



Mighty Oaks Academy Trust

Absence Policy

Review Date: September 2023



Introduction

This document outlines the procedure and policy for the operational management of staff sickness and absence in Mighty Oaks Multi Academy Trust.

Linked Policies

This policy should be read in conjunction with the following policies:

- The terms and conditions of employment for an individual member of staff.
- Health and Safety
- Disability and Equality
- Leave of Absence
- Staff Appraisal and Capability
- Staff discipline, conduct and grievance
- Whistle Blowing

Aims

The staff sickness and absence policy is designed to:

- Provide a clear and transparent framework for the management of staff sickness and absence.
- Promote the highest possible levels of staff attendance.
- Support staff who are encountering medical or other difficulties that are affecting their attendance.

Legal Framework

The health and safety at work act 1974 is relevant to parts of this policy.

Statement of Policy

1. Rationale

1.1 The levels of absence among staff are of vital importance to the success of any organisation and none more than in a school such as Mighty Oaks Academy Trust.

1.2 Health and Safety legislation requires that employers are responsible, so far as is reasonably practicable, for the health, safety and welfare of their employees. The management of the school are convinced of the need to properly manage the levels of sickness absence which may occur, not least for the reasons of staff welfare and to try and ensure that where staff are experiencing problems relating to sickness absence, we are able to provide the appropriate support.

1.3 There are a number of benefits to be gained from the proper management of sickness absence. Not only can staff welfare and support be provided but the highest level of continuity can be achieved both for the school and the pupils where absence is properly managed.

1.4 The financial implications of sickness absence are inescapable and whilst this is certainly not a paramount issue it would not be right for us to ignore such implications.

1.5 The principals of this policy are to be applied to all staff employed at Mighty Oaks Academy Trust (Priorslee and Buildwas Academy), teaching and support staff.

2. Note

2.1 Mighty Oaks Academy Trust is placing great emphasis on the management of absence. The main aims are to try and achieve full attendance and to properly manage cases of absence.

2.2 These aims will be underpinned by the following principles:-

- staff will be treated fairly and compassionately with all the appropriate support being given.
- management will be consistent in their approach to the procedure for dealing with individual cases.
- high standards in health, safety and welfare will be a constant objective for all.
- any information received during the application of the procedures involved in absence management will be treated confidentially and sensitively.

3. Procedure

3.1 Staff should notify the School Business Manager (joanne.hart@taw.org.uk) by 7.30am on the day of absence, or earlier if possible. It is expected that staff will maintain contact with the school wherever possible and must notify school by 3.30pm the day before they return to work. If you do not notify the Business Manager by 7.30am on the morning of your absence, the absence will be unpaid, unless there are exceptional circumstances.

3.2 Staff will be required to produce a doctor's certificate from the eighth calendar day of sickness.

3.3 During sickness absence, staff are asked to be absent from school at all times during the working day. Any staff requiring access to school is asked to do so by prior arrangement with the Head of School.

3.4 There will be no requirement for staff during absence to undertake any duties normally expected, for example planning and marking of work. It is not unreasonable however, for the school to request copies of medium-term planning and records held at home to enable appropriate cover, and provide continuity for the class. In such circumstances arrangements will be made for their collection.

3.5 On the day a member of staff returns to work from sickness absence, regardless of the length of time off, Business Manager will conduct a return to work interview. Such interviews may only last for a few minutes and will provide us and the staff member with the opportunity to discuss any matters that have arisen during the period of absence. At this time the staff member will have an opportunity to update the Academy on any relevant issues pertaining to their absence and any possible future concerns.

3.6 In the case of long term or repeated absences the interviews will provide an opportunity to reaffirm the school's interest in the member of staff, and provide an opportunity for discussion of the general attendance record. It will allow the member of staff to inform the Business Manager if there is an underlying medical problem and enable a dialogue pertaining to any support the staff member may require to enable them to return to work.

3.7 In all instances the cause of absence will need to be recorded on the self-certification form, signed by both the member of staff and the Head of School/Business Manager.

3.8 Long term absences will require a referral to occupation health.

4. Review of Absence Records and Further Action

4.1 It is intended that sickness absence records for each member of staff will be maintained and that the Head of School will review these records on a termly basis. Each record will provide details of the number of occasions the member of staff has been absent, the total number of days for each absence, and a running total of that member of staff's level of absence. Reasons for absence will also be maintained on these records.

