

# **MANAGING ABSENCE**

**Guidance for Ealing Schools**

**October 2013**

## CONTENTS

	Page Number
Schools HR Contact List	3
Introduction & General	3
Monitoring and Reviewing Absence	5
Managing Sickness Absence	7
Return to work	10
Trigger points	10
OHU Referral	11
Managing Short Term Absence	12
Managing Long Term Absence	14
Sick Pay	16
Ill Health Retirement	17
Disability Discrimination and Reasonable Adjustments	17
Accidents at Work & Industrial Injury	18
Alcohol and Drugs	18
HIV and Aids	19
Notification of communicable Diseases	19
Terminal Illness	19
Lateness	19
Leave	20
Appendix 1	27

## **Schools HR Consultancy Team (SHRCT) – Contact List**

<b>Mark Nelson</b>	<b>Head of SHRCT</b>	<b>020 8825 9478</b>
<b>Andy Merryweather</b>	<b>HR Manager</b>	<b>020 8825 5139</b>
<b>Chris Prowse</b>	<b>HR Consultant</b>	<b>020 8825 9261</b>
<b>Tasha Oliver</b>	<b>HR Adviser</b>	<b>020 8825 8190</b>
<b>Neil Robson</b>	<b>HR Adviser</b>	<b>020 8825 6533</b>
<b>Jacqueline Bouchier</b>	<b>Business Support Officer</b>	<b>020 8825 9516</b>

## **INTRODUCTION & GENERAL**

### **General Principles**

Good staff attendance is a key factor for any organisation wishing to maximise its efficiency and effectiveness. Managers have a key role in dealing with staff absence and considering the most appropriate ways of managing and monitoring absence. Staff absences can constitute a significant cost to the School. This cost can be measured in financial terms, the impact on other staff and in the potential disruptive effect on the Schools' ability to plan for and provide its service.

The School, as a good employer, does not expect that staff attend work when they are unable to do so (e.g. through illness) and/or when they are legitimately absent for other reasons. The School does, however, expect its staff to account for their absence and meet their contractual obligation to work. The cost and disruption caused by staff absence can be reduced if effective measures are taken and consistently applied to help control absence. When considering measures to control absence it is important that procedures adopted to control absence are fair and consistent and ensure equitable treatment for all staff. Managers need to treat each individual case on its own merits, taking into account all the circumstances of the case.

### **Scope of the Guidelines**

These guidelines are written with all school based staff in mind and accordingly where the term staff or employee/s is used, this encompasses teaching and non-

teaching staff. In certain instances individual groups or categories of staff have conditions of service unique to them, and this is reflected in the guidelines. The term manager includes Headteacher, Deputy and Assistant Headteachers and/or any other employee at a school with line management responsibility. It also includes Governors. The guidelines detail the extent of managers' discretionary powers. Schools should note that the formal policy on dealing with Medical Capability is contained in a separate document.

### **Role of Schools HR**

HR services to schools are provided from two service areas. The Schools HR Consultancy Team (HRCT) provides advisory support on all aspects of people management including employee relations, performance, discipline, recruitment, training, workforce planning, and management of absence.

The HR Shared Service Centre (HRSSC) provides Payroll, Occupational Health, advertising placement, contract services and other transactional services.

Schools are advised to seek the advice of Schools HRCT in respect of individual cases and overall implementation of this guidance.

### **Role of the Council's Occupational Health Service (OHU)**

Schools, which subscribe to the OH service, can use the service for pre-employment screening and can refer staff to the Occupational Health Unit at any stage of the absence management process for professional advice. A referral form is available containing all the information which needs to be provided.

### **Employee Assistance Programme - Counselling**

The causes and/or consequences of absence from work can leave employees in need of support and advice. Schools which subscribe to the service can advise staff to avail themselves of the free confidential counselling service provided by Workplace Options on 0800 243 458. The service extends to family members in some instances.

### **Training**

The Schools HRCT offers training in aspects of absence management. Please contact a member of the team, see above, for further information.

### **Information and IT**

Schools that use the I-Trent HR system can access information and reports about the sickness absence of their staff.

## **MONITORING & REVIEWING ABSENCE**

A major step towards managing absence is to ensure that it is properly monitored and that individual and overall absence figures are regularly reviewed. The monitoring and regular review of sickness absence in schools including consideration of overall absence levels and/or whether the numbers of absences are high is recommended. Further information on these matters is set out below.

Monitoring and reviewing absence allows managers to assess whether measures and procedures for managing absence and their application have been successful. Collection of information will also alert all staff that the issue of absence management is being taken seriously.

### **What should be monitored?**

Although these guidelines deal primarily with managing sickness absence, all absences should be recorded and monitored. This includes absence resulting from medical appointments especially if several appointments need to be taken in succession. Headteachers/Managers can ask to see appointment cards/letters and can ask staff that wherever possible (and if it is within the control of the member of staff) appointments are made outside of school hours or at a time to cause minimum disruption to their work.

