



## **Absence Management Policy**

<b>Formally adopted by the Trust</b>	
<b>On:-</b>	<b>December 2019</b>
<b>Chair of Trustees:-</b>	<b>Mark Jeffries</b>
<b>Consulted with Trade Unions at county level</b>	<b>May 2019</b>

### Roles and Accountabilities

Evolution Academy Trust is accountable for all policies across its Schools. All policies whether relating to an individual Schools or the whole Trust will be written and implemented in line with our ethos and values as articulated in our prospectus.

A Scheme of Delegation for the Academy Trust sets out the responsibilities of the Local Governing Body and Headteacher. The Headteacher of each school is responsible for the implementation of all policies of the Academy Trust.

All employees of the Academy Trust are subject to the Trust's policies.

### Contents

(Click on the headings below to jump to the relevant section)

1. Introduction – equal opportunities and scope.....	2
2. Sickness absence - definition.....	4
3. Responsibilities under the policy.....	4
4. Absence linked to disability.....	6
5. Absence linked to pregnancy.....	7
6. Absence due to accident or industrial disease (non-teaching staff).....	8
7. Absence due to accident, injury or assault at work (teaching staff).....	8
8. Ill health that does not lead to absence from work.....	8
9. Employees who are at work but not considered fit by the Headteacher.....	9
10. Infectious diseases.....	9
11. Work related ill health.....	9
12. Work related stress.....	10
13. Sick pay entitlements.....	10
14. Occupational health provision.....	10
15. Other support available.....	11
16. Data protection.....	11
17. Associated documents.....	12
Appendix A – Sick pay entitlements.....	13
Appendix B – Table of changes.....	15

### 1. Introduction – equal opportunities and scope

- 1.1 This policy and related procedure applies to all employees, both teaching and support staff.
- 1.2 This policy and related procedure make clear the Trust Board's expectations on employees and their managers regarding absences caused by ill-health. It is intended to deal with injury and ill-health that lead to attendance problems regardless of the cause. It is not intended for use where health, either mental or physical, leads to performance problems. These matters will be dealt with under the separate Capability policy and procedure.

- 1.3 Throughout this policy and related procedure, reference is made to the Headteacher as the manager responsible for dealing with absence issues. In some situations, line managers other than Headteacher may have delegated responsibility for significant elements of the day-to-day management of absent employees. Equally, where the Headteacher or a member of central staff is the employee with health issues, the CEO will take the manager role. Where it is the CEO, Members will take the manager role.
- 1.4 Some employees will inevitably experience periods of absence due to ill health or injury. It is important that a proper balance is struck between managing such absences whilst being supportive and acting as a fair and reasonable employer (i.e. fulfilling the employer's duty of care to employees).
- 1.5 The contribution of employees to the delivery of quality services is highly valued; employee sickness absence can disrupt student's education and staff morale. Employee absence is very expensive, with money being spent on temporary cover or overtime as a result. Unchecked absence can lead to bad feeling, conflict and disciplinary cases including dismissal. This, in turn, can lead to claims for compensation and tribunal hearings where we (the Trust would need to demonstrate that we have acted fairly. It is therefore essential that attendance at work is managed effectively and appropriately.
- 1.6 The following principles apply to this policy and related procedure for dealing with sickness absence:
- Good attendance is valued.
  - Open and honest communication between senior managers and employees is encouraged and promoted.
  - Matters raised relating to an employee's attendance do not imply any distrust of employees or concerns regarding their conduct.
  - Absence due to injury or ill-health, regardless of the cause, should be dealt with in a way that is consistent, non-discriminatory and in accordance with the Equality Act 2010.
  - Promotion of a sensitive and supportive preventative approach towards those suffering the effects of ill health, rather than following a punitive process.
  - Sickness absence cases will be conducted with respect for confidentiality and in accordance with the requirements of the Data Protection Act and Access to Medical Reports Act.
  - Health & Safety at Work legislation includes requirements around a duty of care owed by the employer to its employees.
- 1.7 In applying this policy, all employees are expected to adhere with their obligations under equality legislation. Managers must ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status.

