



# **THE BARLOW RC HIGH SCHOOL & SPECIALIST SCIENCE COLLEGE**

## **UPDATED INFORMATION ON STAFF ATTENDANCE POLICY**

AGREED BY LEADERSHIP TEAM

REVIEWED BY ADMISSIONS COMMITTEE

RATIFIED BY GOVERNING BODY

DUE FOR REVIEW



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## **SECTION ONE**

### **1. POLICY FRAMEWORK**

#### **1.1 Preamble**

This policy document on attendance management is consistent with the employment powers, duties and responsibilities of the governing body as set out in the current Education legislation; the Articles of Government for the school and the conditions of service for teaching and support staff.

#### **1.2 Purpose of the section**

The section sets out the framework within which the governing body's policy on attendance management will operate in order to achieve the maximum benefits for pupils, parents and staff. It explains why it is necessary to adopt an attendance management policy and sets out the principles on which it is based. It describes the information about staff attendance which will be collected and under what circumstances it will be used. It emphasises that the process will be underpinned by the use of objective evidence which will be subject to review and possibly inspection. Finally, it describes the roles and responsibilities of the governing body, the headteacher and the staff; these need to be clearly understood to ensure that the policy works effectively and efficiently.

#### **1.3 The need for a policy**

The effectiveness of any organisation is directly related to the well-being of the people who make up that organisation. It therefore follows that attendance management must be seen in the context of the governing body's general duty to ensure the health, safety and welfare of all those who work at the school. The best means of achieving this is to establish and maintain a positive and supportive attitude towards attendance within the school whilst recognising that some factors which impact upon attendance lie outside the scope of the school.

Any analysis of staff attendance records will reveal the very low levels of absence amongst the vast majority of those who work in schools. Most staff maintain very good attendance records over long periods of time. Headteachers and governors wish to recognise this and build upon existing good practice.

Improving attendance is an ongoing responsibility for the school's management team and the governing body. Attendance management should not merely be about managing the level of attendance, but it should also seek to identify and address any underlying causes of absence.

Staff absences add to the school's operational costs and divert resources away from teaching and learning. There are not only direct costs of engaging replacement staff, but significant indirect costs as well. Other staff frequently undertake additional duties and responsibilities and this can become burdensome and detract from their core responsibilities. Repeated or longer-term absences can have an effect on the motivation of colleagues and there is likely to be disruption to pupils' programmes of study. As the school year progresses, the cumulative effects of staff absence can have an escalating impact on the effective operation of the school and the delivery of quality education.

All staff have a right to know what support they can expect and what action may follow their absence. Everyone benefits from reducing staff absence especially the staff themselves.

#### **1.4 The principles on which the policy is based**

This attendance management policy is based on the following fundamental principles:

- a. no staff member should feel under pressure to return to work while unfit; this policy should not be used to place such pressure on individuals;
- b. good attendance is valued and every opportunity should be taken to acknowledge and recognise good attendance;
- c. raising matters relating to an employee's attendance does not imply any distrust of the conduct of the individual;
- d. the day-to-day management of attendance is for the school's leadership group, under the direction of the headteacher. Specialist external advice may be called on at any stage;
- e. attendance problems need to be handled promptly and sensitively, and require a supportive approach by school management;
- f. schools are entitled to expect good levels of attendance from all staff. Achieving and sustaining high attendance levels is a priority whole school issue for all staff and not just senior managers;
- g. all staff are entitled to expect fair, supportive and consistent treatment;
- h. staff who become disabled during their employment or who suffer from serious or chronic health problems will be treated supportively and given every encouragement and assistance in continuing their employment;

- i. information concerning an employee's health, whether given verbally or in writing is a matter between the individual and the headteacher (or designated leadership group member, or the chair of governors in the case of the headteacher). Headteachers and governors must respect an individual's right to confidentiality and maintain it at all times;
- j. school managers should be as concerned with the causes of absence, as they are with its effects;
- k. the school will seek to promote the welfare of its staff and take responsibility for managing those factors within school which impact upon good health and good attendance;
- l. the headteacher and other members of the leadership group (and in the case of the headteacher the chair of governors) will take action in dealing with abuse of the system;
- m. staff and their recognised trade unions/associations should be consulted on this policy and on any changes to it;
- n. all staff should be aware of this policy and have easy access to it, particularly the procedures relating to absence reporting.

## **1.5 Roles and responsibilities**

Devising, implementing, monitoring and reviewing an attendance management policy requires positive contributions from all the parties who have an interest in the school. This can only be achieved where there is a clear understanding on all sides of the respective roles and responsibilities of governors, managers and staff.

## **1.6 The role and responsibilities of the governing body**

The responsibilities of the governing body are to;

- a. ensure that the school has a policy on managing attendance;
- b. review the policy annually with the headteacher in consultation with the staff and their recognised trade union/associations;
- c. monitor and review overall staff attendance statistics each term;
- d. ensure appropriate budget provision for supply staff and staff welfare (see Section 3.2);
- e. perform their statutory duties under the Health and Safety at Work Act (1974 as amended) and in particular the Management of Health and Safety at Work Regulations (1992 as amended);

- f. manage any attendance issues relating to the headteacher;
- g. ensure that the headteacher carries out his/her responsibilities to implement the policy appropriately.

### **1.7 The role and responsibilities of the headteacher**

The responsibility of the headteacher is to ensure the consistent and fair management of the policy, and to be accountable to the governing body. This means:

- a. ensuring that the attendance management policy is communicated effectively to all staff (in particular to newly appointed staff);
- b. ensuring that copies of this document are easily accessible to all staff;
- c. ensuring that appropriate action is taken when staff do not comply with the sickness absence notification procedures;
- d. acting fairly and consistently in applying the appropriate procedures;
- e. regular monitoring of the attendance/absence record of each member of staff in accordance with these procedures;
- f. using the school's attendance records to develop and implement policies which will reduce the health risks to employees;
- g. seeking advice from the Service Level Agreement provider as appropriate;
- h. nominating another member of the leadership group in circumstances where an individual has serious reservations about the ability of the nominated person to deal with the absence record objectively;
- i. ensuring appropriate strategies/action plans are implemented when staff are absent from work and when they return, having regard to the needs and circumstances of the member of staff concerned;
- j. paying particular attention to absence that may be work related;
- k. acting at all times sensitively and flexibly, treating all sickness matters with the utmost confidentiality;
- l. recording and reporting all absences including the reasons for and duration of each absence;

- m. ensuring that attendance/absence records are maintained both for monitoring and sick pay purposes.

## **1.8 The role and responsibilities of the Local Authority**

The LA and Diocese provide support to the Governing Body in dealing with duties relating to their function as employers. The list below specifies these duties and also details the enhanced support and advice which schools purchasing the Management Support to Schools Service Level Agreement can expect:

- a. providing support and advice on individual cases as requested including where appropriate, referral to the Occupational Health Service;
- b. advising the headteacher and the governing body on all sickness matters as requested;
- c. providing a contact point for professional associations and trade unions on attendance matters and communicating with them on LA wide attendance statistics;
- d. producing statistics for headteachers and advising on their interpretation in the context of the individual school's circumstances;
- e. providing training (and access to training) on relevant aspects of attendance management from time to time;
- f. ensuring that attendance management is given high priority and schools are made aware of action they need to consider;
- g. giving advice to ensure that the statutory aspects of the management of attendance are implemented correctly by schools.

## **1.9 The role and responsibilities of staff**

There are reasonable expectations which governors and headteachers should have of their staff. These are essentially based on existing good practice and include:

- a. maintaining a satisfactory level of attendance in accordance with the terms and conditions of their contract of employment and the provisions of the governing body's policy on attendance;
- b. keeping in touch with the colleague designated as the contact person during the periods of absence;

- c. keeping the headteacher (or Chair of Governors in the case of the headteacher) informed of any significant developments;
- d. complying with the school's absence reporting procedures especially with respect to prompt reporting of absence;
- e. informing the school in general terms of the reason for absence and (if known) the likely duration;
- f. outlining the position with regard to their work in order to help the school put in place suitable cover arrangements which minimise disruption;
- g. meeting the requirement to provide the school with completed self certificate forms after a period of sickness absence (for absences from 4 to 7 calendar days) and where the absence exceeds 7 calendar days a doctor's note.

