



# **Every Child Every Day** **Academy Trust**

## **Staff Absence Management Procedure**

Template last updated: January 2023  
Date Reviewed by Trust/ School: September 2024  
Date due for Review: September 2025  
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Stored: Trust website

## **1. Introduction and Purpose of Procedure**

The purpose of this procedure is to encourage and support employees to achieve and maintain a high level of attendance at work, to promote a healthy workforce and to assist line managers in their role by providing a clear and consistent framework for managing unsatisfactory attendance.

This procedure is applicable to the management of long-term sickness absence of all members of staff employed at the school with the exception of employees serving a probationary period. Employees on temporary or fixed-term contracts will be subject to this procedure with adjustments made, where appropriate, to reflect the likely duration of the contract.

This procedure does not cover conditions or entitlements in relation to sick pay. Such payments will be made in accordance with the relevant conditions of service for teachers and support staff.

The Every Child Every Day Academy Trust (ECEDAT) is mindful of its obligations under the Equality Act 2010 and acknowledges that its obligation to consider reasonable adjustments for employees with a disability may occasionally result in the different treatment of certain individuals in the interests of removing a significant disadvantage.

## **2. Policy Statement**

The ECEDAT recognises that managing sickness absence can be a sensitive matter and at all times aims to give due consideration to the welfare of staff, the needs of the school and the impact that absence has on the effective education of pupils.

In particular, they are committed to:

- Ensuring that the procedure is conducted in a constructive and non-discriminatory manner, taking account of individual circumstances and respecting confidentiality;
- Recording and monitoring absence effectively, in order to assist employees to improve attendance;
- Exploring the reasons for sickness absence to understand any underlying issues relating to absence;
- Identifying and seeking to address work-related causes of sickness absence;
- Dealing robustly with any identified abuses of the sickness absence system;
- Promoting the physical and mental well-being of staff.

## **3. Roles and Responsibilities**

- The Headteacher is responsible for the overall monitoring of the effectiveness of this procedure.
- The Chair of Governors will be responsible for monitoring the absence levels of the Headteacher and will act as the line manager in relation to the management of the Headteacher's absence in accordance with this procedure.
- The Headteacher is responsible for ensuring that those with line management responsibilities are suitably skilled to manage sickness absence and have received appropriate training. The Headteacher will also fulfil the responsibilities of the line manager in respect of certain individuals.
- All line managers (including the Headteacher) are responsible for ensuring that members of staff are familiar with the expectations placed upon them in relation to their attendance at work, for monitoring absence, ensuring that consistent reporting is in place and conducting informal and formal meetings with individuals in accordance with the various stages outlined within the

procedure. References in this procedure to actions taken by the line manager are intended to refer either to the Headteacher or the line manager acting in consultation with the Headteacher.

- All employees are expected to comply with reporting and certification procedures outlined in this procedure (or as otherwise notified to them) and to take responsibility for maintaining general health and fitness in order to sustain a high level of attendance.

#### **4. Reporting Sickness Absence**

An employee who is unable to attend work because of sickness or injury should, where possible, report this to his/her line manager as soon as he/she becomes aware of the inability to attend work, and in any event by no later than the time he/she would normally start work on the first day of absence. Alternative notification procedures may apply to different parts of the school workforce, in which case employees should act in accordance with the procedure otherwise notified to them.

Reporting should include the reason for absence and the likely duration, as well as any necessary briefing on work commitments so that appropriate arrangements for cover can be made. The employee may ask to discuss the medical reasons for absence with another person, such as a different line manager or occupational health adviser, where he/she views the information as particularly sensitive.

If absence continues for longer than initially anticipated, the employee is expected to regularly update the line manager in the same way, confirming the likely duration of absence.

Employees who become unwell during the course of the working day should ensure that the line manager (or a senior manager if the line manager is unavailable) has been notified before leaving work early. Any accident or incident at work must be reported as soon as possible in accordance with the school's health and safety procedures so that it can be appropriately recorded, and any required action taken at an early stage.

All absences, including part days, should be notified and recorded.

#### **5. Certification Requirements**

Absences of less than one calendar week must be supported by a self-certificate form completed upon return to work.