4.2 The review of each absence record will be carried out with a view to deciding, where appropriate, that measures need to be taken, regarding individual cases and what those measures should be.

4.3 It is recognised that it is of paramount importance to ensure that any decisions regarding action to be taken in individual cases are made on an entirely objective basis. In order to ensure consistency and objectivity, when absence records are reviewed, a comparison of each record will be made against standard, agreed levels of absence. Those levels when reached will 'trigger' an automatic consideration of further action in those particular circumstances

4.4 It is intended that these agreed 'trigger' levels will be reviewed on an annual basis by the Head of School and will be the subject of consultation with staff.

4.5 Initially the following levels of absence will indicate the need to consider further measures:-

In any one twelve month period

a) Three or more separate periods of sickness absence,

Or

b) A total of five working days absence.

4.6 Where the level of absence in a particular case has reached that where further action is to be considered such action will depend on the circumstances of the case, including:-

- the frequency and duration of absences
- the reasons for absence
- the total amounts of absence
- the nature of duties undertaken and the effects on service provisions

- the outcome of any previous reviews and any previous action taken.

4.7 It will be for the Head of School, in reviewing an individual case, to try to establish whether the absence record of a member of staff consists of persistent short term absence or whether an underlying medical problem is indicated by their absence record.

4.8 If an underlying medical problem is perceived, then help may be sought through the Occupational Health Adviser or Counselling service

4.9 Where an absence record does not obviously indicate an underlying medical problem or where it is felt that such a problem may be evident but has not been dealt with appropriately, the Head of School will conduct an interview with the member of staff concerned.

4.10 At this interview we will examine, with the member of staff (who may be accompanied by a friend or Trade Union Representative) the circumstances of the absences, any medical or welfare assistance which may be of help and the effect of the absences on the duties of the member of staff.

4.11 If the member of staff suggests that an underlying medical problem may be a contributory factor then he/she should be referred to the Occupational Health Adviser and consent to medical review should be obtained.

4.12 In all other cases the member of staff will be informed that their level of absence is considered to be unsatisfactory and they shall be informed that an improvement is required and that further monitoring of their absence level will take place over a specific period. The member of staff shall also be informed that failure to improve will result in referral to the Executive Principal and a representative from the Governing Body.

4.13 Where, upon further monitoring, satisfactory improvement has taken place, the member should be interviewed and informed of this.

5. Long Term Absence Cases

5.1 For the purposes of this Policy, long term absence cases will be defined as those where an employee has been absent for a period of four weeks (either in one continuous period or in total over a twelve month period) or where it is known that he/she is likely to be absent for such a period.

5.2 Where such cases occur formal contact must be made at the earliest opportunity by the School Business Manager who will ascertain the likely length of absence and offer any appropriate advice and assistance to the employee. This may include a recommendation to the employee that they contact the Council's Employee Support and Counselling Service.

5.3 A home visit by the Head of School can be arranged with the consent of the employee.

5.4 Where an employee is absent on long term sickness it is important that contact with the school is maintained. The Head of School will therefore continue to make formal contact with the employee at least monthly, following the initial formal contact.

5.5 When it is clear that an employee has been or is likely to be on long term absence the case should be referred to occupational health. This referral will be arranged by the Council's Employee

Support and Counselling Service who, in liaison with the Head of School, will arrange a formal meeting with the employee to:-

- discuss the nature of the problem
- ascertain the likely prognosis
- explain the medical review procedure to the employee and seek their consent
- for access to their medical records
- inform them of the dates that their entitlement to full and half pay expire.

5.6 The Occupational Health Adviser will advise on the health of the employee and their fitness for work. Apart from these issues the Occupational Health Adviser may suggest amendments to working practices or that certain duties should not be carried out by an employee, in order to facilitate their return to work.

5.7 In cases where it becomes clear that an employee is permanently incapable of undertaking their duties on medical grounds the next step will be for the employee to discuss their situation with the Employee Support and Counselling Service.

5.8 The purpose of this interview will be to review the case and to decide on the next step. It may be that the employee does not wish to retire on the grounds of ill health but wishes to seek redeployment. If the employee is medically suitable for and expresses an interest in redeployment, the Employee Support and Counselling Service will advise the employee with regard to possible redeployment opportunities. Obviously the possibilities for redeployment within the school may well be limited and the Employee Support and Counselling Service will also liaise, where appropriate, with the school's named Personnel Adviser who will explore other available redeployment opportunities that may exist elsewhere within the County Council.