### 2. Sickness absence - definition

- 2.1 **Sickness absence** occurs when an individual is unfit to work due to ill health. It also occurs when a doctor advises the employee not to attend work due to illness, convalescence, incapacity or the possibility that they may be contagious.
- 2.2 **Short term absence** is defined as any period of time where an employee is not at work due to illness for a period of up to 28 days in duration, from the first day of absence (including any half days).
- 2.3 **Persistent short term absence** is defined as where an employee has taken a significant number of short term sickness absences.
- 2.4 **Long term absence** is defined as a period of time where an employee is absent from work due to illness for a continuous period of greater than 28 days.
- 2.5 **Other absence** - an employee's absence from work may not be related to illness or incapacity. These absences will be recorded and managed in accordance with the Trust's Leave and time off policy.
- 2.6 **Appointments** with a GP, dentist, optometrist or other medical practitioner during the working day are also covered within the Trust's Leave and time off policy.
- 2.7 **Unauthorised absence** - Where an employee has claimed to be absent due to sickness, but it is subsequently identified that their absence is not due to sickness, it will be considered as unauthorised absence. This may result in disciplinary action and/or loss of pay under the Trust's Discipline policy.

### 3. Responsibilities under the policy

- 3.1 Final decisions about how to deal with an employee's sickness absence or ill health and the impact on their employment situation, are managerial, not medical. The Headteacher will seek occupational health advice where work is affecting an employee's health or where an employee's health is affecting their work in order to help inform the decisions that are made.
- 3.2 The role of an occupational health provider is to give impartial advice to the employer on an employee's ability to undertake their duties and the supportive measures that can be put in place, where appropriate.
- 3.3 Below is a summary of the main responsibilities and expectations this policy and the related procedure places on a Headteacher and on employees. It also lists what might reasonably be expected from Educator Solutions HR Services.

Roles and responsibilities		
Employee	Headteacher	HR
Read and understand the Absence management policy and procedures.	Ensure all employees are aware of the policy and procedures and how it affects them.	Provide consistent support and guidance on the interpretation and application of the policy and procedures.
Tell the Headteacher at the earliest opportunity if they believe their job is making them ill or contributing to their illness.	Carry out risk assessments and act promptly on potential health issues, even where they are not causing absence.	Provide support and guidance on risk assessment and what steps can be taken to minimise or eliminate risk.
Take all reasonable steps to maintain personal health and well-being and acknowledge responsibility to attend work unless unfit to do so.	Promote a culture in which good attendance is valued and recognised. Report levels of absence (but not details on named individual employees) to appropriate committees. Investigate high levels and take steps to improve attendance.	Provide support via Occupational Health, IPRS, Norfolk Support Line well-being services etc in order to improve attendance.
Report sickness absences promptly. Seek advice from GP to improve health at the earliest opportunity.	Ensure all employees know who and how often they should report absence to. Pass details of absence to payroll provider promptly.	Record absence accurately, providing information on effects on employees' pay as necessary.
Contact the Headteacher on a regular basis during periods of sickness absence to keep them informed of progress.	Maintain contact with employees during periods of sickness absence in a manner which has been mutually agreed with the employee.	Provide guidance on how to maintain contact in difficult circumstances.
Ensure that appropriate certification is completed and submitted promptly.	Monitor receipt of certification and chase when necessary. Maintain proper and accurate records.	Provide advice on interpretation and need for certification.
Communicate openly and honestly with the Headteacher.	Respond sensitively, sympathetically and maintain confidentiality.	Provide support for challenging conversations when requested.

