

<b>TUDOR PARK EDUCATION TRUST</b>	Management of Absence Policy
Person(s) responsible for updating the policy:	CEO
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Tudor Park Education Trust oversees this policy but the local governing body of each academy or school within the Trust is responsible for the implementation of the policy.

## Section 1: Introduction

- 1.1 The School's Duty of Care; Employee Counselling Service
- 1.2 The Employee's Obligation to Work & the Attendance Expectation
- 1.3 Supporting Full Attendance & Maintaining Good Communication
- 1.4 Reasons for Absence and the Management of Absence
- 1.5 Fitness for Work
- 1.6 The Role of the School's Occupational Health Provider
- 1.7 Fit for Work Service
- 1.8 Employee Absence Records
- 1.9 Confidentiality
- 1.10 Equality of Opportunity & Employees with Disabilities
- 1.11 Disciplinary/Conduct Offences

## Section 2: Procedures for Reporting Absence

- 2.1 Cover Line
- 2.2 Authorisation for Non-Sickness Absence
- 2.3 Sickness Absence
  - 2.3.1 The first 7 days: Self-certificated sickness absence

**2.3.2** Beyond the first 7 days; Medically certified sickness absence

**2.3.3** 'Fitness for work' note stating 'Not fit for work'

**2.3.4** 'Fitness for work' note stating 'May be fit for work'

**2.4** Employees absent from work and outside the UK

### Section 3: The Formal Stages of Management of Absence

**3.1** Persistent short-term absence

**3.2** Long-term absence

**3.3** First & Second Formal Absence Interviews

**3.4** Management Reviews

**3.5** Contractual Review Meeting

### Section 4: Appeal against Dismissal

## **SECTION 1: INTRODUCTION**

### **1.1 Duty of Care**

Tudor Park Education Trust takes seriously its duty of care towards its employees and sets this within the range of sometimes competing responsibilities it is charged with managing and balancing for staff, students, parents, its community and others.

Non-attendance can be generated by a variety of circumstances.

Non-attendance includes part days (including employees arriving for work late or arriving later than is necessary to be ready to fully commence work at the contracted start time). Non-attendance also would include leaving work early or leaving work at any point during contracted working time (This excludes the formal lunch break).

This policy covers absence for reason.

In terms of sickness absence, this policy recognises the importance of balancing an employee's need to recover full health with the need to fully meet her/his obligation to work. It is important that the school is aware of the health of its employees to, for example, inform any welfare provisions that might be necessary.

There is an onus on all to communicate openly and honestly about absence, and where necessary, to seek/provide further information to establish facts and ensure high quality support and informed decision making.

This policy is designed to ensure that all absences, including sickness absence, will be treated fairly and consistently whilst taking into account the individual circumstances of the absence and the role.

#### **Employee Counselling**

The Trust buys into an employee counselling service on behalf of its staff. Employees are able, independently, to access the employee counselling service offered by the Trust's occupational health provider. A leaflet with contact details and other useful numbers is available from the Principal or the Head of HR. The employee counselling service is entirely confidential and the school is not even routinely informed of any appointments made by employees and is not party to any conversations without the employee's agreement.

### **1.2 Employee's Obligation to Work & the Attendance Expectation**

In synergy with the school's attendance policy for students, the attendance expectation is that, in return for their pay and condition of service, employees will have 100% attendance for the days for which they are contracted.

There are many reasons, over and above the contract obligations, why and expectation of 100% attendance is the right benchmark. Schools have a unique role in society and employee absences in this context have a number of undesirable consequences.

The school believes that its employees are its most valuable resource and are of the highest quality. The school recruits only the best teachers and support staff. The school then consistently invests heavily in their training and continued professional development. Hence there is no better scenario then having every employee at work every day.

Any absence has a direct effect on the quality of education that students will receive and on the wider support provided to students. For example, staff absences can impact negatively on student behaviour and student progress.

Staff absences can have an impact on other colleagues as well as creating additional burdens for the member of staff upon return to work and, of course, staff absences represent a significant financial cost.

These resources, lost through staff absence, could otherwise be used to improve the education of our children and the working conditions for employees so it is in everyone's interest for the school to aim for and promote perfect attendance. This is also in keeping with the school's ethos and its declared aspiration for 'Excellence in all areas'.

### Obligation to Work

All employees are obliged, under the contract of employment between them and the school, to attend work in return for their pay and conditions. Where this is prevented by frequent or prolonged absence then a judgement needs to be made on whether the contract should be terminated/is in breach. Employees are accordingly obliged to be available for work at all times when they are contracted to work.

### 1.3 Supporting Full Attendance & Maintaining Good Communication

It is important that the school is able to communicate with its employees regarding absence at all times and particularly when they are absent from work. Hence, it is also important that employees ensure that the contact information held by the school is always up to date and report any changes as soon as they occur.

The school will need to communicate with employees during any absence (full day or part day absence) where there is a need to clarify the details or circumstances, gather further information or where the school needs to share information with the employee.

The school will, as part of its duty of care, normally communicate regularly during longer periods of absence and will also 'keep in touch' (KIT) during absences (such as maternity leave, longer term absence, etc.).

Employees on long-term absence will normally be given a named contact so they know who to talk to but they can always talk with the Principal.

### Return to Work (RTW) Interviews

Crucially, the school will always meet with employees following almost all absences and has a system of 'return to work' interviews on the day of return to discuss the absence and the readiness for work. 'Return to Work' interviews are compulsory for all employees returning from absence.

Medical certification will normally be completed within the RTW interview in cases of sickness absence.

### Risk Assessments

At any time, the school may need to undertake its own 'risk assessment' and employees can ask for a risk assessment to be completed by writing to the Principal.