### **1.10 Confidentiality**

The attendance records of all staff and other personal information relating to their health and attendance are confidential. Access should be restricted to the headteacher and other members of the leadership group as designated by the headteacher. Every reasonable step must be taken to ensure the safe storage of such information to prevent unauthorised access.

In very exceptional instances the member of staff may not wish to discuss their personal health circumstances with either the headteacher or other designated senior members of staff. With the agreement of the headteacher, the Management Support Adviser for the school may be asked to undertake such a role.

## SECTION TWO

### DEALING WITH DIFFERENT TYPES OF ABSENCE

#### **2.1 Purpose of the section**

This section sets out information needed to operate an effective attendance management policy. It deals with sickness reporting procedures, describes the different types of absence and offers advice on the use of trigger mechanisms.

#### **2.2 Absence reporting procedures**

If the disruption caused to the school from staff absence is to be minimised and if the information held by the school is to be up-to-date and accurate then absence reporting procedures are important. It is particularly important that the procedure is drawn to the attention of staff at regular intervals and that a copy is displayed prominently in the school.

All teaching staff who are unable to come to school because of ill health are asked to leave a message for Harry Hanley on

**0161 438 2129**

All other members of staff should phone the main telephone line:

**0161 445 8053**

Messages should be left **before 7.30 am** in order to make sure that suitable cover arrangements may be made and staff informed before AM registration by the cover list displayed daily in the staffroom.

It would be helpful if staff could indicate at that time whether they are likely to be absent for more than one day.

Staff are asked to ring the above number on the day before they expect to return to work or **before 7.30 am** on the morning of their return. Otherwise cover will be arranged on the assumption that the member of staff is not returning.

Teaching staff should contact a colleague in their own department regarding work for their classes. Heads of Faculty are responsible for organising procedures so that work is given to classes during a teacher's absence from school.

There are reasonable expectations which governors and headteachers should have of their staff. These are essentially based on existing good practice and include:

- a. maintaining a satisfactory level of attendance with the terms and conditions of their contract of employment and the provisions of the governing body's policy on attendance;
- b. keeping in touch with the colleague designated as the contact person during the periods of absence;
- c. keeping the headteacher (or Chair of Governors in the case of the headteacher) informed of any significant developments;

- d. complying with the school's absence reporting procedures especially with respect to prompt reporting of absence;
- e. informing the school in general terms of the reason for absence and (if known) the likely duration;
- f. outlining the position with regard to their work in order to help the school put in place suitable cover arrangements which minimise disruption;

On occasions members of staff may not be able to make contact with the school because of personal circumstances. If this is the case staff should take alternative steps to inform the school promptly and maintain contact.

After the initial contact, further written notification of continued sickness beyond the third day, including Saturday and Sunday, should be made by completion of a Self Certification Form (SC2). Copies of Form SC2 should be available in schools. This form should be submitted to Mrs Jan Shuttleworth, Director of Personnel, on the day of return to work or at the end of the first week's absence whichever is sooner. This form is sufficient to cover absence due to personal sickness for a period not exceeding 7 days. Please note that for the purpose of Statutory Sick Pay, it has been determined nationally that every day of the week including Saturday and Sunday is deemed as a qualifying day.

If the absence continues beyond 7 calendar days a Medical Certificate (MED3) from a General Practitioner must be obtained and submitted promptly. If the period of sickness absence extends beyond the period covered by the initial medical certificate, a further certificate must be submitted immediately following the expiry date.

Staff must notify the headteacher, preferably by telephone, prior to returning to work. For absences exceeding 7 days a final (signing off) note must be obtained and submitted i.e. a medical certificate which states the date the individual is deemed fit to return, often referred to as "a signing-off certificate". Intermediate or open certificates (i.e. unfit for 2 weeks) are not sufficient.

Headteachers should ensure that all absences are recorded on the Monthly Return (of Staff absences for Teaching and Support Staff). Information from the return is used to ensure the correct calculation of sickness pay and salary and it is therefore important that these are submitted on a monthly basis to the Staffing Services Team. Information from the return will be entered onto the LEA's computerised personnel system and will be fed into the absence monitoring data which will be supplied to schools on a regular basis. Any medical certificates or self certification forms submitted to schools must be copied and the originals returned the Staffing Services Team as soon as they are received. It is not necessary to retain such certificates until the absence return certificate is submitted.

### **2.3 The information needed**

A fair and effective attendance management policy required reliable and consistent information. This supports good practice and:

- a. can improve attendance levels;
- b. aids the early detection of problems (including personal, welfare and work-related problems) and can lead to speedier intervention, medical or individual responses;
- c. helps in developing comparative data which enables the school to establish how effectively absence is being managed and to understand the nature of patterns of absence;
- d. can provide the school's leadership group with information on the pattern, frequency and length of absence, reasons given, whether sickness absence is self-certified or covered by a doctor's statement.

The basis of the information will be an individual absence record for each member of staff. Without such a record the procedures and strategies in this policy document cannot operate. It will be necessary to ensure that arrangements are in place to record all staff absences and that absences are recorded on the appropriate individual record giving the reasons and length of each absence. These records will also include information from the strategies identified in Section 3 of this policy. The records must be comprehensive, accurate and up-to-date at all times. They must also be stored confidentially.

### **2.4 Information to governors**

The headteacher should submit a termly report to the full governing body summarising staff absences. This report should not identify individuals by a name and should simply be a guide for all governors on the effectiveness of the operation of the school's policy.

The school's staffing or personnel committee will consider the more detailed absence information presented to it, assess its impact (including the financial impact) on the school's operation, discuss and assess the school management's response to it, review the school's policy annually and make recommendations (as necessary) to the full governing body on changes to it.

### **2.5 Frequent intermittent absences**

Frequent intermittent absence occurs in the form of persistent (or sporadic) short-term absences which are typically attributable to minor ailments, in many cases unconnected. Staff will often be absent for only a day or two and rarely more than a week. Problems for the school are caused by the frequency of the absence and the reasons behind the absence. This can be the most difficult type of absence to deal with, and it can only be addressed effectively through monitoring systems and effective management action.

When reviewing frequent intermittent absence, special attention needs to be paid to the fact that absences may be for unconnected reasons. One of the most difficult problems in dealing with such absences is that often there will be no one underlying medical cause. This does not, however, prevent a headteacher from enquiring into the precise nature of an employee's health prior to taking further action.

## **2.6 Triggers for taking further action on frequent intermittent absences**

In dealing with frequent intermittent absence it is important to determine what is an acceptable standard of attendance in the school before applying triggers. Triggers should not become an automatic response to a situation; but they do give an indication that a closer scrutiny for the position is required and this in turn will suggest the appropriate course of action in accordance with this policy.

Reasonable trigger points would be that, for example, during the course of a school term or specified period a member of staff's record shows:

- a. three separate periods of uncertified or self-certified absence, or;
- b. unacceptable patterns of absence, for example, regular Monday or Friday absence;

When reviewing absence over a period longer than a term the triggers above could be supplemented by a further trigger of for example 5 or more separate absences in any 12-month period.

## **2.7 Long-term absences**

Long-term absence is defined as a period in excess of 6 weeks where the absence is continuous and where there is normally a consistent underlying medical explanation.

## **2.8 Triggers for taking further action for long-term absences**

Where a member of staff has been absent for 8 weeks continuously or it is known that he/she is likely to be absent for such a period, the appropriate procedure is triggered subject to an assessment by the headteacher of the overall circumstances as they relate to the specific absence in question e.g. industrial injury.