Roles and responsibilities (continued)		
Employee	Headteacher	HR
Co-operate fully with the Headteacher, HR, Occupational Health and any other organisation providing support, including being available to attend the Occupational Health assessment when required.	Be prepared to listen and give serious consideration to all reasonable adjustments or ideas to promote recovery and return to work. Request review appointments as required.	Arrange and follow up Occupational Health advice and other support promptly and effectively.
Not delay commencement of medical intervention where it has been identified and made available.	Seek HR advice promptly to minimise length of absence and promote earlier recovery.	Offer suggestions for intervention when appropriate.
Attend absence management meetings as necessary. Participate in the discussion and understand the consequences if improvement targets are not met.	Manage those with unacceptable absence firmly and fairly. Communicate openly and honestly whilst not avoiding difficult conversations about the impact of an employee's absence and making them aware of possible outcomes.	Provide support and advice at meetings and in interviews where appropriate.
Not to abuse the sickness absence procedures or sick pay scheme.	Ensure the policy and procedures are applied fairly and consistently with regard to the individual circumstances of each case.	Provide advice on what might or might not be considered fair and reasonable when applying this policy and procedure.

#### 4. Absence linked to disability

- 4.1 *The Equality Act 2010* gives a general requirement that an impairment has a substantial (i.e. more than minor or trivial) and long-term effect on a person's ability to carry out normal day-to-day activities (without specifying what those activities might be).
- 4.2 The Headteacher will ensure that they have regard to the *Equality Act* when managing the sickness absence of disabled employees. Disabled employees will not be treated less favourably than other employees and reasonable adjustments will be made both in applying the policy and procedure, and to enable disabled employees to remain in employment appropriate to the individual circumstances of the case.

- 4.3 The Headteacher will consider any reasonable adjustments that are necessary to assist an earlier return to work, limit future absence and support the employee in achieving an appropriate level of attendance. Examples of reasonable adjustments could be:
- extending trigger points;
  - providing specialist equipment;
  - modifying days or hours of work;
  - modifying duties.
- 4.4 Identifying and implementing the adjustments which are reasonable and appropriate will vary depending on the circumstances of each individual case.
- 4.5 Employees may be able to access support and advice from Access to Work (<https://www.gov.uk/access-to-work>), who can assist with identifying specialist equipment, adaptations to the workplace and in some cases, a support worker. Responsibility for any associated costs arising from implementing reasonable adjustments lies with the individual school however Access to Work may make a financial contribution.
- 4.6 The Headteacher should ensure that disability leave is used where appropriate (for a definition and examples of disability leave see the Trust's Leave and time off policy to avoid this type of absence being recorded as sick leave, therefore giving the employee an incorrect attendance record. Educator Solutions HR will be contacted to seek further guidance and advice.
- 4.7 Current case law does not require sick pay to be extended at either full or half-pay where a disabled employee has exhausted their entitlement, irrespective of whether this was as a result of disability related absence or not. Case law has shown that it may be appropriate for an employer to extend an employee's sick pay entitlement when the employer has failed to make a reasonable adjustment and that failure has resulted in continuing absence and expiry of the employee's normal sick pay entitlement.
- 4.8 It should be noted that disability or genuine reasons for absence do not prevent the termination of an employee's employment where attendance is not at the required level and all other interventions, adjustments and options under the policy have been exhausted.
- 5. Absence linked to pregnancy**
- 5.1 Where the employee is absent due to non-pregnancy related sickness either during her pregnancy or at the end of her maternity leave, this will be managed under the Trust's Absence management procedure as for any other absent employee.
- 5.2 Where an employee is on long-term sickness as a result of her pregnancy, the Headteacher will seek HR advice. The dismissal of an employee due to absence

caused by a pregnancy-related illness would be automatically unfair under sex discrimination/equality legislation.

- 5.3 It is not unfair under sex discrimination legislation to refuse to extend sick pay where it has been exhausted as a result of pregnancy-related absence.

### **6. Absence due to accident or industrial disease (non-teaching staff)**

- 6.1 For the purposes of the National Conditions of Service as supplemented by the following local arrangements, accident or industrial disease is defined as occurring out of and in the course of the employment but not attributable to an employee's own misconduct.

- 6.2 Absence as a result of accident or industrial disease will not be counted against an employee's entitlement due to normal sickness; there is a separate but equivalent entitlement. Entitlement to paid absence due to accident or industrial disease is identical to the employee's period of entitlement for normal sickness.

