



King's Group
Academies

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Managing Absence Policy

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This Policy applies to all employees of the Academy. 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 Academy reserves the right to amend its content at any time.

This Policy should be read in conjunction with the contractual obligations and related policies in the staff handbook

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 Academy will bear in mind:

- Employees' rights to medical confidentiality
- Employees' expectation of fair and consistent treatment

The Academy recognises that different approaches may be required, depending on the nature of employees' absences.

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. Meetings will be conducted by the Principal or an appropriate academy manager/leader. 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 Absence Review Meeting
- Second Absence Review Meeting
- Final Absence Review Meeting
- Consideration of Dismissal Hearing
- Appeal Hearings

Unless the nature of your ill-health is such that you are unable to attend, you would normally be expected to attend meetings to discuss your attendance/health under this policy. We advise you to obtain a medical opinion of fitness to attend any management meeting during your period of absence.

If the meeting is one at which you are entitled to be accompanied and your companion is unavailable to attend at the time specified, you should immediately inform the manager chairing the meeting who will seek to agree an alternative time within a reasonable period (normally 5 working days). If this is not possible, you would be expected to find an alternative companion.

A meeting may be adjourned by the chair if awaiting receipt of information, there is a need-to gather any further information or consider matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

A summary of the points discussed at the meeting will be given to you in writing as soon as reasonably practicable following a sickness absence meeting and will normally include:

- Any decisions made or actions agreed at a meeting;
- Any measures or support agreed;
- The consequences of failure to improve;
- Any right of appeal.

2 DISABILITIES

We are aware that 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.

The Academy 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 Academy may extend this right in appropriate circumstances;
- At the Academy'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 Academy 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 that you are affected by a disability or any medical condition which affects your ability to undertake your work, you should inform the Principal.

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 that medical evidence, or further medical evidence, is required before deciding on a course of action.

3.1 REFERRALS TO THE OCCUPATIONAL HEALTH SERVICE

The Academy 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

The Academy 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.

It is likely that a referral will take place when an employee has been on sick leave for 4 continuous weeks, or the Academy receives a medical certificate indicating that an absence of this length is anticipated.

3.2 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 Academy 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;
- A time-scale for review.

The aim of this meeting will be to agree a return-to-work programme, possibly on a phased basis and consideration will be given to the above discussions and OH advice/recommendations to determine whether such a programme can be facilitated, and if so, the various aspects of that

programme, for example, a return to work date, the support measures that the Academy can put in place on a temporary or permanent basis and any dates for review which may be appropriate.

3.3 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.

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 that has been given and whether further advice is required;
- Whether it is necessary for the Academy 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 Academy's operational needs;
- Whether the Academy 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, if it becomes clear that 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 Academy will arrange a Consideration of Dismissal Hearing.

3.4 CONSIDERATION OF DISMISSAL HEARING

Where you have been notified that you are 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 decide, 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 Academy may receive clear Occupational Health advice that the anticipated duration of the absence means that the Academy would consider it appropriate to commence the process at this final stage without it being necessary to conduct an Initial Sickness Absence meeting or Formal Absence Review meetings first.

Any such consideration will be by a panel of Governors. In the case of proceedings involving the Principal, consideration will be by a panel of Governors.

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 that 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 or payment in lieu of notice.

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 absences. When considering the absence levels of any employee, the Academy will have regard to absences for both sickness and non-sickness related reasons.

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 that medical evidence, or further medical evidence, is required before deciding on a course of action. The Academy will also give serious consideration to the impact that your absences are having on the students, your colleagues and the wider Academy 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 Academy.

4.1 TRIGGER POINTS

The purpose of the Academy specifying trigger points is to enable prompt action to deal with absence, alert employees that their level of absence is causing concern and take steps to facilitate improvement in attendance.