### Occupational Health

The school may make a referral to its Occupational Health provider to inform the processes outlined in this policy. The occupational health provider offers medical (not management) judgements to the school and the school is responsible for making management (not medical) judgements in response.

### Advice and Support

Employees are always able to approach the Principal (in person, via email or via her Assistant) to discuss sickness/attendance problems and to seek advice.

An employee may be emailed or sent additional information or guidance when they are absent from school (including relevant extracts from this or other relevant policies).

All employees are actively and strongly encouraged to become members of a recognised professional association/trade union and can also approach them for support and advice.

### Postal Communication and Notice of Meetings

- A letter which is hand delivered or sent electronically will be considered to have been received on the day it was delivered.
- A letter which has been sent in the normal post will be considered to take two postal days to be received by the recipient (unless there is evidence that it has arrived in one day).
- A letter that is sent by 'Special Delivery' will be considered to be received by noon on the day following posting.
- For a letter sent by 'Recorded Delivery', the letter will have been considered to have been received either on the day it was signed for or the day following the postal service's first attempt to deliver.

For the purposes of providing an employee of notice of meetings, and where letters have been sent by more than one of the above methods, the date of receipt will be considered to be the quickest of the methods used.

#### 1.4 The Reasons for Absence & their Management

Employees are likely to stay away from work for one of three main reasons;

1. They have to (e.g. because they are too ill or incapacitated) or
2. They request special leave (e.g. to attend a ceremony) or
3. They choose to (when they could otherwise have attended work).

##### Absence Patterns

In addition to individual absences, the school monitors patterns of all absence (not just sickness absence). An absence pattern considered as part of these procedures might include a mixture of the reasons above.

Absence patterns monitoring will include part day absence (such as lateness, lack of readiness for work, early departure or absence within the working day).

Managing such absences is an important feature of this policy. The policy facilitates discussion of what the employee can do to ensure they meet their contractual obligation to work and how the school may support its employees in achieving this expectation.

However, even absence reason 1 (above) is not always inevitable. There are a range of actions which employees can sometimes take, for example, to promote better health, reduce sickness absence and minimise the likelihood of recurrent absence and the school can play a part to help employees to achieve full attendance.

Some statutory leave (e.g. Maternity Leave, Paternity Leave, unpaid parental leave, unpaid dependence leave, etc.) and annual leave arrangements which are enshrined in the contracts and conditions of service of employees are **not** considered as absence for the purposes of this policy.

##### Special/Exceptional Leave

Special Leave is mostly discretionary and does not form part of contractual conditions and therefore **is** absence which may, in addition to sickness absence, fall within the scope of this policy.

Special Leave which is discretionary will *normally* be restricted or not granted where an employee's attendance remains of concern and has reached the first formal stage of this policy.

In some circumstances and to manage attendance, it may also be necessary or sensible to temporarily restrict other activities which take staff away from their core role (such as CPD, meetings and other school business).

In addition to the strategies the school deploys to proactively promote 100% attendance, this policy puts in place processes which seek to ensure the school understands what kind of absences are occurring and to support the employee in understanding their obligation to work, in getting back to work at the earliest date relevant to the circumstances and helping the employee to avoid further absence.

This procedure provides a framework within which the school, by talking to an employee, can reach the aforementioned understanding and the employee and school can act accordingly.

The procedure also seeks to manage staff absence to safeguard the interests of students, colleagues, the school and public funds.

### **1.5 Fitness to work**

The school does not wish its employees to attend for work when they are too ill to do so but it does expect them to actively and proactively manage their own absence, to account for their absences and to meet their contractual obligations to work.

From the 8<sup>th</sup> day of sickness absence (see section 1.7), employees must provide an original 'fitness for work' note from their G.P. or medical practitioner to explain their continued absence.

There are particular circumstances relating to teachers and their fitness to work, covered by the Education (Health Standards) (England) Regulations 2003. This policy will be implemented taking these regulations into account.

#### **Work Related Injuries, Accidents, Illnesses or Diseases**

All injuries, accidents, illnesses or diseases arising from work related activity must be reported, regardless of severity, to the Principal as soon as possible and normally no later than 24 hours after the incident. The employee should ensure that the factual details of the incident are entered onto an 'incident report' form which is available from the Welfare Assistant. On receipt of the completed form, the Principal will ensure any remedial action which is deemed necessary is taken; he will involve the school's occupational health provider as appropriate and will ensure that any health and safety reporting requirements are met.

### **1.6 The Role of the School's Occupational Health Provider**

The school's occupational health (OH) provider is able to offer the school and objective medical opinion and can, on request, offer medical advice to the school (the employee will normally be getting medical advice from their GP or hospital specialist but may also be given

advice from the OH service). The use of an occupational health provider is recognition that school managers and other employees are not normally medically qualified.

Occupational Health employees are qualified to give medical opinion and advice but they may also need to ask permission to access an employee's medical records in order to inform the opinion provided to the school. The school will only seek medical opinion/advice from its occupational health provider. All management consideration rest entirely with the school and, likewise, occupational health employees are not qualified to make 'management' recommendations.

It is the school's right to refer employees to qualified occupational health employees at any time during their employment. If an employee refuses to attend or refuses to give permission for OH to access medical records, decisions will be made based on the facts that are available to the employer at the time and may not be reversible.

In exceptional cases, the school may consider funding for the school's occupational health provider to visit an employee in their home.

When the school's OH provider seeks medical advice from a third party (e.g. a G.P. or Hospital Consultant, it will conform to the requirements of the Access to Medical Reports Act 1988. Employees will be fully advised of their rights under the Act by the OH employees.

### **1.7 Fit for Work Service (FFW)**

This government funded, occupational health service is intended to complement the existing occupational health service available to the school.