- 6.3 All requests for extensions to an employee's basic entitlement to receive payment during absence due to accident or industrial disease will be addressed to the Headteacher who will consider each case in conjunction with the CEO and Chair of Trustees. Specialist HR advice will be taken from Educator Solutions HR.

### **7. Absence due to accident, injury or assault at work (teaching staff)**

- 7.1 In the case of a teacher's absence due to accident, injury or assault, found to have arisen out of and in the course of, the teacher's employment, the provisions of the Burgundy Book (Conditions of Service for School Teachers in England and Wales) will apply. Those provisions allow for full pay to be paid from the day of the accident, injury or assault, up to the date of recovery, but not exceeding six calendar months.

- 7.2 After that maximum period of six months' full pay, in the event of a teacher not returning to duty, they will be entitled to normal sick leave and pay according to their length of service.

- 7.3 Absence resulting from accident, injury or assault will not be counted against a teacher's entitlement to normal sick pay.

- 7.4 Before these provisions are applied, HR advice will be sought and it is possible that an Occupational Health view is recommended to establish that the absence is a result of an accident, injury or assault at work.

### **8. Ill health that does not lead to absence from work**

- 8.1 There may be occasions where an employee is suffering from ill health but it does not lead to the employee being absent from work. If the employee believes that



their ill health is having an impact on their ability to undertake their job they must raise the matter with the Headteacher.

- 8.2 The Headteacher will take any concerns seriously and seek HR advice. The Headteacher will objectively assess all reasonable measures that can address the health problem and retain the employee at work. Any intervention will be discussed with the employee prior to implementation.
- 8.3 Where a Headteacher has concerns that an employee is suffering from ill health which is having an impact on their ability to undertake the duties of the post, these will be raised with the employee in a sensitive and supportive manner. The Headteacher will seek HR advice on any proposed intervention prior to discussions taking place with the employee.
- 8.4 The Headteacher will consider the following:
- Identify any temporary or permanent adjustments that will help the person stay at work (e.g. work from home, time off for treatment, physical adjustments, etc.).
  - Identify any long-term or permanent adjustments that may be required (e.g. temporary/permanent reduction in working hours, physical adjustments, adjustments to duties, reasonable time off related to the disability, etc.)
  - Consider whether referral to Occupational Health is necessary.
  - Consider whether a counselling, IPRS or other organisation, specific to the individual's condition, can provide support.
  - If ill health is ongoing then there will be a need to review adjustments made to ensure they are still relevant to the person. A review will take place at least once every month or at other mutually agreed intervals.

## 9. Employees who are at work but not considered fit by the Headteacher

- 9.1 Where there are concerns about an employee's fitness to be at work, it is important that the Headteacher discusses those concerns with the employee in a sensitive manner. Each discussion will be different based upon the circumstances of the case, but it is important that the employee is encouraged to access the support of their GP and reminded of other support available, e.g. the Norfolk Support Line, where appropriate.
- 9.2 Where the concerns about an individual's fitness still remain and/or they are unwilling to seek medical assistance, the Headteacher will seek HR advice.

## 10. Infectious diseases

- 10.1 Specific arrangements exist within Conditions of Service for dealing with serious infectious diseases. In any case, where an employee is absent with an infectious disease, HR advice will be taken on how to deal with the situation.

