

# Lickhill Primary School



## Leave of Absence – Guidance and Procedures Policy

Date of policy: September 2016

Ratified by the Governing Body on: 30.01.17

Signed : *A. Bhardwaj* (Chair of Governors)

## **1. Rationale/Introduction**

1.1. Lickhill Primary School values the contribution of its employees in the delivering an effective learning experience for all of its students. Absence throughout the school can have a significant impact on this including disruption to students learning, the cost implications of additional cover as well as team morale. As such, it is vital that attendance at work is managed effectively.

1.2 It is inevitable however, that employees will experience periods of absence due to ill-health or injury from time to time and it is important that a balance is struck between managing absence, and the expectation that Lickhill Primary School will be supportive and act as a fair and reasonable employer.

1.3 A key aim underpinning this policy is to ‘promote a positive and preventative’ approach to sickness absence management and as such managers are expected to take a proactive approach to retaining employees at work where possible.

## **2. Equal Opportunities**

2.1 Employees are expected to adhere to this policy in line with the school’s obligations under the Equality Act 2010. Managers must ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion.

## **3. Scope of Policy**

3.1 This policy applies to all employees of Lickhill Primary School across all functions of teaching, learning and support staff. It is designed to maintain consistency of action taken and support provided to employees with unacceptable levels of absence.

3.2 This policy applies to absence caused by personal illness or accident. Employees must not use the sickness absence procedure to take time off work because of the illness or accident of others, e.g. children or partners.

## 4. Exemptions

### 4.1 Disability Related Absence

4.1.1 In accordance with the Equality Act 2010 employees with disabilities should not be treated any less favourably than other employees.

4.1.2 Senior managers should consider reasonable adjustments which can be put in place to help facilitate early return to work, limit future absence and support the employee in achieving an appropriate level of attendance. Whilst the legislation itself does not provide specific examples of reasonable adjustments some suggestions are outlined below;

- Providing specialist equipment
- Modifying days or hours of work
- Modifying duties

4.1.3 In addition, the school will support employees with disabilities or long term health conditions to attend medical appointments, therapeutic treatment and counselling appointments. Where possible these appointments must be made outside core teaching hours.

4.1.4. In some circumstances, it may be appropriate to give consideration to extending the absence trigger points, in recognition of an underlying medical condition. In making this decision, senior managers must consider the cost of an employee's absence and also the disruption to service provision of the employee being away from the workplace.

4.1.5 It should be noted, that having a disability or genuine reason for absence does not prevent termination of employment where attendance is not at the required level, and all other interventions, adjustments and other options under the procedure have been exhausted.

### 4.2 Maternity related absence

4.2.1 Pregnancy related sickness absence, will not be taken into consideration when identifying whether trigger points for action under this procedure have been met. Pregnancy related sickness does however, count as sickness absence for pay purposes.

4.2.2 Where an employee has had absence directly related to her pregnancy, senior managers are required to review the pregnancy risk assessment form on the employee's return to work, and ensure that there are no further actions that need to be taken to support the employee in the workplace.

4.2.3 In circumstances where the employee's absence is due to non-pregnancy related sickness either during her pregnancy or at the end of her maternity leave then this should be managed under the improving attendance procedure as with any other absent employee.

4.2.4 Where an employee is absent long term as a result of her pregnancy, senior managers should seek advice from HR.

### 4.3 Other

4.3.1 Where a condition has been determined to be terminal or an employee is diagnosed with a sudden severe or chronic illness it may be appropriate to review whether the formal stages of this procedure should be followed.

4.3.2. Some discretion may also apply in circumstances where an employee is absent as a result of an operation or accident and further related absence is unlikely to occur.

## **5. Roles and Responsibilities**

### **5.1 Line managers and senior managers**

- Provide clear leadership for the reduction of sickness absence levels and ensure this policy is implemented
- Ensure action plans are in place to deal with areas of high sickness absence and support managers in achieving defined standards
- Encourage a positive attitude to attendance at work
- Ensure that the procedure is applied consistently across the organisation
- Make employees aware of the sickness absence management procedure
- Ensure every absence is accurately recorded
- Discuss on-going sickness absence with the employee at an Absence Review Meeting and keep written documentation of agreed action points
- Seek help, guidance and support from HR with regards to the implementation of this policy and procedure particularly in cases of long term sickness absence
- Ensure that a return to work interview is conducted with each employee within 3 working days of returning from sickness absence
- Create a supportive environment to facilitate a successful return to work for employees
- Always consider reasonable adjustments and implement where appropriate

### **5.2 Employees**

- Comply with the sickness absence notification procedure
- Maintain contact with their manager during periods of sickness absence and co-operate with all reasonable requests to attend meetings.
- Attend occupational health appointments when asked to do so and participate in discussions regarding possible support or reasonable adjustments required to help achieve and maintain acceptable levels of absence.
- Manage their own wellbeing and take all reasonable steps to ensure they are able to attend work

## **6. Sickness Absence Reporting Procedure**

6.1 Absence must be reported to the Deputy Head Teacher , either by text or phone call and to staff whom they work closely with.

