

**Review Date:** July 2020

**Document Ref:** ABS-POL-002



This Policy applies to all employees of the Trust. It does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance only and the Trust reserves the right to amend its content at any time.

The Policy takes into consideration the Equalities Act and, where necessary, will be adapted accordingly.

There are four key aims of this Policy:

- To understand the causes of any absence and the effect it may have/will have on the employee's ability to carry out their job function effectively;
- To provide support to employees to help them manage their health, work or welfare problems, including work-related stress;
- To explore any options which could help employees to improve attendance and/or facilitate their return to work;
- To outline the key stages of an absence management process and the potential outcome(s).

In addition, the Trust will bear in mind:

- Employees' rights to medical confidentiality;
- Employees' expectations of fair and consistent treatment.

The Trust recognises different approaches may be required, depending on the nature of employees' absences. The procedure to be followed in the case of an acute or long-term medical problem ("long-term sickness absences") is set out in Point 3 of this Policy. The procedure to be followed in the case of persistent, intermittent short-term absenteeism ("short-term intermittent absences") is set out in Point 4 of this Policy.

### **1. Meetings Under This Policy**

Meetings under this Policy will be arranged during your normal working hours, and therefore you should be available to attend and must take all reasonable steps to do so. Failure to do so without good reason may be treated as misconduct.

We will notify you in writing of the time, date and place of any meeting, and why it is being held.

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Meetings will be conducted by the head of school or HR.

All employees will have the right to be accompanied by a work colleague or an accredited trade union official at any of the following meetings:

### **Long-term Sickness Absence**

- Formal Absence Review Meetings
- Consideration of Dismissal Hearing
- Appeal Hearing

### **Short-term Intermittent Absences**

- First Formal Absence Review Meeting
- Second Formal Absence Review Meeting
- Final Formal Absence Review Meeting
- Consideration of Dismissal Hearing
- Appeal Hearing

Please note the mere fact of being signed off by your GP as unfit to work does not in itself mean you are unfit to attend a meeting. Unless the nature of your ill-health is such that you are unable to attend, you would normally be expected to attend.

If your companion is unavailable to attend at the time specified, you should immediately inform the head of school or HR who will seek to agree an alternative time within a reasonable period (normally 7 calendar days). If this is not possible, you would be expected to find an alternative companion.

A meeting may be adjourned if the head of school or HR are awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

Confirmation will be given to you in writing as soon as reasonably practicable following a sickness absence meeting of:

- The issues discussed;
- Any decisions made or actions agreed at a meeting;
- The reasons for such;
- Any measures or support agreed;
- The consequences of failure to improve; and
- Any right of appeal.

## **2. Disabilities**

We are aware sickness absence may result from a disability. At each stage of this Policy, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

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The Trust may also adjust the process where appropriate. For example, to accommodate an employee's disability:

- Trigger points may be adjusted;
- Meetings may be held off-site or by telephone;
- While no right to accompaniment applies at the informal stage of the process, the Trust may extend this right in appropriate circumstances;
- At the Trust's discretion, you may be permitted to bring a companion who is not a work colleague or union representative (for example, a family member) where this will help overcome particular difficulties caused by a disability; or
- The Trust may, in appropriate circumstances, elect not to impose disciplinary warnings in relation to disability-related absence. This shall not, however, prevent the absence management procedure from moving to the next stage.

If you consider you are affected by a disability or any medical condition which affects your ability to undertake your work, you should inform the head of school or HR.

### **3. Managing Long-Term Sickness Absence**

The following paragraphs set out our procedure for dealing with long-term sickness absence. The purpose of the procedure is to investigate and discuss the reasons for your absence, whether it is likely to continue or recur, and whether there are any measures that could improve your health and/or attendance. We may decide medical evidence, or further medical evidence is required before deciding on a course of action.

#### **3.1. Trigger Points**

The purpose of specifying trigger points is to enable the Trust to take prompt action to deal with absence, alert employees their level of absence is causing concern, and identify potential problems and to deal with them effectively before they escalate.

The Trust's current trigger points for long-term absence are:

- An absence from work for 4 weeks (or less if appropriate) with an underlying medical condition and/or where there is no prospect of a return to work in the near future.

It is not always necessary for a trigger point to be reached before action is taken. The head of school or HR may take action at any time, (for example, referring an employee to Occupational Health) if they have concerns about an underlying cause of sickness and/or there is a significant impact on the service.

#### **3.2. Referrals to Occupational Health**

The Trust has access to an Occupational Health service and may use this to obtain expert medical advice:

- To provide appropriate support to employees;
- To aid decision-making in sickness absence cases.

