



# **Managing Attendance at Work**

**Reviewed June 2017**

## **INTRODUCTION**

Cedar Lodge School is committed to creating a positive working environment. Employees who are absent from work due to sickness need to be treated with consideration and respect and principals and line managers will make every effort to assist staff in their recovery and return to work. The needs of the individual suffering from ill health must, however, be balanced against the needs of the school and the pupils.

Cedar Lodge School acknowledges that it has a responsibility towards promoting a positive health and safety culture and that from time to time employees may become ill and as a consequence be unable to attend work. Cedar Lodge School expects employees to co-operate in ensuring that all sickness absences are managed in line with this policy.

This policy applies to all permanent and fixed-term employees.

## **PURPOSE**

This policy is intended to support staff and enable managers to manage sickness absence in a way that is fair, consistent and complies with employment, health and safety and education legislation. It is essential that sickness absence and incapability due to ill health are managed effectively. The procedure balances the need to maintain service delivery and the interests of employees by ensuring that employees are fit and healthy for work. This policy is dependent on the openness and mutual trust and respect between employees and their line managers and the willingness of all parties to co-operate. This policy has been drafted in consultation with the recognised staff trade unions.

## **ROLE OF THE PRINCIPAL**

within the context of the school's pastoral care policy:

- to ensure that all new staff are informed of sickness absence procedures and policy as part of the induction process;
- to monitor the absence of staff in a fair, consistent and confidential manner and to ensure that appropriate documentation is submitted to the relevant section of EA on a timely basis;
- to maintain appropriate contact with staff, particularly those on long term absence;
- to liaise with staff regarding arrangements for referral to the Occupational Health Physician or other agency;
- to carry out absence interviews and keep appropriate records;
- to ensure staff are aware of the Staff Care Service (where applicable);
- to support, as far as practicable, any rehabilitation programme which may be recommended by the Occupational Health Physician.

## **ROLE OF HUMAN RESOURCES**

- to provide available information to principals to facilitate monitoring.
- to advise, assist and support principals in the management of attendance.
- to arrange medical referrals and act as liaison between principals and the Occupational Health Physician.
- to provide advice and support to principals and staff on welfare issues and the appropriate use of staff care policies and services.
- to assist principals in the investigation of re-deployment opportunities within the school where a member of staff is found incapable of continuing in their current position.
- to monitor the application of the policy and ensure that there is a fair and consistent approach to all members of staff who are ill.

## **ROLE OF FINANCE**

- to provide available information on the cost of absence.
- to monitor financial expenditure on absence.

## **ROLE OF THE EMPLOYEE**

- to report all sickness absence in accordance with procedures and provide appropriate documentation promptly
- to maintain appropriate regular contact with the principal during any period of absence.
- to follow any professional advice, including medical, aimed at ensuring a timely return to work.
- to advise the principal of matters relevant to the absence particularly where there may be other problems either at home or at work contributing to the absence.

## **EQUAL OPPORTUNITIES**

All policies and procedures will be applied fairly and in accordance with employment law and the Cedar Lodge School Equal Opportunities Policy.

## **MONITORING ATTENDANCE**

It is the responsibility of the principal to monitor the attendance of staff. Monitoring ensures that issues of public accountability for expenditure on salaries and sick pay are satisfied; it enables principals to make decisions about temporary arrangements such as deputising; it also ensures that principals are fully aware of the absenteeism rates of staff and can address any problems promptly.

The Human Resources Branch will provide principals with regular reports, detailing the number of self/medically certified absences.

Action by the principal should normally be initiated by any of the following:

- (a) More than 8 casual days absence in a 12 month rolling period.
- (b) More than 3 periods of absence in a 12 month rolling period, each in excess of 3 days duration.
- (c) Continuous absence of 4 weeks or more.
- (d) An individual member of staff with an absence rate of 5% or more.

Circumstances will vary from case to case and principals may have additional information which would make action under this procedure inappropriate. In such cases advice should be sought from Human Resources.