### **How to Monitor Absence**

A manager's ability to deal with absence problems, including the identification of potential problems, is enhanced if the information that is being relied upon is accurate. I-Trent provides details of individual patterns of sick absence and overall summaries. Details of sick absence should be entered on I-Trent by the School. The details of absence can be recorded in writing when the employee phones on the first day of absence and the fourth day and subsequently if the absence is prolonged. A pro-forma for these purposes is attached as Appendix 1.

### **Calculation of Absence Rates**

Absence rates can be calculated for each individual, for groups of staff and for the whole school. Two formulas which can be used to produce absence rates are:

$$\frac{\text{Number of days lost through absence}}{\text{Number of working days available}} \times 100 = \% \text{ absence rate}$$

$$\frac{\text{Number of days lost through absence}}{\text{Number of Employees}} = \text{average absence rate per employee}$$

The number of working days available will vary depending on the term time arrangements worked. For teachers and class based support staff the number of working days will be 195 (including training days). For office-based staff who are required to work 5 additional non term-time days per annum, this will be 200 days. For Caretakers and other staff required to work all year round and who have a leave entitlement holidays, this total will be 260 less the total of all leave and bank holiday entitlement (expressed as working days). We recommend that part time employees should be expressed as full time equivalents in these equations.

### **What to do with the Monitoring Information**

Regular reporting of absence rates is recommended at meetings of the Senior Management Team. This allows formal consideration and discussion of absence levels to enable identification of trends and areas of concern and assist in the consistent management of absence. This should facilitate the production of action plans on how to manage particular and overall absence rates with a view to help reduce absence levels. It may be appropriate to copy the absence rates/reports in anonymous format to Governors meetings and in particular the committee that deals with staff issues.

It is useful to identify patterns of absence for individuals or groups of workers and to investigate any underlying reason for absence. If necessary managers have to be prepared to take action if the reason causing or contributing to the absence is something that management are responsible for and is related directly to the work of the employee, e.g. working environment and conditions, work allocation, training needs, career development. If action is required managers should seek advice from the Schools HRCT.

### **Maintaining Confidentiality**

Managers must ensure that they and the staff they are responsible for maintain confidentiality when information about the absence of an employee through sickness is being handled. The provisions of the Data Protection Act cover this information. The employee needs the security of knowing that personal information they may disclose will only be divulged to others who need the information to carry out their own duties.

## **MANAGING SICKNESS ABSENCE**

- NOTIFICATION AND REPORTING PROCEDURES
- RETURNING TO WORK
- TRIGGER POINTS
- FIRST FORMAL MEETING
- OCCUPATIONAL HEALTH REFERRAL
- MANAGING SHORT TERM ABSENCE
- MANAGING LONG TERM ABSENCE
- ENTITLEMENT TO SICK PAY
- RETIREMENT ON THE GROUNDS OF ILL HEALTH
- MISCELLANEOUS PROVISIONS

### **NOTIFICATION AND REPORTING PROCEDURES**

All staff are required under their contract of employment to comply with notification procedures for any absences they have due to illness. If the school has specific local arrangements for reporting sickness absence, these must be made known to staff. Failure to adhere to the procedures could lead to action under the disciplinary procedure.

#### **Medical Certificates**

Employees must give their employer a doctor's 'fit note' (formerly 'sick note') if they're off sick for more than 7 days. Hospital doctors or GPs provide them. They can charge a fee if a fit note is asked for before the 7th day.

The fit note will say the employee is either 'not fit for work' or 'may be fit for work'.

If it says the employee 'may be fit for work', employers should discuss any changes that might help the employee return to work (e.g. different hours or tasks). The employee must be treated as 'not fit for work' if there's no agreement on these changes.

**1<sup>st</sup> day of absence** – The employee should notify, according to school procedures, the Headteacher / Manager / School Business Manager or other nominated member of staff at the earliest opportunity, giving the reasons for absence and an indication of the likely date of return to work. Staff should be told as part of their induction the name of the person to whom they should report in the event of an absence. As these guidelines are for schools based staff the earlier the absence is reported (8am – 8.15am or by local arrangement) the more likely a school will be able to arrange any necessary cover (particularly for staff with responsibility for pupils). Staff must be aware of times they are required to report their absence. Absentees should also provide details of any teaching or work priorities for the day.

There may be exceptional circumstances when employees may not wish to give details of their sickness to their immediate manager for personal reasons. Under these exceptional circumstances, the employee may inform the Headteacher / manager that they would prefer to contact the Occupational Health Unit with the reason for sickness absence. This must be done in writing, giving details of their name, school, and period of absence and nature of their illness. The Occupational Health Unit once satisfied that there are reasonable grounds for the nature of the illness to be kept confidential, will then inform the Headteacher that they will process any subsequent medical certificates. The Occupational Health Unit can be asked to confirm that the nature of the illness has no implications for the rest of the school e.g. contagious illness.

