



## **STAFF ABSENCE POLICY**

<b>Lead</b>	HR Manager
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# STAFF ABSENCE POLICY

## 1. Introduction

- 1.1 *The Collegiate Trust* is a partnership of academies in Crawley and Croydon whose purpose is to build *collaboration to deliver exceptional education*, and whose vision is *exceptional education for all*. This is reflected in our Trust's values: **ambition & collaboration**, as well as in our desired outcomes: **achievement & enjoyment**.
- 1.2 *The Collegiate Trust*, hereafter referred to as the *Trust*, is committed to the provision of high-quality services.
- 1.3 The Principal or the Headteacher (hereafter referred to as *Principal*) is the final authority on managing staff absence in each academy; s/he may delegate any action ascribed to the role in this policy to an appropriate manager within the academy. Within the *Collegiate Trading Company*, the Director of Operations carries out the responsibilities otherwise ascribed to the Principal in this policy, with the COO replacing the function of the LGB.
- 1.4 The HR Manager (HRM) can provide advice to Principals or Local Governing Bodies. Legal advice will be sought from the Trust's HR advisers, if required. The Academy Principal or Local Governing Body may invite the HRM to attend meetings at any point in the procedure. Additionally, the Trust's HR Advisers have the right to attend all Dismissal and Dismissal Appeal meetings, where they may ask questions during the meeting, and provide advice to the panel.
- 1.5 In cases where the Principal is subject to this *Staff Absence Policy*, this should be initiated by the CEO and conducted by the Trust.

## 2. Aims of the Procedure

- 2.1 This policy explains what all employees must do when absent from work due to sickness, unavoidable personal reasons, or to carry out public duties which this policy refers to as *Standard Leave* and what procedures will be followed when absence occurs. All other forms of leave will be referred to as *Special Leave* and are at the discretion of the Principal.
- 2.2 Regular and punctual attendance is a contractual condition on all employees. The Collegiate Trust (TCT) is committed to maintaining good attendance levels. TCT will also manage sickness with sensitivity and with the aim to support staff but also bearing in mind the occupational sick pay entitlement (Appendix 1). However, nothing in this policy will prevent or restrict TCT's right to terminate employment before entitlement to sick pay is exhausted.
- 2.3 Employees who abuse this procedure, or the provisions of the sick pay scheme, may have their sick pay withheld or be subjected to disciplinary action. Examples of abuse could include: not reporting sickness or providing fit notes as required, failing to attend meetings with management or the Occupational Health Service (OHS) and engaging in activities which are inconsistent with the alleged illness or delay recovery (such as undertaking additional employment or participating in sport)
- 2.4 In certain circumstances, this policy may be applied to employees who are in work, with on-going health conditions, who are unable to perform their core duties because of their medical condition and where workplace adjustments are no longer sustainable.

## 3. Situations where more than one policy applies

- 3.1 *The Collegiate Trust* policies are written within a common framework: namely, an informal stage first, followed by a formal process, consisting of several stages. In some circumstances, a Principal may have several concerns about an employee – for example, in relation to both his / her capability in role and their attendance. In these circumstances, to avoid duplication, a Principal may group together the issues and

deal with them through a single process, having due regard to the processes and language in both policies. If the Principal thinks that s/he may need to manage an employee under multiple procedures, s/he should seek the advice of the HRM before proceeding.

#### **4. Standard Leave**

4.1 Standard leave would usually include the following, however this is not an exhaustive list:

- Illness
- Meetings during academy hours
- Academy approved training
- Maternity and paternity leave
- Jury service
- Governor duties
- Professional association responsibilities

4.2 Standard leave will normally be granted as paid leave.

#### **5. Special Leave**

5.1 Special Leave can occur for the following reasons but, again, this is not an exhaustive list:

- Sudden illness of a dependant / partner where alternative arrangements for care cannot reasonably be made
- Urgent medical / on-going treatment
- Bereavement / Funeral
- Domestic issues
- Court attendance
- Interview
- Induction at a new school
- Religious observance

5.2 The Principal will decide whether to grant Special Leave, and if it will be paid or unpaid, on a case basis.

5.3 Where possible, Special Leave should be requested in advance via the academy procedures. Where this is not possible due to emergency circumstances, the request must be made retrospectively and immediately on return to work and passed to the Principal for her / his decision. The Principal would not normally grant more than five days Special Leave in a twelve-month rolling period or three days in any one academy term. However, staff should not assume automatic paid leave at any time.

