider whether the employee will be able to maintain a satisfactory level of attendance and to set targets, by agreement wherever possible
- To consider whether there is any action the school can take to assist the employee in attaining a satisfactory level of attendance.
- To clarify with the employee that insufficient improvement could ultimately lead to termination of employment.

The possibility of redeployment on medical grounds within and outside of the school should also be considered, while recognising that redeployment outside the school is problematic under delegated employment powers for schools.

In considering the above options, the Headteacher should refer to the opinion received from the Occupational Health Adviser.

After the meeting a letter will be sent from the Headteacher to the employee outlining what was discussed and the outcome of the meeting. The letter will also contain a review date, which will vary according to the circumstances, as a guideline, 6 weeks after the meeting at which time a further Formal Review Meeting should be held. The employee will be told that insufficient improvement over this period could ultimately lead to dismissal for reasons of 'Capability due to ill-health' or 'Some Other Substantial Reason' (depending on the case, Area Personnel can advise).

If after this Formal Review period, the Headteacher considers that the only feasible option is to consider the termination of the employee's employment (the Headteacher could decide to have a further Formal Review period), the employee should be informed in writing and a meeting of the appropriate Committee of the Governing Body convened.

Termination: Governors' Responsibilities

On the basis of the case made Governors will decide what action is to be taken. A decision may be taken to allow further time for improvement or to dismiss the employee. Governors must be satisfied that they have treated the employee reasonably and must give the employee the right to appeal to the Appeals Panel of the Governing Body, if they decide to dismiss.

B. Management of Special Leave

This document provides guidance in respect of:

- 1) **Parental Leave**
- 2) **Compassionate/Special Leave**
- 3) **Leave for Religious Observance**
- 4) **General Annual Leave**
- 5) **Unauthorised Absence**

NB Although there is now a statutory right to unpaid time off in certain circumstances, the Governing Body delegates this responsibility to the Headteacher, who will keep the Governing Body informed and follow Personnel Guidance.

1. PARENTAL LEAVE

The **Employment Relations Act 1999** introduced the statutory right to parental unpaid leave for both parents (including adoptive parents) (pro rata for part-time staff).

(a) Eligibility criteria

An employee must have at least one year's continuous service with their current employer at the time the employee wishes to take the leave (ie with one or more Community Schools within Kent County Council or a single Foundation/Voluntary Aided School) and,

- EITHER (i) is a parent of a child who is under 5 years old (includes child's 5th birthday)
- OR (ii) has adopted a child under the age of 18 (the right lasts for 5 years from the date on which the child is placed for adoption, or until and including the child's 18th birthday, whichever is sooner)
- OR (iii) has acquired formal parental responsibility for a child born after 15th December 1999 who is under 5 years old, ie. guardian. (includes child's 5th birthday)

(b) Entitlement

Up to 13 weeks unpaid leave per child can be taken, subject to an employee meeting the criteria above; for part-time employees, the entitlement will be pro-rata. The right to unpaid leave under this scheme lasts for 5 years and can be taken up to the child's 5th birthday (18th birthday if the child is adopted). Unpaid leave can be taken (subject to the procedures and conditions below) in blocks of one week, up to 13 weeks in total, subject to:

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- a minimum of one week (ie. any period less than one week will be counted as one week), (unless the child is disabled when there will be flexibility to take leave a day at a time),
- a maximum of 4 weeks in any one year (a year is the period of 12 months starting on the date the employee becomes entitled to parental leave).

If the child is disabled, the right will apply to the child's 18th birthday. A disabled child is a child for whom Disability Living Allowance is awarded.

(c) Procedure and conditions

- (i) An employee must give a minimum of 15 working days notice of their request to take parental leave (or as soon as is practicably possible for leave to take place immediately following the birth of a child or at the time a child is placed for adoption). Notice of the exact start date should be given, in writing, to the Headteacher.
- (ii) The employee must receive a reply to the request confirming arrangements for the leave within 7 days.
- (iii) A record should be retained of the amount of leave being taken in order to maintain an accurate account of an employee's entitlement.
- (iv) An employee may be requested to provide documentary evidence, eg. proof of a child's age.