**4<sup>th</sup> day of absence** – If the employee is still not able to return to work by the 4<sup>th</sup> day (including non-working days) of absence, they should again contact their Headteacher /Manager to confirm their continuing absence and the likely date of return to work.

**8<sup>th</sup> day of absence** – Employees are required to submit a **doctor's certificate (Fit Note)** to their manager, if the absence continues beyond the seventh day (including non-working days) and to continue to provide doctor's statements, promptly that cover the remainder of the sickness absence. Failure to provide doctor's statements in a timely manner and to cover the duration of the absence could result in the suspension of sick pay and disciplinary action. The employee should be informed in writing if the school intends to suspend sick pay because of the non-submission of a certificate and given at least one opportunity to provide the certificate within a set timescale. When considering disciplinary action and /or stopping pay, Headteachers should seek advice from the Schools HRCT.



## **The Final Certificate**

The Headteacher/Manager may in certain circumstances ask the employee to produce a Fit note from a doctor which confirms that the person is able to return to the full duties of their post.

Failure to supply certificates by the designated time may result in the suspension of pay and/or disciplinary action being taken against the employee.

## **First Day Certification**

As a strategy to manage persistent short term absences for which no recognised underlying reasons are apparent, Headteachers may require an employee to produce a doctor's fit note for each and every day of absence. The need for this might arise for example if the employee is absent for a series of sporadic, minor and unconnected absences or a pattern of absences on particular days. The School will have to pay for certificates as a charge will normally be made by the General Practitioner for producing a fit note before 7 days of absence have elapsed. The employee should provide a valid receipt. This strategy would not be used before the manager has spoken to the employee and explained why they are taking this course of action.

## **Recording Sick Absence**

Details of the first day of sick absence will be recorded on I-Trent. The final day of sick absence will also be recorded on I-Trent. Any absences in excess of seven days i.e. from the eighth day of sick absence will still need to be covered by a medical certificate from the employees GP. The certificate will be scanned into I-Trent together with the relevant dates. The original certificate should be returned to the employee once the school has scanned a copy into the system or taken a copy for their records. The school can decide to operate a manual system of recording through completion of a form similar to the one shown as Appendix 2.

The employee will report their absence as early as possible on the first day to their manager and preferably before the time they are due to start work. They may arrange for another person to phone on their behalf if they are unable to reach or use a phone. The employee will phone again on the fourth day if they are still unable to return to work and again on the eighth day if their absence continues and at regular intervals thereafter.

## **RETURN TO WORK**

An essential part of managing absence is ensuring that managers meet with staff on their return to work. The reasons for the meeting are as follows:

- To update the employee about work issues and discuss any arrangements to help them with their return to work (particularly long term absence cases).
- To enquire generally about the reason for their absence, whether they are feeling better and whether the reason for their absence is likely to reoccur.
- To raise any concerns regarding the validity of their absence (please contact the Schools HRCT for advice should you have any concerns about validity).
- To raise any concerns generally about the level of absences. If these concerns need to be raised formally, this should be done at the “first formal meeting” (see section on first formal meeting).
- To alert the employee that the organisation is taking the issue of sickness absence seriously.

The meeting should take place on the first day back from sickness absence. The meeting must be conducted in private and in an informal and sensitive manner. The intention at this stage is that any discussion is informal. Use of the formal Medical Capability Procedure should be considered if there is no improvement in attendance.

The importance of this meeting within the framework of an effective absence management strategy is paramount. There are separate guidelines on how to conduct Return to Work Interviews.

## **TRIGGER POINTS**

Managers should review the case of an employee (including considering a meeting) if their absence through sickness reaches one of the following triggers:

- Any pattern of part day absences, certain days (e.g. Mondays or Fridays) or known busy days.

- Absence for a whole day or more on three or more occasions in a three month period
- Continuous absence of more than 10 working days.
- Absence levels are above average for the School
- No adequate reason known to management for the absence

If an employee does reach one of these trigger points, it does not mean that a formal process has to be set up, but rather that the manager must look at the absence/s and decide if further action is necessary. It is possible that the manager may choose to review the reasons for absence informally in the first instance.

### **Meetings with the Employee**

The manager should meet with the employee to discuss any concerns they have over absence and a record should be made of any actions (e.g. setting of a monitoring period). These decisions should also be confirmed in a letter to the employee. This would still be considered a part of an informal process rather than a first formal meeting (the details of which are set out below). The employee must be clear that at this stage the meeting is considered to be informal.

## **OCCUPATIONAL HEALTH REFERRAL**

A medical referral should be considered where there has been no improvement in the levels of sickness absence or where such improvement has not been sustained over a reasonable period despite the “first formal meeting”. A referral should also be considered where a continuous absence period exceeds 10 working days and appears likely to continue for a lengthy or indeterminate time or in circumstances where the manager has particular concerns that they wish the Occupational Health Unit (OHU) to address. The Headteacher/Manager will complete the OHU Referral Form which will be emailed to the OHU and copied to the employee and the relevant HR Adviser. A referral may take place either before a formal meeting or subsequently or prior to the formal medical capability procedure being invoked. A decision to refer an employee to OHU is to be seen as a neutral act designed to provide specialist information from an independent source for the benefit of both employer and employee. An early referral is likely to inform any management action or decisions.