Absences of more than one calendar week (i.e., from the eighth calendar day) must be supported by medical evidence from a registered medical practitioner, usually in the form of a fit note from the employee's doctor, nurse, occupational therapist, pharmacist or physiotherapist, which must be submitted as soon as possible to the line manager. Additional fit notes must be submitted thereafter as necessary to ensure that the whole period of absence is covered, including any intervening school closure periods. Any period of absence caused by sickness or injury which is not covered by an acceptable medical certificate may be treated as unauthorised and therefore unpaid. Unauthorised absence may also be treated as a disciplinary matter.

In exceptional circumstances, employees may be required to provide a fit note for periods of absence of less than one week. In such cases, the cost of providing such a certificate will be paid by the school.

The decision regarding what medical evidence is acceptable in individual cases rests with the school although a fit note will usually be deemed acceptable evidence of incapacity. In exceptional circumstances, and with compelling evidence to do so, the school reserves the right to reject a particular piece of evidence and require the individual to provide an alternative.

#### **6. Return to Work Discussions**

All line managers have a responsibility, with appropriate training, to conduct return to work discussions following every period of absence (including part days) to ensure that the employee is well enough to be back at work, to support his/her return and ensure he/she is updated on work matters.

For longer periods, a more structured discussion will be appropriate. This discussion will be recorded on a return-to-work form, a copy of which should be given to the employee. The line manager is

responsible for ensuring that he/she has all relevant information to hand, such as risk assessments and/or occupational health reports.

Return to work discussions are informal in nature but will be documented, as noted above. If there are grounds to believe that formal action is required under this – or any alternative – procedure, the individual should be informed of this, and arrangements made to hold a formal meeting. The line manager will discuss and consider reasonable adjustments to assist the employee to return to work where this is appropriate.

## 7. Occupational Health Referrals

The involvement of the school's occupational health ('OH') provider in individual cases can be crucial to understanding the impact of a medical condition upon an individual's ability to perform their normal duties and to support an employee's return to work; it is in the best interests of both the school and the employee. Referrals to OH will be made at the line manager's discretion, involving the individual and informed by the following criteria:

- Where the absence appears to be related to stress, anxiety or depression;
- Where the absence has lasted (or is likely to last) for at least four weeks;
- Where discussions with the employee indicate that the employee's health may be having an impact on his/her ability to carry out the job.
- Where ill health follows an accident that has either caused, or is likely to cause, a significant absence from work or otherwise impact on work or attendance;
- Where the individual may be suffering from an industrial or occupational disease or condition, or where there has been an injury at work, physical or non-physical;
- Where it is suspected that the employee has a notifiable disease;
- When the absence appears to have been triggered by the instigation of other procedures (such as the disciplinary and capability procedure).

The contents of the referral form and the subsequent report must be shared with the employee, preferably face-to-face where circumstances permit. In considering the referral, OH may wish to obtain a report from the employee's own doctor(s) but will obtain the employee's written consent before doing so. In the event of a refusal, decisions about the employee's future employment will be made on the basis of the information available at the time.

## 8. Managing Long Term Absence

Definition	
A day's absence	A day's absence refers to a standard working day for the individual concerned (and the equivalent half day, multiple days etc)
Long-term absence	Long-term absence is intended to refer to absences that have lasted, or are expected to last, for a period of at least four weeks.

The key principle in managing long-term absence is ensuring that a balance is struck between the needs of the employee and the needs of the school.

Where it becomes apparent that absence is likely to be long term, an appropriate strategy should be put in place to ensure that the individual does not become isolated from work and that timely OH advice is received about the prognosis. Where the employee is a member of a union, he/she may also wish to involve his/her union representative as a source of support and as a means of facilitating communication.