(d) Postponement of leave

A request for leave can be postponed by the Headteacher where the absence would be detrimental to maintaining the operation of the school, except where leave is to commence immediately after the child is born or placed for adoption, where rules for postponement do not apply. Such postponement can only be extended by up to six months; written reasons must be provided within 7 days of receiving the request, including the dates on which the postponed leave will ultimately begin and end. Headteachers' are advised to try to avoid simply postponing all leave until the end of term as this would undermine an employee's entitlement to Parental Leave. However, Headteachers should balance the needs of the school with those of the individual. If leave is rearranged this must be of the same length as the original request. If leave is postponed unreasonably, the employee can take the employer to an Employment Tribunal.

(e) Conditions of employment during leave

The Contract of Employment continues in its entirety during an employee's absence on Parental Leave. An employee therefore returns to their same job and employment rights and benefits continue to accrue during any period of absence.

(f) Transferability

The 13 weeks unpaid Parental leave is aggregated across all employment. An employee is required to meet the qualifying conditions with each employer to enable them to take leave.

No special record keeping is required by the new legislation but it is advisable to retain records to avoid disputes and to respond to potential requests from future employers regarding the amount of leave taken by an employee.

If an employee attempts to claim parental leave dishonestly, then he/she may be subject to the Governing Body's disciplinary procedure.

Implications for Pension Provisions:

(a) Parental Leave

Pension contributions must be paid for the first 30 days absence. (NB. This will therefore cover the maximum 4 week period of parental leave allowed in any one year).

2. COMPASSIONATE / SPECIAL LEAVE

(a) Compassionate leave

The Headteacher (on behalf of the Governing Body) has authority to grant up to 10 working days paid leave of absence in any one year on compassionate grounds. This paid provision is over and above the statutory provisions for unpaid leave as contained in the Employment Relations Act 1999 (see (b) below). Clearly, a combination of paid and unpaid leave can also be granted.

Also, it should be noted that guidance over the years to Governing Bodies has been that the following should be paid leave:

- Attendance at in-service training short courses, professional conferences, meetings of examination boards.
- Moving house (where removal cannot take place in school holidays or at weekends).
- Death of mother, father, spouse, child brother or sister and attendance at funeral.
- Wife having a baby.
- Serious illness of spouse, child, parent

(b) Time off for dependants - Statutory Rights

With effect from 15th December 1999 the Employment Relations Act 1999 introduced a statutory right for employees to take a reasonable period of time off work to deal with a family emergency involving a dependant who relies on the employee for assistance. Employees also have the right not to be unreasonably refused time off, dismissed or victimised for doing so.

There is no qualifying period and the leave is unpaid. The employee should be allowed a 'reasonable' period of unpaid leave to cope with unexpected domestic crises; there is no limit to the amount of leave and each case will need to be considered on its own merits in a sensitive and practical way with due regard to the particular circumstances. As a guide, the leave should be sufficient to help the employee to deal with the unexpected or sudden problem, and make any necessary longer term arrangements.

Circumstances for which leave may be granted are:

- if a dependant suddenly falls ill, is injured or assaulted, or gives birth,
- the death of a dependant or someone close to the employee,
- if a child is involved in a serious incident at school or during school hours,
- a sudden breakdown in care arrangements for a dependant,
- dealing with a crisis relating to a family member requiring immediate attendance, e.g, to make longer term care arrangements for a dependant who is ill or injured.

(c) With reference to the above, it may be appropriate in the circumstances outlined in (b), to offer paid compassionate leave. The Headteacher (on behalf of the Governing Body) should give due regard to the particular circumstances of each case, in relation to its sensitivity and impact on the employee. In some circumstances it may be appropriate to award a combination of paid and unpaid leave.

It may not be considered appropriate to award paid or unpaid leave in circumstances where the employee can be reasonably expected to make alternative plans or arrangements which may therefore not require their assistance, or where the arrangements can be undertaken outside of term-time e.g., where the employee knows in advance that the problem is going to arise, or by using annual leave (support staff).

3. LEAVE FOR RELIGIOUS OBSERVANCE

There may be occasions when an employee requests time off to observe a religious festival or event.

The majority of employees in schools work on a term-time basis. Where an employee applies to take time off during term-time for reasons of religious observance, Headteachers should endeavour to grant unpaid leave.

