

# School Absence Management Policy



This Policy and Procedure applies to both teaching and non-teaching Employees (referred to as Employees throughout this document). This Policy and Procedure should be read in conjunction with the Burgundy Book Terms and Conditions and NJC Green Book.

## **Policy and Procedure Aims and Objectives**

- To provide a clear, consistent and fair approach to managing absence across the School and to ensure all Employees are aware of this approach and their obligations
- To minimise the levels of absence, and the impact of this, within the workplace
- To ensure that the absence capability issues are dealt with efficiently, where possible, within agreed timescales and with clear outcomes
- To support the health and well-being of Employees
- To encourage collaborative working between Management, Employees, Employment Relations, Trade Unions and Occupational Health to promote an early and sustained return to work wherever possible and the highest possible levels of attendance
- To recognise that if at the end of the process the required level of attendance has not improved, continued employment cannot be guaranteed
- To promote best practice and comply with relevant legislation

## **The Role of the Governing Body**

- To recognise their responsibility for managing the Absence Management Policy and Procedure within the School
- To ensure that the Absence Management Policy and Procedure is agreed and adopted
- To ensure that this Policy and Procedure is applied consistently throughout the School.

## **The Role of the Line Manager**

- Attend any appropriate training relating to the Absence Management Policy
- Ensure Employees are aware of the Absence Management Policy and what is expected of them as part of the induction process through to the day to day management;
- To use existing policies for any absence not covered by this Policy and Procedure e.g. flexible working, special leave, emergency time off for dependants, compassionate leave etc.;
- To monitor and address sickness absence issues in a timely, confidential and sensitive manner, ensuring consistency and fairness;

- To seek professional advice from the School's Employment Relations adviser at all stages throughout the management of sickness absence;
- Record, monitor and maintain records of absence using the School's absence management system and keep records of all contact dates and communication(s). This includes the closing of absences immediately on the appropriate payroll system, following the return to work;
- Confirm with the Employee the levels and type of contact required throughout the absence period and confirm any discussions in writing;
- Refer Employees who are absent for more than two weeks due to a stress related illness, mental health illness, depression or anxiety to Occupational Health. For all other absences above 4 weeks, discuss with the Employment Relations Adviser the appropriateness of a referral;
- Inform the Employee of the referral to Occupational Health in writing and share the completed referral with them
- Inform the Employment Relations Adviser and Occupational Health of any communications with the Employee in relation to the medical advice;
- Write to the Employee with details of their occupational sick pay expiry dates;
- Conduct a return to work meeting after each absence in a timely manner.

### **The Role of the Employee**

- To attend work and fulfil their contract of employment
- Make every effort to maintain a high level of attendance at work and manage their own health and well-being
- Follow the School's sickness notification process set out in this Policy and Procedure when reporting sickness absence
- Ensure the timely submission of any certification to cover periods of sickness absence as per this Policy and Procedure even during school closure periods
- Failure to comply with timely submission may result in occupational sick pay being withheld
- To co-operate fully with Policies and Procedures for managing absence, maintaining communications and attending review/formal meetings

- Wherever possible, Teachers should ensure planning is in place for continuity of work where an absence is known in advance i.e. a planned operation
- To attend Occupational Health appointments as required and contact their Line Manager if they are unable to attend their Occupational Health appointment stating the reason why. The Employee may be liable for the cost of the appointment if the timescales set out in the OH letter are not adhered to
- Whilst absent from work, should not undertake any other paid work. Voluntary or unpaid work should be declared by the Employee to their Line Manager. Failure to do so may result in disciplinary action if the Employee is working elsewhere during their contracted hours and claiming occupational sick pay from the School.

### **The Role of the Employment Relations Advisers**

- Advise Management and Governors on the application of this Policy and Procedure and all matters relating to absence to maintain consistency in its application;
- Assist with the Occupational Health referral process and provide advice and guidance in relation to the recommendations received in the report;
- Signpost Employees and management to other sources of support;
- Accompany a Line Manager to formal management meetings with Employees who are absent from work.

### **The Role of the Trade Unions**

- Support and advise the Employee on matters relating to absence management;
- Attend and represent the Employee at any formal meetings associated with this Policy and Procedure where requested by the Employee;
- Agree to the principles contained within this Policy and Procedure and support its fair and equitable application.

### **The Role of Occupational Health**

- Provide professional and impartial advice and guidance to Line Managers, on the health, safety and welfare of Employees at work;

- Following a management referral, assess Employees fitness to work and provide a written report for the Line Manager and Employment Relations following the Employee's consent;
- Provide advice in relation to reasonable adjustments and adaptations as required under the Equality Act 2010, redeployment support or ill health retirement;
- Obtain information from the Employee's G.P., medical consultant or treating specialist – where required, following the Employee's consent;
- Where recommended, provide a confidential talking therapy service to Employees subject to Management approval.

### **Definitions of Sickness Absence**

For the purposes of this Policy and Procedure, the following definitions of sickness absence will apply:

- Short term absences are those lasting fewer than 20 working days (or the equivalent of 4 weeks pro rata);
- Persistent absences are frequent absences from work. They may form a pattern (i.e. on more than 3 occasions during a rolling 12 month period);
- Long term absences are those where an Employee is continuously absent for longer than 20 working days (or the equivalent of 4 weeks pro rata).

