

Education Procedure Manual 2/08

MANAGEMENT OF STAFF ABSENCE: GUIDELINES FOR HEADS OF ESTABLISHMENTS

For

Teachers and Employees on Scottish Negotiating Committee for Teachers (SNCT)
Conditions of Service

Education, People & Business



Effective from: March 2023

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages. Please contact the Council's Corporate Communications Team at: East Dunbartonshire Council, 12 Strathkelvin Place, Southbank, Kirkintilloch G66 1TJ
Tel: 0300 123 4510

本文件可按要求翻譯成中文，如有此需要，請電 0300 123 4510。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر 0300 123 4510 پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0300 123 4510 ਫੋਨ ਕਰੋ।

Gabhaidh an sgriobhainn seo cur gu Gàidhlig ma tha sin a dhith oirbh. Cuiribh fòin gu 0300 123 4510

अनुसोध करने पर यह दस्तावेज़ हिन्दी में भाषांतरित किया जा सकता है। कृपया 0300 123 4510 पर फोन कीजिए।

Contents

VERSION CONTROL HISTORY	3
GDPR STATEMENT	3
POLICY REVIEW STATEMENT.....	3
1.0 PURPOSE	4
2.0 SCOPE	4
3.0 REFERENCES & RELATED DOCUMENTATION.....	4
4.0 NOTIFICATION AND CERTIFICATION REQUIREMENTS	4
5.0 RECORDING DETAILS.....	5
6.0 SICKNESS ALLOWANCES	5
7.0 MANAGING SHORT TERM AND REPEATED SHORT TERM ABSENCE	5
8.0 MANAGING LONG TERM ABSENCE	7
9.0 REFERRAL TO THE COUNCIL’S EXAMINING MEDICAL OFFICER	8
10.0 DISCIPLINARY ACTION.....	8
11.0 MISCELLANEOUS.....	9

Management Of Staff Absence: Guidelines For Heads Of Establishments

VERSION CONTROL HISTORY

Version No.	Effective Date	Details of change from previous version	Date Approved	New version no.
	Mar 2000	Transfer to new template; update of job titles.	03/03/2023	v01

GDPR STATEMENT

East Dunbartonshire Council holds, uses and processes information in accordance with the General Data Protection Regulations and all other relevant national data protection laws. Further information detailing how East Dunbartonshire holds and uses personal information and copies of privacy notices used throughout the Council are available on our website: www.eastdunbarton.gov.uk/council/privacy-notices.

POLICY REVIEW STATEMENT

This policy will be reviewed in line with:

- Legislative Change
- Changes to SNCT National Conditions of Service
- Other external factors
- Feedback on the effectiveness of the policy
- Requests for review by Elected Members, Trade Unions and/or Management

Management Of Staff Absence: Guidelines For Heads Of Establishments

1.0 PURPOSE

- 1.1. Council policy requires that departments monitor and review levels of and reasons for employee absence

2.0 SCOPE

- 2.1. Heads of establishment should ensure that staff are fully aware of the Council's policy, and of the procedures which they must follow to report absences. Staff should also be made aware of the requirements for the completion of all necessary certification.

3.0 REFERENCES & RELATED DOCUMENTATION

- 3.1. The following documents should be referenced when considering this procedure:
- SNCT Handbook
 - Equalities Act 2010
 - EDC Attendance Management Policy & Associated Forms
 - EDC Drug, Alcohol and Substance Misuse Policy
 - EDC Managing Stress at Work Policy

4.0 NOTIFICATION AND CERTIFICATION REQUIREMENTS

In relation to all absences on grounds of illness, the following notification and certification requirements should be observed as appropriate.

4.1. **Stage 1**

An employee who is unable to report for work must notify the head of establishment as soon as reasonably practicable. In the case of head teachers, the Chief Education Officer should be notified. 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 and the likely duration of the absence. In circumstances where the employee is unable to make personal contact with the head of establishment, a relative or friend should be asked to make the necessary contact.

4.2. **Stage 2**

Teaching staff must complete a self-certification form in relation to any absence of 7 calendar days or less.

4.3. **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 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.

4.4. **Stage 4**

Where the absence extends beyond seven calendar days the employee must submit a doctor's

Management Of Staff Absence: Guidelines For Heads Of Establishments

statement to cover the period after the seventh day, together with a self-certification form to cover the first seven days of absence.