The headteacher will have already adopted some of those strategies listed in Section 3 of this document (particularly maintaining contact) and these will clearly be relevant to his/her assessment of the particular circumstances. This assessment will also include consideration of the school's needs, for example, the effect on colleagues' workloads, the school's budget and the implications for pupils' education.

When the trigger point has been reached and the headteacher has completed an assessment the school's Management Support Adviser should be

approached. This discussion will explore all the circumstances relevant to the absence e.g. Industrial injury, nature and type of absence, likely date of return, any planned date for an operation, possibility of phased return.

Following these discussions a referral to the City Council's Occupational Health Service may be indicated. Full completion of the OHS assessment questionnaire is essential as there is little point in the Service seeing a member of staff without a clear indication of the medical problem and its implications. Information gathered from the keeping in touch process and from the individual's sickness record should be used. For further information on the Occupational Health Service please refer to Section 5.

## **2.9 Disability Discrimination Act 1995**

When considering the employment position of a member of staff who has been absent for an extended period, the school must be aware of its important responsibilities as employers under the Disability Discrimination Act which came into force in December 1996. The Act defines a disabled person as someone who has "a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities". An impairment has a long-term effect if it has lasted or is expected to last for at least 12 months or for the rest of the life of the person concerned. Discrimination occurs when a disabled person is treated less favourably than someone else and the treatment is for a reason relating to the person's disability and that reason does not, or would not, apply to others; and this treatment cannot be justified.

Governors must not unjustifiably discriminate against current or prospective employees with disabilities (this includes staff who have had disabilities in the past and have subsequently recovered). This applies to every aspect of work including the terms and conditions of employment and the dismissal process as well as the more obvious aspects such as recruitment, promotion and training.

In particular, schools must be open in raising and discussing with their staff matters such as alternative posts in the school, reasonable adjustments to the individual's workload, working environment and job description and any additional responsibilities which they undertake. Disabled members of staff have the right to complain to an Employment Tribunal if they believe a governing body has unlawfully discriminated against them or refused to make reasonable adjustments.

Excellent advice on the employment implications of the Disability Discrimination Act 1995 can be found in DfES Circular 20/99 issued in December 1991. On any matter relating to the employment implications of the Act, headteachers should consult their Management Support Adviser at the earliest opportunity.

## **2.10 Medical Retirement**

In some cases medical retirement may be indicated. There is no set procedure or timescale for initiating medical retirement. On some occasions the member of staff may raise the matter, on other occasions the headteacher or medical officer may raise the matter. As a guide where the absence period has reached 26 weeks the possibility of medical retirement should have been considered with the individual either directly or through the professional association/trade union. Headteachers will wish to speak to their Management Support Adviser about any medical retirement and its implications. At this stage the individual should be encouraged to seek pension information which may inform their personal decision-making and to contact their professional association for information and advice.

Where the headteacher, **having first sought advice from the Management Support Adviser**, has reasonable ground for the belief that an individual member of staff in direct contact with pupils should be dismissed on medical grounds, the provisions of Paragraph 7 of the 1999 Teachers' Regulations apply. These provisions give the member of staff the right to submit medical evidence, to make representations and to have her/his own doctor present at any medical examination. All relevant evidence must be considered by an appropriately constituted committee of the governing body. The member of staff has the right to appeal to a second committee of the governors against the decision of the first committee. Ultimately the decision to dismiss on medical grounds is a management decision with the medical evidence simply being part of the evidence which informs the overall consideration.

## **SECTION THREE**

### **STRATEGIES TO ENCOURAGE A POSITIVE ATTENDANCE CULTURE**

#### **3.1 Purpose of this section**

This section sets out a range of strategies which schools can use to encourage a positive attendance culture. It describes ways in which: school management can take charge of attendance issues; absent staff can remain in touch with the school; and a return to work can be achieved more effectively.

Below are set out a range of practices which all schools should incorporate into their normal day to day management routines. It is important that these practices are clearly communicated to and understood by all those who work in the school.

#### **3.2 Prevention**

A key objective of effective attendance management is prevention. Preventative action should address the wider issues associated with sickness and other absence, by for example identifying and seeking to resolve organisational and work-related causes.

A preventative approach aims to:

- a. establish an “attendance culture”, where absence is recognised as an important factor affecting the efficient running of the school;
- b. promote sound occupational health and staff welfare with the aim of ensuring a healthy, effective and efficient staff team;
- c. address issues such as health and safety at work, demotivation and any other factors which may impact upon attendance.

Some factors which impact on attendance are outside the direct control of the school; others are not, and an appropriate response by the school can have a preventative effect. Issues such as the allocation of non-contact time; the school’s policy on covering for absences; budget provision and availability of supply teachers; insurance for supply cover; class sizes; working conditions; support from colleagues; management of difficult pupils; relationships; and consultation/communication procedures within the school are all important and are susceptible to good management.

Headteachers and governors have a wide discretion in the granting of leave of absence with and without pay. Its sympathetic use e.g. to allow attendance at counselling sessions can often be very helpful particularly when dealing with such matters as depressive illness, alcohol dependency and drug misuse [see section 7 Leave of Absence]

### **3.3 Maintaining contact**

When a member of staff is absent through sickness and particularly when the absence becomes extended, meaningful contact with the school can be lost. This loss of contact can become an obstacle to an effective and speedy return to work even when the sickness itself has receded or passed.

One means of avoiding this situation or reducing its impact is for the school to maintain contact on a planned basis with the individual staff member throughout the period of absence. This does not mean contacting the individual on the first day of absence but it does mean setting a trigger of a certain number of consecutive working days after which the school will take the initiative to make contact. Circumstances will vary and should be individually assessed but as a guide a trigger of not less than 7 consecutive working days or more than 10 consecutive working days would normally be reasonable.

Employment Tribunals view sensitive discussions with longer-term sick members of staff as essential. There is an expectation that in any dismissal arising from long-term sickness that dismissal will be deemed to be unfair where no discussions have taken place.

In organising and managing the process of keeping in touch headteachers will need to take into account a number of relevant factors and exercise discretion and sensitivity. Only when all factors have been considered will it be possible to respond to each individual absence on its merits. A discussion of these factors follows.

### **3.4 Why the member of staff is absent**

This must be clearly established at the outset. It is possible that in some circumstances no contact should be made while in others a delay prior to making contact would be appropriate. Contact with the individual should not be undertaken so frequently as to become harassment. The sickness record of the member of staff concerned must be reviewed closely before any action is taken. Where the absence appears to be related to stress the headteacher should consult carefully the document "Managing Work Related Stress: a Guide for Teachers and Managers in Schools" published by the Education Service Advisory Committee of the Health and Safety Commission a copy of which can be found at the Annex to this policy statement.

In assessing the situation a distinction should be made between known sickness and sickness where the reason is uncertain or in doubt. It should be clear to staff that unjustified absence is a matter of conduct and will be dealt with under the governors' disciplinary procedure.

### **3.5 Who should make contact?**

In most circumstances this will be the headteacher but other leadership group members might be appropriate and in some circumstances close colleagues

elsewhere in the school may be better placed to help. Schools should be guided by the principle that as far as is reasonable contact should be from a senior member of staff whose intervention will be seen as supportive. The person making the contact must at all times be willing to listen to the concerns and anxieties of the absent staff member and be prepared to take these on board when the time comes for planning a return to work.

### **3.6. How should contact be made**

Contact can be by telephone, by letter or by visit. Over an extended period of time a combination of 2 or more may be appropriate. A home visit should **always** be preceded by prior written notification and any refusal on the part of the staff member respected. In certain circumstances it may be appropriate for the member of staff to visit the school to meet the headteacher and other colleagues. This may be after the end of the time-tabled school day.