### **Occupational Sick Pay**

- Employees have an entitlement to receive sick pay during periods of sickness absence. The period that is payable is based on length of service.
- Employees must be aware that these rights could be jeopardised if they fail to discharge their responsibilities under this Policy and Procedure. This may result in loss/with-holding of entitlement to occupational sick pay and/or be subject to disciplinary action

Teacher's sick pay entitlement as per the Burgundy Book are as follow

	Full Pay	Half Pay
During 1 <sup>st</sup> year of service	25 working days	Nil

(after completing 4 months service)	25 working days and	50 working days
During 2 <sup>nd</sup> year of service	50 working days and	50 working days
During 3 <sup>rd</sup> year of service	75 working days and	75 working days
During 4 <sup>th</sup> (and subsequent years of service)	100 working days	100 working days

Non-Teaching sick pay entitlement as per the Green Book are as follows

	Full Pay	Half Pay
During 1 <sup>st</sup> year of service	1 month	Nil
(after completing 4 months service)	1 month and	2 months
During 2 <sup>nd</sup> year of service	2 months and	2 months
During 3 <sup>rd</sup> year of service	4 months and	4 months
During 4 <sup>th</sup> and 5 <sup>th</sup> year of service	5 months	5 months
After 5 years of service	6 months	6 months

For part time Employees, 'full pay' refers to normal pay received for the fraction of the week worked, not the full pay of a full time Employee.

Sick pay shall not be paid in a case of an accident due to active participation in sport as a profession or activity , (e.g. domestic, social or sporting) that may be prejudicial to their recovery unless the Employer decides otherwise, although Statutory Sick Pay may be payable.

### **Sickness during annual leave and school closures**

Employees who are eligible for annual leave e.g. Caretakers and Site Managers who fall sick during annual leave must follow the Absence notification procedure as outlined in section 9 of this Policy and Procedure, (this applies to all Employees regardless of whether they are in the U.K. or abroad). Employees must also supply a Fit Note; a self-certificate is not acceptable. The Fit Note must be submitted to the Line Manager on return from holiday in order for the

period of leave to be re-instated for future use and for the sick leave to be recorded appropriately.

Employees whose sick leave extends into the school holiday must continue to submit Fit Notes, as required, even though the school is closed. Employees receiving sick pay before the school holiday /school closure where their illness continues, they will continue to receive sick pay during that period.

Any absence immediately preceding or/and following a period of annual leave may need to be investigated by the Employee's Line Manager.

### Industrial Injury

Where an Teacher is absent as a result of an accident, injury, assault or infectious disease attested by an approved medical practitioner arising out of and in the course of employment, the Teacher will be entitled to full pay for a maximum of six calendar months which is not reckonable against the normal sliding scale entitlement to occupational sick pay and sick leave as per Burgundy Book National Terms and Conditions.

Where a non-teaching Employee is absent through industrial disease, accident or assault arising out of or in the course of employment, periods of absence shall not be set off against the other for the purpose of calculating pay entitlements as per NJC Terms and Conditions.

### Absence due to cosmetic surgery

Cosmetic surgery, which is not NHS treatment, will not be classed as sickness absence. Please seek advice from Employment Relations.

### Absence Notification Procedure

#### **First day of absence**

Employees must telephone the nominated Line Manager (or nominated person during holidays, absence etc.) as early as possible but should be at least 30 minutes before the start of their shift/working day. A text message, e-mail, phoning a colleague or leaving a message will not be acceptable.

#### **The Employee should explain**

- The reason for the absence
- The likely duration of absence
- What action they are taking such as visiting their G.P

- Where they can be contacted and a telephone number should school need to contact them
- Any outstanding work that needs to be completed

### **Line Managers should ensure that**

- Any sickness absence that is notified to them is recorded
- Arrangements are made, where necessary, to cover work and to inform colleagues (whilst maintaining confidentiality).

If the sickness absence lasts for more than one day, unless they have submitted a Fit Note or otherwise agreed with their Line Manager, they should telephone every day. Only in exceptional circumstances may another person telephone on an Employee's behalf or a late notification may be accepted. This procedure is illustrated in Appendix 1.

### **Days Four to Seven of Absence**

Employees are required to complete a self-certification (HBS1) and submit this to their Line Manager no later than the 7th day of absence.

### **Day Eight and Onwards of Absence**

A Fit Note from their Medical Practitioner is required. The Employee must send this to the Line Manager no later than the eighth day of absence, wherever possible. Failure to submit timely Fit Notes may result in occupational sick pay being withheld.

It is expected that Employees co-operate with the spirit and intent of this policy and must accept that their Line Manager will maintain regular reasonable contact with them throughout their absence. Contact should be two way as Employees must also make every effort to contact their Line Manager to let them know of any changes to their medical condition whilst absent, the outcomes of any visit to their G.P. and when they intend to return to work etc.

If the absence is related to a mental health condition, advice from Employment Relations should be sought.

### **Stress-Related Absence**

Both Line Managers and Employees should familiarise themselves with the School's Positive Mental health and wellbeing policy.



In cases where absence is due to stress, anxiety or depression and the Employee has been, or will be absent for two weeks or more, then an Occupational Health referral should be made.

Line Managers are responsible for undertaking a stress risk assessment for their Employees as a group, every twelve months, or more regularly at times of change. A health and safety individual well-being risk assessment should also be conducted for individual Employees who have been absent due to stress, anxiety or depression. This may be done prior to a return to work or at their return to work interview.

### **Occupational Health**

To make an Occupational Health appointment for an Employee, Line Managers are required to complete a referral form. Advice and guidance regarding the content of the referral should be sought from the Employment Relations Adviser.

