

THE MANAGEMENT OF EMPLOYEE ABSENCE:

Summary and Brief Guidance on Procedures for All Teachers and Support Staff

Introduction

The *Governing Body/PRU Management Committee* has in place procedures to assist with the management of employee absence, based on a model produced by the London Borough of Enfield's Schools' Personnel Service (SPS). This follows all the principles of natural justice, as highlighted in the ACAS Code of Practice on 'Disciplinary and Grievance Procedures' and associated guidance, as well as the separate ACAS guidance and advice on managing staff absence.

This leaflet gives an overview of the procedures, explains the steps employees are expected to follow when absent and what action will be taken by the *Headteacher*, other managers and the *Governors/PRU Management Committee*. The full guidance and procedure document, '**The Management of Employee Absence and Ill Health Capability Procedure**', includes more detailed information about managing absence and the ill health capability procedure, including employee absence notification procedures, returning to work and what happens if absence is becoming a concern, as well as more general guidance on a range of areas that may be connected with absence, such as health and safety at work, considerations relating to disability, pregnancy, alcohol and substance misuse, sickness during holidays and holidays during sickness absence, reducing to half and nil pay, medical and dental appointments, time off for IVF treatment, time off for elective procedures, statements of fitness for work, referral to the Occupational Health Service (OHS) and others. A copy of the full document can be made available by contacting the *school/PRU Office*.

The Purpose of Managing Employee Absence

The main purposes of the procedure are to ensure that all employees are clear about what they need to do if they need to take time off if they are unwell and for the *Governing Body/PRU Management Committee* and *Headteacher/managers* to encourage good attendance and maintain their duty of care for their employees.

Our objective is to provide the best possible education for the pupils and an able and committed workforce is essential to this aim. High absenteeism is costly, reduces working hours available, is disruptive for pupils and also adds to the pressures on other employees whose own attendance, or performance, may then be affected. However, a certain amount of absence is inevitable from time to time and it is essential that employees are properly supported on such occasions and do not feel pressurised into returning to work, or full duties, sooner than is appropriate.

A good absence procedure, including that adopted by the *school/PRU*, will:

- Ensure that absence is monitored effectively, fairly, sensitively and free from discrimination.
- Ensure that employees perceive that unavoidable absences are dealt with in a fair, reasonable and consistent manner and that they will be supported.
- Ensure that employees and managers are clear about absence notification procedures.
- Focus on good practices and strategies that seek to minimise absence.

What you need to do if you are Absent due to Illness or Injury

If you are **unwell** you need to:

- **Contact the *school/PRU* as early as possible on the first day of absence.** You should state the reason for absence, when sickness commenced, estimated return date and any other information e.g. priority tasks. (**NB** – Absence resulting from an incident or injury sustained at work must, by law, be reported and recorded separately. Incidents involving restraint of a pupil must also be reported. You should refer to the *Headteacher/Designated Member of Staff (DMS)* or your Line manager for details).

- **If you remain absent you must keep the school informed of the position as early as possible on a daily basis.** Daily contact will apply unless it is clear on the first day or at an early stage that the absence will continue for a certain period (e.g. in the event of an accident, hospitalisation, obtaining of a 'Statement of Fitness for Work' [medical certificate]). The *Headteacher/Designated Member of Staff (DMS)* or your Line manager (as appropriate) will confirm if it is not necessary to make daily contact.
- **On the eighth calendar day (i.e. including Saturday and Sunday) you must obtain a 'Statement of Fitness for Work' from your Doctor** and forward this to the *Headteacher/DMS/your Line manager* without delay. If the absence continues you must provide these Statements to cover the whole of your illness and absence, including holiday periods. (The *school/PRU* reserves the right, to require a 'Statement of Fitness for Work' prior to the eighth calendar day).

NB You will be notified separately about any specific absence notification procedures in place within the *school/PRU* relating to contact names and numbers, cover arrangements etc.

Special Leave Other Than Personal Sickness: You should note that the Management of Employee Absence and Ill Health Capability Procedure addresses absence due to personal sickness. It does not seek to address absence for other reasons, such as any type of special leave, maternity, adoption, shared parental leave etc.

Except in cases of serious urgency, no employee may, without permission, be absent for any cause other than personal illness. In general, special leave will be limited to circumstances justifying exceptional treatment. Normally this must be applied for, in writing, to the *Headteacher/DMS/Line manager*, as appropriate (although it is recognised that occasionally circumstances may arise where the timing of absence is beyond the control of the employee).

For further information on arrangements for special leave other than personal sickness, you should contact the *school/PRU* Office in the first instance.

Lateness: Lateness, or leaving the school without permission during working hours, is unacceptable other than in an emergency.

If you are late, you must notify the *Headteacher/DMS/Line manager* (as appropriate), as soon as possible, or otherwise report immediately on arrival should the circumstances not allow for advance notice (e.g. an accident or serious hold-up on route with no opportunity to make contact).

You must also ensure that you seek permission if you need to leave the school during working hours.

What Happens When You Return to Work following Sickness Absence

When you return to work you will need to complete the relevant sections of the 'Report on Absence and Return to Work' form, together with the *Headteacher/DMS/Line Manager*. This is a form on which details of your absence will already have been recorded, as reported by you. This form is completed in all cases of staff sickness and helps the Headteacher and managers to monitor absence and assist in the process of reviewing sickness levels across the whole workforce, to identify potential health and safety issues, to consider workload and/or pressures on staff.