OH, advice should be sought as soon as it becomes likely that the absence will be long term and periodically thereafter as necessary to support the employee's return to work, which will often include consideration of a phased return. Where OH advice indicates that there is no realistic prospect of a

return to normal duties within the reasonably foreseeable future, consideration will be given to whether temporary or permanent redeployment might impact positively on the employee's ability to return to work. Where this is not possible, ill-health retirement or dismissal on the grounds of capability will ultimately be considered. These options are explained in more detail as follows:

<b>Considerations when Managing Long Term Absence</b>	
<b>Phased Return</b>	After a period of long-term absence, the employee's doctor and/or OH will often recommend a phased return programme to support the employee's return to full duties. Whilst the duration and nature of a phased return will depend on the individual circumstances, it is expected that, in general, this will not exceed a period of 6 weeks. Changes to an employee's working hours, pattern or duties on a longer-term basis will be considered as a temporary redeployment (see below). Where a phased return can be supported by the school, the employee will remain on (or return to) full pay.
<b>Temporary Redeployment or Adjustments</b>	Where the employee is deemed currently unfit to carry out the full duties of his/her post but could be temporarily redeployed to alternative work (or adjustments made to the role or working hours on a temporary basis), the school will consider what options might be realistic and reasonable, taking into account the advice of OH and the employee's doctor(s). Unless such arrangements are short term and therefore being treated as a phased return (see above), the ramifications in relation to salary, pension and any other affected terms and conditions, must be explained to the member of staff and confirmed in writing. Where temporary redeployment cannot be facilitated, the employee will remain on sick leave until he/she is either fit to return to normal duties or whilst the remaining options are considered.
<b>Permanent Redeployment or Adjustments</b>	Where the employee is deemed permanently incapable of carrying out the duties of his/her current post but may be fit to return to work in another capacity (or permanent adjustments could be made to the role or working hours), the school will consider what posts or adjustments might be available and suitable, taking into account the advice of OH and the employee's doctor(s). The likelihood of a successful redeployment will depend on a number of factors, including the employee's skills, abilities and flexibility over hours and work location. Each situation will be treated individually according to the circumstances. The employee will remain on sick leave pending consideration of the adjustments or redeployment options available. An employee permanently redeployed into another role will be appointed on the terms and conditions applicable to the new post.  Sometimes the likelihood of suitable alternative posts arising is simply not a realistic prospect and the employee's expectations will be managed accordingly.
<b>Ill-Health Retirement or Dismissal</b>	Where the employee is deemed unfit to carry out the duties of his/her present post in the reasonably foreseeable future and redeployment has already been explored and failed to secure an alternative post, the matter will be referred for consideration at a Final Stage meeting in accordance with the procedure outlined in section 9.4.  Retirement on the grounds of ill health may be an option to be investigated under certain conditions, as an alternative to dismissal (in the case of teachers, the application process for ill-health retirement is initiated by the individual).  In determining when it becomes appropriate to refer the matter to a Final Stage meeting where employment may be terminated on the grounds of incapability

	<p>through ill health, the manager will further take into consideration the following factors:</p> <ul style="list-style-type: none"> <li>• The length of absence to date and the prognosis for a return to work.</li> <li>• The nature of the illness and the medical advice obtained.</li> <li>• Whether the individual's absence is related to a disability.</li> <li>• The effect of the absence on the school.</li> <li>• What options, as alternatives to dismissal, have already been considered.</li> <li>• Any relevant personal circumstances pertaining to the individual that may be impacting on their attendance.</li> </ul>
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## 9. Formal Procedure

### 9.1 First Formal Discussion

Where the line manager or Headteacher determines that the employee's attendance levels need to be reviewed on a formal basis. They will arrange a formal meeting, giving at least 5 working days' notice in writing to the employee.

Any long-term absence lasting 4 working weeks or more will normally lead to a First Formal Discussion Meeting, the individual circumstances of each case will be considered when determining the date of the meeting. In cases of long-term absence where a doctor's statement confirms that the employee will be absent from work for a period longer than 4 Working Weeks, any Formal Discussion Meeting will be held towards the end of the certified period of absence.

The employee has the right to be accompanied at this meeting, and any subsequent formal meetings, by a work colleague or trade union representative and should be provided with a copy of the procedure in order to understand the context of the meeting.