5.4 In exercising this discretion, the Principal will give full consideration to all circumstances of the case including (where appropriate) the personal relationship of the person affected, the length of employment, work record and terms and conditions of service of the member of staff.

5.5 Regular unplanned absence will follow the same procedure as sickness absence, outlined below.

#### **6. Sickness Absence**

6.1 The guiding principles for managing sickness absence are:

- Employees should be supported to return to work as soon as they are able to, focusing on what they are able to do, rather than not do.
- Early interventions, such as phone calls and meetings, are a key part of managing sickness absence
- Principals and employees remain in regular contact while an employee is absent from work.
- Any adjustments or adaptations, which are reasonable to assist the employee in returning to work, will be given thorough consideration, and implemented where possible.

- Where adjustments are no longer sustainable, employees will be given the opportunity to look for redeployment opportunities prior to any decisions about their ongoing employment being made.

6.2 Regular medical appointments should be made outside academy hours if at all possible.

6.3 Unpaid leave may be granted at the Principal's discretion as a reasonable adjustment for an employee with a disability to enable them to attend routine appointments or adjust to new equipment or medication.

## 7. Making Adaptations and Adjustments

7.1 **Short-term adaptations:** When an employee has been to see their GP during a period of absence, they may have been given a *Statement of Fitness for Work* (Fit Note) by their doctor. This may indicate that the employee is fit to return to work, subject to certain temporary adjustments. These can be in the form of a phased return to work, changes to working hours, changes to duties or changes to the work place. The employee and the Principal should discuss these temporary changes. Principals are encouraged to accommodate these short-term changes, where possible, to enable the employee to be able to return to work. If the academy is unable to accommodate these changes, the employee remains on sick leave until they are fully recovered.

7.2 **Longer term adjustments:** In other situations, the employee may require longer-term adaptations to their work place or working practices. These are known as Reasonable Adjustments, and are part of a academy's responsibility under the Equalities Act. The Occupational Health service can make suggestions to the Principal where reasonable adjustments may be beneficial.

When considering if the adjustments can be put in place, Principals need to ask the following:

- Will the adjustments enable the employee to carry out their role? and
- Are the adjustments viable for the department/academy?

If reasonable adjustments are put in place, the Principal and employee should meet regularly to review the effectiveness of the arrangements.

### 7.3 Raising matters of sickness absence with employees with a disability:

7.3.1 If an employee with a disability has a period of sickness absence which is directly related to their disability, this should be recorded as *Disability Related Sickness Absence*.

7.3.2 If the Principal subsequently needs to review or discuss the employee's absence record, they can take into account which absence has arisen as a result of the employee's disability (and this might lead to a conversation about adjustments) and which absence is unrelated, and therefore should be reviewed using the more traditional procedures, set out in the policy.

7.3.3 It is important to note that the Principal is entitled to raise issues with an employee about all of their sickness absence, both disability related and non-disability related; but that the way in which it is discussed, and the types of targets which are put in place, may be different for disability and non-disability related absences.

### 7.4 Planned absences

7.4.1 If an employee knows in advance that they are going to be absent, for example, if they must undergo an operation, then they can plan and discuss their absence in advance. The absence will be reported and monitored, and the employee and Principal will have regular contact, but the nature of the conversations will be different where there is already prior knowledge and an expectation of the length of the employee's absence.

## 8. Reporting and Monitoring

8.1 Employees must inform their academy via the procedure in their staff handbook on the first day of their absence to let them know that they are unwell, and to provide an expected return date. The employee must keep their Principal or manager updated on a regular basis. Only in exceptional cases should someone other than the employee be making the call.

- 8.2 If the absence exceeds five working days, the employee must produce a *Statement of Fitness for Work* from their doctor and further statements if the absence continues.
- 8.3 Principals are responsible for reporting all periods of sickness absence using the agreed procedure. Principals will arrange to have regular reports about sickness absence, with details of any employee in their service area meeting one of the triggers. Any triggers reached must be acted upon; however, Principals should use appropriate discretion whether the appropriate action is “no further action”, for example if a trigger has been reached as a result of unusual or extreme issues with a colleague:

**Trigger 1 – 4 absences in 4 months**

**Trigger 2 – 8 or more work days in the last 12 months**

**Trigger 3 – longer term absence of more than 21 days**

## **9. Return to Work Meetings**

- 9.1 Following each period of sickness absence, an employee and their Principal must have a *Return to Work* conversation. This will ideally be done face to face on the day the employee returns. The purpose of this meeting is to:
- welcome the employee back to work
  - find out how they are feeling and ascertain if they are well enough to return to work
  - Update the employee on any work-related matters
  - Pick up on any longer term or recurring problems.