The *Headteacher/DMS/Line Manager* will also want to talk to you to ensure that you have fully recovered, to consider whether there are any other related issues or support required and to update you on any relevant matters within the *school/PRU* during your absence.

The 'Report on Absence and Return to Work' form is also used to record the details where it is agreed that an employee should initially return to work on a phased basis, e.g. with adjustments to hours worked, duties carried out or other adaptations.

What Happens When Your Level of Absence is High

If your level of absence is high, the *Headteacher/DMS/Line Manager* will wish to discuss the matter with you to explore the reasons. If the situation doesn't improve and your absences continue to be a cause for concern, it may lead to more formal proceedings in order to find a way to resolve the situation. You will always be entitled to be accompanied by a Professional Association/Trade Union Representative or a work colleague at formal meetings. You may be referred to the Occupational Health Service (OHS) so that any underlying medical cause for your absences can be identified. Your absences will be monitored and you may be set standards to improve your attendance. Ultimately, if there is insufficient improvement, after discussion, monitoring and review, it may be necessary to take formal action under the Ill Health Capability Procedure which could lead to your dismissal.

In cases where an employee has failed to follow the absence procedure, has taken unauthorised leave or where sickness absence is found not to be genuine, the matter may be dealt with under the Disciplinary Procedure.

What Happens With Long-Term Absence, or Persistent or Intermittent Short-Term Absences

Where there is an extended absence and/or where there is no return date in the foreseeable future, or there are persistent or intermittent short-term absences, the matter will need to be further considered in terms of a way forward to resolve the situation.

In some cases, no action will be taken other than maintaining contact and offering support, e.g. if the employee has had an operation and is likely to be fit after a specified period.

In other cases, you may be referred to the OHS to explore likely return to work and whether any adjustments to the workplace or duties could facilitate a return. Advice from the OHS will be discussed with you and your Representative.

If the absence(s) continue(s) and/or there are no options for facilitating a return to work or otherwise resolving the problem, then ultimately your employment may be at risk and you may be dismissed on health grounds under the Ill Health Capability Procedure.

Trigger Levels

When dealing with absence it is important to be objective and, therefore, to determine at what point it is becoming a concern.

The use of trigger levels will assist in determining expected standards and will also help to ensure that all staff are treated in a fair, consistent and supportive manner. Triggers will indicate that an individual's level of absence may be a cause for concern and that further investigation is required. A trigger does not in itself mean that action will automatically be taken. It is merely a signal, or prompt, to alert the manager that the situation has arisen and needs to be considered. A referral to the OHS may be appropriate when a trigger level is reached, or earlier, depending upon the type of absence. Sometimes the circumstances of a particular case will require subsequent action, sometimes they will not.

Clearly, there will be a need for sensitivity according to the circumstances of the case and particular illness. It is recognised that special consideration needs to be given to absences related to pregnancy and disability. These absences will be identified separately from other sickness on individual records. In relation to disability-related absence, trigger levels will be applied as deemed appropriate in the circumstances, taking into account this information. Pregnancy-related absence will not be taken into account when making a decision about a woman's employment.

The following trigger levels, which may be reviewed from time to time, will normally apply:

One continuous period totalling 15 working days absence in 12 months

or

**Two or more separate periods of absence totalling
15 working days in 12 months**

or

4 separate periods of absence of any length in a four-month period

or

Intermittent absence which is a cause for concern

Confidentiality

Absence records at the *school/PRU* will be held securely by the *Headteacher/DMS/Line manager* to ensure confidentiality. Where advice is sought on an employee's health in the context of his/her employment, the OHS will observe full medical confidentiality. No clinical or personal details will be imparted to management, only advice regarding the medical position as it affects your employment. The Access to Medical Records Act 1988 ensures that you have the right to check the accuracy of any report prepared by your Doctor for your employer, if requested. Your employer cannot apply for a medical report unless you have been notified and have consented. (Also see statement below relating to data protection).

Consultation and Communication

Consultation and communication is essential in establishing an employee's true medical position. The procedure ensures that contact is maintained and that you are consulted before decisions are made regarding your employment. However, if you refuse to co-operate or provide information, fail to keep an appointment with the OHS or refuse permission to contact your GP, then action will need to be taken on the best information that is available to your employer in these circumstances.

Further Advice

If you require further advice relating to the absence or ill health capability procedures, or if you have any questions about your own absence(s), medical or other position, you should refer to the DMS, your Line manager or the *School/PRU* Office, as appropriate, in the first instance. You may also wish to seek advice from your Professional Association/Trade Union.

Additional Note – Data Protection

The *School/PRU* will collect and process personal data in full compliance with its obligations under the General Data Protection Regulation (GDPR) (EU) 2016/679 and the Data Protection Act 2018 by keeping employees' personal data up-to-date, by storing and destroying it securely, by not collecting or retaining excessive amounts of data, by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate measures are in place to protect personal data.

The *School/PRU* will keep employees' personal data confidential and share it only with persons with a genuine need to know, such as the Local Authority, Department for Education (DfE), Disclosure and Barring Service (DBS) and/or the Teaching Regulation Agency (TRA), in relation to relevant matters. The *School/PRU* may also share employees' personal data with other third parties, but only where this is necessary to comply with a legal obligation or is permitted under UK law.

For further information relating to the Data Protection arrangements, employees should refer to the *School's/PRU's* Privacy Notice and other associated documents. These can be located on the *School's/PRU's* website or otherwise by contacting the *School/PRU* Office.



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