



King's Group Academies

MANAGING ABSENCE POLICY

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Introduction

This Policy applies to all employees of King's Group Academies ("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.

This Policy does not normally apply to employees during their probationary period. Concerns regarding attendance, sickness absence or capability during probation will normally be managed under the Trust's Probation Policy and Procedure, although the Trust reserves the right to apply this Policy where considered appropriate in the circumstances.

This Policy should be read in conjunction with employees' contractual obligations and other relevant Trust policies and procedures.

The Trust recognises that employee wellbeing, attendance and health are closely connected, and is committed to managing sickness absence in a fair, reasonable and supportive manner. The Trust encourages early conversations about health and wellbeing and aims to provide support at the earliest opportunity, before absence levels become a concern. Informal support discussions may therefore take place before formal stages are commenced.

Managers are responsible for managing attendance and maintaining appropriate contact with employees throughout periods of absence. Managers will normally do so with advice and support from the Trust's People Team, particularly where formal action, complex medical issues, disability considerations or potential dismissal are being considered.

Each case will be considered on its individual merits, and this procedure may be applied flexibly where appropriate. In applying this Policy, the Trust will aim to:

- act reasonably, fairly and consistently;
- base decisions on appropriate medical evidence;
- consider individual circumstances in each case; and
- support employees to remain in or return to work wherever possible.

The Trust also recognises employees' rights to medical confidentiality and fair, consistent treatment throughout any absence management process.

In employment law, long-term or repeated sickness absence is sometimes referred to as a "capability" matter. In this Policy, this simply refers to situations where an employee may be unable to carry out their role due to ill health. Genuine sickness absence will normally be managed under this Policy as a health-related absence matter and not as a disciplinary issue.

Where there are concerns regarding the genuineness of absence, failure to follow reporting procedures, or other conduct-related matters, these may be addressed under the Trust's Disciplinary Policy and Procedure. Before any matter is treated as a conduct issue, the Trust will make reasonable enquiries and provide the employee with an opportunity to explain any concerns identified.

The Trust recognises that different approaches may be required depending on the nature of an employee's absence and individual circumstances. The aims of this Policy are to:

- understand the causes of absence and the effect it may have on an employee's ability to carry out their role effectively;
- provide appropriate support to employees in managing health, work or welfare concerns, including work-related stress;



- explore reasonable measures which may support improved attendance and/or facilitate a return to work; and
- outline the stages of the absence management process and the potential outcomes.

Meetings Under This Policy

Attendance at Meetings

Meetings under this Policy will be arranged during your normal working hours and you will normally be expected to take reasonable steps to attend.

Where you are unwell, the Trust will take a reasonable and supportive approach to attendance at meetings, including considering medical advice and alternative arrangements such as virtual meetings, written submissions or representation by a companion where appropriate. You will not be required to attend where it would be unreasonable in light of your medical condition.

Employees are expected to reasonably engage with the process throughout periods of absence, where medically able to do so. This may include participating in meetings, discussions regarding support measures or Occupational Health referrals, and maintaining appropriate communication with the Trust. Where appropriate, employees may wish to seek medical advice regarding their ability to participate in meetings during periods of sickness absence.

Management of Meetings

We will notify you in writing of the time, date and place of any meeting, and why it is being held. Meetings will normally be conducted by the employee's line manager or an appropriate manager/leader, supported where appropriate by a member of the Trust's People Team.

Right to be Accompanied

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 Hearing

Unless the nature of your ill health is such that you are unable to attend, employees are expected to reasonably engage with the process, which may include attending meetings where appropriate, taking account of medical advice and the employee's health condition. Where appropriate, employees may wish to seek medical advice regarding their ability to participate in meetings during periods of sickness 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 make reasonable efforts to arrange an alternative companion.

A meeting may be adjourned by the chair where there is a need to gather or consider further information, or to allow consideration of matters discussed during the meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.



Written Outcomes

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.

Return to Work Discussions and Meetings

Following any period of sickness absence, managers should make appropriate contact with employees on their return to work to confirm they are fit to return, identify any support or adjustments required, and discuss any ongoing wellbeing or attendance concerns.