## **Failure to attend a medical appointment**

Failure by an employee to attend an OHU medical appointment without satisfactory explanation may result in disciplinary action.

## **Management Discussions with OHU**

In some cases it may be appropriate for the Headteacher / manager to speak to the OHU before or after the referral or to arrange to meet with the person from the OHU who is dealing with the case. These discussions should include the Headteachers' / Managers' views on any possible phased return to work and/or alternative duties.

## **Outcomes**

Possible outcomes from an OHU referral include that the employee:

- Is unfit at present and either further medical reports will be obtained or there will be an indication of when the employee is likely to be fit for work.
- Is medically fit to resume or continue work but the situation may need to be reviewed (typically three month intervals) The OHU may also recommend a transfer to alternative duties and the school needs to consider whether or not this can be accommodated.
- Is medically fit to work and the OHU do not plan to see the employee again.
- Is permanently unfit and ill health retirement should be pursued.
- Has no underlying medical reasons for absence (in cases of short term unrelated absences)

## **MANAGING SHORT TERM ABSENCE**

### **Definition**

Short term sickness absence is frequent (intermittent) absences totalling more than 7 days in a rolling year. Frequent intermittent absence is normally sporadic and is usually attributable to minor ailments, which in many cases are unconnected. This is the most difficult absence to manage, as there is often no single underlying medical cause. This should not however prevent action from being taken. Managers may choose to discuss the issues on an informal basis before resorting to the formal procedure.

## **First Formal Meeting**

If a Headteacher / manager has concerns over an employees level of short term absences, having due regard to trigger points and the individual circumstances of the case, and they have conducted or discounted an initial informal meeting, they should consider calling the employee to a first formal meeting. The Headteacher / manager should set up a formal meeting to ascertain whether there are any underlying work/welfare issues leading to the high levels of sickness, should offer support as appropriate and should also advise the employee of the implications/consequences of an unsatisfactory attendance level. Typically a period of monitoring is set and a review date agreed. The outcomes/actions from the meeting should be confirmed in writing. Although referred to as formal, this is not action under the medical capability procedure, which is a further step in the formal process.

## **Requirement to supply medical certificates/Fit Notes**

Should there be no satisfactory improvement in absence levels by the review date the Headteacher / manager should advise the employee that the level of absence is unacceptable. The Headteacher / manager can at this stage require the employee to supply a medical certificate from day one for all future absences (also see first day certificate section above). Should this arrangement be implemented a reasonable review date should be set. If this course of action is taken the school should pay for the cost of the certificate/fit note on production of a valid receipt.

## **Medical Referral**

Should there be no improvement in absence levels following monitoring and review periods then the Headteacher / manager should consider a referral to OHU to determine whether there is an underlying medical cause and whether an improvement is likely. When meeting with the employee to inform them that they are required to see Occupational Health, the employee should be advised of the possible outcome of the referral. The Headteacher / manager should ensure that the OHU is aware of all relevant discussions with the employee.

## **Outcome**

Please refer to earlier section on possible OH referral outcomes.

Specifically in cases of short term frequent absence the OHU may identify an underlying medical cause and confirm that the employee is unfit to carry out their present duties. In these circumstances the OHU could recommend redeployment on medical grounds or adjustments to the current work. The OHU should be aware in advance of seeing the employee if a recommendation for redeployment or suggested adjustments would create a particular problem. Where the OHU

can find no underlying medical reason for the level of absence the manager should consider implementing the medical capability procedure if the persistent short absences continue. Through this procedure lack of capability due to non-attendance at work would be considered. Please refer to the Medical Capability procedure and to Schools HRCT before taking this action. Whatever the outcome of any medical report, it remains a management decision as to how to tackle the absence problem.

### **Medical Redeployment**

There is a medical redeployment procedure contained within the Local Conditions of Service for non-teaching staff. Please contact Schools HRCT for advice on the application of this procedure. We would, where appropriate, expect the principles of this scheme to apply to teaching staff. It is acknowledged that the scope for medical redeployment at a school is limited as the Governing Body can only exercise authority over positions at their own school.

### **Misconduct**

A wilful breach of the rules or procedures on sickness absence is regarded as misconduct and needs to be dealt with separately from the general management of sickness absence. It is important not to confuse this form of misconduct with the normal process of managing sickness absence. Misconduct should be dealt with through the disciplinary procedure.

### **Medical Capability Procedure**

Schools have commended to them for adoption a Medical Capability Procedure to assist in the management of sickness absence. The procedure provides a means for the school to address absence problems more formally, particularly once the strategies for managing absence set out in this guide have been used.