A note of all contacts should be made and at the end of each contact the next contact, the method, and its date should be agreed. When a member of staff is approaching a possible return to work date a meeting to prepare the way in detail is strongly recommended. In any visit the member of staff should have the right to have a representative present as well as a friend/partner.

### **3.7 What is to be discussed**

This is very much a matter for the headteacher's judgement and if the person chosen to make the contact is outside the leadership group then a full briefing on this aspect must take place before any contact is made. The tone of the meeting should demonstrate the school's concern for the individual and discussion should therefore focus on the member of staff's health and personal circumstances.

Where the staff member has received a medical prognosis or an earlier prognosis has been revised this should be shared with the headteacher. At the appropriate time issues such as occupational health referrals and return to work strategies should also be discussed. Above all else face to face contacts are about listening.

It is important to bring the employee up to date with relevant developments in school and discuss the implications. Where it is necessary to alert the member of staff to the fact that the absence is having an adverse impact on the school this task should not be avoided but should normally be undertaken by the headteacher. It is important that this information is communicated in a simple and factual manner and is not construed as an attempt to place the individual under duress.

When the headteacher has already made a number of contacts the individual may well find it of value to discuss matters such as their working environment, workload, support within the school and job design. This would be particularly appropriate when a return to work seems imminent. Where the individual is reluctant to explore such matters, this should be respected and discussion deferred.

It cannot be stressed too strongly that both the personal needs and circumstances of the staff member as well as the needs of the school must inform the planning of a keeping-in-touch programme. It is important that if there are factors outside the school which are impacting upon the member of staff's performance or attendance at school (or their performance when they do attend) that an opportunity is afforded to draw these fully to the attention of the headteacher.

Headteachers should also meet and consult regularly with staff members who have returned from an extended period of absence during the period following their return to work.

### **3.8 Refusal to maintain contact**

As has been made clear above (paragraph 3.4) circumstances may arise when the headteacher determines that contact would be inappropriate. Whilst it is a reasonable expectation of all staff to maintain contact with the school, in exceptional circumstances a member of staff may have a good reason to refuse contact with the school. In this situation the headteacher should invite the member of staff's representative to meet to discuss the situation. If such a meeting proves satisfactory then a basis for keeping in touch has been achieved.

Where a meeting with the member of staff's representative is not possible or takes place but is unsatisfactory then a referral to the OHS should be made after a period of 4 weeks.

### **3.9 Returning to work**

Evidence shows that an appropriate meeting on or very shortly after an individual's return to work is one of the single most effective means of promoting a positive attendance culture. At one level enquiring after an employee's health after a period of absence is a matter of basic courtesy; at another level it demonstrates an awareness on the part of the school's management that a member of staff has been absent and that it is taking an interest in the member of staff's health and welfare. It follows therefore that as soon as a member of staff is aware of their return to work date the school should be informed.

All employees returning to work after an absence are required to attend a 'return to work' interview. Such meetings must take place in private and in confidence. It is important that the nature of this meeting is appropriate to the circumstances of the individual member of staff. The interview will normally be conducted by the line manager of the member of staff. However, in certain circumstances, this might not be appropriate and the Headteacher will then appoint another person to conduct the meeting. A record of the meeting will be made using the proforma documents relating to the RTW interview. Staff must

have the opportunity to see the proforma and countersign the record. The record of the meeting should be returned to the Headteacher's PA.

Where the meeting identifies work circumstances as a factor or other underlying difficulties, e.g. domestic responsibilities, the detailed discussion must explore what relevant assistance can be offered in order to improve future attendance. Consideration should be given as to whether such absence would have been permitted under leave of absence arrangements including the statutory right to time off for urgent family reasons. One of the critical aspects of the meeting is to show a willingness to assist the member of staff in overcoming any problems, whether these relate directly to their health or to personal difficulties.

Return to work meetings will normally take place on the day of return to school or as soon as is practically possible. They are not a punitive measure or a means of casting doubt on the validity of the reasons for the absence but a way of providing support to the returning employee through updating them on developments throughout the school.

The meeting should also be used as an opportunity to check that appropriate medical certification has been completed and received in accordance with these procedures.

### **3.10 Phased returns to work**

In some instances a doctor or occupational health specialist may recommend that a phased return to work would facilitate a member of staff's recovery. Such a return should always be by mutual agreement. It may take a variety of forms, including:

- a. working only on certain days of the week;
- b. working a reduced number of hours;
- c. undertaking restricted duties for a period of time.

Headteachers should be open to the possibility of a phased return to work where in their judgement it could:

- a. assist the recovery of the member of staff;
- b. minimise the strain on a member of staff following a serious illness;
- c. encourage a return to work;
- d. maintain the school's standing as a caring employer which gives reasonable support to staff following serious illness.

When a member of staff has been absent from work due to a serious illness following an appropriate specialist recommendation that a phased return to work is desirable, the following arrangements should be considered:

- a. an assessment by the authority's occupational health service as to the feasibility of the proposal should be sought at the very outset;
- b. obtaining a medical statement indicating that the member of staff is signed as fit to work on a part-time basis for the duration of the phasing in period. Any duties that an employee is unable to undertake should be clearly identified;
- c. the arrangements agreed must be subject to monitoring by the headteacher. The overall programme should not normally last for more than 6 weeks with each week seeing the member of staff increasing their attendance and duties until at the end of the final week they would be expected to be carrying out their full duties and responsibilities. If difficulties arise, revisions should be considered and further urgent advice should be sought from the occupational health service. If an extension is sought the occupational health service should be consulted;
- d. any relevant details concerning employment conditions and sickness benefit and income during a phased return to work should be researched and clarified beforehand. The superannuation position should be unaffected by a phased return to work;
- e. where entitlement to statutory sick pay or other state benefits is lost and this reduces the member of staff's income, the headteacher should consider seeking governors' approval for a compensatory payment or payment of full salary. This may not always be feasible;
- f. where a member of staff returns to work on a part-time basis, he/she should receive full pay for any day on which he/she works. For any normal working day on which work is not undertaken due to medical advice, sick pay in accordance with the individual's outstanding entitlement should apply. The time during which a member of staff does not work, due to partial incapacity, will be set against the total permitted period of sick pay entitlement;
- g. in exceptional circumstances (and with the agreement of the Chair of the Governing Body) the member of staff may be permitted to work in a supernumerary capacity, however, in a phased return to work programme no more than half the period should normally be spent working in a supernumerary capacity with a maximum of two weeks;
- h. these arrangements can apply to headteachers in which case the Chair of Governors would be responsible for the considerations and actions under the specified parts of the paragraph rather than the headteacher;
- i. all the above arrangements will apply to part-time staff on a pro-rata basis.

Managing a carefully constructed return to work programme is challenging and will inevitably raise a series of organisational, management and financial

issues for the school to consider. Experience suggests that headteachers often find themselves in the position of wishing to help but feeling constrained. When considering a phased return to work the school is entitled to assess its own requirements. These institutional considerations will include some or all the following:

- a. the extent to which the particular duties and responsibilities of the member of staff can be effectively reallocated without undue detriment to the school;
- b. the pressures which the absence has placed, is placing and is likely to place on other staff;
- c. pupils' need for stability and continuity, especially in relation to public examinations;
- d. levels of staffing stability and continuity prevailing in the school as a whole and within the relevant department or key stage;
- e. the maximum period over which the school could reasonably contain the absence or phased return to full-time working;
- f. possible temporary restructuring to contain an initial part-time return to work or to minimise disruption; longer term restructuring in some cases;
- g. continued benefit from any staff cover insurance scheme in the event of a partial return to work in the short-term (this is dependent on the terms of the insurance scheme).