Governing Bodies have the discretion to grant paid leave for this purpose, in which case the entitlement and discretion, is delegated under the management of the Headteacher.

For those support staff employed on all year round contracts and able to take leave during term-time, such time off would usually be taken as part of the employee's annual leave entitlement. Headteachers should give priority consideration to granting annual leave in these circumstances.

In order to limit any operational difficulties for the school all such leave (whether annual, paid or unpaid) should be planned for in advance and the employees should give as much notice as possible of their application for leave.

4. GENERAL ANNUAL LEAVE

It will be expected that general annual leave will be taken outside of school closure periods only, to fit the working pattern of the school. Unpaid annual leave during term time should not be requested except in exceptional circumstances. Such requests should be put in writing to the Headteacher, with two weeks' notice, and will be considered on an individual basis. (See Appendix 3 for 'Special Leave' Request Form. Copies of which can be obtained from the School Office and Staff Room)

5. UNAUTHORISED ABSENCE

After the Headteacher has considered an employees application for leave, referred to the schools Absence Policy and sought advice from Personnel but does not grant leave of absence, they will:

- Inform the employee through discussion / by letter
- Make the Chair of Governors / Governing Body aware of their decision
- Ensure that the employee is clear about the consequences of them taking unauthorised leave (e.g. could be subject to disciplinary procedures)

Hannah Tudor

Headteacher

For full details of the Newington Community Primary School's privacy notice and compliance with GDPR regulations, please navigate to: www.newington-ramsgate.org.uk

APPENDIX 1

Disability Discrimination Act

Employers have responsibilities within the terms of the Disability Discrimination Act 1995. It is against the law for an employer to treat a person less favourably than someone else because of their disability, unless there is good reason.

The Act gives rights to people who have had a disability which makes it difficult for them to carry out normal day to day activities. The disability could be physical, sensory or mental. It must be substantial and have a long term effect (that means the disability must last or be expected to last for 12 months). However, conditions which have a slight effect on day to day activities, but are expected to become substantial are covered.

In order to help a disabled person to do the job, the school will look at what changes we can make to the workplace or to the way the work is done, and make any changes which are reasonable. We will take into account how much the changes would cost and how much they would help when considering what is reasonable. We will also take into account other implications such as any impact on school effectiveness or the education of pupils.

Further advice may be sought from the Area Personnel Team. Additional advice and support is available from the Council's Occupational Health Service and the PACT Team located at the local Employment Office.

APPENDIX 2

SICKNESS ADMINISTRATION AND MONITORING

Administration

- *Self Certification form* - will be completed by the employee on their return to work if the period of sickness absence has lasted for 7 days or less. The Headteacher (or delegated member of staff) will countersign the form so that they

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have seen the employee's explanation for absence and to confirm that there is no reason to doubt that the absence was genuine.

- *Medical certificates* - if the absence continues for 8 consecutive days or more, including weekends and rest days, the employee must contact his/her doctor to be medically certified unfit for work. The school will keep details of the certificates but return the originals to the employees. In these cases, the employee should not return to work until the medical certificate has expired or unless certified fit to do so by his/her doctor.
- *Instruction to payroll* - will complete the relevant forms both at the beginning and the end of a period of sickness absence: failure to do so could have financial implications for both the employee and the school's budget if the statutory and occupational sick pay regulations are not correctly applied.

Further advice on the detail of sickness administration procedures for different staff groups can be obtained from Area Personnel teams together with supplies of any relevant forms.

Monitoring

- *At employee level* - records will be kept for each employee to monitor individual sickness absence. Using a summary form it will be possible to identify patterns (i.e. intermittent but frequent absence, long bouts of sickness) for each employee. It also enables comparisons to be made and provides evidence should an individual need to be approached in respect of sickness absence.
- *At school level* - Increasingly external organisations such as the DfEE are requiring detailed statistics from schools and it is essential that schools retain this information (preferably in DfEE format). Completed sickness administration forms referred to above are the source data. We will use the SIMS personnel module to maintain these records electronically for monitoring and reporting purposes. Further information can be obtained from the HR Planning Manager (Schools) on 01622 221717.