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The Trust may refer an employee to the Occupational Health service at any point if they are concerned about the impact of an employee's health on their work or attendance.

Referrals will also take place at appropriate points throughout the process set out in this Policy.

A referral may take place when an employee has been on sick leave for 4 continuous weeks, or the Trust receives a medical certificate indicating an absence of this length is anticipated.

### **3.3. Welfare Meeting**

The purposes of a welfare meeting will be to discuss the reasons for your absence, how long it is likely to continue, whether it is likely to recur, whether to obtain a medical report, and whether there are any measures that could improve your health and/or attendance. Such a meeting will usually be arranged after a continuous period of 4 or more weeks' absence; however, can be arranged sooner if either party consider it beneficial to do so.

We will discuss with you:

- The reason for your absences;
- The anticipated duration of your absence;
- The treatment and care you are receiving;
- Whether it is necessary for the Trust to consider taking reasonable measures to facilitate your return to work;
- Whether medical evidence is required to assess your fitness to return to work and if any changes are necessary to assist you, having regard to any Return to Work plan;
- If your continued absence may lead to a formal absence review; and
- A time-scale for review.

The aim of this meeting will be to seek to agree a return-to-work programme, possibly on a phased basis and consideration will be given to the above discussions to determine whether such a programme can be agreed, and if so, the various aspects of that programme, for example, a return to work date, the support measures the Trust can put in place on a temporary or permanent basis and any dates for review which may be appropriate.

### **3.4. Formal Absence Review Meetings**

If after a reasonable time, which would usually be discussed with you during the welfare meeting, you have not been able to return to work, we will hold a Formal Absence Review meeting.

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The purpose of the Formal Absence Review meetings will be to discuss the following:

- The reasons for and impact of your absence;
- The anticipated duration of your absence;
- If it has not been obtained, whether medical evidence is required. If it has been obtained, the advice has been given and whether further advice is required;
- Whether it is necessary for the Trust to consider taking reasonable measures to facilitate your return to work, which may include consideration of adjustments that can reasonably be made to assist you in your current role, or any possible redeployment opportunities;
- Your ability to return to your job in view of your capabilities and the Trust's operational needs;
- Whether the Trust needs to notify you that you may be at risk of dismissal if you are unable to return to work within a reasonable timeframe;
- Action that will be taken and a time-scale for review and/or a further meeting.

The number of Formal Absence Review meetings required for this process will largely be determined by the content of any medical evidence obtained, and your personal circumstances, however, a minimum of 2 review meetings will take place. If it becomes clear you will either be unable to return to work within a reasonable timeframe or if you are no longer able to carry out your contracted duties and consideration has been given to any adjustments or possible redeployment opportunities without success, the Trust may arrange a Consideration of Dismissal Hearing.

### **3.5. Consideration of Dismissal Hearing**

Where you have been notified you may be at risk of dismissal, and the situation has not changed significantly, we will hold a Consideration of Dismissal Hearing to consider the possible termination of your employment. Before we make a decision, we will consider any matters you wish to raise and whether there have been any changes since the last meeting.

Alternatively, in exceptional instances, the Trust may receive clear Occupational Health advice that the anticipated duration of the absence means the Trust would consider it appropriate to commence the process at this final stage, without it being necessary to conduct Formal Absence Review meetings first.

Any such consideration will be by a panel of not less than 3 people and to include at least one Governor and one member of the Senior Leadership Team, dependent upon the employee's job role. In the case of a Headteacher, consideration will be by a panel of 2 Governors and one member of the Senior Leadership Team.

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The purposes of the hearing will be:

- To review the meetings that have taken place and matters discussed with you;
- To consider whether there have been any changes since the last meeting under this Policy, either as regards your possible return to work or opportunities for return or redeployment;
- To consider the most up to date medical evidence;
- To consider any further matters you wish to raise;
- To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time;
- To consider any reasonable options for redeployment on medical grounds before making any recommendation for dismissal (where redeployment is an option identified by Occupational Health);
- To consider any reasonable options for ill-health retirement before making any recommendation for dismissal;
- To consider the possible termination of your employment.

The grounds for consideration of dismissal will be that you are incapable of fulfilling your duties by reason of continued absence(s).

Any dismissal will be on notice, ie paid monthly until the end of the notice period, unless explicitly requested otherwise.

You will have the right to appeal against any decision to terminate your employment. This is detailed below.

#### **4. Managing Short-Term Intermittent Absence**

The following paragraphs set out our procedure for dealing with short-term intermittent sickness absences. When considering the absence levels of any employee, the Trust will have regard to sickness absences, however, non-sickness absence may also be covered under this policy and would be processed separately to sickness absence.