The school should also take into account those considerations which apply to the member of staff concerned. These will include some or all of the following:

- a. particular experience and expertise which the individual offers;
- b. length of service and past attendance record;
- c. nature of the illness and the individual's need for the stability of their working environment;
- d. the extent to which the ability to provide this is likely to encourage a full recovery or at least check a deterioration in health;
- e. any special circumstance affecting, for example, people with disabilities;
- f. what reasonable adaptations/modifications to the workplace might be necessary to enable the employee to continue to fulfil his or her job following illness or accident and what it would cost to provide these;
- g. if a return to normal duties does not appear feasible, whether other work could be provided, perhaps on reduced hours.

## **SECTION FOUR**

### **ABSENCE MONITORING INTERVIEWS**

#### **4.1 The purpose of this section**

This section describes the appropriate procedures where the nature and level of absence triggers a requirement for management action.

#### **4.2 Absence monitoring interview**

Where regular absences take place the school's "triggers" will be activated (see Section 2) and an absence monitoring interview may be necessary.

#### **4.3 Preliminary stage**

The member of staff should be invited to an interview which should be conducted by the headteacher or the Director of Personnel. The venue should provide privacy without interruption. The member of staff should be informed beforehand and in writing of the date, venue and time of the interview and their right to be accompanied by a trade union/association or other representative.

Support is offered from the school as appropriate to improve the member of Staff's attendance. I.e. The stress counselling service. The member of staff will be informed that their absence will be monitored for the next term and a review date agreed.

This meeting represents the preliminary stage in a process the purpose of which is to:

- a. express and explain concern at the member of staff's absence record and make clear its impact on the school;
- b. explore the reasons for it and seek to establish whether there may be some underlying reason;
- c. find ways to resolve any problems which might improve attendance and identify areas of assistance e.g. personal counselling and support;
- d. seek a commitment from the individual to improve their attendance and, where appropriate and helpful, discuss and set realistic targets;
- e. give the member of staff the opportunity to comment on the situation and for those comments to be considered.

At this stage the conduct of the interview should be as informal as possible. At the end of the interview the headteacher should

summarise the main points discussed. These will include concern about the unsatisfactory level of absence and the need for improvement and the action points that have been agreed including areas of assistance and support. Where the member of staff's explanations are satisfactory this should be acknowledged and the procedure terminated at this point.

The member of staff should be informed that their future attendance will be monitored and a date for a review interview set (usually one term ahead). A record of the interview and agreed outcome will be kept indicating the individual's responses and any agreed areas of action. A copy of the record of the meeting should be given to the member of staff. If the individual does not agree with the record there will be an opportunity to append a note of dissent.

#### **4.4 First formal stage**

If the member of staff has not shown sufficient improvement in attendance following the preliminary interview, he/she will be required to attend a first formal interview. The member of staff should be reminded beforehand and in writing of the date which had previously been set, the venue and time of the interview and their right to be represented by a trade union or other representative. The venue should provide privacy without interruption.

If a member of staff has previously been subject to a first preliminary interview and his/her absence has improved but subsequently deteriorated the process should restart at this stage.

The purpose of the formal meeting will be to:

- a. Explore why the absence level continues to be unsatisfactory and the reasons for it;
- b. Explain concern at the absence level;
- c. Offer any further help or guidance;
- d. Seek a commitment to improve attendance by the member of staff and discuss and set realistic targets. Consideration may be given to referral for specialist advice from the Occupational Health Unit which could help in determining whether there is an underlying medical condition and whether or not the attendance record is likely to improve if the employee continues in their present job;
- e. Give the member of staff the opportunity to comment on the situation and for those comments to be considered.

The headteacher should consider at this stage whether it would be appropriate to require first day of absence medical certification for all future absences.

The headteacher should repeat the points raised in the preliminary interview, i.e. that the level of absence remains unsatisfactory, the level of improvement required and the continued need for monitoring.

A review date should be set which should normally be one term ahead. In addition, however, the headteacher should inform the member of staff that unless there is a significant improvement disciplinary or capability action will be considered.

A letter confirming the above points should be sent to the member of staff within 5 working days of the meeting together with a record of the interview. If the individual does not agree with the record they will be given an opportunity to append a note of dissent.

If the member of staff's record improves following this stage, the head teacher will write to the member of staff and inform him/her that the improvement is noted; that the improvement should be maintained and that the attendance will continue to be monitored. The consequences of a deterioration in attendance should also be stated.

#### 4.5 **Second formal stage**

A member of staff who has not shown sufficient improvement in attendance following the first formal stage interview or whose attendance has deteriorated again following improvement after the first stage interview will be required to attend a second formal stage interview. This will be conducted by the Headteacher and the Business Manager. At this point a medical certificate would be required from the first day of absence. The member of staff should be informed beforehand and in writing of the date, venue and time of the interview and their right to be represented by a trade union or other representative. The venue should provide privacy without interruption.

The purpose of the meeting will be to:

- a. Explore why the absence level continues to be unsatisfactory and the reasons for it;
- b. explain continued concern at that absence level;
- c. seek a final commitment to improve attendance by the member of staff;
- d. serious consideration should already have been given to a referral for medical advice from the Occupational Health Unit. The meeting offers an opportunity to discuss the report and allow the member of staff to comment on the situation.

A detailed record of the interview should be kept including the individual's responses and any agreed action plans. The headteacher should reaffirm the points raised at the first formal stage, i.e. that the level of absence remains unsatisfactory, that a significant level of improvement is required and that their attendance will continue to be monitored and a further review will take place after one term.

The headteacher should also inform the member of staff that a failure to make a significant improvement will result in action which could lead to the termination of his/her employment. A letter confirming the above should be sent to the employee within 5 working days with a record of the interview. If the individual does not agree with the record there will be an opportunity to append a note of dissent.

If a member of staff's record improves following this stage, a letter should be sent to confirm this as per the first formal stage. The letter should remind the individual that his/her attendance will continue to be monitored closely for the following twelve months and failure to maintain the improvement may result in the termination of his/her employment. Where the headteacher determines that it is necessary to move to the final stage, first day certification will be required.

#### 4.6 **Final stage**

A member of staff who has not shown sufficient improvement in attendance following the second formal stage interview or whose attendance has deteriorated again following improvement after the second stage interview will be notified that action will be initiated through the governing body's disciplinary procedure (commencing at the formal hearing stage) on the grounds that the individual's absence has had an adverse effect on her/his capability to discharge the full responsibilities and duties of the post to which they were appointed.

**For those schools purchasing THE MANAGEMENT SUPPORT TO SCHOOLS SERVICE LEVEL AGREEMENT the Schools Management Support Adviser will liaise closely with the headteacher and on request will assist and advise with all correspondence and attend each interview.**

## SECTION FIVE

### The role and function of the Occupational Health Service

#### 5.1 **Purpose of this section**

This section describes the functions and roles of the City Council's Occupational Health Service (OHS); the relationship to clients of the service in promoting a healthy workforce; adopting a positive attendance culture; and supporting schools in the effective management of attendance. It also gives an overview of the role of the OHS.

#### 5.2 **Introduction**

Occupational Health is the promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations. The discipline of Occupational Health is concerned with the two-way relationship between work and health.

#### 5.3 **Organisation**

Occupational Health services for schools are provided through the City Council's Occupational Health Unit. The OHS is a nurse-led service comprising of one Health Nurse Manager and three Senior Occupational Health Nurses together with administrative support. This is supplemented by Occupational Health Physicians on a sessional basis.

The service is funded by a charge on the Education Department. This in turn is met by a charge on schools through the strategic element within the Management Support to Schools Service Level Agreement. In this way the service is available to all schools.

#### 5.4 **Functions and services**

The Department for Education and Skills expects occupational health services to provide a service to schools which:

- a. is clear and unequivocal;
- b. has been fully and carefully considered;
- c. is sound and wherever possible evidence based;
- d. is defensible;
- e. takes into account statutory requirements, including the Disability Discrimination Act and other relevant guidance;

- f. adheres to the highest ethical standards and protects and preserves confidentiality;
- g. provides an independent opinion.