## **SICKNESS AND DISABILITY**

The Disability Discrimination Act 1995 (DDA) defines a person with a disability as a person with a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Sickness absence may be related to a disability under the DDA. Where this is a possibility, specialist advice will be obtained (e.g. from occupational health and human resources) and reasonable adjustments to the individual's working systems or environment that may be appropriate will be considered. Under the DDA, employers have a duty to make 'reasonable

adjustments' where any aspect of working arrangements (including premises) places a person with a disability at a substantial disadvantage.

It is acknowledged that disability is by no means generally synonymous with sickness or absence from work. However, guidance recognises that some people with a disability will have conditions, which will be from time to time subject to the Sickness Absence Monitoring Procedure.

## **CONFIDENTIALITY**

Information about sickness absence will be handled carefully and in accordance with the Data Protection Act 19983 to ensure that sensitive details remain confidential.

## **TIME OFF TO ATTEND MEDICAL APPOINTMENTS**

Employees should try to ensure that non-urgent medical appointments take place in their own time however this may not be possible in all circumstances, including hospital appointments and treatments.

The Northern Ireland, TNC Circular 2008/1, Teachers' Occupational Maternity Leave Scheme, states that a pregnant teacher has the right to paid time off to attend antenatal care.

## **ABSENCE DUE TO DISABILITY OR MATERNITY**

Absence relating to disability or maternity will be dealt with under a separate policy and records will be kept separate from sickness absence records.

## **REVIEW**

This sickness absence policy will be monitored and reviewed every two years in consultation with all recognised trade unions.

## **Sickness Absence Procedures**

A member of staff who is sick and likely to be absent should telephone the Vice Principal as early as possible before their normal starting time (between 7.45am - 8.25am) or the school office by 8.30am on the first day of absence so that arrangements for cover can be made.

The employee should leave a message with reception or on an appropriate mobile phone where there is no other method of contact, following which the the Principal/Vice Principal will telephone the employee at home. The call should be made by the employee personally, or, if this is not practical, by a partner, friend or relative.

The employee should state:

- the reason for their absence as in the nature of their illness; and
- the estimated period of absence, if known.

To ensure appropriate levels of cover the employee must contact the Principal or Vice Principal if absence extends beyond the initial indication.

The employee, where possible, should alert someone in their department of any urgent work that may need to be covered during their absence.

If an employee feels unwell and wishes to go home during the course of the working day, they must notify the Principal before leaving. That day of absence will be recorded and will constitute a day's sickness absence if they leave before 11.00am.

Sickness absence levels need to be consistently and accurately recorded in order to be effectively managed. The date and duration of each absence and the reason for it will be recorded by the designated person. This information will be retained by the school office in accordance with the provisions of the Data Protection Act 1998 and recorded on SIMS.

If an employee provides false evidence of incapacity, or if an absence is not notified, or a valid reason for absence is not given, the employee may be subject to disciplinary measures subject to the agreed Disciplinary Procedure following the formal return to work meeting and in accordance with the Sickness Absence Monitoring Procedure.

## **Self-certification and doctors' certificates**

From the fourth consecutive day of absence, the employee is required to complete the self-certification sickness absence form, which is to be signed by the designated person and sent to the appropriate administrator. A period of sickness in excess of seven calendar days must be certified by a doctor's medical certificate, which will then be checked by the designated person and sent to the appropriate administrator. This procedure should take place at the return to work discussion. Where no return to work discussion is necessary, or where the illness is of an intimate nature, the member of staff may directly submit the self-certification sickness absence form to the appropriate administrator in an envelope marked private and confidential.

If the absence continues, each medical certificate should be submitted by the employee to the designated person at each interval covering their periods of sickness absence consecutively.