4.5. Stage 5

Where further doctor's statements are received extending the period of the same absence, these must be submitted timeously.

During any period of absence, the employee should maintain regular contact with the head of establishment. 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 or head of establishment may consider it more appropriate to maintain contact through a third party.

5.0 RECORDING DETAILS

- 5.1. 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.

6.0 SICKNESS ALLOWANCES

- 6.1. When absent due to illness, subject to satisfying certain conditions, an employee will normally receive a payment made up of two parts. The first is either statutory sick pay (SSP) from the Council or national insurance sickness benefit from the Department of Social Security (DSS). The second is sickness allowance from the Council. Full details of the sickness allowances scheme are contained in the appropriate conditions of service manuals.
- 6.2. It is important to note that an employee must fulfil all of the notification and certification requirements set out in section 1 above in order to be entitled to sickness allowances. Payment of any sickness allowance may be suspended by the council if there is good reason to believe repeated absence from duty has been caused by the employee's own fault. Payment may also be suspended if an employee acts in such a way to prejudice his or her recovery or fails to observe the requirements of the sickness allowance scheme.
- 6.3. Where a head of establishment considers that suspension of sickness allowance would be justified, he or she should bring the matter to the attention of the Chief Education Officer. Before payment of any sickness allowance is suspended, the employee should be advised of this intention and given the opportunity of submitting observations, and of appearing or being represented before the appropriate officer or committee of the authority.
- 6.4. It should be noted that under the provisions of the Statutory Sick Pay Act 1994, large employers are no longer entitled to claim reimbursement of 80% of the sums paid out by way of statutory sick pay. This has significant financial implications for the council despite a reduction in national insurance contributions. It is, therefore, important that the terms of operation of the scheme are closely adhered to.

7.0 MANAGING SHORT TERM AND REPEATED SHORT TERM ABSENCE

- 7.1. Short term absence is defined as any absence of seven days or less and is normally self-certified. Where the employee has frequent or regular absences the term 'repeated short term absence' may be used.

Management Of Staff Absence: Guidelines For Heads Of Establishments

7.2. It is important that any action taken is appropriate to the circumstances. Therefore, following any absence, contact must be made with the employee by means of one or other of the levels of contact or interview shown below.

8.1.1 Acknowledgement of return to work

The employee must contact the head of establishment or school office 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 when the head of establishment is satisfied that the cause of absence was genuine and that the absence record is not a matter of concern.

8.1.2 Interview on return to work

An interview will normally take place when the reason for the absence is unclear or appears to be unacceptable or there is some other cause for concern. A developing pattern or trend of absence is likely to be such a cause for concern although it must be recognised that there are circumstances in which such a pattern will be entirely legitimate. Interviews may be conducted by the heads of establishment, their deputies or other appropriate nominated senior members of staff. The employee should be informed of their right to be represented by their Trade Union Representative or friend.

The interview is essentially a fact finding meeting which should take place in a private setting and which 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 his/her absences with a mutually acceptable person outwith the establishment, senior to the head of establishment.

The interviewer should prepare for the interview by reviewing the employee's absence record, identifying areas of concern and preparing questions to be put during the interview. Areas for discussion might include:

- specific reason for absence
- details of medical problems
- whether the employee has personal problems and whether the council can help
- whether there are any work related problems of a physical, environmental or inter-personal nature which are affecting attendance.

The interview should be noted on the employee attendance record. Written details of the interview must be held separately and confidentially.

8.1.3 Action following interview

The action to be taken following an interview will depend upon all known circumstances.

- (a) 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

Management Of Staff Absence: Guidelines For Heads Of Establishments

in this matter may be sought from the Chief Education Officer.

- (b) If the absence is stress related, Heads of establishment should consult the Authority's Managing Stress at Work Policy and bring relevant cases to the attention of the Chief Education Officer.
- (c) 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 establishments should bring relevant cases to the attention of the Chief Education Officer who may make arrangements for a medical examination. Heads of establishment must discuss with employees the intention to report a concern to the Chief Education Officer 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 in the education offices of their rights under the Access to Medical reports and Records Act and will be asked to sign a form of consent.
- (d) Where it is considered that there has been an abuse of the system, further steps may be taken as indicated below.