Employees must be made aware in advance of the referral and the letter attached to the referral form must be completed and sent to the Employee together with a copy of the completed referral form if requested.

If Employees are in work when the appointment is to take place, they will be given reasonable time off to attend appointments. Public transport rates will be paid.

With the Employee's consent Management will be provided with a report following the appointment. The Employee and Employment Relations will also receive a copy of the report.

A meeting will be held between the Line Manager and the Employee to discuss the report and recommendations. The Employee can request that a work place colleague or their Trade Union representative attends the meeting. Employment Relations may also be in attendance. A summary letter detailing the discussions that took place will be sent to the Employee following the meeting with the update provided to Occupational Health if appropriate.

Employees are required to contact their Line Manager if they are unable to attend their Occupational Health appointment stating the reason why. The Employee may be liable for the cost of the appointment if the timescales set out in the OH letter are not adhered to.

### **Phased Return / Amended Duties**

A phased return to work of either reduced hours or amended duties can be beneficial for both the School and the Employee. The purpose of this approach is to facilitate an earlier return to work with the expectation that they will be able to work their full contractual hours/duties within a reasonable period (this will not normally exceed 4 weeks).

Medical advice/recommendations will need to be provided in order for the Line Manager to consider the phased return/amended duties, i.e. Fit Note or following a referral to Occupational Health.

Consideration will be given as to how the advice/recommendations impact on the role, workplace, pupils and colleagues.

The phased return/amended duties and review dates should be agreed in advance of the return to work with the Employee and confirmed in writing (Appendix 4)

If an Employee is unable to return to the full contractual hours/duties at the end of the agreed period, a referral to Occupational Health will be made for advice and guidance.

Where a G.P./Occupational Health recommend a phased return longer than four weeks, Line Managers will consider whether this is a reasonable adjustment and whether this can be accommodated. Further advice can be sought from Employment Relations.

During the phased return/amended duties, the Employee will be paid full salary as they will be classed as having returned to work.

### **Return to Work Interview**

Following any absence a Return to Work Interview should be carried out on a one to one basis by the Line Manager (unless there is a good reason why the Line Manager should not undertake it). In this case, it may be appropriate for the Line Manager's Manager or other nominated person to undertake the interview.

Following any absence, the Line Manager should carry out a return to work interview using the pro-forma (Appendix 3). A return to work interview is one of the most effective ways to manage attendance and reduce absence. The purpose of the return to work interview is to.

- Welcome the Employee back and check they are well enough to return to work
- Update Employees about any changes that have taken place during their absence
- Identify any workplace adjustments or support that may be needed
- Discuss and agree a return to work plan
- Discuss any other issues that the Employee may need support with
- To raise any concerns regarding the Employee's absence levels and/or patterns of absence

Interviews should be carried out after each period of absence, regardless of the length or reason. The interview should be conducted as soon as possible and at the very least, within the first week of the Employee's return and the return to work details must be updated on the School's payroll system.

Line Managers should prepare for the interview by familiarising themselves with the Employee's absence record and Occupational Health advice (if applicable). If any discussion around length of absence/absence patterns is required, this should be done with the intention of assisting the Employee to improve attendance.

The Return to Work pro-forma should be used as a basis for the interview, although it is acknowledged that there may be additional comments or issues that arise during the interview. When the pro-forma is completed, a copy should be retained by the Line Manager and a copy given to the Employee.

Please refer to section 16.1 for wellbeing review points to check whether a wellbeing review meeting is required.

### The Equality Act 2010 and Reasonable Adjustments

The Equality Act makes it unlawful to unjustifiably discriminate against a person with protected characteristics. Discrimination occurs when a person is treated less favourably than someone else on the basis of his or her protected characteristic.

The Equality Act defines disability as a 'physical or mental impairment which has substantial and long term adverse effect on his/her ability to carry out normal day to day activities.'

Line Managers should therefore ascertain if the Employee is classified as having a disability as defined by the Equality Act through consultation with the Employee, Employment Relations and Occupational Health.

The Equality Act requires an Employer to consider and make reasonable adjustments to accommodate an Employee with a disability. An assessment will be made about whether the adjustment is reasonable and will take in to account; practicality, cost, disruption to the service, impact on colleagues, resources available and the Employees individual circumstances.

Where an Employee is classified as having a disability, absences relating to the disability should not be automatically classed as contributing to the criteria for Employee well-being review meetings (as outlined in section 16.0). Advice and guidance should be sought from Employment Relations.

### **Medical Redeployment**

Following a referral to Occupational Health, where the advice is that the Employee is unfit to return to their substantive post but would be a candidate for medical redeployment, then this should be considered. The Line Manager will arrange a formal meeting with the Employee to discuss the recommendations in the report. The Employee can request that a work place colleague or their Trade Union representative attends the meeting.

The Employee, supported by the Line Manager will search for suitable alternative employment immediately for a period up to a maximum of 6 weeks.

If the Employee wishes to apply for an alternative advertised job role, they will apply for the vacancy in the normal manner and their application will be considered with all other applications received. There is no guarantee of an interview nor is there a guarantee that the Employee will be offered any position they apply for. Advice from Employment Relations should always be sought on this.

If the Employee is successful in obtaining a position within or outside of the School, it will be subject to the normal recruitment checks including medical clearance. There is no facility to agree any pay protection if the role applied for is of a lower grade. Advice from Employment Relations should always be sought on this.