At the meeting, the line manager or Headteacher will discuss:

- the employee's absence record and/or the cause of the continued absence
- The outcome of any OH referral(s) made.
- Invite the employee and/or their companion to clarify any factual matters, explain their attendance levels and to question or comment on the information presented.
- Seek to identify whether there are any relevant personal, domestic or work circumstances that have impacted on their attendance.
- Encourage the employee, if appropriate, to seek new or further medical advice.
- Discuss, if appropriate, any reasonable adjustments.
- Discuss the implications of the absence for the school;
- Consider whether there is any further support the school may reasonably be able to give to the individual;
- Explain the consequences of a failure to return to work
- Confirm the date of the next review meeting.

The meeting will be adjourned if new facts come to light which the manager decides to refer for further investigation.

After the meeting, the manager will review the evidence and discussion which took place and decide what appropriate course of action to take from the following options:

- No formal action.
- A written warning: this will be issued where a specified improvement is required in attendance levels.

The Headteacher or manager will also determine whether any other action is appropriate, such as whether a private medical certificate will be required (at the school's cost) for any further periods of absence during the review period.

The employee will be notified of the decision as soon as possible following the meeting and, in any event, in writing within 5 working days. They will be informed, either at the same time or as soon as possible thereafter, of expectations in relation to attendance and dates of any review meetings, as well as any other actions required. The letter to the employee will also confirm the period during which any written warning issued will remain live (see also 'Warnings', section 12.4) and the employee's right to appeal the decision in writing within 5 working days of receipt. The appeal may be heard by the Headteacher, if they were not involved in the initial decision, otherwise it will be directed to the Clerk to the Board of Governors/Governing Body who will convene a governors' hearing for the purpose (see also 'Appeals', section 10).

The Second formal review stage of the procedure will not be instigated unless and until a formal warning has been issued under First formal stage and therefore more than one formal meeting may be held under the First formal stage if appropriate to the circumstances.

## 9.2 Interim Reviews

The monitoring of attendance is an ongoing process for all members of staff, irrespective of whether or not there are particular concerns. Employees whose attendance is being monitored as part of the formal stage of the process will have return to work discussions conducted as normal in respect of any further periods of absence, and it may also be appropriate to hold informal progress review meetings.

Where it becomes apparent that acceptable progress is not being made, the member of staff will be invited to another formal meeting in accordance with the next stage of the procedure. There is no set time period after which another formal meeting will be convened in such circumstances as this will depend on the nature, frequency and any patterns of absence as well as the impact the absence is having on the school.

## 9.3 Second Formal Discussion

If, following the First Formal Stage a return to work from long term absence has not been achieved, another formal meeting will be convened. The circumstances of each case should determine the exact timing of the meeting, consideration should be given to determining a date for a second formal discussion once more than 3 months of continuous sickness have passed since the first formal discussion. The employee should be given at least 5 working days' notice in writing of the meeting date.

The meeting will usually be conducted by the same person (Headteacher or manager) responsible for conducting the formal meeting(s) held at the First formal stage of the procedure and the substance of the meeting will be similar, whilst recognising the increased level of concern and the implications for the employee of a failure to improve.

After the meeting, the Headteacher or manager will review the evidence and discussion which took place and decide what appropriate course of action to take from the following options:

- No formal action: this may be applicable where an underlying medical condition has been identified and an alternative management route becomes more appropriate or a return to work from a long term absence is imminent;
- Final written warning: this will be appropriate where concerns about the employee's level of attendance remain, in spite of any support provided.

The employee will be notified of the decision as soon as possible following the meeting and, in any event, in writing within 5 working days. They will be informed, either at the same time or as soon as possible thereafter, of expectations in relation to attendance and dates of any review meetings, as well as any other actions required. The letter to the employee will also confirm the period during which any written warning issued will remain live (see also 'Warnings', section 12.4) and the employee's right to appeal the decision in writing within 5 working days of receipt. The appeal may be heard by the Headteacher, if they were not involved in the initial decision, otherwise it will be directed to the Clerk to the Board of Governors/Governing Body who will convene a governors' hearing for the purpose (see also 'Appeals', section 10).

More than one formal meeting may be held under this Second Stage of the procedure if a final written warning was not issued at the initial Second Stage meeting.

#### **9.4 Final Stage – Dismissal**

If the employee has failed to return to work within the timeframe specified at the second formal discussion meeting, consideration should be given to arranging a final stage hearing.

