

Absence Management Policy

Teaching Staff

Aims and Objectives of the Policy

To ensure that all services are delivered efficiently and effectively. As an employer the Council has a duty to respond to actual and potential problems arising from absence levels particularly in relation to service delivery and staff welfare.

The Council recognises its responsibility for the health, safety and welfare of its employees and, in conjunction with other policies of the Council, places great emphasis on the comprehensive range of services and agencies established to provide assistance to employees.

All employees will be treated in a fair and consistent manner and will be encouraged to seek help with any problems they might have which are resulting in non-attendance at work. Employees may seek assistance from colleagues and/or trade union representatives at any point in the application of this procedure.

1. Notification and certification requirements

- 1.1 In relation to all absence on grounds of illness, the following notification and certification requirements should be observed as appropriate.
- 1.2 A teacher must fulfil all the requirements set out below to be entitled to the authority's Sickness Absence Allowance.
- 1.3 Stage 1 – An employee who is unable to report must notify the head of the establishment where possible within 1 hour of normal school opening. If at all possible, notification should be given before the start of the working day. As much information as possible should be given regarding the reason for the likely duration of the absence. In circumstances where the employee is unable to make personal contact with the head of the establishment, a relative or friend should be asked to make the necessary contact.
- 1.4 Stage 2 – Staff who are absent from work for between 1 and 7 calendar days must complete a self-certification form on return to work.
- 1.5 Stage 3 – Where an absence continues to a fourth day, the employee, or some other person acting on his or her behalf should contact the establishment and indicate whether the period of absence is likely to continue beyond the seven calendar days. Where it is anticipated that the absence will continue beyond the seventh day, a self-certification form should be sent to the employee for completion in respect of the first seven days.

- 1.6 Stage 4 – Where the absence extends beyond seven calendar days the employee must submit a doctor's statement to cover the period after the seventh day, together with a self-certification form to cover the first seven days of absence.
- 1.7 Stage 5 – Where further doctor's statements are received extending the period of the same absence, these must be submitted timeously.
- 1.8 During any period of absence, the employee should maintain regular contact with the head of establishment. The frequency of contact may be varied in cases of long-term absences, when the employee should maintain contact, at least in accordance with the length of their doctor's certificates.
- 1.9 It is good management practice to maintain contact with absent employees whether their absence is of a short or long term nature. In certain cases the employee of head of establishment may consider it more appropriate to maintain contact through a third party. Head teachers should be aware that contact during periods of absence is a delicate issue, and every effort should be made to avoid contact which might be felt by an employee as being harassment, especially if they have followed the guidelines laid out for contacting the school and submitted medical reports. Pastoral visits or calls should be clearly established as such. Employees have the right to refuse visits or calls to their homes when sick, or at any other time.

2. Recording Details

- 2.1 Attendance records should be maintained for all members of staff. All absences must be recorded on the appropriate record system. All necessary forms for the use of the finance department must be completed and submitted as required. Strict confidentiality must be maintained with respect to all recorded details, especially regarding medical certificates. Employees have a right of access to all information recorded in personal files. No comments, other than verifiable facts, should be recorded.

3. Return to work process

- 3.1 The employee must contact the head of establishment or school officer on return to work to confirm that return to work has taken place and to finalise any remaining documentation. The arrangements for this may be quite informal. Confirmation of the employee's return to work is normally all that is required where the head of establishment is satisfied that the cause of absence was genuine and that the absence records is not a matter of concern.

3.2 The date of the return should be recorded on the SEEMIS staff absence attendance record. Any relevant documentation should be held separately and confidentially.

3.3 Where there are any concerns regarding the return to work it should be noted on the self-certification form. Advice should be sought from a more senior manager and/or a personnel practitioner, with a view to arranging a formal interview if appropriate.

3.4 Where it is considered that there has been an abuse of the system, further steps may be taken as indicated in section 9 below.

4. Return to work meetings

4.1 Where a return to work meeting is considered, the purpose of the meeting must be intimated to the employee in advance. The employee should be reminded of the right to representation at this meeting. Such meetings should include consideration of periods of absence due to an accident in the course of employment. A meeting will normally be arranged with employees whose absence record is a cause for concern (appendix 1 gives suggestions on what may constitute a cause for concern).

4.2 The meeting is essentially fact finding in nature and should take place in a private setting. It should be conducted in a sympathetic manner. While such interviews will normally be conducted within the establishment, there may be occasions where an employee may choose to discuss the nature of the his/her absences with a mutually acceptable person outwith the establishment.

4.3 Where the underlying cause of the employee's absence is believed to be or can be established to be the result of personal difficulties such as domestic or marital problems, debt, alcohol, drug or substance abuse, or gambling, the head of establishment may suggest that the employee will wish to refer him or herself to the appropriate welfare service. Advice in this matter may be sought from the Personnel Manager, education and leisure personnel.