## 11. Work related ill health

- 11.1 When an employee reports that they are experiencing any form of ill health (back or other musculoskeletal problems, skin complaints, stress, etc.) that they believe are caused by work, the Headteacher will seek HR advice and follow the Trust's accident/incident reporting procedure.
- 11.2 This will include investigating the potential cause of ill health, carrying out any necessary risk assessments and implementing remedial action as soon as possible.
- 12. Work related stress**
- 12.1 When an employee reports that they are experiencing work related stress, the Headteacher will follow the stress management advice provided by Educator Solutions HR.
- 13. Sick pay entitlements**
- 13.1 The level of sick pay entitlements will vary on an individual basis, in line with the eligibility criteria for Occupational Sick Pay and Statutory Sick Pay. See Appendix A.
- 13.2 Where an employee is receiving sick pay, any change to their sick pay entitlement will be notified to them in writing, by the NCC payroll team, prior to any change occurring e.g. where their full pay entitlement has been exhausted or will reduce, detailing the reason, the effective date and confirming the pay position.
- 14. Occupational health provision**
- 14.1 Early and effective medical advice can be key to identifying the most appropriate way to manage sickness absence. The timing of an Occupational Health referral will depend on the particular circumstances of the case. There is an expectation that Headteachers will ensure referral is made whenever a professional occupational health opinion would benefit the situation. Equally, there is an expectation that the employee will attend any assessment and participate fully to ensure the employer is able to make informed decisions regarding best courses of action.
- 14.2 The purpose of an Occupational Health referral is to provide advice and guidance to employees and Headteachers regarding:
- the nature of the illness
  - the prognosis regarding recovery
  - timescales for a return to work
  - recommendations for a phased/therapeutic return to work where appropriate
  - recommendations for other appropriate support measures which will enable the employee to return and sustain their attendance at work.
- 14.3 The Headteacher will make contact with the employee to explain the need for a referral and to allay any fears they may have regarding this process.

- 14.4 The Headteacher will discuss the referral with the employee, and the necessary arrangements for the referral will then take place.
- 14.5 If an employee refuses to attend or participate in the assessment process the Headteacher will be within their rights to make judgements about best courses of action in the absence of occupational health advice. Additionally, if a teacher is absent from work on sick leave at the time they refuse to attend or participate, the Headteacher may have the option of withholding Occupational Sick Pay under the national conditions of service provisions.

### 15. Other support available

#### 15.1 *Musculoskeletal Injury Rehabilitation Service (MIRS)*

- 15.1.1 The Trust buys into the MIRS. This service provides treatment for acute musculoskeletal injuries that are causing absence from work or affecting an employee's ability to perform their normal duties at work. In cases where the available services may be beneficial, the Headteacher will initiate a referral.
- 15.1.2 From the time of referral to the scheme, the employee will have a telephone assessment with a physiotherapist within 24 hours, and an appointment with a physiotherapist, osteopath, chiropractor or podiatrist within four working days. The scheme provides up to four treatment sessions per referral, although more treatment may be provided in exceptional circumstances.

#### 15.2 *Functional capacity evaluations (FCE)*

- 15.2.1 In some cases occupational health or MIRS may recommend a functional capacity evaluation (FCE) be undertaken to assess what an individual is physically capable of doing in relation to their job. Further information on FCE's can be obtained via Educator Solutions HR.

#### 15.3 *Norfolk Support Line (NSL)*

- 15.3.1 Norfolk Support Line provides free and immediate access to independent, confidential and professional advice and counselling, 24 hours per day, 7 days a week, 365 days a year. Telephone and face to face counselling is available as well as information signposting and support. This is available to employees only.
- 15.3.2 Further information regarding Norfolk Support Line can be found on HR InfoSpace.

### 16. Data protection

The Trust processes any personal data collected during the absence management procedure in accordance with its data protection policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of

completing the absence management procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Trust's disciplinary procedure.

### 17. **Associated documents**

- Absence management I procedure P313a
- Sickness absence report form (SA1) F313
- Sickness absence report form – long term (SA3) F313b
- Fit note guidance G313d
- Improving attendance – information for employees G313e
- Staff absence return form F213o

### Appendix A – Sick pay entitlements

#### Occupational sick pay

Regardless of any entitlement under the Statutory Sick Pay Scheme (SSP) (see below) employees on national conditions of service are entitled to receive allowances under the sickness payments schemes laid down in the appropriate national conditions of service - the Green book for support staff and the Burgundy book for teaching staff. The NCC payroll team will offset any benefits due under Statutory Sick Pay, Employment and Support Allowance etc. against any occupational sick pay entitlement so that sick pay does not exceed ordinary full pay.