If Employees are unsuccessful in securing an alternative post under medical redeployment, then arrangements will be put in place to call a Formal Stage Three Absence Capability Hearing.

#### Process for Managing Short Term/Persistent Absences - Informal Monitoring Stage (Well-being review)

Following a return to work interview or where an Employee's sickness record, or patterns of absence are giving the Line Manager some cause for concern, the Line Manager should discuss those concerns with the Employee.

It is essential that any message conveyed in this matter regarding concerns is clear and unambiguous. The discussions do not form part of the formal procedure.

Well-being review points are indicated below and are measured over a rolling 12 month period

- a total of 9 or more working days (or the pro rata equivalent for a part time Employee), or
- 3 separate occasions of absence

Well-being review points should not be the only mechanism used to evaluate short-term or persistent absence and instead should be used as one of a number of factors taken into consideration when evaluating individual absence patterns such as return to work interview notes, medical information, The Equality Act etc., before deciding on whether or not to take action.

Line Managers also reserve the right to consider individuals aggregate absence records whether related to sickness, unpaid leave or other reasons over periods of more than 12 months.

If an Employee's absence(s) has reached a well-being review point, then a well-being review meeting should be arranged, see appendix 5 and 6. The meeting is an opportunity for the Line Manager to raise concerns with the Employee regarding the impact their absence has on the service, how attendance can be improved, for the Employee to offer an explanation and whether any additional support is required.

Once a well-being review meeting has taken place, the Line Manager may decide to informally monitor the Employee's attendance for a period of 6

months. This should be confirmed in writing (Draft letter available from Employment Relations).

Where a decision has been made to informally monitor the Employee's absence and an improvement has been made in line with the well-being review points, then the Line Manager may advise the Employee that the informal monitoring period will cease.

If there has been insufficient improvement in attendance in line with the well-being review points during the monitoring period, the Line Manager may decide to extend the informal monitoring stage for a specified period of time or may progress to the formal procedure section.

Where an Employee's attendance has been monitored via any stage of this policy and there have been periods of sickness with intermittent periods of improvement, or there have been periods of persistent or regular absence attributable to other reasons (such as unpaid leave or other time off) Line Managers may consider moving straight to the formal stages of this policy.

Management will give full consideration to the Employee's circumstances if they are likely to have a protected characteristic under the Equality Act. The School will always consider such cases in line with its obligations under the Equality Act and its position as a reasonable Employer.

## **Process for Managing Short Term/Persistent Absences – Formal Procedure Stage**

### **Formal Stage One Absence Capability Meeting**

If during the period of informal monitoring and there has been insufficient improvement in attendance in line with the well-being review points and/or there are continuing patterns of absence emerging, then a Formal Stage One Absence Capability Meeting will be convened. Line Managers should seek the advice of Employment Relations at this time. (Please see appendix 7 for the full Process).

### **Formal Stage Two Absence Capability Hearing**

If during the period of formal monitoring and there has been insufficient improvement in attendance in line with the outcomes of the Formal Stage One Absence Capability Meeting and/or there are continuing patterns of absence emerging, then a Formal Stage Two Absence Capability Hearing will be convened and heard by the Headteacher along with SLT and Halton HR as well

as any Union Members Line Managers should seek the advice of Employment Relations at this time.

The Hearing Committee hereafter will be referred to as the Hearing Officer. As part of this process the Line Manager will submit a management statement detailing the following

- Background
- Duties and responsibilities
- Sickness history including any meetings, summary letters, Occupational Health referrals and reports etc.
- Operational implications
- Conclusion

Please see appendix 8 for the full process and procedure.

### **Process for Managing Long Term Absence**

For absences of 20 working days or more Line Managers should maintain regular contact with Employees, see appendix 2. The purpose of the contact is to ensure Employees are supported, offered all appropriate support and so management are kept informed of timescales for recovery and a likely return to work date.

Regular absence review meetings should be held in order to ascertain how long the Employee is likely to be off, what their G.P. is advising, whether any support is required etc. The Employee can request that a work place colleague or their Trade Union representative attends the meeting.

If there is no indication of a return to work or further medical advice is required, then an Occupational Health referral should be made by the Line Manager,

A meeting must be arranged between the Line Manager and the Employee to discuss the Occupational Health advice. The Employee can request that a work place colleague or their Trade Union Representative attends the meeting. The purpose of the meeting will be to

- Discuss the reason for absence and the Occupational Health report
- Establish a likely return to work date, if possible
- Identify any work related issues that may be associated with the sickness absence and how these concerns can be addressed

- Discuss what support can be offered to assist an early return to work e.g. phased return, amended duties
- If Occupational Health advise that the Employee is unable to return to their substantive post, then medical redeployment or ill health retirement may be recommended.
- Explain to the Employee what the possible outcomes/consequences should their absence continue

In cases where the Employee has been absent for a long period of time and/or there is no prospect of a return to work in the foreseeable future, a Formal Stage Three Absence Capability Hearing will be convened as per section 17.3