A more structured Return to Work Meeting will normally be held where:

- the absence has been of a significant duration;
- there are concerns regarding wellbeing, attendance levels or patterns of absence;
- absence trigger points have been reached;
- workplace adjustments or support may be required; or
- there are other operational or health-related reasons requiring further discussion.

The purpose of a structured Return to Work Meeting is to:

- confirm the reason for absence;
- confirm that the employee feels able to return to work;
- identify any support or reasonable adjustments required;
- review attendance levels where appropriate; and
- discuss any ongoing health concerns or next steps.

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 Trust will ensure that any action taken under this Policy does not unlawfully discriminate against an employee in accordance with the Equality Act 2010, including consideration of whether absence is related to a disability and, where relevant, whether any treatment is a proportionate means of achieving a legitimate aim.

This includes consideration of long-term, fluctuating or menopause-related health conditions and whether any absence is disability-related. Where appropriate, the Trust may adjust trigger points or discount disability-related absence as a reasonable adjustment.

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, virtually or by telephone;
- While there is no statutory right to accompaniment at informal stages, the Trust may allow this where it is considered reasonable to do so;



- 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 issue formal absence management warnings in relation to disability-related absence. This shall not, however, prevent the absence management procedure from moving to the next stage.

The Trust will also take appropriate account of pregnancy-related absence and other protected or health-related absences when applying this Policy.

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 your line manager.

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. What constitutes a "reasonable timeframe" will depend on the circumstances of the case, including medical advice, the nature of the role, and the impact on the Trust.

Referrals To Occupational Health

The Trust may obtain advice from Occupational Health services to support decision-making and employee wellbeing.

The Trust may refer an employee to Occupational Health 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.

Any referral to Occupational Health will be made with your informed consent. Where applicable, you will have the right to see any medical report before it is shared with the Trust, request amendments, or add comments and withhold consent for its release, in accordance with applicable legislation.

Employees are expected to reasonably cooperate with Occupational Health referrals. Failure to reasonably cooperate with this process may result in decisions being made based on the information available, which may include progression of the absence management process.

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

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, it can be arranged sooner if either party considers 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;
- A timescale 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 Occupational Health 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 Trust can put in place on a temporary or permanent basis and any dates for review which may be appropriate.

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 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 health, medical advice, 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 timescale 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 where suitable alternative roles are available and you are capable of undertaking them with or without reasonable adjustment without success, the Trust will arrange a Consideration of Dismissal Hearing.

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 Trust may receive clear Occupational Health advice that the anticipated duration of the absence means that the Trust would consider it appropriate to commence the process at this final stage without it being necessary to conduct a welfare meeting or Formal Absence Review meetings first.

Any such consideration will be undertaken by an appropriate senior manager or panel of managers who have not previously been involved in the case. No decision to dismiss will be taken without full consideration of



up-to-date medical evidence, consultation with the employee, and consideration of reasonable adjustments, phased return, and suitable alternative employment where available.

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 decision to dismiss (where redeployment is an option identified by Occupational Health);
- To consider any reasonable options for ill health retirement before making any decision to dismiss;
- To consider the possible termination of your employment.

The grounds for consideration of dismissal will be that you are unable to fulfil the requirements of your role due to 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.

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 Trust 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 Trust will also give serious consideration to the impact that your absences are having on the pupils, your colleagues and the wider Academy community 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.

Trigger Points

The purpose of the Trust 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. Any action taken outside of the stated trigger points will be reasonable, proportionate, and based on the individual circumstances of the case.

The Trust may use the following trigger points as a guide to identify when absence levels require review. Managers must exercise reasonable discretion and consider the individual circumstances of each case, including any disability-related absence, pregnancy-related absence, menopause-related conditions, work-related stress, or other protected health-related matters, before progressing formal action under this Policy.



Where absence is related to a disability or other protected health-related matter, the Trust may adjust trigger points, review periods or formal outcomes where reasonable to do so.

- 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
- Absence levels or patterns which, when considered alongside operational impact and the individual circumstances of the case, give rise to reasonable management concern.

The Trust reserves the right to move to a later stage of this procedure where the circumstances, medical advice, previous support provided, or operational impact reasonably justify doing so. Any decision to accelerate the process will be based on the individual circumstances of the case and will be reasonable and proportionate in all the circumstances.