#### Extension of occupational sick pay

The NCC payroll team will notify the individual school when both full and half pay are due to expire. In certain circumstances it may be possible for the Headteacher to authorise an extension of sick pay either at the full or half rate. This may only take place with approval of the CEO and advice will be taken from Educator Solutions HR.

An extension of paid sick leave should not be regarded as automatic for any employee who exhausts their contractual entitlement. The exceptional circumstances in which an extension to sick pay (for a period not normally exceeding three months) might be granted could include the expected imminent death of the employee who has been diagnosed with a terminal illness.

The cost of any extension of sick pay would be met from the individual school's budget.

If, at the end of an extension of sick pay at full rate, it is not considered appropriate to make a further extension, the individual should then move on to half pay. The decision to count the period of the extension at full rate against the normal period of half pay should be made on a case by case basis having due regard to the current prognosis and the individual's personal circumstances. The individual involved should have this confirmed in writing at the time the decision to extend is made. Where appropriate advice from Educator Solutions HR will be sought.

#### Statutory Sick Pay (SSP)

Under the statutory sick pay scheme, employers are responsible for paying SSP for up to 28 weeks to employees incapable of working under their contracts of employment by reason of some specific disease or disability.

Entitlement to SSP applies to Periods of Incapacity of Work (PIWs) lasting for at least four consecutive days, including Sundays and Public Holidays. However, SSP is not payable if an employee:

- is taken on for a specified period of no more than three months, unless the contract is extended to more than three months or if the current contract is one of two or more with the same employer, each is separated by not more than eight weeks and the total period covered by the contracts is more than 13 weeks;
- have average weekly earnings less than the lower weekly earnings limit for National Insurance liability;

- was entitled to incapacity benefit, disablement allowance or maternity allowance in the previous eight weeks;
- has done no work under their contract of employment;
- has provided leavers' statements to their new employer, showing that they have been due 28 weeks' SSP from their former employers, and the gap between the first day of the PIW with their new employer and the last day of SPP shown on the leavers' statement is eight weeks or less;
- is outside the European Union on the first day of a PIW;
- is in legal custody.

SSP is only paid for 'qualifying days'. Educator Solutions HR Services arrangements allow for every day of the week to be regarded as qualifying days for SSP purposes, notwithstanding the number of days an employee normally works in the week. SSP is payable for sickness absence which lasts for four calendar days or more. The first three days of absence are classified as 'waiting days' during which SSP is not payable and normal payment arrangements will apply (unless the sickness occurs within 14 days of a previous period of sickness for which SSP was payable and is therefore 'linked' for the purposes of attracting SSP payments).

### **Employees not entitled to SSP**

The NCC payroll team will inform employees if they have no entitlement to SSP or when their entitlement has expired. In some circumstances employees who do not receive SSP can claim State Sickness Benefit.

### **Entitlement to SSP while on maternity, paternity or adoption leave**

#### *Maternity leave*

An employee may not receive SSP throughout the whole of her 39 week period of entitlement to Statutory Maternity Pay (SMP) or Maternity Allowance (MA) even where the employee returns to work during this 39 week period. The employee's SSP entitlement commences afresh at the end of the 39 week period. An employee who does not qualify for either SMP or MA may not receive SSP for an 18 week period.

#### *Paternity leave*

An employee cannot be paid Statutory Paternity Pay (SPP) and SSP at the same time. If an employee is sick prior to commencing their period of paternity leave, then the paternity leave should be postponed, however the 56 day period in which the employee can take their paternity leave is not extended,

#### *Adoption leave*

An employee cannot be paid Statutory Adoption Pay (SAP) and SSP at the same time. Where the employee is sick prior to the commencement of adoption leave, the adoption leave should be postponed until the employee is well.

## Absence management policy

---



Where the employee becomes sick during their adoption leave, SAP should not be paid during any week of their adoption leave where the employee is entitled to SSP. SAP may be paid during the waiting days to receive SSP.

### Appendix B – Table of changes

Date of change	Paragraphs affected	Summary of update
	All	Adoption of the policy by the Trust.