Some factors to take into account before proceeding are:

- The length of absence to date and the prognosis for a return to work.
- The nature of the illness and the medical advice obtained – a recent OH report is advised.
- Whether the individual's absence is related to a disability.
- The effect of the absence on the school.
- What options, as alternatives to dismissal, have already been considered?
- Any relevant personal circumstances pertaining to the individual that may be impacting their attendance
- It may be appropriate to hold a final stage dismissal hearing in cases where an individual has been granted ill-health retirement and does not wish to take up the opportunity to end their employment for more information see Section 9.5 of this procedure.

If, following the Second Formal Discussion Meeting the required level of attendance has not been achieved or, where the manager has referred the matter for consideration at the Final Stage, the Clerk to the Board of Governors will arrange a formal meeting, providing at least 10 working days' notice in writing to the employee.

The meeting may be adjourned if, in the view of the chairperson, the meeting cannot continue until new evidence is investigated.

As with all formal meetings held in accordance with the procedure, the employee will be entitled to be accompanied by a trade union representative or workplace colleague and will have the opportunity to challenge evidence and state his/her case.

After the meeting, the Panel will consider all the evidence presented and reach a decision. As part of the decision-making process the Panel will determine whether the concerns about the individual's attendance levels are justified (or, in the case of long-term absence, whether it is reasonable to consider dismissal at this stage) and, if so, what outcome is most appropriate in all the circumstances of the case.

Where dismissal is being considered, the Panel will first discount options which could be put forward as an alternative to dismissal where these have not already been considered and reasonably rejected, such as temporary or permanent redeployment, ill-health retirement or reasonable adjustments for an employee with a disability.

The employee will be notified of the decision as soon as possible and, in any event, in writing within 5 working days. The letter will include confirmation of the Panel's conclusions and what, if any, formal action is being taken.



The letter to the employee will also confirm the employee's right to appeal the decision in writing within 5 working days of receipt. An appeal will be referred to the Clerk to the Board of Governors who will convene a hearing by governors (see also 'Appeals', section 10).

The school will issue notice of termination in accordance with the employee's contractual or statutory notice period (whichever is greater). As a general rule, the employee will not be expected to attend work during the notice period irrespective of his/her current health position.

## **9.5 Ill-Health Retirement**

In cases where redeployment or adjustments cannot be facilitated, retirement on the grounds of ill health will be investigated in certain circumstances. For support staff covered by the Local Government Pension Scheme (LGPS), this process will usually be initiated following advice from occupational health that ill-health retirement is an appropriate consideration. For members of the Teachers' Pension Scheme (TPS), the individual must initiate the application. There is no guarantee that any application to the LGPS or the TPS will result in ill-health retirement being granted.

If an individual has been offered ill-health retirement and does not want to bring their employment to an end the matter will be considered at a final stage formal meeting convened, conducted and the outcome notified to the employee in accordance with this model procedure (further guidance on Final Stage meetings is available within Section 9.4 of this procedure).

## **10. Appeals**

There shall be a right of appeal against any decision to impose a written warning or other formal sanction as a result of action taken by the employee's manager, the Headteacher or by governors. In exercising this right, the employee must confirm the grounds on which he/she is making the appeal.

Appeals against warnings issued during the First or Second Formal Discussions will be heard by the Headteacher or one or more governors, bearing in mind the need to secure impartiality at every stage of the process. No person will hear an appeal against his/her own decision. Appeals against dismissal, or against formal warnings or sanctions determined by governors, will always be heard by one or more governors with delegated powers. References to the Appeals Panel hereafter may therefore be interpreted accordingly, although the 'panel' could in some cases consist of one person.

The appeal hearing will be arranged to take place as soon as is reasonably practicable, allowing the employee at least 5 working days' notice of the date (or 10 working days where the appeal is against a dismissal decision).

The purpose of the meeting is for the Appeals Panel to consider the grounds for appeal and to review the fairness of the outcome of the original meeting. New evidence may be considered at the appeals stage but no additional grounds for action against the employee may be introduced.

Within 5 working days of the appeal hearing taking place, the employee will be notified in writing of the outcome and any actions which have been determined. There is no further right of appeal.