The purpose of the procedure is to investigate and discuss the reasons for your absences. Consideration will also be given to whether these short-term intermittent absences are likely to continue and whether there are any measures that could improve your health and/or attendance. We may decide medical evidence, or further medical evidence is required before deciding on a course of action. The Trust will also give serious consideration to the impact your absences are having on the students, your colleagues and the wider Trust community as a whole, and will give consideration to how to reduce any such impact and whether, as a result of any such impact, your level of absence can be sustained by the Trust.

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#### **4.1. Trigger Points**

The purpose of specifying trigger points is to enable the Trust to take prompt action to deal with absence, alert employees their level of absence is causing concern, and identify potential problems and to deal with them effectively before they escalate.

It is not always necessary for a trigger point to be reached before action is taken. The head of school or HR may take action at any time, (for example, referring an employee to Occupational Health) if they have concerns about an underlying cause of sickness and/or there is a significant impact on the service.

The Trust's current trigger points for short-term absence are:

- 4 or more episodes of absence in a rolling 12-month period; and/or
- 9 working days of absence in a rolling 12-month period; and/or
- Absences in a short period warranting immediate action, eg 3 episodes or 6 working days in 6 months; and/or
- A pattern of absence causing concern, eg regular Friday or Monday absences or absences regularly occurring on a particular day/week, pre or post annual leave, Trust holidays, public holidays, payday; and/or
- No adequate reason given for the absence.

#### **4.2. First Absence Review Meeting**

When you have met a trigger point above or the Trust otherwise considers your absence level is a cause for concern, you may be asked to attend a First Absence Review meeting with the head of school for school employees and HR for the central team/SLT.

The basis for the Trust's concerns about your absence levels and the reason for the meeting being called will be confirmed in writing. A reasonable opportunity for you to consider this information before a meeting will be provided.

The purposes of the First Absence Review meeting will be to discuss the reasons for your absences, whether further absences are likely to occur and whether there is a medical link between the reasons for absence, which may result in the Trust benefiting from obtaining a medical report, and whether there are any measures that could improve your health and/or attendance.

We will discuss with you:

- The reason for your absences;
- The anticipated duration of any further absences;
- The treatment and care you have received;
- Any medication taken and any expected side effects;

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- Whether it is necessary for the Trust to consider taking reasonable measures to assist you in the workplace and to minimise the occurrence of repeated absences;
- Whether medical evidence is required to assess your fitness and if any changes are necessary to assist you;
- What improvement is required in your attendance pattern;
- Targets to improve your attendance if necessary over a set period of time.

If you meet your attendance target during the review period set at the First Absence Review meeting, the Trust will confirm this to you in a letter, and this procedure may be brought to an end. However, the above trigger points will continue to apply and if you reach another trigger point the Trust may decide to recommence this procedure at this stage, without repeating the First Absence Review meeting.

#### **4.3 Second Absence Review Meeting**

If you have been unable to meet your attendance targets during the review period set at the First Absence Review meeting, you will be invited to a Second Absence Review meeting. The purpose of the Second Absence Review meeting will be to review the discussions from the First Absence Review meeting and consider why further absences were required.

We will discuss with you:

- The reasons for and impact of your absences on the students, your colleagues and the wider Trust community as a whole, and what support you believe the Trust could offer to reduce the impact of your absences;
- If you have met the targets set at the First Absence Review meeting;
- The anticipated likelihood and duration of any further absences;
- If it has not been obtained, whether medical evidence is required. If it has been obtained, the advice that has been given and whether further advice is required;
- Any measures which were put in place following the First Absence Review meeting to assist you in the workplace and to minimise the occurrence of repeated absences, and why they may not have been successful, and whether alternative measures could be put in place that could improve your health and/or attendance. This may include consideration of adjustments that can reasonably be made to assist you in your current role, or any possible redeployment opportunities;
- Your ability to remain in your job in view of your capabilities and the Trust's operational needs;
- Action that will be taken and a time-scale for review and/or a further meeting. This may, depending on steps that have already been taken and the nature of the absence(s), include a first written warning.



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You can appeal against a decision to be given a written warning. Details of how to do so are set out below. Where an appeal is upheld, a further review meeting will be set and the procedure will be resumed at the Second Absence Review meeting stage.

If you meet your attendance target during the review period set at the Second Absence Review meeting, the Trust will confirm this in a letter, and this procedure may be brought to an end. However, the above trigger points will continue to apply and if you reach another trigger point the Trust may decide to recommence this procedure at this stage, without repeating the First or Second Absence Review meeting.