## **MANAGING LONG TERM ABSENCE**

For the purpose of this guidance, long term sickness absence is a continuous period of absence of more than twenty or more working days. It is important to maintain regular contact with the employee during their absence. A medical referral may not be necessary if the cause of the absence and the likely date of return are clearly known and there are no concerns about allowing the employee to return to work.

## Process

**Up to 4 weeks** – The manager should keep necessary contact with the employee and consider a referral to OHU after an absence has lasted continuously for more than 2 weeks.

**4 weeks and beyond** – The manager should consider a meeting with the employee or a planned telephone conversation. The discussion could cover if appropriate a phased/planned return to work. This may also include the consideration of possible reasonable adjustment to working procedures / practices.

**3 months** – The manager should arrange to review all action taken and information known to date. At this stage of an absence the case should be considered under the medical capability procedure.

The manager should consider information from the OHU and employee on the likelihood of return to work. Where the expected date of return is not known and no adjustments can be made to facilitate an early return to work or it is contrary to the needs of the service, the manager must act to conclude the situation initially through operation of the medical capability procedure.

The Headteacher / manager should inform OHU that they are taking this action which could lead to dismissal on the grounds of incapability due to non-attendance at work and are strongly advised to seek a medical opinion at this stage. It is essential to obtain this if the school are taking action, which may ultimately lead to dismissal.

Where there is no likelihood of a medical outcome (e.g. ill health retirement, medical redeployment) or return to work the Headteacher or designated manager must consider pursuing further stages of the Medical Capability procedure and alerting the employee to the potential for termination of employment.

**6 months to one year** – The result of applying the Medical Capability procedure should be that in the period between 6 months and one year the employee has returned to work, been redeployed, retired on ill health grounds or dismissed on the grounds of incapability.

If medical redeployment has been recommended, the maximum period suggested to spend searching for redeployment opportunities should be 2 *months* after which, following a final opinion from the Occupational Health Unit, the medical capability procedure should be employed to bring the situation to a conclusion. During all this time medical redeployment may still be pursued.

## ENTITLEMENT TO SICK PAY

### School Support Staff and Teachers

Employees in schools may have different entitlements to sick pay. This will depend on whether they are teaching or non-teaching staff, their length of service and their rate of pay. Sick pay can be made up of two elements, contractual sick pay (which is given as a condition of service by the employer) and statutory sick pay (which is a payment administered by employers on behalf of the state.)

**The contractual entitlement to sick pay for School Support Staff is set out below:**

During first year of service	One months full pay and after completing four months service two months half pay
During second year of service	Two months full pay and two months half pay
During third year of service	Four months full pay and four months half pay
During fourth & fifth years of service	Five months full pay and five months half pay
After five years service	Six months full pay and six months half pay

**The contractual entitlement to sick pay for teaching staff is set out below:**

During the first year of service	Full pay for 25 working days and after completing four calendar months service, half pay for 50 working days.
During the second year of service	Full pay for 50 working days and half pay for 50 working days
During the third year of service	Full pay for 75 working days and half pay for 75 working days
During the fourth and successive years	Full pay for 100 working days and half pay for 100 working days.

More details on these entitlements can be found in the extracts of the conditions of service booklets for teaching and non-teaching staff.



## **RETIREMENT ON THE GROUNDS OF ILL HEALTH**

There are provisions for the retirement of staff on the grounds of ill health contained within the Conditions of Service of staff.

For those staff in an occupational pension scheme the decisions on ill health retirement for teaching staff and non-teaching staff are made by different bodies but have similar criteria which are applied to determine whether an employee qualifies for ill health retirement.

### **Non-Teaching staff**

Through the managing absence process the employee would have been referred to the Council's OHU, who will, if appropriate, have issued a certificate to confirm that the employee is permanently unfit to perform the duties of any post in the School/Council.

There is provision for employees who contribute to the local government superannuation scheme to receive a pension and enhancement in cases where ill health retirement is agreed and they have sufficient service to be eligible. Under the new pension scheme arrangements (effective from April 2008), there are several tiers of eligibility for ill health retirement. Please contact the Schools HRCT for advice.

### **Teaching Staff**

Teachers belong to a pension scheme, which is administered by Teachers Pensions (TP), and there are specific provisions for ill health retirement. The Authority does not consider applications from teaching staff for ill health retirement as an alternative to the scheme operated by Teachers Pensions. Teachers must make applications for ill health retirement to TP who, ultimately, decide on eligibility. The process for applying includes the authority providing evidence as to the options considered before the last resort of ill health retirement and the involvement of OHU in assessing the case. The Schools HRCT can provide further advice.

## **Equality Act 2010 and Reasonable Adjustments**

A key requirement of the Act is the duty placed on employers to make "reasonable adjustments" to the physical environment and work procedures/practices to those who have a disability which is covered by the Act. When the sickness absence guidelines are applied to employees who have a recognised disability, managers should bear in mind their duty to make reasonable adjustments. At an early stage, managers should consider what

adjustments can be made and whether support or advice is available from another source e.g. OHU, Schools HRCT and the Disability Advisory Service.