## **10. Managing Repeated Absence**

- 10.1 If a Principal notices a level or pattern of frequent absences, *or* if they are sent information that a *trigger* has been met, the Principal will ask the employee to attend an informal meeting to discuss their level of absence. Following this meeting, the Principal will issue the employee with a *Statement of Concern*, using the *Sickness Absence Meeting Report* in Appendix 1, setting down any agreed actions from the meeting, including possible referrals to Occupational Health, and including any improvements required by the employee.

If repeated absence continues, the Principal will initiate a formal three-stage procedure (Levels 1, Level 2, Dismissal Hearing), which involves a series of meetings. The employee will be set clear targets for improvement. Level 1 and 2 meetings will be followed by a review, and if there is no improvement, further targets will be set.

- 10.2 In cases where the Principal also has issues with the employee’s performance in the role, performance targets can be included in the improvement plans.
- 10.3 During the Level 1 & 2 procedure, employees will be referred to Occupational Health, to ensure that there are no underlying health problems, and to provide health care advice.
- 10.4 If an employee’s attendance improves and the formal proceedings are ended, and then their attendance worsens again, then the Principal may resume the formal procedure at the stage where it was ceased, provided that no more than 9 months have lapsed.
- 10.5 In cases where an employee’s pattern or level of absence remains unacceptable, Principal will refer the matter to a *Dismissal Hearing*.
- 10.6 At all stages in the formal procedure, the employee has the right to be accompanied, either by a workplace companion or a Trade Union representative/official, and at the final stage in the procedure (appeal against dismissal), by a legal representative.

## **11. Managing Longer Term Absences**

- 11.1 If an employee is absent from work for more than 21 days, the Principal must initiate the procedure for managing longer-term absence. This takes the format of a series of three meetings at a suitable venue – either at the employee’s home, the employee’s work location, or some other agreed venue.
- 11.2 The Principal and employee should be speaking regularly to ensure that the employee continues to feel part of the Trust.
- 11.3 During the formal procedure, the Principal and the employee will meet, with a view to discussing all possible options for the employee to return to work.
- 11.4 The employee will be referred to Occupational Health for advice and a report will be sent to the Principal. If the Occupational Health report advises that the employee will be able to return to work, the Principal and the employee will agree a return to work plan, and will consider the means to do so, including looking at redeployment options, if recommended.
- 11.5 At all stages in the formal procedure, the employee has the right to be accompanied, either by a workplace companion or a Trade Union representative / official, and at the final stage in the procedure (appeal against dismissal), by a legal representative.
- 11.6 However, in situations where there is no realistic chance of the employee returning to work, or if all other options have been explored, including redeployment and ill health retirement, the employee may be dismissed by the LGB.
- 11.7 This procedure may also apply to employees who are in work with long-term health conditions, where adjustments have been made but which are no longer sustainable.

## **12. Staying in Contact During the Absence**

- 12.1 It is the responsibility of both the employee and the Principal to ensure that there is regular communication during any period of sickness absence. It is important that the Principal knows how the employee is, and when they are likely to return; and it is important that the employee does not feel out of touch with work while they are recovering.
- 12.2 In some circumstances (for example, in cases where the employee is suffering from a stress related condition) it can be difficult for the employee and the Principal to speak. In these situations, it is helpful to appoint someone to act as a contact point between the two.
- 12.3 It is important that contact is kept at a regular pace and that long periods of silence do not elapse. Again, both the Principal and the employee have a responsibility to maintain this dialogue.
- 12.4 Employees on longer-term periods of sick leave will be required to attend meetings with their Principal. Although there may be times when meetings need to be postponed for health reasons, frequent postponements will be challenged, and meetings can take place without the employee being present.