### **Retirement on the grounds of ill health**

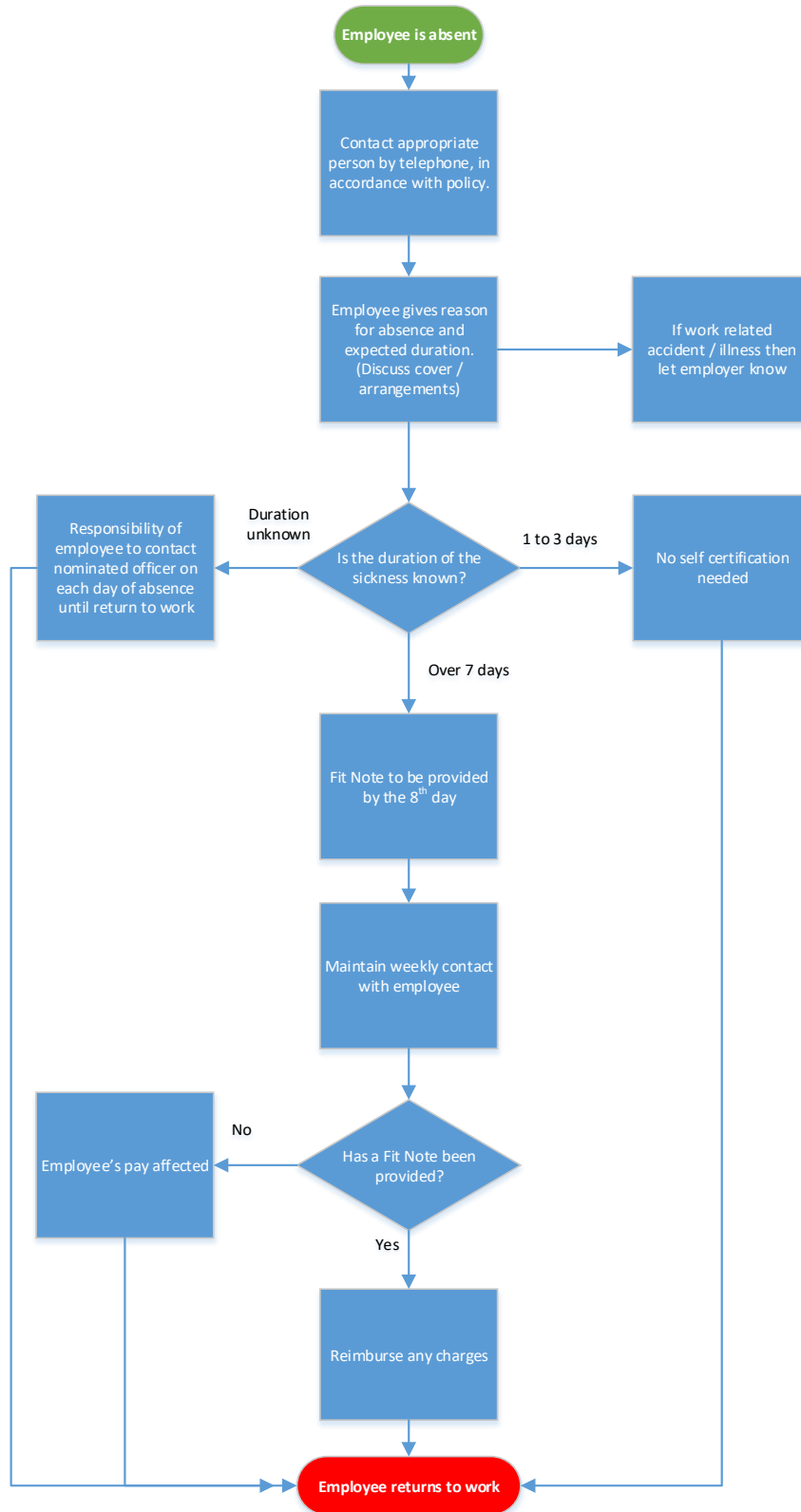
Should Occupational Health advise retirement on the grounds of ill health, seek advice from Employment Relations.