Once an employee has been absent for four weeks due to sickness, either the school or the employee's GP may suggest a referral to FFW. The employee has to give his/her consent for this action.

If the employee is referred by their GP, they should let the school know, unless they would prefer not to inform the school. If the employee's case manager at FFW wishes to speak to the school, they should be advised to contact the Principal.

Following an assessment by FFW, a return to work plan will be produced. The school will review any such plan provided to them by FFW.

For further information please see the website: <http://fitforwork.org/>

### **1.8 Employee Absence Records**

The school maintains employee absence records on the School Information Management System (SIMS). Sickness records are generated through employees signing the self-certification form with the dates and reasons they have given or from the 'Fitness for Work' certificate they have provided with the dates and reasons given by their G.P.



### Counting days for certification of sickness absence

In reporting sickness absence it is important to understand the relevance of the "non-working" day, particularly for those who do not work the standard week (i.e. Monday - Friday). *For example, a part-time worker who normally works Monday to Wednesday each week and who phones in sick on the Monday will be expected to phone in on the Thursday (4th day of absence), regardless of the fact that this is a non-working day. If the sickness continues, the 8th day of absence will be the following Monday, when a medical certificate will be required. If the employee returns to work on the 8th day and it is her/his first day of fitness, only 3 days should be recorded against the sickness absence record.*

### Counting days for the employee's sickness absence record

*Employees should be aware that the absence record does not include weekends and school holidays (unless these form part of your normal contracted working days) so, for example, if an employee is off work through sickness on Friday and returns to work on Tuesday having also been off with sickness on the Monday, this will show as an absence of only 2 days on the employee's record on Sims.*

## **1.9 Confidentiality**

Throughout this procedure (and other similar procedures) the need to maintain confidentiality is of high importance. All employees and Governors have a personal and professional responsibility for ensuring that information they receive is kept confidential, whether it is written or verbal, or received directly or indirectly.

The following confidentiality clauses will normally apply:

*"To promote fairness and order these matters are to be treated as strictly confidential and you should not discuss them or share information pertaining to them with parties outside of formal meetings, except for an accredited trade union representative or chosen work place colleague. You (i.e. the subject) may, of course, discuss them within your family on the understanding that anyone you are authorised to tell is made aware of the confidentiality restrictions.*

*You should also not destroy, dispose of or tamper with any documentation (electronic or otherwise) or evidence which might be of interest in any investigation into these issues or seek to influence others about such matters. You should ensure that you act professionally throughout the proceedings and that your conduct and actions are beyond reproach."*

Disclosures of confidential information may result in disciplinary action being taken. This duty of confidentiality applies to all parties.

Staff, as good professional practice, should generally avoid discussing and asking questions about the absences of other colleagues so as not to compromise confidentiality and to promote professionalism.

### 1.10 Equality of Opportunity and Employees with Disabilities

Although commonly misunderstood, equality of opportunity is patently **not** about treating everyone the same. As an equal opportunities employer, it is essential that the school treats each case on its merits, taking account of all the circumstances, including the employee's known illness or disability at the time of employment.

People with disabilities will not be unfairly treated and, where appropriate, procedures will be carried out with reference to the Disability Discrimination Act 1995.

Employees have the opportunity to declare any disabilities upon appointment and may do so later by writing to the Principal. The school will *normally* refer employees declaring a disability to its occupational health adviser for assessment and may ask for permission to access to medical records.

The distinction between disability-related sickness absence and general sickness that is unrelated to the person's disability will be given consideration when deciding if the formal procedure should be applied. It is recognised that a disabled person may need to be absent from work for 'rehabilitation, assessment or treatment' which is directly related to their disability. Section 6 of the DDA specifically identifies the provision of leave for these purposes as a reasonable adjustment.

### 1.11 Disciplinary/Conduct Offences

Disciplinary matters which sometimes coincide with applying this policy will *normally* be best dealt with separately (but possibly simultaneously) through the school's 'Staff Disciplinary Policy'. This is because they are considered inappropriate conduct which could potentially lead to dismissal and/or criminal charges, for example:

- Failure to follow the school's procedure for the notification of absences.
- Failure to attend work without appropriate permission/authorisation.
- Leaving the workplace (e.g. a timetabled class) without appropriate permission.
- Leaving the school without appropriate permission and/or without following the school's procedures for signing out/signing back in.
- Refusal to explain the absence or misleading the school regarding the explanation.
- Failure or refusal to meet the obligations of the job.
- Abuse of the sickness scheme thereby defrauding or seeking to defraud the school / gaining or seeking to gain pecuniary benefit by fraud.
- Absence to pursue secondary employment or leisure activity at any time when contracted and directed to work.

Where an employee is, by her/his actions, preventing the implementation of the Sickness Absence procedure (e.g. refusal to report absence, refusal to provide the required documentation, non-completion of self-certification forms, refusal to phone 'cover line' by the required time, etc.) action will also be taken under the Disciplinary Procedure. In these

circumstances employees may disentitle themselves, temporarily or permanently, to pay (including to occupational sick pay) for the relevant period.

Information received from the employee should be sufficient to enable the manager to classify the sickness absence appropriately.

Criminal activity, such as deception or fraud, may also be reported to the Police and/or professional bodies depending on the circumstances.

## SECTION 2: PROCEDURES FOR REPORTING SICKNESS ABSENCES

The correct and timely reporting of all absence is a requirement upon employees.

Failure to follow the school's absence and reporting procedures may result in action being taken under the school's 'Staff Disciplinary Procedure'.

In some circumstances employees may also temporarily or permanently disentitle themselves to pay for the relevant period.