6.2 Staff must wherever possible notify the designated contact person in advance of their normal start time and certainly no later than an hour before. In exceptional circumstances where this is not possible (i.e. due to hospitalisation) contact should be made as soon as is reasonably practicable. This can be through a family member or partner.

6.3 The following information should be established during the initial phone conversation;

- The date which the absence started
- A basic understanding of the nature of the absence
- The likely duration of absence (where absence is expected to last in excess of 7 calendar days a doctor's certificate must be provided)
- The steps the individual is taking towards their recovery
- Any support which the school could provide in supporting/facilitating a return to work
- Whether any work related factors have contributed to absence i.e. stress at work, work place injury.
- Agreed contact plan

## 6.(a) Discretionary Leave

Reason	Suggested Maximum Number of days per financial year	Paid/Unpaid
Serious illness of close relative (spouse, partner, child, parent, parent in-law, grandparent, brother, sister, grandchild, any close relative living with employee)	3 days	Paid
Death of close relative	5 days	Paid
Death of other relative (including funeral)	1 day	Paid
Illness followed by death of near relative (including above)	7 days	Paid
Funeral (Other than above)	1 day	Paid
Routine health screening (e.g. cervical cancer)	1 day depending on individual circumstances	Paid
Elective hospital, dental or ophthalmic, opticians appointments	3 days	Paid
Normal doctors, dental appointments should be made outside working hours		
Moving house	1 day	Paid
Examinations (academic)	2 days	Paid
Job interview	2 days – additional days depending on individual circumstances	Paid
Attendance at new school before starting a new job	1 day	Paid
Attendance at own degree ceremony	1 day	Paid
Memorial service for parent or close relative	1 day	Paid
Your own personal participation in national, international, County level sport, drama, music	3 days	Unpaid
Childcare (Time to make arrangements for the child's care in case of sick child)	3 days (this can be 3 consecutive days or 3 first day separate times)	Paid
Childcare once the above time has been reached is unpaid. Parents of children under 5 are also entitled to time off for care of child but this is unpaid		Unpaid
Family/Domestic crisis (e.g. marriage break-up, financial or housing problems, burglary, fire etc.)	5 day	Paid
Family/domestic routine events (e.g. domestic appliance breakdown etc.)		Unpaid
Severe weather conditions	Individual circumstances to be considered	Paid/Unpaid
Auxiliary services, Territorial Army etc.	2 weeks	Unpaid
Redundancy	Reasonable	Paid

There may be extensions to these suggested maxima as paid or unpaid leave in exceptional circumstances, always bearing in mind the need for equity and fairness of treatment between staff.

## **6.(b) Definitions**

6.4 In the table above the following definitions apply:

"close relative" in this context, means spouse, partner, child (including foster or stepchild), parent, parent in law, grandparent, brother/sister, grandchild, any close relative living with the employee or any situation where the employee is not related, but has a particularly close relationship with the person concerned;

"serious illness" means either a dangerous illness or a less dangerous illness where the suddenness of onset makes it essential for the employee to make urgent and special arrangements which cannot be made by the patient themselves;

"year" means financial year;

"normal pay" means that normal pay specified for annual leave purposes under the employee's conditions of service. Where unpaid leave of absence occurs, deductions of salary shall be calculated at a daily or part daily rate based on the day's salary being 1/365th of a year for each day of the period of absence;

"Headteacher" can include any other person acting on behalf of the Headteacher, or, where the request is made by the Headteacher, the Chair of Governors or any other Governor delegated to take decisions on such matters.

The advice applies to all staff unless otherwise indicated and applies to part time staff on a pro rata basis.

## **7. Sickness Absence Certification Requirements**

7.1 Certification timescales must be adhered to as follows:-

- For all absences of 3 days or less, no certification is required
- For absences of between 4 and 7 days' duration a self-certification form will need to be completed.
- If the absence is more than 7 days (including weekends and other non-working days), the employee must provide a fit note signed by a GP/Hospital Doctor

## **8. Supporting employees who are absent as a result of long term sickness**

8.1 It is important for the school to maintain regular contact with employees who are absent as a result of long term sickness.