Where a medical certificate provides advice in relation to the employee's return to work, the advice on the medical certificate will be taken into consideration and any specific instructions followed. These may include a phased return to work, altered hours, amended duties and/or workplace adaptation. If appropriate, and in all cases where agreement cannot be reached with the employee, advice should be sought from the occupational health officer.

If the employer fails to make the necessary changes or adaptation, then the employee will be deemed sick until either they fully recover or until the recommended changes and adaptation are made, whichever happens first. The employee will be entitled to trade union representation at any meetings to discuss changes to be implemented and/or the advice on the medical certificate. The employer has a duty to ensure that a sick employee is not allowed to return to work even where a doctor has recommended that they might be fit for work under certain circumstances.

Any unresolved disputes over changes to work or working times/patterns proposed as a result of recommendations contained in the medical certificate will be dealt with under the Grievance Procedures.

## **Short Term Absence**

Frequent short-term absences may indicate poor health, which may require further medical examination by a doctor or the occupational health officer. Alternatively, it could indicate work stress, domestic difficulties, problems with the job, bullying/harassment, or lack of capability to do the job.

A return to work interview will be carried out by the Principal to discuss the reasons for the absence(s) after each period of short-term absence. This is useful to ensure that the employee is fit to return to work, to ask if the school needs to take any action to aid the return to work and to ensure that the relevant medical certification has been received.

## **Persistent Intermittent Absence**

This is defined as regular short and/or long term absences which may or may not result from an underlying medical condition. In this type of absence the medical prognosis may be such that the member of staff could not be deemed to be permanently unfit for work but the absences may be of such a significant level that the member of staff can be deemed to be incapable of giving regular attendance at work.

Dependent upon the particular circumstances of the case a referral to the Occupational Health Physician may be considered appropriate. Where a referral is considered appropriate, the principal should, where possible, contact the member of staff and advise them of the referral. Persistent intermittent absence is the most difficult type of absence pattern to assess and control as it requires sensitive judgement, supported by all available information. This judgement could lead to one of two approaches -

(a) Where it has been established through medical referral/assessment that the member of staff is not suffering from any significantly debilitating illness and where counselling has failed to achieve improved attendance the Disciplinary Procedure should be implemented. Any resultant disciplinary action will be by reason of 'inability to attend work regularly'.

(b) Where, through medical referral/assessment, the prognosis establishes the member of staff's medical incapability to work, the relevant procedure for termination of employment on grounds of ill health should be implemented.

It should be noted that a member of staff's absence pattern can straddle all categories of absence. In this situation the key assessment is the member of staff's likely ability to attend work regularly based on any continuing absence which has occurred following counselling/warning.

## **Long Term Absence**

Sickness absence of two weeks or more is generally considered to be long-term absence. Individuals may be absent on long-term sick leave for a variety of reasons (e.g. mental health issues, injury, operation, convalescence from illness, diagnosis of a long-term disability, terminal illness, etc.) and any action taken should be appropriate according to the circumstances of the particular case. The Principal takes a sympathetic view of genuine cases of long-term ill health and will provide a supportive approach in all circumstances. This may constitute counselling, a referral to occupational health or other means of support.

The Principal will maintain reasonable and sensitive telephone contact with employees who are absent from work owing to illness. This contact is intended to be constructive and supportive to the employee's recovery and return to work.

The employee may be requested to contact their general practitioner in order to establish the likely length of absence and the long-term effect on the employee's capability in relation to the job and attendance at work. Following consultation with the employee and their trade union or other such representative, and with the occupational health officer, the designated person will thoroughly explore and fully consider and arrange for all possible and appropriate means of support, including reasonable adjustments. If necessary, consideration will be given to providing alternative employment for employees who are deemed disabled under the DDA.

## **CONDUCT DURING ABSENCE**

In all cases of sickness or injury which necessitate taking time off work, it is expected that staff will do their utmost to facilitate a speedy return to fitness and to work. The following are examples of activities which would be considered inconsistent with genuine sickness or injury and may result in disciplinary action being taken.