## **Accidents at Work and Industrial Injuries**

Full details of all accidents will be recorded in the Accident Book which the School will maintain together with any witness statements. A copy of the report and supporting documentation should be sent to the Head of Health and Safety at Perceval House. It is important that at this preliminary stage no admission is made in respect of liability for an industrial injury whatever the circumstances. Schools are recommended to seek advice in the first instance from a member of the HRCT.

The Head of the Schools HR Consultancy Team may be asked to consider the issue of liability in conjunction with inter alia the Head of Health and Safety, the Council's Insurance Manager and the Headteacher.

The Headteacher should consult with the Head of Schools HR Consultancy if there is any doubt on whether or not the absence should be treated as an industrial injury and that industrial injury pay should apply.

Entitlement to industrial injury pay for teachers will be in accordance with the provisions of the Burgundy Book which provides for a maximum of 6 months full pay after which period and if the absence continues the employee's entitlement to occupational sick pay will apply.

To ensure parity for all staff, the entitlements to Industrial Injury pay for Support Staff should match that which is provided for teachers. Therefore support staff will be entitled to a maximum of six months full industrial injury pay after which and if the absence continues the employee's entitlement to occupational sick pay will apply.

If an employee returns to work after an absence caused by industrial injury and subsequently is absent again for a reason the employee feels is attributable to the same industrial injury, the entitlement to industrial injury pay will not start anew. The maximum industrial injury pay for any one industrial injury is the six months full pay set out in the paragraphs above, after which if an absence continues or recurs the employee's entitlement to occupational sick pay will apply.

## **Alcohol & Drug Dependency/Abuse**

The Council has a policy which Schools can use to help deal with issues related to alcohol and drug (prescription and/or non-prescription i.e. illegal) dependency/abuse. Please note that this policy does not preclude the use of the disciplinary/capability and medical capability procedures.

## **HIV/AIDS (Acquired Immune Deficiency Syndrome)**

The Council has a policy on HIV/AIDS which is commended to Schools. In summary the policy recognises the need to prevent the spread of HIV/AIDS through education and information, to protect the workforce from the risk of infection in the course of their duties, to prevent and counteract discrimination against those who have the disease and to maintain strict confidentiality on their behalf. The Council's normal rules concerning sickness absence and reporting will continue to operate for those employees with AIDS.

## **Notifiable /Communicable Diseases or Illness**

There is a duty to safeguard the health and well being of pupils and other staff in the event of a member of staff contracting notifiable or communicable disease or illness. Teacher's conditions of service make particular reference to Pulmonary Tuberculosis, Psychiatric Disorder and Epilepsy as conditions that require specific attention. Managers should contact the Schools HRCT or OHU for further advice.

## **Terminal Illness**

In deciding what action can be taken to deal with sickness absence, special consideration must be given to employees who are suffering from a terminal illness. You are advised to contact the Schools HRCT.

## **Lateness**

All employees are expected to attend for work on the days and at the times for which they are contracted. Difficulties can arise when employees arrive late for work. These instances are unpredictable and prove very disruptive. Employees should be aware that in cases of persistent lateness, disciplinary action will be taken. Headteachers / managers must take action to tackle any lateness problems before they become acute and as with sickness absence it may be possible to identify individual patterns of lateness. Lateness can be caused by personal or domestic problems and commitments, e.g. childcare responsibilities, caring for other dependent relatives and it can be caused by work related issues e.g. poor supervision, lack of motivation, working relationships. It may be that the lateness is solely attributable to the employee himself or herself e.g. they overslept.

Before any disciplinary action is taken consideration needs to be given to ascertain the underlying reason for the lateness and how this might be resolved.

The employee must be made aware that their lateness is causing concern, that it is being monitored and that no improvement may result in disciplinary action.

## **LEAVE**

There are circumstances under which employees are entitled, by law, to time off from work. These include maternity leave, public service leave (eg Jury Service) , time off to undertake duties as a trade union representative and leave to search for alternative employment for potentially redundant employees.

Schools HRCT and the HRSSC can provide detailed advice on general and specific queries concerning statutory leave.

### **LEAVE OF ABSENCE & SPECIAL LEAVE**

Special leave and leave of absence are general terms to describe absence from work for reasons other than personal illness or annual leave and can be granted with or without pay depending on circumstances. The different types of leave that can be requested are detailed in Appendix 3. There are different agreements for teaching and non teaching staff.

One of the most repeated enquiries is in connection with how much leave of absence/special leave can be approved and how many days an employee can have in any given time period. Some types of leave of absence /special leave do stipulate maximum entitlements within a stated period. In any event managers should consider:

- The nature of the request
- How much leave (including special leave) has already been granted to that member of staff
- Overall absence record
- How other similar applications have been considered
- The effect on the running and organisation of the school.
- The budget implications of granting special leave with pay

Schools HRCT are able to provide detailed advice on leave of absence /special leave.