8.2. During the period of regular contact should be maintained in order to discuss the employee's health and wellbeing, expected length of continued absence from work, provide reassurance and ascertain if there are any work that requires attention in their absence. The level of contact will vary due to the nature of the employee's absence but as a minimum it is recommended this is at two weekly intervals.

8.3 In circumstances where an employee is hospitalised they should ensure that the school is kept apprised of the situation by a family member or trusted friend/colleague until they are able to maintain contact themselves.

8.4 If the employee has any concerns while absent on sick leave, whether about the reason for their absence or their ability to return to work, they should feel free to contact the school at any time during working hours.

## **9. Occupational Health**

9.1 Early and effective medical advice is vital in identifying the most appropriate route to managing sickness absence.

9.2 The timing of an Occupational Health referral will depend on the particular circumstances of the case, but in the case of long term absence the referral process should be at four weeks' absence or two weeks' absence if the absence is related to one of the following;

- ✓ Stress, anxiety, depression or other mental health problem; or
- ✓ Reoccurrence of a previous health condition

9.3 If an employee refuses to attend an occupational health appointment the reasons for non-attendance should be established and if reasonable an appointment at a later date should be arranged.

9.4 Employees should be aware that whilst it is their decision whether or not to attend an appointment with Occupational Health non-attendance may mean a decision is made by the school in the absence of health advice.

9.5 Once advice has been received from Occupational Health a meeting should be arranged with the employee to discuss the content of the Occupational Health report. In circumstances where an employee feels unable to attend the workplace, this meeting can be held at an alternative location by agreement of all parties.

## **10. Return to Work Procedure**

10.1 After any period of sickness absence a return to work discussion with the employee should be arranged and conversations documented.



10.2 All return to work discussions should be informal, conducted in private and in a sensitive manner. The format of the meeting will depend on the situation, however generally the following issues should be covered:

- Welcome back
- Check whether the employee is now fit to return to their duties fully.
- Establish the reason for absence and whether there is a work related and/or an underlying problem.
- Establish what steps the employee has taken to have the cause investigated and any preventative measures they are taking to prevent reoccurrence
- Enquire whether there is any further support the school may be able to provide to assist the employee to avoid further absences.
- Ensure that all notification measures have been completed i.e. the employee has recorded the absence on workforce or the line manager has closed the period of absence on workforce where the absence was 7 days or more.
- If necessary, raise any concerns with the employee regarding their level/pattern of absence and inform them if their absence will now need to be reviewed under the formal procedures for managing absence.

10.3 In circumstances where an employee's absence exceeds the schools trigger points section 12 of this policy should be referred to for further advice.

## **11. Phased return to work**

11.1 Most employees will return to their normal duties and working pattern after a period of absence as a result of ill health. Depending on the nature of an employee's absence, it may be appropriate for a phased return to work to be considered. This allows the employee to reintroduce themselves gradually and can, in some instances, allow for an earlier return to work date.

11.2 All employees are eligible for a phased return to work where the length and/or nature of the sickness absence warrants it. Normally this would be available only when an employee has been absent for at least eight weeks. This is however also dependent on the cause of absence, guidance received on the Fit Note from the GP, and Occupational Health Advice. HR, in conjunction with occupational health, can give advice and guidance as to whether a phased return to work would be beneficial, and if so, occupational health must assess the capability of the employee prior to his or her return.

11.3 It may be necessary to make temporary adjustments to the employee's duties as part of the phased return to work. This should be fully discussed with the employee during the return to work process.

11.4 The normal duration for a phased return to work is four weeks or less. Should the employee feel that their condition has deteriorated whilst at work, they should inform their line manager.

11.5 For the four week phased return to work period the employee will receive their normal contractual pay. At the end of the four weeks, if the employee is unable to return to their full contractual hours, they will be paid for the hours they work.

11.6 If at the end of the extended four week period the employee is still not able to return to their full contractual hours they may apply for a permanent (or if possible long term temporary) reduction to their contracted hours.

## **12 Managing Frequent, regular and high levels of absence**

12.1 Where an individual's absence level meets one of the following trigger points, the senior manager should review the absence levels with the employee at their return to work interview.

- Three or more incidences of absence in any three month period; or
- Six or more incidences of absence in a twelve month period; or
- Ten or more day's sickness absence within a twelve month period. Please note that in circumstances where employees are part time or where employees work different shift patterns triggers will be pro rata to reflect the employees working pattern; or
- Any other pattern of absence which causes concern e.g. absences occurring on a particular day of the week, absences occurring before and after planned leave, a continuous pattern of absence review meetings, or
- Where an employee has a mixture of short and long term absences, it will be appropriate to manage the employee's absence in accordance with the above procedure.