4.4 Where the underlying cause of absence is believed to be health-related, an employee may be required to produce satisfactory additional evidence of medical circumstances or to submit to a medical examination by the Council's examining medical officer. Heads of establishment should bring relevant cases to the attention of education and leisure's personnel services manager who may make arrangements for a medical examination. Heads of establishment must discuss with employees the intention to report a concern to the personnel services manager and must advise them that this may result in a need to approach the employee's own doctor. Employees in this situation

will be advised by the appropriate officer of their rights under the Access to Medical Reports and Records Acts and will be asked to sign a form of consent.

4.5 Monitoring Period/Follow Up Meeting

- When a manager after conducting a sickness/absence meeting decides to review the employee's attendance after a further period, which may or may not include the assistance explained below, there will be a requirement to conduct a follow up meeting which should take place no later than 3 months from the date of the first sickness/absence meeting.
- If an acceptable level of attendance has been achieved, the employee should be encouraged to maintain that level. If no improvement has been made then further advice/help may be offered and another meeting can be arranged for a future date, which may include further close monitoring of the employee's attendance record.

Note: All sickness/absence meetings must be recorded separately and confidentially using the appropriate documentation.

5. **Guidance on Managing Absence Categories** (see 4.1 above)

5.1 **Short Term Intermittent Absence**

5.1.1 Definition – A short-term absence can be defined as any single period of absence including industrial injury, to a maximum of 19 working days (NB. This definition applies for the purposes of these guidelines only. It does not apply to thresholds set from time to time for absence cover purposes).

5.1.2 Where short terms absences have been identified, a distinction should be made between absence on grounds of ill health or injury where there is an identifiable underlying health problem, and an absence record which has short term intermittent absence and where there is no identifiable underlying health problem.

5.2 **Short Term Intermittent Absence – Underlying Health Problem**

5.2.1 In a case of illness where there is an underlying health problem which manifests itself as short term intermittent absences and the underlying health problem is confirmed by the Council's Medical Adviser, it is not appropriate to take disciplinary action. Where medical examination and/or information reveals an inherent underlying medical problem the employee will usually receive medical, physiotherapy, remedial surgery etc. which will often result in an acceptable rate of recovery and attendance level being achieved.

5.3 Short Term Intermittent Absence – no underlying health problem

5.3.1 In the case of short term intermittent absence where there is not identifiable underlying health problem, the matter should be treated as an attendance issue and the manager/supervisor should give consideration to undertaking a formal counselling interview in an attempt to allow the employee the opportunity of improving his or her attendance record. The employee should be informed of the potential consequences if there is a failure to improve. This should be done prior to determining whether or not invoking the disciplinary procedure is appropriate. (paragraph 9)

6. Long Term Absence

- 6.1 Long-term absence is defined as any single period of absence, including industrial injury, amounting to 20 or more working days. (NB. At 6.1 and 6.2: This definition applies for the purposes of these guidelines alone. It does not apply to thresholds set from time to time for absence cover purposes).
- 6.2 When an employee has been absent for 20 working days, that employee will be considered to be a long term absentee. Thereafter, except in cases where it is deemed medically inappropriate, the head of establishment, depute or other appropriate nominated senior officer should seek to maintain contact with the employee, on a quarterly basis as a minimum, offering advice and assistance as appropriate.
- 6.3 In normal circumstances medical advice should be sought from the Occupational Health Adviser as to the nature of the problem and the likely duration of the absence. (see section 8)
- 6.4 Throughout the duration of the absence it is essential to consult regularly on a personal basis with the employee and consider the employee's opinion on his/her condition. Where the prognosis is such that a prolonged absence or absences are likely then the case should be treated as one of capability (see paragraphs 1.9 and 6.9 (c)).
- 6.5 Regular contact should be maintained with the member of staff where possible. If circumstances allow, the situation should be reviewed at quarterly intervals. This will help to keep the establishment informed and will allow the employee to be given any re-assurances which may be necessary.
- 6.6 After a long absence a member of staff may have anxieties about his or her ability to cope with the demand of the job when he or she returns. In order to assist the employee heads of establishment may wish to discuss with the personnel services manager and the employee the possibility of a more flexible approach to a return to work.

- 6.7 In circumstances where the employee is unlikely to return to work further action will generally be initiated by the director of education and leisure. As a first step the medical facts must be confirmed (see section 8).
- 6.8 When reviewing the case the following factors should be taken into consideration:
- Age and length of service
 - Entitlements to pension and other financial benefits
 - Any continuing entitlement to sickness allowance
 - The attitude of the employee to any major change in lifestyle
 - The effect of the continuing absence on the delivery of the service and other employees
- 6.9 Circumstances may vary from case to case. The following are, however, some of the possibilities which will be considered by the director.
- (a) Part-time work – phased return to work: some employees while being unable to return to work full-time may be capable of working reduced hours. This can be achieved by means of job-sharing, part-time working or by a phased return arrangement following discussion with the personnel services manager and the employee. The employee will be advised regarding the financial implications
- (b) Ill health Retirement: where a teacher is unable to return to work it is open to him/her to apply to the SPPA for ill health retiral. It should be noted that to be granted such a retiral a teacher has to be assessed as permanently unfit to teach, this determination being made by the SPPA based on medical reports. Advice on this process should be sought from education and leisure's personnel section.
- (c) Consideration of dismissal on grounds of incapability through ill-health: where retirement on the grounds of permanent ill health is not accepted, and where there is documented evidence of the correct procedures having been followed, consideration may have to be given to terminating employment on the grounds of the employee being unfit to perform the duties of the post because of ill-health or absence. This involves dismissing the employee. Authorisation for such a dismissal can only be granted by the education and leisure committee. The terms of teacher conditions part 13.2.9 are applicable in such cases.