- participating in any sport, hobby, social or other activity which is inconsistent with the illness or injury or which could aggravate the illness or injury or which could delay recovery;
- undertaking any other employment, whether paid or unpaid;
- altering or causing to have altered any details on a medical statement, eg. dates or signature; failing to respond to requests to attend absence meetings or medical examination without good reason;
- taking holidays during sickness absence will be a cause of concern unless there is acceptable evidence to support the contention that the holiday is deemed to be required as part of treatment or necessary recuperation. Staff contemplating taking holidays should discuss this with the principal in advance.

The above list is illustrative only. The type of behaviour expected of staff will depend upon the individual nature of the case and the nature and severity of the illness. Principals are expected to be alert to such issues and report any substantiated incidents which come to their attention to the Human Resources Branch. Such cases will be fully investigated before any action is taken.

### **Return to work**

#### **Informal**

On return to work, the employee will be treated fairly and sympathetically. Short-term absences of up to a week each, due to common illnesses such as a cold or flu, will not normally trigger a formal return to work meeting. However, an informal return to work meeting may be conducted after an absence where the cause has not previously been reported to the principal (or designated person) in order to establish the reason for and cause of absence. An informal return to work meeting may also be arranged as an opportunity for the principal (or designated person) to ensure that the employee is fit to return to work, to alleviate any concerns the employee may have, to ascertain whether absence is work-related and to determine whether the Principal can offer the employee any support. The meeting may therefore be used to discuss and agree what action or support could be of assistance to the employee and it should not be considered as any part of a disciplinary procedure. If a medical certificate has been issued, it will be checked and then sent to the appropriate administrator.

Employees suffering from conditions of an intimate nature may choose to discuss sensitive health issues with a person of the same gender or an alternative appropriate person, the identity of whom will be agreed between the employee and the designated person. Intimate details of the illness do not need to be disclosed.

#### **Formal**

The principal should use discretion in deciding when it is reasonable and justified to invoke the formal procedure rather than operate mechanistic trigger points to query an employee's frequent sickness absence. Matters such as a previous medical condition, circumstances associated with the employee's post and/or working conditions, or medical conditions that are unlikely to recur (e.g. fractures of limbs) will be taken into account before invoking formal procedures. Each case will be considered on merit and in accordance with the Sickness Absence Monitoring Procedure.

Absences that relate to leave or reasons other than sickness (e.g. attending jury service) or absences due to disability or injury at work will be disregarded for the purposes of invoking the formal procedure.

The formal return to work meeting will explore in more detail the reasons for the absence(s) and, if necessary and appropriate, further action will be taken by the designated person to improve the employee's attendance or wellbeing. The designated person will put his/her observations about any apparent pattern of absence to the employee directly so that the employee has the opportunity to provide an explanation and will seek, in conjunction with the employee, to identify ways in which the Principal could assist him/her to improve future attendance and to set reasonable targets and time limits to that end.

Employees suffering from conditions of an intimate nature may choose to discuss sensitive health issues with a person of the same gender or an alternative appropriate person, the identity of whom will be agreed between the employee and the designated person. Intimate details of the illness do not need to be disclosed.

If there are any reasonable grounds for concluding that the employee's absence was not genuinely for the reason given, the principal (or designated person) will put the evidence to the employee directly so that s/he has the opportunity to respond and provide an explanation.

All parties involved in the sickness absence procedure are required to treat all cases of staff absence due to illness in a fair, consistent and constructive manner. It will be the responsibility of the principal to invoke the Capability/Unsatisfactory Work or Disciplinary Procedure, as appropriate. No employee will be dismissed on grounds of sickness absence without due warning and without the Capability/Unsatisfactory Work or Disciplinary Procedure, as appropriate, having been followed.

A record of the formal return to work meeting will be made detailing the discussion, date of and reason for absence and any other additional information and will be stored in accordance with the Data Protection Act 1988. A copy will be provided to the employee.