### 2.1 Cover Line

- **For any absence known in advance**, the employee must follow the absence/leave request procedures by submitting a completed 'leave of absence' form along with the necessary evidence given the school the **maximum possible notice in advance of the potential absence** from work.
- **For any absence not authorised in advance**, employees should contact the school cover line **before 7:30 a.m.** The cover line number is provided to all employees in the school diary (tel 0208 831 3038). Employees are expected to ensure they store this number carefully and in a place which is accessible in all circumstances when it would be needed.

#### When calling cover line before 7:30 a.m.

- Employees must **speak clearly and loudly** when leaving a message on the answer phone. It is particularly important to ensure audibility and clear diction when the symptoms of an illness are affecting voice projection. In such circumstances, as long as the employee's identity is clear, the school can make contact back to check the details and, if necessary, communicate in another way.
- Employees must state the **precise reason** for the absence (i.e. either the symptoms of the illness or a diagnosis from their G.P.) and where possible give an indication of the likely duration of the illness. It is not sufficient to just report 'illness'.
- It is really helpful to inform the school of the **expected day of return**, in order that the school is better able to think ahead and forward plan. It is accepted that the expected day of return may change but even the employees 'best guess' and regular updates can be very helpful.
- Employees must provide a telephone number on which they can be contacted **IF** the contact numbers provided to the school previously are not applicable or valid for the current period of absence.
- The employee should then also communicate with their line manager regarding the responsibilities for that day, duties for that day and (for teachers) cover work for that day. This should **NOT** be done via cover line and nor does it replace the obligation to phone cover line before 7:30 a.m.

It is vitally important that employees inform the school immediately of any changes to their personal details held by the school including health status and contact details of the employee/their next of kin.

### **Involving the Police**

Where an employee fails to turn up for work unexpectedly and fails to report the absence in the expected way, this will initially generate concern about the welfare of the employee and the school will consider what action to take. If attempts to contact the employee using the details provided for the employee and their next of kin are not successful, the school may visit the home address and/or raise their concerns with the police. In these circumstances, and as part of its duty of care, the school will (in accordance with its data sharing protocols) provide the police with as much relevant information as it has (e.g. any known recent health issues, whether the employee lives alone, etc.) to assist the police in deciding what action they should take.

- **For absence requests during the school day employees must first seek permission to leave work.** This authorisation to leave can only be granted by the Principal or a Vice Principal and will normally require a short meeting to explore and discuss the circumstances. If authorisation is not granted the employee must stay in work. If authorisation is granted employees must personally follow the school's procedure for signing out/in. The employee must sign out on reception and sign back in on return.
- Employees that are likely to be **late for work** must report this by phoning the cover line as soon as possible and must also report to their line manager at a convenient point during the same day to discuss the absence and what action they will take to avoid recurrence. Lateness will be recorded as absence on the employee's attendance record.

### **2.2 Authorisation for Non-Sickness Absence**

Non-sickness absence requires requests for leave for matters such as the seriousness illness, death or funeral of a close relative, an interview for another job, etc.

There is no right to time off to deal with routine domestic emergencies and transport problems and it is expected that employees will, as far as is practical, have adequate contingency arrangements and will have planned in advance to manage these without being late or absent from work.

Formal school closures will not count as absence as employees will be given exceptional authorisation to work from home in these circumstances.

For all non-sickness absences, the employee must obtain clear authorisation to be absent from work and **cannot assume agreement or self-authorise** absence. In such cases the phone call to cover line only acts as notice to the school of an urgent and unpredictable request for leave to enable the school to begin putting in place its own contingency arrangements to cover the absence. Alerting the school does not provide automatic authorisation for absence.

All urgent (non-sickness) leave requests will normally require authorisation by the CEO and the Head of HR will liaise on behalf of the employee to seek this.

**For fairness, last minute/urgent requests will not be given less scrutiny than requests which have been considered in advance.**

The request for such leave may be confirmed, agreed in part or denied. The decision will normally be conveyed by telephone and reconfirmed by email. The CEO will determine whether such leave is paid or unpaid separately from authorisation.

If the request for leave is not granted and authorisation is not confirmed then the employee must report for work at the specified or agreed time. Failure to attend in these circumstances would normally be a disciplinary matter.

## 2.3 Sickness Absences

### 2.3.1 The First 7 Days: Self Certificated Sickness Absence

(See section 1.7 of this policy for an explanation of what counts as a day for these purposes)

For sickness absences up to and including the first 7 days of sickness absence, employees should contact the school **each morning** via the cover line to confirm their continued ill health or their intention to return. It is always helpful for the employee to give an estimate of their probable day of return to work.

The first 7 days of sickness absence (see section 1.7) is normally self-certificated.

This means the employee will need, in their return to work interview, to sign the self-certification form confirming the details they have given for the reason(s) for absence and the duration.

Normally, medical certificates are not required for the first 7 days of absence. However, the school may require medical certificates for all future absences in a specified period as one of the outcomes of a first or second formal meeting as part of these 'Attendance and Management of Absence' procedures.

Medical and dental appointments should be scheduled out of working hours. Emergency appointments may be agreed at the discretion of the school/Principal/CEO but, if agreed, will only be for the minimum period necessary to attend the appointment.

Absences for hospital, GP or dental appointments (except where annual leave is used) will be recorded as sickness absence as follows. This will form part of the employee's sickness record.

- If the appointment is for a morning or afternoon, a half day sickness absence will be recorded.
- If the appointment is for a whole day, this will be recorded as one day sickness absence.
- If a member of staff attends an appointment for a period not exceeding two hours and returns to work, this absence will not be recorded as sick leave.

Evidence of appointments must be provided in all cases and if an appointment cannot be rearranged to take place outside of contracted hours then it must be arranged so the employee only misses work for the minimum necessary time. For example, for a mid-morning appointment an employee is expected to come to work first, leave work to attend the appointment and then return to work immediately afterwards.