8.0 MANAGING LONG TERM ABSENCE

8.1. Long term absence is normally characterised by a continuous absence of several weeks or months and demands a different managerial approach to that used when dealing with short term absence. Regular and sympathetic contact should normally be maintained with a member of staff in this situation.

8.1.1 If the employee is likely to return to work

Regular contact should be maintained with the member of staff. If circumstances allow, the situation should be reviewed at four-weekly intervals. This will help to keep the establishment informed and will allow the employee to be given any reassurances which may be necessary.

After a long absence a member of staff may have anxieties about his or her ability to cope with the demands of the job when he or she returns. Where appropriate, heads of establishment may wish to discuss with the Chief Education Officer the possibility of a more flexible approach to a return to work.

8.1.2 If the employee is unlikely to return to work

In circumstances where the employee is unlikely to return to work further action will generally be initiated by the Chief Education Officer. As a first step the medical facts must be confirmed. This is usually done by arranging for a report from the employee's GP or from the Council's examining medical officer. The arrangements for this are as described above.

When reviewing the case the following factors should be taken into consideration:

- (a) Age and length of service.
- (b) Entitlements to pension and other financial benefits.
- (c) Any continuing entitlement to sickness allowance.

Management Of Staff Absence: Guidelines For Heads Of Establishments

- (d) The attitude of the employee to any major change in lifestyle, and
- (e) The effect of continuing absence on the delivery of the service and on other employees.

Circumstances will clearly vary from case to case. The following are, however, among the possibilities which will be considered by the Chief Education Officer:

(a) Part-time 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 or part-time working. The employee will be advised regarding the financial implications.

(b) Redeployment. In some cases, including those related to disability, consideration will be given to redeployment under the terms of the Authority's Equal Opportunities Policy.

(c) Ill-health retirement: where employees cannot return to work, incapacity release will be considered. Under the terms of the Superannuation Regulations this can only be agreed when the Scottish Public Pensions Agency's Medical Adviser, can certify that the employee satisfies the conditions for early payment of benefits on health grounds.

(d) 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's being unfit to perform the duties of the post because of ill-health or absence. This involves dismissing the employee. Such cases must be referred to the Chief Education Officer s who will decide if there are grounds for dismissal and will take appropriate steps.

It should be noted that there will be instances where an employee who has been considered unlikely to return to work unexpectedly recovers in full. In these cases it will be possible for the employee to return to their original duties.

9.0 REFERRAL TO THE COUNCIL'S EXAMINING MEDICAL OFFICER

- 9.1. Council policy requires that an employee's attendance record is submitted to the Council's examining medical officer whenever an employee is absent because of illness for a given period of time.
- 9.2. Where an employee has been absent because of illness on four separate occasions in a twelve month period, or has been absent for twenty-eight consecutive days, the head of establishment should consider passing the details to the Chief Education Officer. Heads of establishment must take into account the fact that there will be occasions on which protracted absence or the development of a pattern of absence will be entirely legitimate. If, for example, the employee is absent because he/she is recovering from a major operation or is suffering from a serious illness, referral is likely to be unnecessary. The Chief Education Officer will consider in relation to those individuals whose details are passed to him whether or not referral to the Council's medical officer is appropriate and will inform the head of establishment accordingly. The individual employee must be kept informed of developments by the head of establishment.

10.0 DISCIPLINARY ACTION

- 10.1. Where there is any abuse of the system withdrawal of the employee's right to sickness allowance may be considered as a first step before formal disciplinary action is taken. Such cases should

Management Of Staff Absence: Guidelines For Heads Of Establishments

be referred by the head of establishment to the Chief Education Officer who will determine whether or not the right to sickness allowance should be withdrawn.

- 10.2. 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.
- 10.3. 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.
- 10.4. 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 dismissal.

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. Failure to follow the procedures will almost certainly result in the upholding of any appeal.

11.0 MISCELLANEOUS

- 11.1. Where a medical opinion has been sought and none of the other options identified above is possible, then dismissal on the grounds of incapability may be the only option available, although in many cases this will take the form of an ill-health retiral.
- 11.2. Care must be taken to ensure that the employee is aware of the Council's policy on alcohol and addiction related problems including, but not limited to, drugs and gambling. Where such a problem is admitted by the employee, referral to the staff welfare service should be considered in terms of the Council's policy on alcohol and related problems.
- 11.3. Further help and advice on disciplinary and welfare procedures is available from the Chief Education Officer.