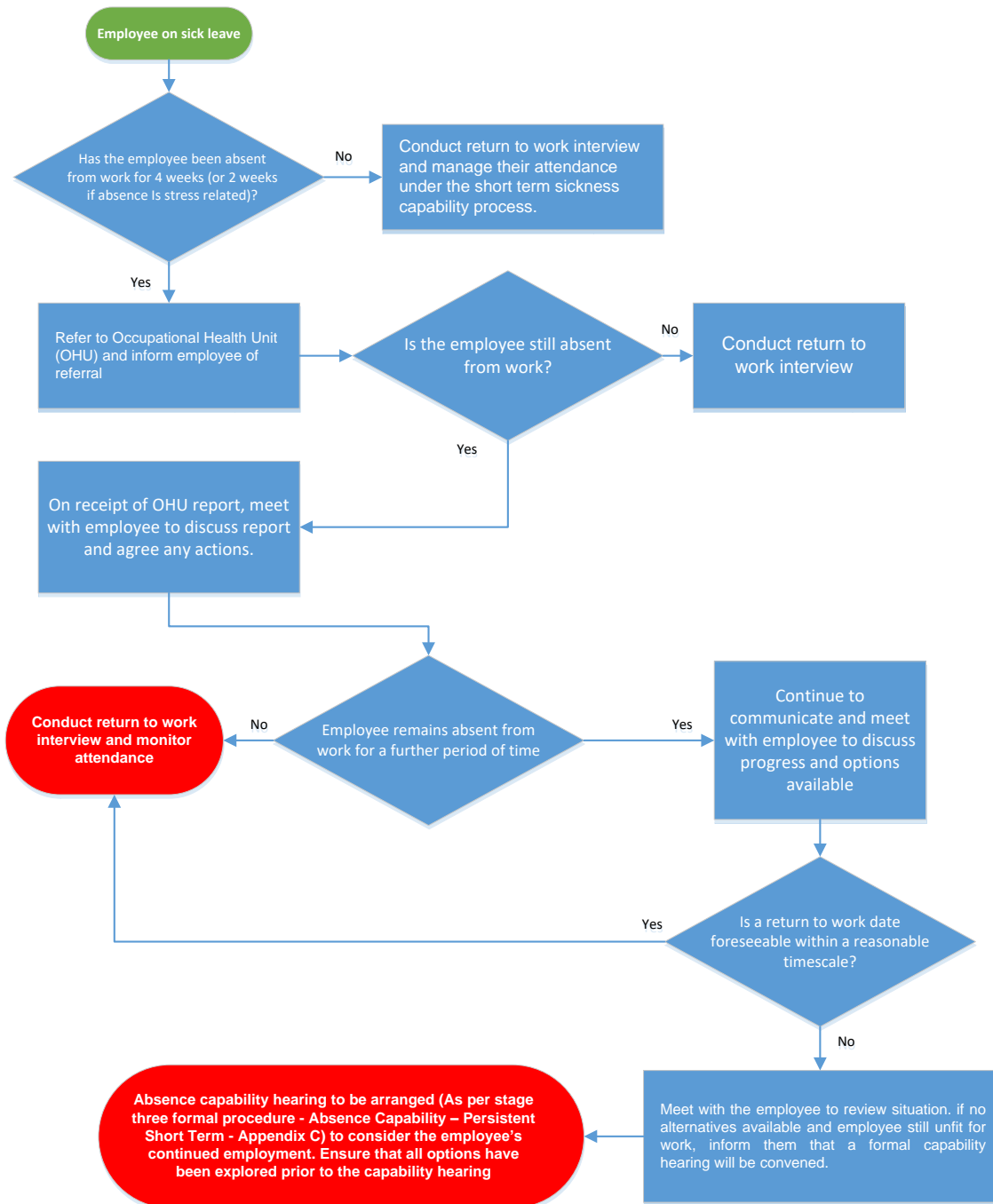
Signed Chair of Governors:

Signed Head teacher:

Date:







## **Appendix 3**

### **RETURN TO WORK INTERVIEW PRO-FORMA**

#### RETURN TO WORK INTERVIEW

Part A to be completed by the Line Manager prior to the Return to Work Interview

Name of Employee

Name of Line Manager conducting the interview

Date of return to work interview

First day of Absence

Last day of Absence

Total days/hours of current absence

Total days/hours of absence over the last rolling twelve months. Not including industrial injury or pregnancy related absences and cancer screening or disability related absence

#### **Reason Given for Absence**

HBS1 completed? Yes/No/NA

Fit Note Provided? Yes/No/NA

Part B to be completed in discussion with the Employee

General enquiry into Employee's health and well-being, and/or issues that management should be aware of etc., noted.

Update on events whilst Employee absence

OHU Referral? Relevant points/recommendations discussed?  
Yes/No/NA

Is absence an industrial/occupational injury, pregnancy related or related to a disability? Yes/No

If it is an Industrial Injury, has it been reported to the Health and Safety Officer and what if any actions have been agreed? Yes/No/NA

If relevant has a pregnant worker/disabled person risk assessment been carried out? Yes/No/NA

Is the absence stress, depression or anxiety related? Yes/No/NA

If stress related, has a stress risk assessment been undertaken? Date/Action, Referral?

Is a period of rehabilitation/phased return/amended duties appropriate following this absence? (See Phased Return/Reasonable Adjustment Proforma).

If yes, note details agreed with the Employee.

Are there any reasonable adjustments that need to be implemented to assist a return to work?

Is any other support required to assist a return to work?

**Comments from Employee.** (I.e. anything the Employee feels their Line Manager should be aware of in relation to their absence, support required from management etc.).

Signed .....(Employee) Date

Signed .....(Line Manager) Date

**Appendix 4**

**PHASED RETURN / REASONABLE ADJUSTMENT PRO-FORMA**

Name of Employee

Job Title

School/Area

Date of Meeting

Contracted hours

Phased start date

Phased end date

	MON	TUES	WED	THURS	FRI	SAT	SUN
WEEK 1							
WEEK 2							
WEEK 3							
WEEK 4							

Any additional support / equipment required? Yes/No

Signed by Line Manager

Signed by Employee

Review Date:

**REVIEW OF PHASED RETURN / REASONABLE ADJUSTMENT**

Has the Employee returned to normal contracted working hours / duties?

Yes/No

If yes, date of the above:

## **Appendix 5**

### **WELL-BEING REVIEW PRO-FORMA**

Confidentiality – When discussing issues relating to any form of absence with Employee, they should be advised that the conversation will remain confidential, but that it may be necessary to disclose certain details to relevant parties to ensure that all relevant support is considered.

Name of Employee

Job Title

School

Date of Meeting

Name(s) of other attendee(s), if applicable

Period of absence in the previous 12 month rolling period:

Summary of key issues discussed:

Actions Agreed (include responsibilities/timescales for any action)

Agreed timescale for improvement (if appropriate):

Signed by Line Manager

Date:

Signed by Employee

Date:

Review Date:

## **Appendix 6**

### **Informal Stage Well-Being Review Process**

#### Responsibilities of the Line Manager

- to undertake the well-being review meeting with the Employee
- explain and illustrate the absence frequency
- verify the absence record
- explain the impact on the School, service delivery etc.
- discuss reasons for absence including any potential disability or health issue
- discuss any necessary referrals to Occupational Health or other support such as G.P., access to work etc.
- what action has been taken to improve attendance by the Employee and whether they have any suggestions for further improvement
- review management support and any potential further support required such as training or reasonable adjustments which are consistent with the needs of the service
- agree an action plan for improving attendance, together with agreed targets
- advise of the likely consequence if the Employee fails to improve their attendance, i.e. move to the Formal Stage One Absence Capability Meeting.
- monitor the attendance for a period up to 6 months.
- set a date to review the above, timescale depending on Occupational Health etc.
- review progress with the Employee in accordance with the agreed timescales
- confirm the main points of the meeting in writing to the Employee with a copy of this Policy and Procedure attaching the well-being pro-forma (appendix 5) Draft letter available from Employment Relations.