The school will, wherever possible and there is capacity, offer help to employees in meeting their obligation to work. For example the HR team may (with the consent of the employee and acting in accordance with the requirements of the Data Protection Act) offer to communicate with an external body to seek a rescheduled appointment to minimise or avoid the need to miss work (providing such support is not believed to add detriment to the employee's health).

### 2.3.2 Beyond the First 7 Days: Medically Certificated Sickness Absence

(See section 1.7 of this policy for an explanation of what counts as a day for these purposes)

All employees are expected to be registered with a General Practitioner, sufficiently local to their permanent residence, continuously during their employment. An employee must seek advice on how to obtain a GP if they feel they are having difficulty with their entitlement to register with a local NHS practice.

From the 8<sup>th</sup> day of absence (see section 1.7), the sickness absence of the employee must be covered by a 'Fitness for Work' note from their Doctor and the original document must be securely submitted to the school (addressed to the Head of HR) immediately that it is obtained. If the employee does not have a valid certificate on the 8<sup>th</sup> day of absence then they should be at work.

The duration of 'Fitness for Work' notes varies and subsequent notes may be needed for more extended periods of absence. 'Fitness for Work' notes must be submitted to cover any further periods of absence (including during school closure periods) without breaks.

### 2.3.3 Fit Note which states 'Unfit for Work'

If a 'fitness for work' certificate says the individual is '**Unfit for Work**' then there are no circumstances in which the employee can return to work in any capacity until the note has expired or the school receives a later 'fit note' where the G.P. has re-assessed the employee and has determined they are either 'Fit for Work' or 'May be Fit for Work'.

### 2.3.4 Fit Note which states 'May be fit for Work'

A 'Fitness for Work' certificate which states that the employee '**May be Fit for Work**' does not give the employee the right to return to work but will normally allow for a meeting between the employee and the CEO to include a discussion (and possibly a risk assessment) to establish whether there are any reasonable adjustments which might facilitate an immediate, future, phased, partial or full return to work. The employee can return



to work only if the school agrees to any adjustments which it considers are reasonable or if both parties agree that no adjustments are necessary.

If the school does not believe that adjustments can be made which are reasonable then the employee cannot return to work until they are signed by his/her Doctor as being fit to work. Alternatively the school may require the employee to be seen by the Occupational Health Unit prior to return.

There are circumstances when the school will require the employee to obtain a fitness for work note from her/his Doctor specifying that she/he is fit to return to work.

## 2.4 Employees absent outside the UK

The school does not automatically recognise or accept alternatives to the UK 'Fitness for Work' note and so employees should normally consult with the school regarding alternatives such as private sickness certificates. The validity of alternatives obtained overseas is not automatic and such certificates need to be verifiable. Employees who become ill outside of the UK and who are, as a consequence, prevented from attending work normally must make email and telephone contact with the Principal and/or a senior member of staff at the earliest possible time to discuss the circumstances. The employee must provide appropriate means to continue communication whilst still overseas. In some circumstances, the school may refer the employee to a medical practitioner abroad which is recognised by the school or its HR provider.

In these circumstances, the employee may also need to prove that they planned to return to the UK in good time to be sure they would be available for work as contracted. This may include evidence, for example, that the employee's return ticket was booked in advance and would have got them back to the UK in sufficient time.

The school recognises the cost savings that can be achieved by travelling outside of school holidays, even by one day and particularly around the Christmas break. However, staff working in schools cannot avail themselves of such savings (or other similar benefits) as doing so is in breach of their contractual obligations.

When visiting countries where it is necessary to re-confirm return tickets and there is a higher probability of delay in being able to get a return flight, the employee must take adequate precautions to ensure they return in good time for work. This may mean, for example, booking the return ticket for up to a week earlier than would otherwise have been necessary in order to be certain of being back in the UK and available for work.

Hence, staff should not book return journeys/flights which do not allow sufficient time to cope with flight and other non-exceptional travel delays.

Likewise, the school's proximity to Heathrow means that staff, through their families may have higher than average access to staff travel concessions but a condition of these may be 'standby' travel or a condition that staff will take lower priority than full fare paying passengers in the case of overbooking or delays.



Employees are responsible for ensuring they are available for work when contracted to attend work. Loss of pay and/or disciplinary action will be considered where staff do not take adequate steps to ensure their availability to work.

## 2.5 Return to Work (RTW) Interview

The employee should notify the school of their intended date of return. Wherever possible the employee should give advance notice of his/her return in accordance with the school procedure.

There are circumstances when the school will require the employee to obtain a 'fitness for work' note from their doctor specifying that he/she is fit to return to work.

The school may also require the employee to be seen by the school's occupational health provider prior to return to work.

'Return to Work' interviews are compulsory for all staff following all sickness absence and all other unplanned absence.

On return to work, the employee must meet with their line manager to take part in a formal return to work interview.

'Return to Work' interviews for staff 'line managed' by the Principal will be conducted by the Principal. 'Return to Work' interviews for the Principal will be conducted by the CEO.

If the employee thinks that, based on their reason for absence or because the school has alerted them, the return to work might also involve completion of a formal 'risk assessment' prior to beginning work, then the employee must arrive in good time for work so that this can be completed before the normal start time.

During this discussion the Principal or CEO **will**:

- (a) Confirm the reasons for the absence
- (b) Check that the employee is ready to work normally again
- (c) Discuss whether or not any steps are appropriate to reduce the risk of recurrence of absence

The Return to Work form will be completed during this interview and the employee will be provided with a record of their sickness absence for checking and discussion.

Where the Principal or CEO feels that an employee is nearing the stage where the formal stages of the procedure may have to be used, it will *normally* be drawn to the employee's attention during the Return to Work interview and they may be referred to this policy.