If a dismissed employee is reinstated on appeal, his/her salary will be back-paid to the date of the original termination, minus any monies already paid in respect of notice.

## **11. Managing Long-Term Absence**

## **12. Procedural Points and Specific Circumstances**

### **12.1 Disability and Reasonable Adjustments**

The Staff Sickness Absence Management Procedure for Long-Term Absence applies to all employees, including those with a disability. Employees are encouraged to inform the school if they have a disability, particularly where this may affect their ability to perform their current duties, in order that reasonable adjustments can be considered and discussed.

Attendance monitoring will distinguish between absences which are disability-related and those which are not, where this is known to the school.

Managers will seek HR and OH advice as necessary on reasonable adjustments to ensure that a disabled employee is not placed at a substantial disadvantage when compared with a person who is not disabled. Reasonable adjustments may include adjustments to the operation of the procedure where this is appropriate in the individual circumstances of the case.

Disability is a protected characteristic under the Equality Act 2010. To come within the definition of disability, the employee must have an impairment which has a substantial and long-term adverse effect on the employee's ability to carry out normal day-to-day activities. The impairment may be either physical or mental, meaning that conditions such as depression will be covered provided the effect of the condition on the individual meets the overall definition.

## **12.2 Pregnancy-Related Absences**

If the employee is absent from work for a pregnancy-related reason (e.g., pregnancy-related illness) in the four-week period before her EWC, maternity leave will automatically commence on the day following the first day on which she is absent for this reason. The individual must notify her employer as soon as reasonably practicable that her absence is for this reason and the date it began.

## **12.3 Terminal Illness**

The Board of Governors/Governing Body recognises that cases of terminal illness must be handled with compassion and sensitivity, respecting the employee's dignity and privacy. The employee and his/her nominated representative will be given a senior-level contact within the school who can act as a conduit for relevant communications and ensure that any issues are dealt with promptly and efficiently.

The school will seek HR/pension advice on the options available regarding pension entitlement, death in service benefits and benefits for partners and dependents.

Governors may give consideration to the extension of sick pay entitlement to alleviate financial worries.

## **12.4 Warnings**

The period during which a warning issued under the Staff Sickness Absence Management Procedure for Long-Term Absence will remain 'live' for the purposes of this procedure is not definitive and may be varied according to the circumstances of the case. As a general rule, written warnings will remain live for a period of 12 months after which point, they will be disregarded. A longer warning period may be appropriate in certain cases, for example where there has been a history of variable attendance or where a longer warning period was determined as an alternative to dismissal. The Headteacher may exercise discretion to disregard the warning prior to its documented expiry date in circumstances where the employee has reached and maintained an acceptable level of attendance, confirming this in writing to the employee.

## **12.5 Data Protection**

The Headteacher, governors and any other manager involved with the operation of this procedure will ensure that any information relating to concerns about an employee's attendance are disclosed only to those who have a direct involvement in dealing with, or advising on, those concerns, emphasising the need for strict confidentiality. Personal data collected as part of this process will be handled in accordance with the school's data protection policy, with particular regard to rules around processing special categories of personal data. If the school is seeking to rely on 'legitimate interests' as the basis for processing personal data under this procedure employees will have the right to object to this. Employees can also find out more about how the school processes data about them in the workforce privacy notice.

Medical information can be particularly sensitive and, whilst it is essential for the school to have appropriate information about the nature of an employee's ill health in order to manage his/her absence accordingly, this will be balanced against an employee's desire for privacy over such matters. Where the employee is reluctant to discuss medical information that he/she views as sensitive with his/her line manager, the employee may ask to speak to an alternative manager or an OH adviser instead.

## **12.6 Relationship with Disciplinary and Capability Procedures**

On occasion, an employee may not be meeting the required standards of work either in terms of his/her attendance or his/her conduct/performance. In such cases, unsatisfactory attendance may be considered alongside conduct or performance issues in a joint formal meeting to avoid the complexity of instigating parallel procedures with similar stages and potential outcomes.

### **13. Status of Policy and Review**

The content and operation of this procedure is reviewed as and when deemed necessary by the ECEDAT. The policy is discretionary and does not confer any contractual rights.