## **Appendix 7**

### **Formal Stage One Absence Capability Meeting Process**

#### Responsibilities of the Line Manager

- Issue a letter to the Employee inviting them to the Formal Stage One Absence Capability Meeting, giving at least 10 working days'
- Advise the Employee that they may be accompanied at the meeting by their Trade Union representative or work colleague of their choice.
- Advise the Employee if an Employment Relations Adviser will be in attendance
- To Chair the Formal Stage One Absence Capability Meeting.

#### **The objectives of the meeting are to**

1. explain and illustrate the absence frequency
2. verify the absence record
3. discuss reasons for absence including any potential disability or health issue
4. discuss any necessary referrals to Occupational Health (section 11.0) or other support such as G.P.
5. discuss what action has been taken to improve attendance by the Employee and whether they have any suggestions for further improvement
6. review Management support and any potential further support required
7. explain what the impact is on the School, service delivery etc.
8. agree an action plan for improving attendance, together with agreed targets
9. advise of the likely consequence if the Employee fails to improve their attendance

Potential outcomes could be as follows, these include: (this list is neither exclusive nor exhaustive)

- Referral to Occupational Health or signposting to other agencies/service
- Identification of a personal, work related problem, medical issue, reasonable adjustment that requires further investigation.



- Support such as training, health and safety well-being risk assessment, risk assessment
- Insufficient grounds for pursuing the absence management issue
- Remain on informal monitoring for the remainder of the 6 month period (as per the informal stage) and review accordingly
- Extend the informal monitoring period for a specified period of time and review accordingly
- The Employee has achieved the required improvement in attendance and in such cases formal stage one will come to an end
- The Employee is issued with a written warning which will remain on the Employee's record for 6 months. This warning will include a period of up to 6 months formal monitoring. This will be referred to if there is any future absence and may trigger progression to a Stage Two or Three Absence Capability Hearing should the required improvement not be achieved.

All outcomes will be confirmed in writing, with a copy of this Policy and Procedure to the Employee together with details of the right of appeal, appendix 10.

Any such warning will relate to the School's Absence Management Policy and Procedure only and would not be referred to as any other Policy and Procedure, e.g. Disciplinary.

## **Appendix 8**

### **Formal Stage Two and Three Absence Capability Hearing Process**

The Clerk to the Hearings Panel will:

1) Notify the Employee, in writing, of the Formal Stage Two or Stage Three Absence Capability Hearing giving full and concise details of the capability issue, the right to be accompanied, date, time, venue and who will be present. Also the right to ask individuals (to be notified to the senior manager three working days in advance) to give supporting evidence.

2) The notification, management statement and a copy of this Policy and Procedure should be sent out at least ten working days in advance of the hearing either first class mail, recorded delivery or hand delivered.

The role of the Hearings Panel will be to consider the following

- The issues that have been identified as causing concern
- What action has been taken to improve attendance by the Employee
- Any advice from Occupational Health and their recommendations
- The reasonableness of management support
- Whether any further support is required such as Occupational Health, G.P. etc.
- The impact the absences have on the school/service

Immediately after the final summary, the Hearings Panel (after consultation with an Employment Relations Adviser) will consider the range of options available. These include: (This list is neither exclusive nor exhaustive).

- Referral to Occupational Health or signposting to other agencies/services
- Identification of a personal, work related problem, medical issue, reasonable adjustment that requires further investigation.
- Support such as training, health and safety well-being risk assessment, risk assessment
- Insufficient grounds for pursuing the absence management issue
- Remain on informal or formal stage monitoring for the remainder of the 6 month period (as per the informal /formal stage) and review accordingly

- Extend the informal/formal monitoring period for a specified period of time and review accordingly
- The Employee has achieved the required improvement in attendance and in such cases formal stage two/three will come to an end
- The Employee is issued with a final written warning which will remain on the Employee's record for 12 months. This warning will include a period of formal monitoring. This will be referred to if there is any future absence and may trigger progression to a Stage Three Absence Capability Hearing should the required improvement not be achieved.
- Further time should be allowed to enable the Employee to reach the required standards
- Dismissal with notice or pay in lieu of notice

All outcomes will be confirmed in writing, with a copy of this Policy and Procedure to the Employee together with details of the right of appeal, appendix 10

Any such warning will relate to the School's Absence Management Policy and Procedure only and would not be referred to as any other Policy and Procedure, e.g. Disciplinary

## Appendix 9

### CONDUCT OF THE FORMAL STAGE TWO AND THREE ABSENCE CAPABILITY HEARING

The procedure to be adopted at the Formal Stage Two and Stage Three Absence Capability Hearings

1)The Hearing will be conducted by the Hearings Panel who will be accompanied by an Employment Relations Adviser who was not involved in the earlier stages of the Procedure.