Where the employee is returning after a more extended period of absence, the employer/employee will have the opportunity to discuss the changes that have occurred during the absence. Following these meetings, the employee will be provided with a summary of the discussion, usually on the same days and otherwise normally within 2 further working days of the interview.

## SECTION 3: THE FORMAL STAGES OF MANAGING ABSENCE

The formal stages of this policy may be triggered whenever the school believes there is good reason to be concerned about the attendance or attendance pattern of an employee.

The following 'triggers', whilst indicators rather than rigid thresholds, provide further guidance to promote consistency in application of this policy.

For ease of understanding these are described as persistent short-term absence or long term absence but the policy applies to both.

### 3.1 Persistent Short-Term Absences

As a guideline the following will normally be regarded as persistent short-term absences that may trigger this procedure:

- (a) Four or more periods of absence in a 12 month period** (This includes lateness to work, early departure from work, etc.).
- (b) An accumulation of 12 working days absence in a 12 month period or less.**
- (c) A concerning pattern of absence** (e.g. regular absence on certain days, e.g. Mondays or Fridays, long shift days, known busy/pressure workdays, the lead ups to coursework/marking or data entry deadlines, days with evening meetings in the calendar, the day after evening meetings, etc.).

There may be *exceptional* cases where the Principal or CEO decides to delay implementation of the formal stages.

An employee may also be considered to have an unacceptable level of persistent short-term absence where a combination of odd days, longer periods and patterns of absence exists which causes the school concern. This may be identified by the school after consideration of patterns of absence over a period of longer than 12 months.

### 3.2 Long Term Absence

As a guideline the following will normally be regarded as long-term absence that may trigger this procedure. There may be *exceptional* cases where the Principal decides to delay implementation of the formal stages.

- (a)** An employee has been absent for 15 working days (3 working weeks) continuously
- (b)** It is known that an employee is likely to be absent for such a period due to a medical condition.

As part of its duty of care, the school will keep in contact with the employee (either by telephone, letter or by home visit) at least once a month from the first stages of the absence but often more frequently depending on the circumstances. Some communication may be arranged through Professional Associations where this is helpful.

Employees should be contactable by the school during their normal contracted working hours. Home visits will normally only take place by prior arrangement with the employee.

The above are guidelines only and do not mean, for example, that employees are "allowed" 12 days of sickness absence before action will be taken.

The school reserves the right to move to the formal stages of this policy whenever it believes there is good reason to be concerned about an employee's attendance or attendance pattern.

**Important: The operation of this policy/procedure is not affected by the issue of a Doctor's fitness for work note.**

### **3.3 First and Second Formal Absence Interviews**

The First and Second Formal Absence Interviews are convened and conducted by school management (CEO) whereas Contractual Review Meetings and Appeals against Dismissal will be heard by panels of the Governors.

The first formal interview will be scheduled whenever the school believes it has good reason to be concerned about the absence or absence pattern of an employee and the first formal meeting should give consideration to the guidance in sections 3.1 and/or 3.2.

The second formal interview will normally be scheduled if the school decides this as an outcome of the management review following the first formal absence meeting (see section 3.4) or if there has been a deterioration in attendance in the 12 month period (or the monitoring period) following the closure of the first formal process. *Normally* the second formal interview process is preceded by the first formal interview process, but there are circumstances in which the earlier stages may be bypassed.

In the case of concerns about attendance which include sickness absence and where the school considers it necessary, the employee **may** be referred to the school's occupational health provider prior to (or following) any interview

The employee will be given at least five weekdays' **written** notice of the interview and a copy of this procedure (or referred to the copy available in the school's handbook on the shared whole college network).

The employee should be advised of its purpose and of her/his right to be accompanied by a trade union representative or professional association representative or a workplace colleague.

The CEO will consider any request by the employee for a deferment to enable him/her to be represented. Provided there is good reason, the first such request of this nature should normally be treated sympathetically but the process should not be allowed to be

unnecessarily or unreasonably delayed or obstructed and everything reasonable should be done by the employer and employee to avoid delay.

If neither the employee nor his/her representative is in attendance, the meeting will consider any documents submitted by the employee.

If the employee fails to attend, the meeting will normally go ahead in his/her absence. However, the CEO should consider any reason given for a failure to attend and may re-schedule where this is considered by the school to be reasonable and proper, taking into account all the factors of the case. The process should not be unnecessarily or unreasonably delayed or obstructed.

The interview should be held by the CEO.

**The interview will have the following objectives:**

- (a) To confirm that the information on the absence record is up-to-date and accurate and to clarify any potential inaccuracies.
- (b) To enable the employee to submit any additional medical or other evidence relating to the absences.
- (c) To consider any available medical and other relevant information or evidence relating to the absences under consideration.
- (d) To check the employee understands the attendance expectation and their contractual obligation to work.
- (e) To give the employee the opportunity to discuss the reasons for his/her absences, and to discuss any previous efforts by the employee to meet their obligation to work.
- (f) To discuss any further action the employee may take to reduce the level of absence and to help achieve full attendance.
- (g) To consider any reasonable assistance or adjustments that may be possible to reduce the level of absence.  
*(Note: Where redeployment is being sought this may need to be supported by medical opinion).*
- (h) To clarify whether the employee considers that she/he has a disability. If so, to discuss whether reasonable adjustments are appropriate or possible.
- (i) To ask whether the employee wants his/her trade or professional association representative or workplace colleague to receive written confirmation of the outcome of the interview (and any subsequent stages).