The employee shall have the right to trade union representation at any meeting under this Sickness Absence Procedure.

## **Occupational health**

The use of occupational health service professionals can be an effective tool in both preventing sickness absence through advising on appropriate wellbeing strategies and in managing a return to work after sickness absence, especially in cases of a long-term sickness absence. The principal (or designated person) may refer an employee to an occupational health adviser for an occupational health consultation. The employee may refuse to attend if they have reasonable grounds, in which case a decision will be made using the medical information available. The occupational health service will advise the employee that their written permission will be required to contact their doctor for a medical report and that the employee has the right to see the report and query any concerns before it is sent to the occupational health officer.

The occupational health service will request and secure the written permission of the employee before requesting a medical report from their doctor.

The key objective of an occupational health service is to protect and promote employees' health and wellbeing, taking into account the working environment and all its challenges. Occupational health specialists have the dual role of supporting the employer by assessing the effect of

employees' health and fitness on their ability to perform their job and supporting employees by examining the effect of their work and the working environment on their health and wellbeing, assessing the recovery and likelihood of return to work of employees who are off sick and through the provision of support services.

## **Phased return to work**

In many cases of sickness absence, a phased or gradual return to normal hours and responsibilities within a fixed timescale will be considered in conjunction with appropriate supportive measures to facilitate a sustained return to work whilst ensuring that employees do not incur any financial detriment. This may occur especially where reduced hours of work or reduced responsibilities are being undertaken for a specified and limited time.

An employee returning to work will receive their substantive pay and will not therefore be any worse off financially as a result of returning to work under this policy. Nor will an employee be deemed to be on sick leave if s/he returns to work in accordance with the recommendations of a general practitioner (e.g. a phased return, reduced working hours, reduced duties or workplace adaptation).

An 'Action Plan' will be agreed between the designated person, the employee, their trade union or other such representative and the occupational health officer that will determine the specific terms of the phased or gradual return to normal hours and responsibilities, including:

- timescale and review points;
- training and support to be provided to the employee;
- details of adjustments to the workplace;
- details of the employee's duties;
- details of the employee's duties to be allocated to another person;
- details of information to be shared with other staff and pupils concerning the employee's return to work;
- details of any alterations to working hours;
- confirmation that the employee will be allowed to be absent during working hours for rehabilitation, assessment or treatment;
- details of equipment to be acquired or modified and relevant modifying instructions or reference manuals;
- details of any modified procedures for testing or assessment; and
- any other relevant information.

## **Sick pay and entitlement**

The sick pay and sick leave terms and conditions for teachers for use in (add name of school) are shown in the:

- TNC Circular 2008/2 Teacher Attendance Procedure

Upon their return to work and upon resumption of their duties, whether this is resumption of their full hours and duties or on a phased or gradual return to normal hours and responsibilities, an employee will be paid their substantive salary in accordance with their contract of employment and their sick leave and pay will come to an end.

Absence owing to injury sustained or disease contracted in the course of a teacher's duties shall not be reckoned against the teacher's entitlement to sick leave.

A teacher absent because of the contraction of pulmonary tuberculosis is entitled to 12 months' full pay and a further period of full or half pay at the discretion of the employer.

A teacher suspended from duty, either because of an infectious disease in the teacher's home or because of an infectious disease in the workplace that could be injurious to the teacher's health, is entitled to full pay during the course of the absence.

### **Further support**

Staff have access to the CareCall telephone counselling service on 0808 800 0002 or [www.carecallwellbeing.com](http://www.carecallwellbeing.com). This is a 24-hour, seven-day-a week confidential telephone helpline.

Employees can also contact their trade union for support.

### **Breach of policy or procedure**

Serious breaches of the Sickness Absence Policy or Procedure may be dealt with under the Disciplinary Procedure.

Examples of offences that may be regarded as gross misconduct and could result in summary dismissal are contained within the Disciplinary Procedure.