The OHS also has a key role in developing policies on guidance materials which assist schools to provide a safe and healthy workplace and a healthy workforce. An essential element of this is the support the OHS provides to Management Support Advisers and headteachers in implementing attendance management policies.

### **5.5 Other functions provided by the OHS**

- a. the assessment of pre-employment questionnaires and the carrying out of pre-employment health assessments as required;
- b. health surveillance (particularly in relation to statutory requirements);
- c. working with/advising schools in the management of health and safety;
- d. the provision of advice on the Disability Discrimination Act i.e. advice on adjustments, adaptations, job redesign, rehabilitation and where applicable, assisting medical redeployment;
- e. access to counselling services;
- f. the development and organisation of health promotion activities within the City.

The most frequent context in which schools will draw on the services of the OHS will be that of staff who are absent through illness. In the majority of cases, the OHS will be able to assess an employee's fitness to work and make recommendations to the referring headteacher regarding interventions to secure the employee's successful return to work. On occasions the OHS may need to refer the employee to a suitably qualified Occupational Health Physician, who will assess the employee's fitness to work and identify any implications for changes to the employee's future work pattern and responsibilities e.g. recommendations on medical retirement.

### **5.6 Supporting headteachers in the management of attendance**

It is part of the role of the headteacher to promote a high attendance culture amongst the staff within the school. The school's Attendance Management Policy is the key instrument in achieving this. The role of the OHS is to provide headteachers with informed medical advice which guides the headteacher's approach to managing the employee's absence. This will range from information regarding the employee's fitness to attend work, to interventions which could support the

employee's early return to work. The nature of the individual member of staff's absence will guide the role and intervention of the OHS.

#### **5.7 Short term absence**

When an individual's pattern of attendance activates one of the triggers adopted by the school, the headteacher will review the circumstances in detail and follow up the matter in accordance with the intervention strategies specified in Section 3.

An important judgement for the headteacher is to determine whether it would be appropriate for the member of staff to be assessed by an Occupational Health Nurse. In referring an employee to the OHS, the headteacher is asking for medical advice regarding the employee's present and likely future attendance in order to determine the impact of the absence on the school and explore the potential of working with the member of staff to improve the attendance.

If no underlying cause for the periods of absence is identified by the OHS assessment, the headteacher should seek to deal with the absence in accordance with the school's Attendance Management Policy.

#### **5.8 Long term absence**

When a member of staff reaches the long-term absence trigger point in the school's attendance management policy then direct referral to the OHS will normally be indicated. The headteacher will provide the OHS with all the relevant background information including that obtained during the keeping in touch process. The member of staff should be notified of the referral by the school.

#### **5.9 Absence for a well recognised reason**

The most likely exception to the above is where the member of staff is absent for a well recognised reason with has a reasonable expectation of being for a fixed duration and is unlikely to lead to further periods of absence. If complications arise in such cases or the absence exceeds the anticipated time scale then a referral should take place. Headteachers should seek the advice of the OHS if they are uncertain as to whether to make a referral.

#### **5.10 Making a referral to the OHS**

In order to reach an appropriate judgement regarding the member of staff's fitness and attendance pattern, it is vital that the OHS receives as much relevant background information from the headteacher as possible. A referral without the necessary supporting information makes the task of the OHS more difficult and thereby reduces the effectiveness of its contribution. Time spent on this task by headteachers will be time well spent. Headteachers should assume

that information supplied by them would be seen by individual members of staff.

The OHS will need to have:

- a. A full description of the medical situation as known to the headteacher including the outcome of any contact that has been made as part of the strategies for keeping in touch;
- b. Details of the individual's absences over the past year or longer where this is appropriate;
- c. Any relevant wider issues which may be impacting upon the individual's health/attendance;
- d. A description of the individual's post and work circumstances.

The referral form should be completed and sent to the Management Support Group which will be forwarded to the OHS.

#### 5.11 **Medical assessments of staff by the OHS**

In the majority of cases an Occupational Health Nurse will be able to make an appropriate medical assessment of the member of staff's fitness to work on the basis of the information provided by the school, the consultation with the individual and their knowledge of the workplace.

In a limited number of cases the Occupational Health Nurse may require specific details of treatments/information from the member of staff's own GP/Consultant. The Occupational Health Nurse will only request this information if in their view it is necessary to enable them to answer the headteacher's questions regarding the employee's fitness to work and likely future attendance pattern. The Access to Medical Records Act 1988 requires that information contained within confidential medical records can only be released by the GP/Consultant if the employee concerned gives informed consent; this involves knowledge of what will be asked and how the information is to be used.

Where it is judged necessary to request information from the member of staff's GP/Consultant, the Nurse will ask the member of staff to sign an informed consent form which details the information required. The individual is entitled to see any reports prepared by their GP/Consultant before they are released to the OHS. The Access to Medical Records Act 1988 prescribes that an individual has 21 days to see the report from the time the GP/Consultant has prepared. If the member of staff does not agree with anything contained in the GP/Consultant report, they can request in writing to their GP/Consultant to change the report. If the GP/Consultant refuses to change the report the member of staff can withdraw consent for the report to be supplied, or ask the GP/Consultant to attach to the report a statement setting out his/her

views, or agree to the report being supplied unchanged. This can be a lengthy process. The charge incurred through this process will be met from the Service Level Agreement funds.

All information received by the Occupational health Nurse from the member of staff and their GP/Consultant must be treated with the strictest confidence. The professional ethical obligations of doctors are set out in "Duties of a Doctor" (General Medical Council October 1995), and for nurses in the "Code of Professional Conduct", (United Kingdom Central Council). Under no circumstances will an Occupational Health Nurse release confidential medical information to a headteacher without the individual's informed consent.

If the Occupational Health Nurse receives information that indicates that it is unsafe for the member of staff to continue in their current role (either to themselves or to others), the headteacher will be informed that the individual is unfit to discharge their current duties. An example of this would be a teacher with an alcohol or drug misuse problem.

In a minority of cases, and even following a report from the member of staff's own GP/Consultant, the OHS may still be unable to establish the level of the individual's fitness to work. In such circumstances the Nurse, following discussion with the individual concerned, will recommend referral to an independent Specialist/Consultant for an expert appraisal of the individual's health.

The costs incurred as a result of a specialist referral will be a charge on the school's delegated budget and therefore no such referral will take place without prior discussion with and the approval of the headteacher.

If a member of staff refuses to give permission for the OHS to access information contained in their medical records, the OHS will inform the headteacher of this and offer such advice as they can regarding the member of staff's fitness. It will then be a matter for the headteacher to decide the next course of action in the light of the available information and following discussion with their Management Support Adviser.

When reporting back the OHS will normally make the following information available to the headteacher:

- a. when the individual is likely to be fit to return to work or the minimum period for which they will continue to remain absent;
- b. whether they will be fit for their full duties, or whether there will be some limitations; what those limitations will be and whether they will be temporary or permanent;
- c. whether there is anything that the school can do to facilitate recovery and return to work and whether there are matters to be addressed before a return to work will be achieved;

- d. whether redeployment should be considered;
- e. whether the cause of absence is work related;
- f. requirement for further review.

The information supplied to the headteacher will not detail the medical condition(s) the member of staff is experiencing, but will identify how the condition(s) impacts on his/her ability to perform their duties safely, effectively and efficiently. If the OHS recommends that job redesign or medical redeployment should be considered by the headteacher, the member of staff will be requested by the OHS to give written approval for additional information to be given to facilitate the job redesign/medical redeployment process.

The OHS may also advise the headteacher on action which might be taken to support the member of staff's early return to work. These may be reasonable adjustments or the convening of a case conference to facilitate the process of supporting return to work. The member of staff will be given a copy of the report which the headteacher is sent at the conclusion of the review or by post if required.

#### **5.12 Medical redeployment and medical retirement**

Where an Occupational Health Nurse believes an individual may be permanently unfit to perform their present duties, they will refer her/him to an Occupational Health Physician to identify whether medical redeployment within the school should be considered or whether medical retirement would be appropriate.