## **13. Occupational and Statutory Sick Pay**

- 13.1 Employees will be paid *Occupational Sick Pay* in accordance with the terms and conditions of their role (see Appendix 3) and inclusive of any requirements to pay Statutory Sick Pay.

## 14. Summary of Responsibilities

	Principal	Employee
Summary of Responsibilities	<ul style="list-style-type: none"> <li>- Report all periods of sickness absence</li> <li>- Manage and monitor levels of sickness absence within the academy and take action when there are concerns.</li> <li>- Communicate regularly with staff who are absent and manage their period of absence</li> <li>- Act sensitively, confidentially, with integrity</li> <li>- Be open and honest</li> <li>- Take a proactive stance in the management of sickness absence</li> </ul>	<ul style="list-style-type: none"> <li>- Ensure that your Principal knows you are unwell</li> <li>- Maintain regular contact with your Principal</li> <li>- Work with your Principal to help you return to work</li> <li>- Be open and honest</li> </ul>
Places to go to for help	<ul style="list-style-type: none"> <li>- The COO, who may, in certain circumstances, involve HR specialist advice.</li> </ul>	<ul style="list-style-type: none"> <li>- Trade Union</li> <li>- The intranet</li> </ul>

## 15. Legal Framework for Academies

15.1 The role of the Principal and governors in the dismissal of an employee at a academy with a delegated budget is determined by the Academy Staffing (England) Regulations <https://www.gov.uk/government/publications/staffing-and-employment-advice-for-academies> which provide as follows:

- i. Where a Principal or governing body is to consider dismissing an employee, it must give him/her an opportunity to make representations (including oral representations) to the person(s) taking the decision, and it must have regard to any representations made;
- ii. If a determination is made to dismiss the employee, the Trust must be notified within 14 days and they must issue notice of dismissal or terminate the contract without notice if entitled to do so by reason of the employee's conduct;
- iii. The employee must be given the opportunity to appeal against the decision to dismiss. If the subsequent appeal reverses the dismissal decision, notice (or the dismissal itself, in cases of dismissal without notice) will be rescinded.

**NB:** The Local Governing Body is required to approve procedures to implement (i) and (ii).

## 16. Procedures for the LGB

### 16.1 Rules of Conduct for a Dismissal Hearing and Appeal

16.1.1 If, following a Level 3 meeting, the Principal feels that the colleague should be dismissed, s/he will refer the matter to the Governance Manager of the Trust to convene a Dismissal Hearing.

16.1.2 The *Dismissal Hearing* will be heard by a panel of three of the LGB, excluding staff representatives. An *Appeal Hearing* if required will be heard by a different panel of three of the LGB, also excluding staff representatives. Should it not be possible to form either a *Dismissal Hearing* panel or *Appeal Hearing* panel from the LGB of the academy, governors from other LGBs within the Trust will be used. Both panels will be advised by a representative from the Trust's HR provider. The Governance Manager of the Trust will coordinate all hearings and attend to clerk.

16.1.3 At **least** 5 working days' written notice shall be given to the employee of the date, time and place of the meeting or the appeal hearing advising of his/her right to be represented. The notice calling the employee to the hearing shall include a statement about the employee, concerning the employee's capacity which is to be considered.

16.1.4 The information relating to the employee will be presented by the Principal, who may be advised by the COO.

- 16.1.5 At the conclusion of the Dismissal Hearing, if it is considered that dismissal should take effect, the employee will be informed orally if possible and in any event the decision will be confirmed in writing within 5 working days. In the event of an appeal meeting, the employee will also be informed orally after the meeting if possible, and in any event, the decision will be confirmed in writing within 5 working days.
- 16.1.6 The Trust will give notice of contract termination within 14 days following receipt of confirmation from the academy. Termination shall be in accordance with the notice required in the contract of employment.
- 16.1.7 In the case of an appeal, the employee shall set out in writing the grounds for the appeal, to be lodged with the Governance Manager of the Trust, within five working days of receipt of written confirmation of the dismissal.
- 16.1.8 The *Appeal Hearing* may uphold the original dismissal decision, or modify it, or overturn it. The panel may not make any award of compensation to the employee or vary unilaterally the employee's contract of employment. Once the decision has been reached, it should be given orally at the hearing if possible and confirmed in writing to the employee within 5 working days.