#### **4.4. Final Absence Review Meeting**

If you have been unable to meet your attendance targets during the review period set at the Second Absence Review meeting, you will be invited to a Final Absence Review meeting. The purpose of the Final Absence Review meeting will be essentially the same as the purpose of the Second Absence Review meeting, and the same issues may be discussed. However, depending on the steps that have already been taken and the nature of the absences, this may include a final written warning being issued. You will also be warned that a failure to meet the attendance targets set at the Final Absence Review meeting may place you at risk of dismissal.

You can appeal against a decision to be given a written warning. Details of how to do so are set out below. Where an appeal is upheld, a further review meeting will be set and the procedure will be resumed at the Final Absence Review meeting stage.

#### **4.5. Consideration of Dismissal Hearing**

If you have been unable to meet your attendance targets during the review period set at the Final Absence Review meeting, you may be invited to a Consideration of Dismissal hearing.

The purpose of the meeting will be:

- To review the meetings that have taken place and matters discussed with you;
- To discuss the impact that your absences are having on the students, your colleagues and the wider Trust community as a whole, the steps the Trust has taken to reduce that impact and whether these steps can be maintained;
- To consider whether there have been any changes since the last meeting under this Policy, either as regards your likelihood of further periods of absence or opportunities for redeployment into a role which would be less impacted by your absences than your current role;
- To consider any further matters you wish to raise;
- To consider whether there is a reasonable likelihood of you achieving the desired level of attendance in a reasonable time;
- To consider whether you may be eligible for retirement on ill-health grounds;
- To consider the possible termination of your employment, having considered whether your high absence levels can continue to be sustained by the Trust, taking account of

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the impact of those absences.

Any such consideration will be by a panel of not less than 3 people and to include at least one Governor and one member of the Senior Leadership Team, dependent upon the employee's job role. In the case of a Headteacher, consideration will be by a panel of 2 Governors and one member of the Senior Leadership Team.

The grounds for consideration of dismissal will be that you are incapable of meeting the Trust's expectations regarding attendance levels and that your absences are having an unsustainable impact on the students and/or your colleagues and/or the wider Trust community as a whole.

Any dismissal will be on notice, ie paid monthly until the end of the notice period, unless explicitly requested otherwise.

You will have the right to appeal against any decision to terminate your employment. This is detailed below. The date any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

## **5. Appeals**

You can appeal any written warning or decision to terminate your employment within 14 calendar days of receiving written confirmation of such a decision, to the Head of People & Performance, CIT HR Dept.

## **6. Unauthorised Absence**

Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.

An absence that has not been notified according to the sickness absence reporting procedure will be treated as an unauthorised absence.

If at any time, the head of school or HR considers you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.

## **7. Ill-Health Retirement**

Where the relevant employee is a member of the LGPS or the TPS, the Trust will consider whether ill-health retirement may be an appropriate course of action before making any recommendation for dismissal.

For all staff, the head of school or HR should have normally have met with the employee and their representative to discuss the options including the ill-health retirement process.

If ill-health retirement is confirmed by Occupational Health the head of school or HR will need to advise the employee of the decision which must be confirmed in writing.

### **7.1. Support Staff**

In accordance with the Local Government Pension Scheme (LGPS), the head of school or HR will satisfy him/herself that they have exhausted all reasonable options in accordance with this procedure, including consideration of phased return/adaptations to duties/working patterns/alternative employment, before requesting an assessment under ill-health retirement.

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If on the basis of the facts, it is evident there is not likely to be a return to work in the foreseeable future and no likelihood of being fit, the employer may consider making a referral to Occupational Health for ill-health retirement.

## **7.2. Teachers**

In accordance with the Teachers' Pension Scheme, the request for an assessment under ill-health retirement should be issued by the head of school or HR. In that case, the head of school or HR has to satisfy him/herself they have exhausted all reasonable options in accordance with this procedure, including consideration of phased return/adaptations to duties/working patterns/alternative employment. If on the basis of the facts, it is evident there is not likely to be a foreseeable return to work in the future and no likelihood of being fit, the Trust may consider making a referral to Occupational Health for ill-health retirement. However, in addition, the Teachers' Pension Scheme also allows the ill-health retirement process to be instigated by the teacher themselves. Teachers who may be eligible to apply for ill-health retirement should initially advise their head of school or HR of their situation.

## **8. Sickness Absence and Annual Leave**

While it is recognised that during a period of sickness absence, time away from home, for example going on holiday or visiting family may be therapeutically helpful, you are required to seek prior approval from the Trust. A decision to take time away from home during a period of sick leave without giving prior notice to the Trust may result in a loss of your Occupational Sick Pay during that period.

Please note that the requirements in your Statement of Main Terms of Employment regarding requesting annual leave will continue to apply during any period of sickness absence.