The provisions relating to the release of ill health retirement benefits for support staff who are members of the Local Government Pension Scheme have been amended by the Local Government Pension Scheme (Miscellaneous Provisions) Regulations 1999. In summary, the following criteria must now be met:-

An employee must be permanently incapable (or at least until their 65<sup>th</sup> birthday) of discharging his/her current job or any other comparable employment within their employing Authority. This must be certified by an independent registered medical practitioner who is qualified in occupational health medicine.

The City Council currently fulfils the requirement for an independent Occupational Health Physician on a contract basis.

For teachers the Teachers' Superannuation Scheme requires that in order to secure retirement on ill health grounds the teacher must be permanently unfit to teach. This judgement is made by medical advisers to Teacher's Pensions Agency and not by the OHS. However, the OHS may be requested by a teacher to provide medical advice in respect of an application for medical retirement as an alternative to

such advice being provided by their own GP. The Regulations of the Teachers' Pensions Scheme preclude any further involvement to the OHS in the early retirement process.

All recommendations to headteachers that a member of staff requires medical redeployment will state whether he/she is permanently or temporarily unfit to discharge their current duties. If temporary alternative duties or medical redeployment is recommended there will be an indication of the anticipated time scales before the individual is likely to be fit to carry out their substantive duties.

### **5.13 Conclusion**

This guidance is intended to clarify the role of the City Council's OHS in supporting headteachers responsible for implementing their school's Attendance Management Policy, and the promotion of a high attendance culture. In instances where the OHS is not able to provide a conclusive outcome to a specific case or a clear indication of anticipated time scales, headteachers must consider the impact of the member of staff's absence on the services they deliver. This should be discussed with the school's Management Support Adviser before any further action is taken.

## **Section Six**

### **6.1 BACKGROUND**

The objective of progressive movement towards a position where teachers may only be asked to cover rarely for absent colleagues was clearly set out in the National Agreement 'Raising Standards and Tackling Workload', which was signed in January 2003. Following the decision in 2007 to implement this objective from 1 September 2009, advance notice was provided in both the 2007 and the 2008 editions of the STPCD.

The guidance issued recently by the DCSF stated that; 'Schools need to have robust systems in place to ensure that from 1 September 2009 teachers cover for absent colleagues only rarely. A 'robust system' is one which delivers this contractual entitlement and would be expected to deal with all **foreseeable** events, but would not be expected to deal with **unforeseeable** events. When devising strategies to implement 'rarely cover' schools should bear in mind that 'rarely' does not mean 'never'.

This section of the policy deals with steps that the school must take in order to ensure that teacher absence and requirements regarding 'cover' are managed in a way that minimises disruption to the smooth running of the school and ensures that the standard of educational provision is not compromised.

## **6.2 Arrangements for Cover**

Absence requiring cover occurs when the person who has been timetabled to take a particular class or group is absent. The type of absence could be for a variety of reasons, including internal and external activities as well as sickness. It could be short-term or long-term. All types of absence should be carefully managed to minimise the impact on teaching and learning for the pupil.

The school has a range of options available to it in order to ensure that teachers cover only rarely.

The following list is in no particular order. All of these options should be considered in the

context of previously issued guidance.

a) engage supply teachers;

b) employ support staff:

- as cover supervisors, where cover supervision is the core part of their role (when not required for cover, they could be assigned, e.g., to provide additional support to teachers in class or to carry out administrative tasks);
- as discrete cover supervisors whose sole role is to provide cover supervision;
- as TAs/HLTAs as part of a wider school role;
- as pastoral managers who may be required for part of their time to provide cover;
- in a multi-faceted role of which a part is cover or cover supervision;

c) employ teachers specifically for cover (directly or in collaboration with local schools);

d) use agency staff;

e) employ a teacher on a short-term contract.

## **6.3 Deployment of support staff to cover teacher absence**

Cover supervision occurs where no active teaching ( i.e.specified work) is taking place and, under the supervision of a member of support staff, pupils undertake pre-prepared work. Cover supervision can be used for short-term absence but it is not an appropriate way of covering medium to long-term absence or of dealing with a class when a teacher is not timetabled to teach them.

Cover supervision should only be used for short-term absences. Longer-term absences should be covered by a teacher. Headteachers will exercise their professional judgment in determining what should be regarded as a 'short term' absence for these purposes. There will be a number of considerations which the headteacher will need to take into account when deciding whether the use of cover supervision is appropriate or not. The key factors are:

- a) the extent to which continuity of learning can be maintained;
- b) the length of time a particular group of pupils would be working without a teacher;
- c) the proportion of the total curriculum time affected in a specific subject over the course of the term.

#### **6.4 Training For Support Staff Engaged in Cover Supervision**

Cover supervision is a responsible role, involving as it does taking sole charge of a group of pupils. Schools should therefore take care to ensure that staff have the necessary skills and knowledge before being given charge of a class. Staff carrying out a cover role should be appropriately trained – including in behaviour management.

Staff undertaking cover supervision should:

- be familiar with the full range of school policies, particularly those regarding health and safety, equal opportunity issues and special educational needs (SEN);
- have the necessary skills to manage safely classroom activities, the physical learning space and resources for which they are responsible;
- understand and be able to use a range of strategies to deal with classroom behaviour as a whole and also individual behavioural needs. In many cases staff will already have some of these skills/knowledge because of previous experience in the school or elsewhere. However, it is likely that specific training will be needed. It will be the responsibility of the headteacher to satisfy him/herself that an individual has the skills required, and to ensure that they receive such appropriate training.

#### **6.5 School Calendar**

In accordance with the provisions of para 164 of the section 3 Guidance to the STPCD, the school will publish an annual calendar. The calendar will set out the key activities and major events taking place within the school year. The production of an informed, accurate and planned school calendar will be a vital tool in assisting the effective management of cover supervision.

#### **6.6 Teaching Timetables**

Timetables for teachers will be produced annually. A teacher's timetable will reflect statutory requirements regarding PPA and will also take into account managerial responsibilities where appropriate.

Teaching timetables are not frozen in time and there may be in-year variations in timetabled teaching arrangements and variations from year to year. The school may need to review/revise its timetables during the year in light of significant changes (e.g. a long term absence or other significant educational development) and should do so well in advance and in consultation with staff and their union representatives. Changes to the calendar should not be a frequent occurrence.

## **SECTION 7**

### **REQUESTS FOR LEAVE OF ABSENCE FOR ALL SCHOOL BASED STAFF INCLUDING TIME OFF FOR DEPENDANTS**

#### **Purpose**

1. The purpose of this section of the document is to provide guidance to Headteachers and Governors to assist them in making fair decisions on the granting of leave of absence. This document sets out to clarify the responsibilities of both Headteachers and Governors.
2. Some leave of absence is a legal right although often without salary. Employees have some contractual entitlements and some are discretionary. All decisions should be made fairly and consistently within the context of the school's policy on equal opportunities and with regard to current legislation on discrimination on the grounds of disability, race and gender. If an employee is disabled they may, under disability legislation, be entitled to time off that will not be classified as sick leave but that is necessary because of the disability.

#### **Section 1.**

##### **General Guidance**

3. It is recommended that the Governing Body delegate the responsibility for decision making in most cases to the Headteacher. Advice is always available from the Management Support Group.
  - a) When considering applications for leave of absence consideration should be given to the impact on the school organisation, the effect on other staff and the need for consistency without discrimination.
  - b) In some circumstances it would be appropriate to grant up to 2 days' additional leave for travel if the employee has to travel a considerable distance, which may also include an overnight stay.
  - c) In some cases it may be appropriate for Headteachers to request documentary evidence (e.g. appointment cards).
  - d) Wherever possible employees should arrange medical appointments (hospital, dental etc) outside the normal working day.
  - e) All requests for leave of absence must be made at the earliest opportunity and in writing if known in advance. Requests must be made to the Headteacher. Requests for leave by the Headteacher must be made to the Chair of Governors.
  - f) Headteachers have discretion to allow leave for other good or urgent reasons not covered by this document.