## **ANNUAL LEAVE**

The majority of staff in schools have strict contractual provisions detailing that their holidays will coincide with periods of school closure. This includes all teaching staff and those non-teaching staff on “Term Time Only” contracts.

The staff working in schools who do have an entitlement to book annual leave during school sessions are caretaking staff, cleaning staff and any other non-teaching staff not employed on a term time only basis

There are different levels of annual leave entitlement for these staff according to length of service. These are as follows:

<b>Length Service</b>	<b>Number of Days</b>
Less than 5 yrs continuous Local Government Service	24 days
More than 5 yrs but less than 10 yrs	27 days
More than 10 yrs	30 days

The above applies to eligible employees who commenced their employment with the Council on or after the 1<sup>st</sup> September 2001 (pro rata for part time employees). Certain reserved rights apply to staff who commenced employment prior to 1<sup>st</sup> September 2001. Schools HRCT can clarify individual entitlements if required.

Any request to book annual leave is subject to approval from the Headteacher / line manager who should have regard for the exigencies of the service and the availability of relief staff as well as the wishes of the employee.

There is provision within the conditions of service of staff who qualify to book annual leave during school session, for carry over of 5 days annual leave from one leave year to the next. Any request to carry over leave in excess of this is subject to approval from the Headteacher.

The school should monitor the leave of staff to ensure that leave does not build up to unmanageable or unnecessary proportions. The need for consistency in managing, agreeing and where necessary refusing annual leave is of paramount importance.

In order that annual leave for entitled staff can be properly monitored, annual leave cards should be used to record agreed leave dates.

Any queries concerning the management of annual leave, individual entitlements or associated issues please contact Schools HRCT.

## **LEAVE OF ABSENCE & SPECIAL LEAVE REQUESTS**

### **Teaching Staff**

The responsibility for considering requests for leave of absence from teaching staff at schools with delegated budgets rests with the school, normally through the Headteacher or another member of the SLT.

The exceptions are requests for leave of absence for which the Authority has retained funds centrally (eg Trade Union duties) .. In these circumstances the LA also has to confirm that the request meets any eligibility criteria.

An extract on special leave entitlement from the Teachers local conditions of service is reproduced at the end of this appendix.

Requests for leave detailed on this list would normally be granted. The Headteacher will need to ensure that requests are dealt with consistently and, where dates can be controlled, do not adversely affect the smooth running of the school.

Periods of unpaid leave should be recorded on I-Trent so that the appropriate salary deductions can be made.

### **Use of Discretionary Powers**

In exercising any discretionary powers, schools should have due regard for:

- the nature of the request and whether it constitutes an urgent personal difficulty for the member of staff
- the way in which similar requests have been dealt with
- the amount of absence the applicant has had in the last year
- whether the leave should be with or without pay (or a combination)
- the effect of the absence on the running of the school.

Leave of absence requests for periods exceeding 10 working days may be discussed with Schools HRCT to ensure consideration of any employment, contractual or statutory issues.

## **Non-Teaching Provisions**

The process for considering requests for special leave /leave of absence from non-teaching staff follows the same principals that apply to teaching staff. The following list details leave requests that are contained within non-teaching conditions of service. These are different to teaching conditions. Certain leave requests are covered by statute or incorporated into the conditions of service of staff. Discretionary powers should be exercised in the same way as detailed for teaching staff.

### **Special Leave**

Headteachers / managers can grant up to a maximum of five days paid special leave (examples are on compassionate grounds for care of dependants and for study before an examination). Headteachers/managers may also grant any period of unpaid leave.

Employees who apply for special leave to deal with an unexpected need or emergency relating to the care or support of a dependant of the employee, (as envisaged in schedule 4, part 2 paragraph 57A of the Employment Relations Act 1999) will be granted reasonable unpaid time off to deal with the situation.

A Governing Body may grant an employee an extended period of unpaid leave (a “career break”) to cope with domestic responsibilities or to undertake higher education. A career break will be of at least six months and not more than three years duration. The procedure for taking such leave is detailed in the Local Conditions of Service, and advice can be provided by Schools HRCT.

### **Bereavement Leave**

Employees who have suffered a family bereavement are entitled to take up to five days paid leave. Family bereavement includes partners (including same sex relationships), sons and daughters, mothers and fathers, parents in law, brothers and sisters and grandparents. Employees who have to make funeral arrangements for any member of their family not covered above are also entitled to up to 5 days paid leave.

Paid bereavement leave is a separate provision from special leave. Any further leave needed by the employee to deal with matters arising from bereavement, which affect his/her dependants, will be granted as unpaid leave.