7. Management Considerations

7.1 Employee Assistance

At the return to work and sickness/absence meeting, the manager will assess the employee absence record, its effect on the service, as well as other employees and attempt to establish reasons for the absences, identify

underlying trends and seek to offer any assistance to the employee e.g. Occupational Health Adviser (OHA), Staff Welfare Service, Employee Counselling Service (ECS), Health and Safety advice and other related personnel policies, all with a view to improving the employee's attendance record.

Note: In circumstances where an individual has been referred to OHA or the Employee Counselling Service, a further interview should be arranged as soon as the relevant report has been received.

In circumstances where there is an identifiable underlying health problem managers should refer to paragraph 5.2.

8. Referral to the Council's Examining Medical Officer

8.1 Special Medical Examinations

8.1.1 In normal circumstances in the case of long-term absence, medical advice should always be sought from the OHA. In the case of short term intermittent absences, whilst it is not always necessary to obtain a medical report it may be advisable to do so in some circumstances, if only to establish that there is no underlying health problem. Where it is considered that a medical examination may be required this should be discussed with the personnel services manager.

8.1.2 A medical report will contain the following information:

- The nature of the problem
- its' likely duration
- whether the employee is likely to make a full recovery and,
- what work he or she is capable of undertaking and in what period.

8.1.3 The purpose of obtaining this information is to enable the manager to make informed decisions on how to deal with the employee's absence within the terms of this policy. However, any decision relating to the employee is the responsibility of managers in consultation with the personnel office and not the OHA.

9. Disciplinary Considerations

9.1 Where there are grounds for suspecting an abuse of sick leave entitlement, it is vital that the employee is advised of his/her rights, especially to representation, before any action is taken. If at any stage in the management of absence procedure (including the return to work process) an employee's absence record is deemed to be unacceptable and/or where:

- A particular pattern of absence can be identified and/or
- No sustained improvement has taken place and/or
- The employee is unable to offer any mitigating reason for the absences and/or
- There is no identifiable underlying health problem

The manager may consider further action.

9.2 Action may include the removal of employment facilities such as:

- Withdrawal of self certificates, or
- Withdrawal of sickness allowance

Where this is considered, the terms of part 13.2.17 of the conditions of service for teaching staff apply. It is essential therefore that education and leisure's personnel services manager is consulted before any action is taken or suggested.

9.3 Disciplinary action from warning through to dismissal depending on the circumstances/past records of the case, in accordance with the relevant conditions of service and procedures.

9.4 The head of establishment, where appropriate, will consult with an officer responsible for personnel matters within the department before deciding on the course of action/discipline he/she intends taking to ensure a consistent approach.

9.5 Where there is any abuse of the system, withdrawal of the employee's rights to sickness allowance may be considered as a first step before formal disciplinary action is taken. Such cases should be referred by heads of establishment to the director of education and leisure, via the personnel services manager, who will determine whether or not the right to sickness allowance should be withdrawn.

9.6 In all cases where there is continuing cause for concern, the matter must be discussed in detail with the employee and every effort must be made to try and ensure an improvement in attendance. The employee must be advised that, if the required improvement is not achieved and maintained, formal disciplinary action may result.

9.7 Where absence is considered to be unreasonable or unjustified, or to be an abuse of the system, the possibility of disciplinary action must be drawn to the employee's attention, in all cases, the employee must be informed of the improvement in attendance which is expected and warned of the likely consequences of failing to improve.

- 9.8 If there is no satisfactory improvement in attendance, disciplinary action may be taken in terms of the relevant conditions of service, up to and including a recommendation of dismissal to the lifelong learning and work policy board for its consideration.
- 9.9 The council's disciplinary procedures are contained in the relevant schemes of conditions of service. It is extremely important that these procedures are adhered to in every detail.
- 9.10 Further Help and advice on disciplinary and welfare procedures is available from education and leisure's personnel service section.

Appendix 1

Refer to paragraph 4.1:

- 3 self-certificates or a total of 6 working days within a rolling 6 month period, unless in terms of 3.7 above an interview should be convened earlier.
- 5 absences (self-certified and/or medically certificated) or 10 working days within a rolling 12 month period.
- Any period of unauthorised absence. Unauthorised absence is any period of absence which is not reported according to the Council's procedure.