2)The Hearings Panel will satisfy themselves that the Employee understands the purpose of the hearing, the nature of the capability issue(s) and the possible implications arising from it.

3)The case presented with regards to the Employee will normally be presented by the responsible Line Manager who had managed the concern(s) the matter or such other manager with sufficient knowledge. This manager will not be senior to the manager conducting the hearing. The presenting Line Manager will describe the case and the presentation may include witnesses, written statements or other documents where these are necessary. (If written statements or other documents are to be presented copies of these should normally be sent to the Employee and their representative with the letter convening the hearing).

4) The Employee and/or representative will be given the opportunity to question the presenting Line Manager as well as any witnesses who have given evidence.

5) The Employee or their representative will then be invited to respond to the case presented. The Employee may also produce witnesses (written statements should be submitted in advance of the hearing), written statements or other documents in support of their case. (Where written statements or other documents are to be presented copies should be provided to the **\*Insert name of Committee here** and presenting Line Manager at least three working days before the hearing). Where witnesses are School Employees they will be given reasonable time off with pay to attend the hearing.

6) The presenting Line Manager will be given the opportunity to question the Employee, their representative and any witnesses called.

7) At any stage during the hearing the Hearings Panel and the Employment Relations Adviser may ask questions of the Employee, the presenting Line Manager or any other such person as they may consider appropriate in order to ascertain the facts and arguments.

8) The presenting Line Manager will then be invited to make a closing statement not introducing any new material.

9) The Employee or their representative will be given the opportunity to make a closing statement also without introducing any new material.

10) Both parties will withdraw to allow the Hearings Panel to review and consider the evidence in conjunction with the Employment Relations Adviser. If recall of the parties is necessary to clear points of uncertainty, both parties are to return, notwithstanding that only one is concerned with the point giving rise to doubt.

11) The Hearings Panel will then recall both parties to inform them of the decision. The decision should normally be announced verbally to the parties as soon as it is possible on the day of the hearing. If it is not possible to make a decision immediately the parties should be informed of this. In any event a decision must be made within five working days of the hearing concluding. The decision should be confirmed in writing and delivered to the Employee either by hand or first class post with a copy to the Employee's representative.

## Appendix 10

### ABSENCE CAPABILITY APPEALS PROCEDURE

#### 1.Principles - Right to Appeal

1.1 Employees have the right to appeal against decisions made during the Formal Stages of the Absence Capability process. It is in everyone's interests that the process is applied fairly and equitably.

#### 2.0 Timescales

2.1 Any appeal must be lodged, in writing, within ten working days of receipt of written notification of the decision taken. For the sake of dealing with the matter expeditiously the appeal will normally be convened within 21 working days of the appeal being lodged with the School.

2.2 All parties to appeal hearings must endeavour to make themselves available, often at short notice.

2.3 The Employee shall be given in writing a minimum of 10 days' notice of the date, time and place of the hearing and shall be allowed to be represented by a Trade Union representative or fellow Employee of their choice.

2.4 Appeal against Written Warnings and Final Written Warnings and dismissal will be to Clerk to the Governing Body.

#### 3.0 Confirmation of Hearing

3.1 Included with the letter notifying the Employee of the appeal hearing will be the following:

- a copy of the absence capability letter sent to the Employee confirming the action taken
- a copy of the Employee's letter lodging the appeal
- the procedure for the hearing
- any written statement or other documents, which are to be presented by both sides at the hearing. All paperwork should be submitted 5 working days before the date of the Hearing.

Any Employee called as a witness will be given reasonable time off with pay to attend the hearing.

## **Procedure for hearing appeals**

The Chair of the Hearings Appeal Panel should satisfy him/herself that both parties are familiar with, and understand, the procedure to be followed at the hearing.

At any stage during the hearing, the Chair of the Hearings Appeal Panel and the Employment Relations Adviser may ask questions of the appellant, their representative, the management representative or any other such person as they may consider appropriate in order to ascertain the facts and arguments.

The management representative shall state the case in the presence of the appellant and their representative and may call witnesses. Witnesses will only be present for the duration of their evidence.

The appellant or their representative shall have the opportunity to ask questions of the management representative and any witnesses.

The management representative shall have the opportunity to examine their witness on any matter referred to in the examination by Chair of the Hearings Appeal Panel hearing the appeal, the appellant or their representative.

The appellant or their representative will then put their case and may call witnesses. Witnesses will only be present for the duration of their evidence.

The management representative shall then have the opportunity to ask questions of the appellant and any witnesses.

The appellant or their representative shall have the opportunity to examine their witness on any matter referred to in the examination by the Chair of the Hearings Appeal Committee or the management representative.

The management representative shall then be invited to make a closing statement without introducing any new evidence.

The appellant or their representative shall be invited to make a closing statement without introducing any new evidence.

Both parties shall withdraw to allow members of the Hearing Appeals Committee hearing the appeal to review and consider the evidence in conjunction with the Employment Relations Adviser. If recall of the parties is necessary to clear points of uncertainty, both parties are to return, notwithstanding that only one is concerned with the point-giving rise to doubt.

The members/Chair of the Hearings Appeal Panel hearing the appeal will then recall both parties to inform them of their decision. The decision should normally be announced personally to the parties as soon as it is possible on the day of the hearing. If it is not possible to make a decision immediately the parties should be informed of this. In any event a decision must be made within five working days of the hearing concluding. The decision should be confirmed in writing and delivered to the Employee either by hand or first class post with a copy to the appellant's representative.