## **Section 2. Public Duties**

4. For absences such as those listed below: Up to a maximum of 18 days' paid leave in any one school year. Any additional leave must be taken as unpaid. Where possible the dates of the leave should be negotiated with the Headteacher in order that the work of the school does not suffer unduly.

Member of a Local Authority;

Member of other Public Authority;

Justice of the Peace.

5. **Jury Service or witness at court**

Granting time off for Jury Service is ***not*** discretionary. Where a member of staff is on jury service they must claim the allowances to which they are entitled and they must inform the LEA of the allowances they receive. The onus for claiming allowances lies with the member of staff. The employee retains the allowance and their salary is reduced by the same amount. Failure to claim allowances will result in the amount that could have been claimed being deducted from salary.

6. Time off to attend Court as a summoned or subpoenaed witness is not discretionary. Any witness expenses must be claimed and declared to the LEA. Time off to attend court as a voluntary witness is discretionary. The Headteacher will need to consider the individual circumstances.

7. **Non-Regular Forces (territorial army)**

5 days' paid leave plus 5 days' unpaid to attend the annual conference. Paid time off for attendance at summer camp is ***not*** discretionary. Wherever possible staff should negotiate to attend a camp outside term time. Evidence that this has not been possible may be requested when applications for leave in term time are considered.

8. **Service as a school governor**

Normally a maximum of 4 days' paid leave in any one school year. Additional days at full or no pay may be given at the headteacher's discretion.

9. **Health & Safety**

Under the Safety Representatives and Safety Committees Regulations 1977, reasonable paid leave must be granted to safety representatives to undertake their functions and enable them to receive training.

10. **Trade union activities**

There is a separate Facilities Agreement for time off for recognised trade union activities.

11. **Accredited school representatives or local or national office holders**

1 day for basic training plus 1 day per year for further training.

12. **Candidate at an election (Local Council Elections)**

1 day's paid leave for Polling day only.

13. **Candidate at an election (Parliamentary Elections)**

Up to 15 days' paid leave. The period of leave allowed is negotiable between Nomination Day and the day after Polling inclusive.

14. **Candidate at an election (attendance at Party Conference)**

Up to 3 days

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**Section 3.**

**Leave Of Absence For Personal And Domestic Reasons**

15. **Illness of a Child or Dependent**

Up to 3 days' paid leave in any one year.

Headteachers may wish to consider extending this having taken account of the individual circumstances.

*It is important to note that under the Employment Rights Act employees are entitled to reasonable **unpaid** leave in order to make arrangements for the provision of care of a dependant.*

16. **Ante-Natal Care**

Any pregnant employee has the right to paid time off to attend for ante-natal care made on the advice of a registered medical practitioner, registered midwife or registered health visitor. Except in the case of her first appointment the employee must produce a certificate showing that an appointment has been made.

17. **Paternity Leave**

With effect from April 2003, under the terms of the Employment Act 2002, employees have a right to Statutory Paternity Leave. Separate policy documents cover this issue for both teaching and support staff as different contractual entitlements apply.

**N.B.** Where a *teacher* chooses not to take statutory paternity leave, up to 3 days' paid leave of absence may be granted instead.

18. **Medical Appointment**

Wherever possible employees should arrange medical appointments outside of the normal working day. Paid leave will normally be granted where this is not possible. The employee must be willing to produce evidence that an appointment has been made.

19. **Death of a Close Relative**

Up to 4 days' paid leave including 1 day for the funeral.

*It is important to note that under the Employment Rights Act employees are entitled to reasonable **unpaid** leave in order to take action in consequence of the death of a dependant.*

20. **Death of a Close Friend**

Up to 2 days' paid leave to attend the funeral.

21. **Religious Observance**

During the school year a maximum of 3 days' paid leave to observe the days of obligation of their main religious festivals e.g. Eid, Diwali, and Passover.

22. **Weddings**

Leave of absence for attending a wedding of either the employee or a close friend or relative should rarely be granted. Where such leave is granted this one day should be **unpaid**.

23. **Holidays in term time**

For teachers and term-time-only staff, leave of absence for holidays in term time should not normally be granted. In exceptional circumstances where such leave is granted this should be **unpaid**. For all-year-round support staff, the normal expectation is that leave should be taken during school holidays. Headteachers are advised to sympathetically consider requests due to special circumstances where flexibility is in the best interests of the school.

24. **House Removal**

Where the removal cannot be on any other day than a working day, one day's paid leave is recommended. It is to cover that day only and is not an allowance that can be taken in lieu.

25. **Urgent Family Business – not relating to dependants (e.g. House burglary, etc)**

This is intended to cover emergencies or major incidents, which cannot be dealt with on any other day than a working day. One day's paid leave.

26. **Transport Failure or Car Breakdown**

In all cases the general rule should be that staff should not be paid for work that they have not done, acknowledging that schools do not place restrictions on where staff live and that the responsibility for arriving at work lies with the member of staff.

If there is a major disruption to the public transport system because of a strike or bad weather it is recommended that staff who use this means of transport and have no other alternative be treated sympathetically.

If a member of staff's car breaks down and they make every effort to come in to work as soon as possible by other means they too should be treated sympathetically.

27. **Higher Education Award Ceremony and similar ceremonies**

The award ceremony must be for the employee or a member of his/her immediate family. 1 day's paid leave for the ceremony.

28. **Study Related Educational qualifications (Exam leave)**

1 day's paid leave per examination with up to 10 days' unpaid leave. This leave should be taken immediately before the examination.

29. **Job Interview**

1 day's paid leave for the interview, subject to a reasonable total within any one term. The Headteacher's permission must be sought beforehand.

30. **Visits to new school**

1 day's paid leave for teachers going to work in another school to allow them to visit the new school.

### 31. Sports & Cultural Representation

Up to 3 days' paid leave in any one school year. Usually only agreed if participating in national or international events.

#### **Section 4. Time Off For Dependants**

Under the Employment Rights Act employees are entitled to reasonable unpaid time off in order to take action that is necessary in one of the following circumstances:

- a) To provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted;
- b) To make arrangements for the provision of care for a dependant who is ill or injured;
- c) In consequence of a death of a dependant;
- d) Because of the unexpected disruption or termination of arrangements for the care of a dependant;
- e) To deal with an incident which involves a child of the employee and which occurs unexpectedly in a period in which an educational establishment that the child attends is responsible for him/her.
- f) In order to qualify for the right the employee must tell the headteacher as soon as he/she can, why he/she is absent and how long he/she expects to be absent for.

Further information is available from the LEA's **Management Support Group**.

#### **NOTE:**

**Please note that separate policies are available on:**

- Maternity Leave
- Paternity Leave
- Parental Leave
- Adoption Leave
- Right to request flexible working

## **SECTION EIGHT**

### **DOCUMENTS WHICH YOU MAY FIND HELPFUL**

- (a) Issued by the Health & Safety Commission:-
1. "Managing Work-related Stress : a guide for managers and teachers in schools" (enclosed).
  2. "Managing Health & Safety in Schools".
  3. "Health & Safety Guidance for School Governors".
  4. "Violence in the Education Sector".
- (b) The Secretary of State's letter and checklist to schools (May 2000).
- You can also access further information via Government online:-
1. [www.wiredforhealth.gov.uk](http://www.wiredforhealth.gov.uk)
  2. [www.cabinet-office.gov.uk/eeg/1999attendance.htm](http://www.cabinet-office.gov.uk/eeg/1999attendance.htm)
- (c) The Burgundy Book – Conditions of Service for School Teachers' in England and Wales (a free copy of which has been sent to schools as part of their SLA contract).