12.2 In cases where employees have met the trigger point, there may be circumstances where discretion may be used by the school, as to whether or not an absence improvement plan is necessary. Although each case will be reviewed individually, the following are examples of circumstances where discretion may be appropriate:

- Emergency health situations which exceed 10 days i.e. hospitalisation
- Where a planned surgical operation takes place and appropriate period of rehabilitation is required.
- Where a period of long term absence has been managed under this policy

12.3 During this meeting, it is important that;

- Concern is expressed about the employee's level of absence
- Discussions at previous meetings are recapped i.e. what the health issue is, what actions have been agreed, what support has already been offered and what the current situation is.
- Any supportive measures are identified which may assist the employee in achieving a satisfactory level of attendance. This may include consideration of reasonable adjustments such as changes to the workload, work practices or work pattern.
- Any adjustments that may be appropriate in accordance with the Equality Act 2010 are identified.
- Discussions are held with the employee as to whether there is anything that they can do to improve their health

- If a referral to Occupational Health has not already been made, it should be considered at this point.
- Clear targets for action/improvement are agreed and a review date of six months from the date of the meeting is set. The targets that should be set are absence levels of no more than 5 working days (pro rata for part time employees) or 3 separate incidences of absence
- Clarifies what further action will be taken if the absence targets are not met

12.4 The discussions and actions should be recorded on an Absence Improvement Plan. The senior manager should meet with the employee at 2 month intervals during the six month review period to review progress against the absence targets. If at any point during the six month review period the absence targets have been exceeded, the individual should be invited to a formal health capability meeting.

12.5 Where a satisfactory level of attendance has been achieved, no further absence discussions will be required. However, the employee should be made aware that their attendance must be sustained over the next rolling twelve months. In circumstances where this is not sustained the employee will be invited to a health capability meeting to discuss their attendance.

### **13. Managing Long Term Absence**

13.1 Absences in excess of 28 days (including non-working days) are considered to be 'long term' for the purposes of this policy and the school's primary focus is to ensure that those individuals are helped and supported back to work when they feel able to do so. Timescales and approaches outlined in this policy may be subject to change with reference to the circumstances of a particular case.

13.2 After 28 days' absence (or 2 weeks where the absence relates to stress/anxiety or a recurrence of a previous medical condition), the designated senior manager or Headteacher will arrange for the employee to attend a medical assessment with the school's occupational health advisors. Details of things to consider when completing this referral can be found in Section 10 of this procedure.

13.3 At the point where medical advice has been received back, the employee will be invited to a meeting to discuss their period of ill health. This meeting will be an Absence improvement meeting as per section 14 of this procedure. Senior managers must ensure that three working days' notice is given to the employee and also the right to be accompanied by a trade union representative or work colleague of their choice. The meeting will also be attended by an HR representative to ensure a fair, consistent and sensitive approach is maintained.

13.4 At the meeting the following points should be discussed with the employee;

- Progress made and prognosis for return. This could include agreeing a return to work programme and/or adjustments if the employee is likely to become fit to return to work in the near future.
- Support available that could help assist recovery and return to work.

- The medical report received back from the school's occupational health team.
- Establish a return to work plan if appropriate
- Information about the impact of continued absence on pay.
- What alternatives the employer may wish to explore, i.e. redeployment, ill-health retirement etc.;
- Consideration as to whether there is any external assistance which may support an early return to work and/or the maintenance of acceptable levels of absence. This may include government agencies, charitable bodies and other industry and specialist organisations

13.5 Following this meeting and during the period of absence, regular contact should be maintained with the employee concerned (see section 9 for more details). In addition, senior managers should meet with the employee on a monthly basis to discuss their progress. Senior managers must ensure that they make notes of the meetings and write to the employee to confirm the outcome of the meeting.

13.6 In circumstances where a return to work has not been achieved within an indicated period of time, it will be appropriate to invite the employee to a health capability meeting to discuss their attendance. This meeting would also be appropriate at the stage where the employee has been absent from work for 3 months.

## **14. Health Capability Meeting**

14.1 At the point where an employee's absence triggers a Health Capability meeting, the senior manager should write to the employee giving them three working days' notice of the meeting and the opportunity to be accompanied by a trade union representative or work companion of their choice. A member of HR should also be present.

14.2 The employee must take all reasonable steps to attend the meeting. If for any reason the date is not suitable, they should advise the senior manager of an alternative time when they are available. This should be within 10 working days of the original date.