It is not always necessary for a trigger point to be reached before action is taken. Action can be taken 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 Academy's current trigger points are:

- Either 6 or more working days absence in the preceding 12 months; or
- 3 or more absences of whatever length within the preceding 3 months; or
- Any pattern of part day absences, absences on certain days (e.g. Mondays or Fridays) or known "busy" days; or
- Above average absence levels for the Academy; or
- No adequate reason given for the absence.

4.2 FIRST ABSENCE REVIEW MEETING

When you have met a trigger point above or the Academy otherwise considers that your absence level is a cause for concern, you may be asked to attend a First Absence Review meeting.

The basis for the Academy'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 Academy 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;
- Whether it is necessary for the Academy 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 Academy will arrange a meeting with you to discuss this at the end of that review period and this procedure may be ended. However, the above trigger points will continue to apply and if you reach another trigger point the Academy 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 Academy community as a whole, and what support you believe the Academy 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 Academy'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.

You can appeal against a decision to give 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 Academy will arrange a meeting with you to discuss this at the end of that review period and this procedure may be ended. However, the above trigger points will continue to apply and if you reach another trigger point the Academy 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 give 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 will be invited to a Consideration of Dismissal hearing.

In exceptional instances the Academy may receive clear Occupational Health advice that the likelihood of continued high absence levels means that the Academy would consider it appropriate to commence the process at this Consideration of Dismissal stage, without it being necessary to conduct the First, Second or Final Absence Review meetings.

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 Academy community as a whole, the steps the Academy 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 that 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 Academy, taking account of the impact of those absences.

Any such consideration will be by a panel of Governors. In the case of proceedings involving the Principal or a colleague employed in the central team, consideration will be by a panel including the CEO.

The grounds for consideration of dismissal will be that you are incapable of meeting the Academy'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 academy community as a whole.

Any dismissal will be on notice or payment in lieu of notice.

You will have the right to appeal against any decision to terminate your employment. This is detailed below. The date that 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 10 working days of receiving written confirmation of such a decision, to the Chair of the Governing Board in accordance with the disciplinary appeals procedure set out in the Disciplinary Policy and Procedure. Colleagues employed in the central team may appeal to the CEO.

6 UNAUTHORISED ABSENCE

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

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

If, at any time, the Principal considers that 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 Academy will consider whether ill-health retirement may be an appropriate course of action before making any recommendation for dismissal. Any consideration about making an application for ill-health retirement will be discussed with the employee and their representative in full as part of the absence management process. In all cases, the Principal will satisfy him/herself that they have exhausted all reasonable options in accordance with this procedure, including consideration of a phased return/adaptations to duties/working patterns/alternative employment, before requesting an assessment under ill health retirement. If having exhausted all these options, it is evident that

there is not likely to be a return to fitness to the point where the employee is able to return to work, the Principal may consider making a referral for ill health retirement.

In the case of the Teachers' Pension Scheme, the ill health retirement process may also be instigated by the teacher themselves. Teachers who may be eligible to apply for ill health retirement should initially advise their Principal of their situation.

If ill health retirement is confirmed by Occupational Health the Principal will need to advise the employee of the decision which must be confirmed in writing.

8 SICKNESS ABSENCE AND ANNUAL LEAVE

Annual leave continues to accrue during periods of sickness absence.

Employees who are on sick leave should remain contactable and available for meetings to discuss their absence under this policy. Any trips away from their home location even for therapeutic benefit should not conflict with their availability unless authorised annual leave is taken.

An employee can use their annual leave while off sick subject to normal request and authorisation processes in place at the academy. Sick pay can be paused while an employee takes authorised holiday and resume after if they are still not well enough to return.

An employee must report their sickness in accordance with normal reporting procedures if they are unwell whilst on annual leave and wish to take sick leave.

9 MANAGEMENT OF POLICY

The King's Group Academies Board of Trustees has overall responsibility for the maintenance and operation of this policy. They will maintain a record of concerns raised and the outcomes. King's Group Academies' policies will be reviewed regularly and will include an evaluation for impact on workload and working hours.