### **Public Service Leave**

Employees appointed to serve as a Magistrate, School Governors, Councillor’s or other statutory or public bodies are entitled to paid leave of up to 26 days (pro rata for part time staff)during any twelve month period for carrying out duties that require absence from work with the permission of the Headteacher. Employees

must declare any money that is paid to them for these duties (except for out of pocket expenses and attendance allowances for Councillors) and this will be deducted from their pay.

### **Jury Service**

Employees will be paid as usual during periods of Jury Service. Allowances paid to jurors should be deducted from the employee's salary via I-Trent.

### **Leave for Election Candidates and Agents**

Employees are entitled to leave with pay under certain circumstances. Please contact Schools HRCT for further details.

### **Leave for Employees Serving in Non-Regular Forces**

Employees are entitled to paid leave under certain circumstances. The number of days is dependant on the annual leave entitlement of the individual. Please contact Schools HRCT for further details.

### **Extended leave**

With the Governing Body's permission employees can apply for and if approved may take up to one year's absence from work (typically as a mix of paid leave from their entitlement and unpaid leave). One year's notice is required. The procedure is set out in the Local Conditions of Service and advice on the application of the scheme can be obtained from Schools HRCT

### **Maternity Leave**

Teaching and non teaching staff have different schemes with very similar provisions. The maternity schemes apply to all pregnant employees regardless of the number of hours worked. Maternity leave and payment is dependent on length of service. All pregnant employees, regardless of length of service have the right to paid time off during working hours for antenatal care and relaxation and parent craft classes. Details of the schemes are contained in the Personnel Handbook for Schools.

### **Parental & Maternity Support Leave**

Employees who are the partner or "nominated carer" of an expectant mother and who have less than 30 weeks service with Ealing at the date of confinement are entitled to 5 days paid "maternity support" leave (National Condition). This leave is to be taken at or around the time of the birth.



Employees who are the partner or “nominated carer” of an expectant mother and who have 30 weeks or more service with Ealing at the date of confinement are entitled to an additional 5 days paid “maternity support” leave (total 10 days).

All employees with 30 weeks service with Ealing are entitled to thirteen weeks unpaid statutory parental leave to be taken within the first 5 years following the birth of a child for whom they have parental responsibility. Where paid maternity support leave is taken this will form part of the overall thirteen-week entitlement. Further details on the application of the above can be obtained from Schools HRCT.

### **Adoption Leave**

An employee with 30 weeks service in local government and who is the principal carer of the adopted child are entitled to adoption leave. Eligibility for paid leave is dependent on length of service. Further details are available from Schools HRCT.

**TEACHERS CONDITIONS OF EMPLOYMENT  
LEAVE OF ABSENCE & SPECIAL LEAVE**

<b>REASON FOR ABSENCE</b>	<b>SALARY PAYABLE FOR A PERIOD NOT EXCEEDING</b>
Serious illness of Husband, Wife or Child	5 working days
Death of Husband, Wife or Child	5 working days
1) Serious illness or death of near relative 2) Serious illness <b>and</b> death of near relative	3 working days 5 working days
Attendance at funeral in approved representative capacity	1 to 3 working days according to distance and circumstances
Wedding of near relative	1 working day
Removal of household effects	1 working day
To attend interview for other appointment	1-3 working days according to distance and circumstances
Examination, if it is one that would be improve the educational qualifications of the teacher.	Period necessary to sit for examination
Local Authority, Department of Education and Science and other approved short courses	Duration of course
Public duties	In accordance with the general regulations of the Council relating to officers as in force from time to time
Attendance at Conferences	In accordance with the general regulations of the Council relating to officers as in force from time to time
Religious Festivals	Three days in any educational year as required for observance of Religious Festivals. Other days unpaid allowed
Attendance at Meetings of Examiners during school time	Period necessary to attend – provided any fee receivable is refunded to the Council
Duties as Examiner for Universities and similar bodies	Period necessary, subject to approval of Head teacher and provided any fee receivable is refunded to the Council
Duties as visiting Examiner for Certificate of Secondary Education	5 days in Education year provided any fee receivable is refunded to the Council.
Duties as Justice of the Peace	Reasonable periods to act as Justice of the Peace in Court.

..... School

**Notification of Sickness Absence Form**

**Name of Employee Reporting as Sick** .....

**Job Title** .....

**First Day of Absence From Work** .....

**Notification Received on** ..... **at** ..... **am/pm**

**Is the absence as a result of an Accident at Work** Yes/No

**If Yes have the relevant accident report forms been completed** Yes/No

**Details of absence entered onto I Trent system** Yes/No

**Employee's line manager/department notified of absence** Yes/No

**When does the Employee expect to return to work** .....

**Reason for Absence (nature of illness/injury)**.....

.....

**Continuing Absence - Further notification received on** .....

**Expected duration of absence** .....

**Medical Certificates:**

<b>Date of Certificate</b>	<b>Diagnosis</b>	<b>Duration</b>

**Date of referral to OHU if applicable** .....

**Return to work Interview conducted by** ..... **on** .....