**After taking all the available information into consideration the CEO should:**

- (a) Summarise the attendance, what additional action, if any, the employee has proposed to take to try and achieve this and what assistance or adjustments, if any, the school may offer.
- (b) Specify the monitoring that will take place and whether any restrictions or conditions are considered necessary (e.g. limiting other authorised absences such as school trips, CPD or other off-site activity for a set period).

Specify the period over which this monitoring and/or any restrictions will occur.

Specify the date when the CEO will consider whether or not the attendance remains of concern and hence to determine whether or not to progress to the next stage of this procedure. (See Section 3.4)

There will not *normally* be a further meeting with the employee to review progress unless the school feels there is a need but the employee may, if they choose, write to the CEO with any information they would wish to be considered by management on this date. This must be received at least 3 weekdays in advance of the management review date.

The review should not occur in less than one working month but not normally (depending on the individual circumstances and the employee's working pattern) be scheduled for longer than three working months after the formal meeting.

Note: Where an immediate improvement cannot be made, for example, due to disability or a long term sickness resulting in periodic bouts of absence these circumstances should be taken into consideration and a possible review of working arrangements to accommodate that condition sought by both parties.

- (c) If not already done and where medical issues are, or may be, a significant factor in the absence concerns, the school should consider whether or not to refer the employee to the school's independent occupational health provider to obtain a medical opinion to inform the review and consider if further advice is necessary in order to comply with the Disability Discrimination Act.

*Note: For people with disabilities or those declaring a persistent health problem, the school or its occupational health provider may also seek information from a legitimate party that can assist with giving appropriate advice, i.e. a specialist voluntary or statutory agency (such as O.S.C.A.R. in the case of people with sickle cell anaemia).*

- (d) In cases of long term absence, discuss arranging a meeting/visit to school before the employee returns to work to provide assistance with reintegration.
- (e) Consider whether a doctor's fitness for work note should be requested for all further absences during a specified period. In these circumstances, the costs for any certificate during the first week of absence will be met by the school.

- (f) At all stages, advise the employee that an improvement in attendance is essential. The employee should be advised that, ultimately, without a satisfactory improvement in attendance her/his employment could be terminated under the procedure.
- (g) Consider whether to issue the employee with formal written notification that the attendance remains unsatisfactory and the matter will progress directly to contractual review.

The outcome of the interview should be recorded and a letter sent to the employee confirming the action to be taken; this should include any measures to be taken by the employee to improve her/his attendance and/or in returning to work and any measures offered to assist the employee. A copy should also be sent to the employee's trade union representative or professional association representative or workplace colleague if she/he has previously agreed to this.

### **3.4 Management Review**

During any review period the employee's attendance will be monitored and the employee must discuss all absences or potential absence with the CEO in addition to their line manager.

At the end of the specified monitoring period the school will consider the employee's attendance during that period and any other relevant information which should be considered such as any further advice received from the school's occupational health provider (if sought). This part of the process is called 'management review'.

The employee will have been informed of the date progress will be reviewed and may contribute a written submission by writing to the CEO at least 3 weekdays prior to the management review (although this is not an expectation). Any submission will be considered as part of the review.

Where there has been a clear improvement the employee should be advised of this in writing and informed that no further formal interviews will take place as long as the improvement is maintained. Failure to maintain a satisfactory level of attendance during the following 12 months from the outcome of the management review will normally result in a further formal interview taking place.

Where a satisfactory improvement in attendance has not taken place, or if there has been a significant deterioration before the end of the review period the employee should receive formal written notification that the matter will progress to the next stage of the procedure, i.e. Second Formal Interview or Contractual Review. Before doing so, the school should consider whether there is a clear reason that may have hampered an improvement in attendance and what weight, if any, should be given to this.

The further stages in the procedure (i.e. Second Formal Interview and/or Contractual Review) will apply where the school determines that further improvement in attendance is required, where the employee has either no prospect of return within their period of review or where there is an unacceptable continued absence or pattern of absences calling into



question their capability to carry out the requirements of their role and/or meet their obligation to work.

Where contractual review is being proposed, the employee should be re-informed of the meaning and possible consequences of the contractual review, including the grounds for the possible dismissal, i.e. failing to meet her/his obligation to work owing to absence or sickness absence. A copy should also be sent to the employee's trade union or professional association representative or workplace colleague if she/he has previously agreed to this.

### **3.5 Contractual Review & Dismissal Related to Absence**

Whilst the main aim of this policy is to support employees to achieve full attendance, this will not always be achieved or be achievable.

The final stage of this policy is contractual review, an outcome of which could be dismissal. *Normally* contractual review is preceded by the first and second formal interviews, but there are circumstances in which the earlier stages may be bypassed.

The school enters into a contract with its employees for work. Staff are provided with pay and certain conditions of service and in return they must fulfil the obligation to work.

If, in practice, staff are unable or unwilling to meet this obligation fully and attend regularly then the contract may be deemed to be frustrated by non-attendance and may be terminated, resulting in the dismissal of the employee. In some circumstances, ill-health retirement may be an option.

It is important to realise that dismissal can happen even though the employee's absence is not their fault. It may simply reflect the circumstances of the employee mean that they are not available to work and unable to fulfil the contract they have with the school.

Indeed 'fault' is not a consideration at any stage of this policy as where this is the case it would be a Disciplinary Policy matter (see section 1 of this policy) rather than an Attendance & Management of Absence policy matter.

The manager will prepare a report recommending the termination of the employee's contract of employment (all relevant correspondence should be attached including letters confirming the outcome of the formal interviews).

The report will be submitted to a panel established by the Governors. The panel will convene for a contractual review meeting.

A copy of the report and associated documents will also be submitted to the employee who will be invited to attend the contractual review meeting.

The employee must be given at least 10 week days written notice of the meeting and advised of his/her right to be accompanied at the meeting by a Professional Association/Trade Union representative or workplace colleague.