14.3 A written warning will be issued at this meeting. This warning will remain on the employee's personal file for a period of twelve months. During this time employee must sustain a satisfactory level of attendance in accordance with the trigger points outlined in Section 13.

14.4 Where an employee exceeds these triggers within the twelve-month time frame, they should be invited to a Health Capability Hearing.

14.5 In cases of long term sickness absence, it will be appropriate to progress to a Health Capability Hearing where an employee has been absent from work for a substantial period or in circumstances where occupational health advice has been received which suggests that the employee is unable to return to work within an indicated period of time.

14.6 Information regarding the potential for redeployment on grounds of ill-health or retirement on the grounds of ill-health should be sought as early as possible, however this may still be considered at anytime during the process.

## **15. Health Capability Hearing**

15.1 Where employees have been unable to sustain a satisfactory level of attendance despite supportive interventions or has had a continued period of long term sickness absence, a Health Capability hearing should be convened. This meeting should be heard by either the Headteacher or panel of governors depending on the nature of the case.

15.2 At this meeting, a senior manager will be expected to provide and present a report on progress to date, supportive interventions, occupational health guidance and targets agreed.

15.3 Employees should be given three working days' notice of the meeting, and the right to be accompanied by a trade union representative or work companion of their choice. An HR representative should also be present to provide advice on HR Policy and Procedure. The employee must take all reasonable steps to attend the meeting, but if there is a reason why the date is not suitable, the employee should advise the Hearing Officer of this and the hearing will be arranged within 5 working days of the original date.

15.4 Prior to the hearing the employee will receive details of all of the information to be discussed (e.g. occupational health report, details of previous meetings, certificates and sickness figures) and an agenda for the hearing. The documentation should be sent to the employee at least 3 working days before the hearing.

There are six possible outcomes of the hearing,

- No further action is taken where the manager hearing the case believes that a sufficient improvement to attendance / satisfactory performance has been achieved. The employee will be advised that if this is not sustained they will re-enter the process at Section 16.
- A recommendation is made for further occupational health advice and a further review period is set.
- Consideration to medical redeployment may be given if this is a recommendation from Occupational Health.
- Consideration of the case under a different procedure i.e. capability or disciplinary
- Issue of a final written warning with a set period for improvement, advising that a failure to improve could lead to dismissal
- Dismissal of employee by reason of health capability.

## **16. Appeal Process**

16.1 The employee has the right of appeal against any warnings or sanctions issued at formal stages of the Improving Attendance Procedure.

16.2 The employee must appeal within 10 working days of the date of the letter informing them of the warning or sanction issued. The letter should state the grounds of appeal and be sent to the Chair of Governors.

Lickhill Primary School  
Sickness Absence/Self Certification Form

*If the absence covers more than 7 calendar days a medical certificate should be attached with this form.*

**A. PERSONAL DETAILS**

Full Name .....

Full time / Part time – (if part time dayd worked e.g. Mondays and Fridays)

.....

**B. DETAILS OF ABSENCE**

First day of absence from work .....

Last day of absence from work .....

Number of working days lost .....

If Doctors note obtained – dates covered .....  
(required if longer than 7 calendar days' absence).

**C. DETAILS OF SICKNESS / NATURE OF INJURY (if accident at work an Accident Report must also be completed)**

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**D. SIGNATURE OR APPROPRIATE MANAGER** (Headteacher, Deputy Headteacher, Assistant Headteacher)

I hereby certify that the relevant information above is, to the best of my knowledge, correct. I understand that it may be used to establish my right to sick pay (statutory and occupational) and that a knowingly false statement could lead to disciplinary/legal action being taken against me.

I also understand that in certain circumstances I may be requested to agree to an approach by the School's Occupational Health professionals to my Doctor.

Signature of Employee ..... Date .....

Lickhill Primary School  
Absence other than Sickness/Self Certification Form

*Ideally this form should be completed in advance of any known absence.*

**A. PERSONAL DETAILS**

Full Name .....

Full time / Part time – (if part time dayd worked e.g. Mondays and Fridays)

.....

**B. DETAILS OF ABSENCE**

First day of absence from work .....

Last day of absence from work .....

Number of working days lost .....

**C. REASON FOR ABSENCE e.g. SICK CHILD/FUNERAL/etc.**

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**D. SIGNATURE OR APPROPRIATE MANAGER (Headteacher, Deputy Headteacher, Assistant Headteacher)**

I hereby certify that the relevant information above is, to the best of my knowledge, correct. I understand that a knowingly false statement could lead to disciplinary/legal action being taken against me.

Signature of Employee ..... Date .....

Signature of Headteacher ..... Date .....