## **17. Conducting a Dismissal Hearing or Appeal Hearing**

- 17.1.1 Copies of this Procedure will be uploaded to the Trust website and be freely available to all employees.
- 17.1.2 Those involved in dismissal proceedings need to be fair, impartial and reasonable throughout.
- 17.1.3 A governor is ineligible to serve at a dismissal meeting where he/she is related to the employee, or is an employee of the Trust.
- 17.1.4 Where a panel of governors is required to determine an appeal, that panel will include no fewer than three governors and no governor who has had prior involvement in the case shall consider an appeal against that decision.
- 17.1.5 Meetings will be held at a time and place, which, as far as possible, are acceptable to all parties. A meeting should be adjourned to another date after 5 hours or at 6.00 p.m.; whichever is the earlier, unless both parties agree otherwise.
- 17.1.6 Copies of all documentary evidence will be available to both parties as early as possible in advance of the meeting, and providing at least 3 working days' notice.
- 17.1.7 Accommodation will be provided for the employee and his or her representative or friend/work colleague to meet in private before, during and after the meeting.
- 17.1.8 The Principal and any governor(s) and the employee and his or her representative will attend throughout the meeting. Witnesses will be present only for their submission to the meeting.
- 17.1.9 During the meeting, the Principal, Governors, or the employee, may request one or more short adjournments. Such requests will not be unreasonably refused.
- 17.1.10 Witnesses will be instructed not to discuss their evidence with other witnesses during the meeting.
- 17.1.11 The Chair of Meeting should start the proceedings by introducing himself/herself and others present to the employee, explaining the role of each of those present. The employee should introduce any person who is accompanying him/her.
- 17.1.12 The Principal will first present the information to support the dismissal, including a summary of all actions taken to date.

- 17.1.13 The employee or his/her representative will then be asked to outline their case, providing such evidence, documentary or by oral statements, as appropriate.
- 17.1.14 All witnesses may be questioned by the Principal, the employee or his/her representative, any governor, and the representative of the Trust (if present) immediately following their submission to the meeting. The Principal and the employee may be similarly questioned.
- 17.1.15 Following the completion of both parties' submissions, witnesses may be recalled - but only to clarify evidence previously given, not to introduce any new material.
- 17.1.16 The Principal and the employee or his or her representative may sum up following the conclusion of statements by both parties. The employee will be given the opportunity to speak last. Neither summary may introduce any new material.
- 17.1.17 The Principal, having given the employee the opportunity to state his/her case, may request an adjournment of the meeting for further investigations before a decision is made.
- 17.1.18 At the conclusion of the meeting, all those present, except the panel and adviser, should leave the room to allow them to deliberate in private. If necessary, the Principal or Chair (at appeal meetings) may recall the parties to clarify points of uncertainty on evidence already given. If recall is necessary, both parties must return even if only one is concerned with the point giving rise to doubt.
- 17.1.19 In exceptional circumstances, it may not be possible to reach a decision on the day of the meeting. In this case, both parties should be recalled to the meeting and so advised. The Chair should explain the reasons and inform the employee when the determination is likely to be reached. This must be no later than two working days after the meeting.

## APPENDIX 1                   Sickness Absence Meeting Report

Available as a separate document

## APPENDIX 2                   Meeting templates

Available as separate documents

## APPENDIX 3                   Occupational Sick Pay

Occupational Sick Pay operates on the basis of **working days**. It is only those working days for which the member of staff is absent which count against the above sliding scale entitlements. Holidays and weekends do not count against these entitlements. As a rough guide, therefore, staff can reckon on the following approximate periods of full and half pay, subject to the variations caused by any periods of academy closure:

<b>Teachers' Sick Pay</b>	
Year 1	Up to 25 days full pay
Year 1 after 4 months service	25 days full pay, 50 days half pay
Year 2	50 days full pay, 50 days half pay
Year 3	75 days full pay, 75 days half pay
Year 4/5 onwards	100 days full pay, 100 days half pay

For part time teachers, 'full pay' refers to the normal pay received for the fraction of the week worked – **not** the full pay of a full-time employee.

<b>Support Staff Sick Pay</b>	
Year 1	1 month
Year 1 after 4 months service	1 month full pay and 2 months half pay
Year 2	2 months full pay and 2 months half pay
Year 3	4 months full pay and 4 months half pay
Year 4/5	5 months full pay and 5 months half pay
Year 6 onwards	6 months full pay and 6 months half pay