The employee and the manager should also be advised to send any papers she/he wishes to be considered at the contractual review meeting to the Clerk to the Staff Dismissal Committee c/o Tudor Park Education Trust or by email to [r.wilson@tudorparkeducation.org](mailto:r.wilson@tudorparkeducation.org). These papers should be received by the addressee at least three weekdays prior to the meeting. The addressee will distribute the papers to the members of the panel and ensure that the presenting manager and employee have copies of all papers presented by the deadline.

The employee should confirm his/her intention to attend the meeting at least three weekdays prior to the meeting. The panel will reserve the right to proceed with the meeting in the employee's absence.

The management case will normally be presented by the manager delegated by the CEO.

If in attendance, the employee or her/his representative will also be given the opportunity to present his/her views to the panel. If neither the employee nor his/her representative is in attendance, the panel will consider any documents submitted by the employee.

The Chair of the panel may adjourn the meeting at any time he/she considers appropriate. Any adjournment will be for the shortest possible time. Delays can create additional stress. The process should not be unnecessarily delayed or obstructed.

After hearing the evidence, the panel will withdraw to consider its decision. If a notetaker is present at the meeting he/she should also remain present but would not take notes of the deliberations. The panel may seek further HR/legal advice for their deliberations.

The panel should be satisfied that all appropriate procedures have been followed before a decision to dismiss is reached, including that first and second formal interviews have been held (if appropriate), the employee has been advised that his/her employment with the school could be terminated and, where the school determines this is appropriate, has been referred to the school's occupational health provider within the previous four months. If the employee has failed to attend such a referral, the contractual review meeting is able to proceed on the basis of the information which is available at the meeting.

***Note: A decision to dismiss an employee is not a medical question but an employment question relating to the employee's contractual obligation to work.***

The range of decisions available to the panel is:

- To dismiss the employee
- To refer the matter back to the presenting manager in order for the case to return to an earlier stage of the procedure
- To cancel the proceedings

The employee should be given notice in accordance with his/her contract of employment, or minimum period of notice under employment whichever is the greater.

A copy should also be sent to the employee's trade union or professional association representative or workplace colleague if he/she has previously agreed to this.

A decision to dismiss an employee should not be communicated to the Governors at least until the appeals process has been exhausted.

#### **SECTION 4: RIGHT OF APPEAL AGAINST DISMISSAL**

The employee has the right to appeal to the Governing Body Appeals & Complaints Committee. The appeal should be submitted in writing to the Clerk of the Appeals Committee c/o Tudor Park Education Trust, Browell's Lane, Feltham, Middlesex TW13 7EF or via [r.wilson@tudorparkeducation.org](mailto:r.wilson@tudorparkeducation.org) within 10 working days of receipt of the dismissal letter (see section 1.3), stating the grounds for the appeal.

An acknowledgement by email will be issued with 2 weekdays of the Clerk receiving the grounds for appeal. The employee must contact the CEO without delay if no acknowledgement is received in time.

The Chair of the Committee will be informed and he/she will establish a panel to hear the appeal.

The panel must be at least equal in number to the panel that heard the Contractual Review. Every reasonable effort should be made to avoid members of the panel having had previous knowledge of the case.

Copies of all the papers considered at the Contractual Review meeting will be submitted to the Appeal Panel.

The Appeal Hearing will be held as soon as reasonably possible after the employee has submitted the appeal.

The CEO will normally delegate a school manager to present the management case and they may be accompanied by the Chair of the Contractual Review meeting.

The employee and the presenting manager should be given 10 weekdays notice of the Appeal Hearing. The employee should be advised of her/his right to be accompanied by a Professional Association/Trade Union representative or workplace colleague.

The employee and manager should be advised to send any further papers they wish to be considered at the Appeal Hearing to the Clerk to the Appeals & Complaints Committee c/o Tudor Park Education Trust, Browell's Lane, Feltham, Middlesex TW13 7EF or via [r.wilson@tudorparkeducation.org](mailto:r.wilson@tudorparkeducation.org). These papers should be received (see section 1.3) by the addressee at least 3 days in advance of the hearing and copies should be circulated to all members of the panel, the employee and the presenting manager.

The employee should confirm by email at least three days in advance of the hearing whether or not she/he will be attending.

The panel will reserve the right to proceed with the meeting in the employee's absence.

The panel will first hear the employee's case of appeal. If neither the employee nor her/his representative is present the panel will consider any written submission received.

The panel will then hear the responding manager.

The Chair of the panel may adjourn the meeting at any time she/he considers appropriate. Any adjournment will be for the shortest time possible. Delays can create additional stress for all involved. The process should not be unnecessarily delayed or obstructed.

After hearing all the evidence, the panel will then meet in closed session in order to deliberate and consider its decision. If a note taker is present at the meeting, only she/he should also remain present but would not take notes of the deliberations. The panel may seek further advice (e.g. HR and/or legal advice, etc.) before reaching its decision.

The panel should be satisfied that all the appropriate procedures have been followed before a decision to dismiss is upheld.

The range of decisions available to the panel is:

- To endorse the original decision to dismiss.
- To overrule the decision to dismiss and (i) refer the matter back to an earlier stage of the procedure or (ii) cancel the proceedings.

### **The decision of the Appeal Panel is final.**

The decision of the Appeal Panel should be communicated to the employee and the presenting manager and confirmed in writing.

When the appeal procedure has been exhausted a dismissal decision may be communicated as a confidential item at a meeting of the Governing Body

### **Policy Review**

This policy and procedures document should normally be reviewed formally by the Board of Directors at least every 3 years with minor updates being made by school management as necessary in the interim (through the normal processes) and published in the policies folder on the shared whole college network.

**Next review: Summer 2020**