5.9 If the employee is not seeking redeployment or where possibilities for redeployment have been exhausted the Head of School, will write formally to the employee notifying them of the proposal to terminate their employment on the grounds of ill health and informing them of their right to representations and appeal against this proposal.

5.10 In the majority of cases termination of employment under such circumstances will be by mutual agreement and an effective date can be agreed very quickly.

5.11 This will then be confirmed and the employee will be issued the notice of termination. In other cases, notice of termination will not be issued until the representation and appeals stages have been addressed.

5.12 At any stage, an employee who is likely to be retiring on the grounds of ill health may access details of pension implications by contacting their relevant pension providers (Teacher's Pension or Shropshire County Pension Fund).

6 Referral of Cases to the Executive Principal

6.1 Where upon review of an individual absence record the Head of School considers the record to be unsatisfactory, an interview will be held as described in Paragraph 5.9. If following that interview the Head of School decides that improvement in the employee's absence record is necessary this will be required with the proviso that should the improvement not be forthcoming the case would be referred to the Executive Principal and a representative from the Governing Board for their consideration.

6.2 Where a case is referred to the Executive Principal and a representative from the Governing Board a formal hearing will take place at which the employee may be represented and at which formal action may be taken against the employee.

6.3 The procedure for such hearings will be as follows:-

- The employee will be informed, in writing, of the date, time, and place of the hearing and be given at least ten days' notice of the hearing. The employee will be provided with a written statement of the case to be presented together with any documents to be presented at the hearing.
- The employee shall be given the right of representation at the hearing, either by a friend or Trade Union representative.
- The Panel conducting the hearing will consist of the Executive Principal and three Governors (who should not be members of the governors appeals committee).
- The facts of the case will be reported orally to the Panel by the Head of School, who will refer to the written statement and supporting information.
- The Panel will ask any questions as necessary.
- The employee and/or their representative will ask any questions as necessary.
- The employee and/or their representative will present their case.
- Questions will be asked, as necessary, by the Panel and the Executive Principal.
- The Head of School will sum up the case against the employee. This will be followed by a summing up from the employee and/or their representative.
- The Panel will consider their decision and inform the employee before the hearing closes, confirming their decision in writing within three days.

6.4 Following consideration of the facts of the case the Panel will convey their decision to the employee.

6.5A range of actions will be open to the Panel, depending upon the circumstances of the case. Action, if taken, may range from the following:

- Formal written warning.
- Final written warning (this will only follow where a Formal Warning has previously been issued and required improvement is still not forthcoming).
- Dismissal (this will only occur where a Final Written Warning has previously been issued and required improvement is still not forthcoming).

6.6 In some cases the Panel may decide not to take any formal action but to continue to monitor the absence record of the employee.

6.7 In all cases where formal action is taken by the Panel, the employee will have the right of appeal to the Governing Body's Appeals Committee. The appeal is to be made within ten days of the notification to the employee of the original decision. The reasons for the appeal should be set out in writing and sent to the Clerk to the Governors.

6.8 The procedure for the hearing of appeals will be as follows:-

- The Panel shall consist of three other Governors. They will not have been involved in any previous hearing involving the case.
- The Head of School shall report the circumstances of the case orally supported by written statement and the medical report in the presence of the employee and the representative.
- The employee or the representative shall then be given the opportunity to question the Head of School regarding the case. The Governors hearing the appeal shall then have the opportunity to question the Head of School regarding the case.
- The employee or the representative shall then put his/her case and explanation of the circumstances of the absences.
- The Head of School shall then have the opportunity to question the employee.
- The Governors hearing the appeal shall then have the opportunity to question the employee.
- The Head of School shall then sum up, followed by the employee or representative.
- The Panel will consider their decision and inform the employee before the hearing closes, confirming their decision in writing within three days.

7 Unpaid Absence

7.1 Staff will not receive pay for the following absences:

- Child care i.e. sickness of a child
- Funerals, unless of an immediate family member i.e. Parents, siblings and grandparents
- Bereavement, unless of an immediate family member i.e. Parents, siblings and grandparents
- Family members' medical appointments

8 Exceptional Circumstances

8.1 There may be occasions where staff request exceptional leave of absence in term time. These requests must be made in writing to Mr S Tilley, Executive Principal who will consider each case individually.