First Absence Review Meeting

When you have met a trigger point above or the Trust otherwise considers that your absence level is a cause for concern, you may be asked to attend a First Absence Review meeting. The First Absence Review Meeting is a formal meeting under this Policy.

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;
- 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 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 Trust may decide to recommence this procedure at this stage, without repeating the First Absence Review meeting.

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 pupils, your colleagues and the wider Academy 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 health, medical advice, and the Trust's operational needs;
- Action that will be taken and a timescale 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.

Any warning issued under this procedure will be a formal warning under this absence management procedure and does not form part of the disciplinary procedure.

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 Trust 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 Trust may decide to recommence this procedure at this stage, without repeating the First or Second Absence Review meeting.

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.

Any warning issued under this procedure will be a formal warning under this absence management procedure and does not form part of the disciplinary procedure.

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.

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 Trust may receive clear Occupational Health advice that the likelihood of continued high absence levels means that the Trust 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 pupils, your colleagues and the wider Academy 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 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 the level and impact of absence can reasonably continue to be accommodated by the Trust.

Any such consideration will be undertaken by an appropriate senior manager or panel of managers who have not previously been involved in the case. Where appropriate, this may include senior leaders from outside the employee's immediate Academy or department to ensure impartiality. In cases involving senior leaders, the panel will include a more senior leader.

No decision to dismiss will be taken without full consideration of up-to-date medical evidence, consultation with the employee, and consideration of reasonable adjustments, phased return, and suitable alternative employment where available.

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 pupils and/or your colleagues and/or the wider Academy community as a whole, having considered all reasonable support measures and adjustments.

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.

Appeals

You can appeal any written warning or decision to terminate your employment within 10 working days of receiving written confirmation of the decision. Appeals will be heard by a manager or panel of managers who have not previously been involved in the matter and who are of appropriate seniority. Wherever possible, the appeal manager will be more senior than the original decision-maker.

Appeals will normally consist of a review of the original decision, although the appeal manager may conduct a rehearing where considered appropriate in the circumstances.

Unauthorised Absence

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



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

If, at any time, your line manager 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.

Ill Health Retirement

Where an employee is a member of the LGPS or the TPS, the Trust may, in appropriate circumstances, consider whether ill health retirement should be explored before making any decision to dismiss.

Ill health retirement will normally only be considered where all reasonable options to support a return to work have been explored, including reasonable adjustments, phased return and alternative employment, and where medical evidence indicates that a return to work is unlikely within a reasonable timeframe. Consideration of ill health retirement will not necessarily prevent or delay the Trust from continuing absence management or dismissal proceedings where appropriate in the circumstances.

Ill health retirement is determined by the relevant pension scheme and is subject to strict eligibility criteria and independent medical assessment. It is not an automatic outcome, and the Trust cannot approve or guarantee access to 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 the Trust of their situation.

Where ill health retirement is approved under the relevant pension scheme, the Trust will confirm the outcome to the employee in writing.

Sickness Absence And Annual Leave

Annual leave continues to accrue during periods of sickness absence. Employees who are on sick leave should remain reasonably contactable during periods of absence and engage with reasonable requests for communication or meetings where medically able to do so.

Employees on sick leave remain expected to maintain reasonable contact. If an employee intends to be away from their home address during a period of sickness absence, they should inform the Trust in advance where possible, so that appropriate contact arrangements can be maintained.

An employee can use their annual leave while off sick subject to normal request and authorisation processes in place at the Trust/Academy.

Any request to take annual leave during sickness absence must be requested in advance and will only be approved where appropriate in the circumstances.

Where annual leave is taken during a period of sickness absence, the employee will receive normal holiday pay for that period instead of sick pay.

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. Employees must comply with the Trust's sickness absence reporting procedures as communicated locally by their Academy or department.



Management Of Policy

The King's Group Academies Board of Trustees has overall responsibility for the maintenance and operation of this Policy. The Trust will maintain appropriate records of concerns raised and outcomes, in accordance with data protection requirements. King's Group Academies' policies will be reviewed regularly and will include an evaluation for impact on workload and working hours.