



## STAFF ABSENCE POLICY

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## **1 INTRODUCTION**

- 1.1 Regular attendance is a requirement for members of staff to carry out their professional duties as set out in their Contracts of Employment.
- 1.2 Due to the small number of staff employed by the school and the specialist nature of the school, it is not possible for supply or agency staff to be used.
- 1.3 Therefore, it is important that:
  - Staff absence is reported correctly for planning purposes
  - Sickness levels are carefully monitored
  - That staff recognise the impact absence has on other members of staff
- 1.4 As it is not possible to buy in agency or supply staff, members of staff should be aware that they may be moved from usual duties to provide absence cover for pupils.
- 1.5 The needs of pupils within School will always be the main priority of the School.
- 1.6 In this policy, “the School” means the Island Project School and refers to all members of staff, irrespective of whether they work at the School at Diddington Lane, the College at Birmingham Road, or in outreach.
- 1.7 “Members of staff” means all employees, contractors and volunteers.

## **2 ABSENCE**

- 2.1 Absence can be placed into three categories:
  - (a) Authorised Absence
  - (b) Certified sick leave
  - (c) Unauthorised absence, which includes lateness
- 2.2 The procedure for reporting absence/sickness is set out in Annexure 2.

### **3 AUTHORISED ABSENCE - ANNUAL LEAVE**

- 3.1 Entitlement to annual leave is set out for each employee (which for the purposes of this policy includes both Teaching Staff and Support and Administration Staff), in his or her Contract of Employment and/or Conditions of Service. These are issued on appointment and are available for inspection in School during the working day.
- 3.2 As part of their conditions of employment, teaching staff take leave during school holiday periods. Any requests for additional leave outside these periods will be dealt with as a request per authorised absence, usually without pay.
- 3.3 Support and administration staff who have an annual leave entitlement outside the School holiday period set out in their contract, may only take leave having secured the prior agreement of the Board. Only in exceptional circumstances should any request for absence during term time be made.
- 3.4 Requests for additional leave, outside these periods, will be dealt with as authorised absence with or without pay. All such leave will be authorised by the Board.

### **4 COMPASSIONATE LEAVE**

- 4.1 Compassionate leave will be granted where there is significant personal difficulty. The principal reasons for compassionate leave are set out in Annex 1 to this document.
- 4.2 All requests must be made, in the first instance, to the School Manager or, at the College site, to the Head of Further Education to which the member of staff is responsible. The amount of leave granted will follow the guidelines set out in Annexure 1 but may also take into account the individual circumstances of each case. The Unit Head or Manager may, in some cases, wish to consult with the Board before a final decision is made.
- 4.3 The Head of Further Education or School Manager will communicate approval for any authorised absence granted for compassionate leave to the School Principal.
- 4.4 The Board have the ultimate right to approve or refuse any application for compassionate leave.

### **5. CERTIFIED SICK LEAVE**

- 4.1 All absence due to sickness must be authorised. For absences up to seven days inclusive this will normally be done through the School's self-certification procedure. For absences longer than seven days a doctor's certificate (or "fit note") must be provided no later than the eighth day. Full details of the School's procedure for reporting absence due to sickness is set out in Annexure 2.
- 5.2 The Unit Head to which the member of staff reports may recommend leave of absence for urgent healthcare reasons to the School Manager, for example a doctor's or hospital appointment. In normal circumstances up to one day may be granted. For routine monitoring and treatment of pre-existing medical conditions and for dental treatment members of staff are expected to take all reasonable steps to arrange these outside the school day.
- 5.3 Instances of vomiting and diarrhoea will normally be subject to a 48 hour period of absence (following last bout of vomiting or diarrhoea) for the purposes of infection control. However, where staff have an underlying medical condition of which the school is aware (e.g. IBS, stomach problem, acid reflux), no period of exclusion may be

necessary, but any return to work must be authorised by the School Manager in advance.

## **6 LONG TERM SICKNESS**

- 6.1 Long-term absence through sickness is defined as any continuous absence of more than 10 working days.
- 6.2 In the case of long term absence through sickness, the School will wish to know, in terms of service provision, whether the member of staff will make a full recovery, and what the prospects and associated timescale are for a return to work, balanced by a wish to support, as appropriate, the member of staff's recovery.
- 6.3 When a staff members prolonged absence causes concern as to whether or not he/she will be able to return to his/her job a referral will be made to the Board who will arrange a meeting and medical assessment.
- 6.4 It is primarily the School Principal's responsibility to maintain contact with a member of staff who is on long term sick leave. However, this does not remove the responsibility on a member of staff to update the School Principal about any changes in their circumstances whilst they are absent from work.
- 6.5 The School Principal will maintain regular contact with any employee who absent in the long term and home visits may be arranged.

## **7. PHASED RETURN**

- 7.1 Due to the nature of the School and the requirement for members of staff, especially specialist teaching staff, to be fully fit and able to fulfil their duties safely, it is not normally possible for phased returns to work to be offered.
- 7.2 In exceptional circumstances for members of staff who do not work directly with pupils, a phased return may be recommended. Any approval for any such phased return would require unanimous approval by the School Manager and the Board.
- 7.3 Any such approval, if given, should not be regarded as a precedent for any future decision.

## **8. SUSPENSION ON MEDICAL GROUNDS**

- 8.1 Employees in School who become medically unfit may, in certain conditions, need to be suspended from duty on medical grounds.
- 8.2 These include, but are not limited to:-
  - a. Pulmonary tuberculosis;
  - b. Epilepsy;
  - c. Psychiatric disorders;
  - d. Alcohol and drug misuse.
- 8.3 Other conditions may, similarly, require suspension on medical grounds.
- 8.4 In the event that medical advice states that a member of staff is not fit to undertake his/her job through reasons of ill health, this will be discussed with the staff member concerned.

- 8.5 In instances where members of staff have a minor injury which may impact on their ability to perform their contracted duties, the School Manager shall have the right to allocate the said member of staff such duties as they feel appropriate. Alternatively, the Unit Head/School Manager or Board may instruct the member of staff to stay off work until the injury has healed. The decision of any member of the Board shall be the final decision.
- 8.6 Advice and help for members of staff will be available both within the school and through the Board.

## 9 ELECTIVE SURGERY

- 9.1 Time off for cosmetic surgery (which is not related to a medical condition) or IVF treatment should be planned to take place during school holidays.
- 9.2 The school will treat any illness as a result of IVF sympathetically.
- 9.3 If a member of staff undergoes implantation as a result of IVF treatment, they are regarded as being pregnant. If the IVF treatment is unsuccessful, the protected period ends 2 weeks after the end of the pregnancy.
- ## 10 Short Term Certificated or Uncertificated sickness
- 10.1 Some short-term sickness is to be expected. However, there will be concern when, for an individual employee, the sickness level over a period of time, is high and/or the employee is prone to frequent short absences. In these circumstances the procedures for involving Occupational Health and obtaining a medical opinion as set out for long-term sickness, will be considered.
- 10.2 The School uses the Bradford Factor to monitor staff sickness, details of which are set out in Annexure 3
- 10.3 It may become apparent that absences are not so much due to an underlying medical problem but rather other difficulties such as personal non-work related issues. In some cases it may be appropriate to consider inter alia some form of disciplinary action in order to achieve an improvement of attendance.

## 11 MATERNITY AND PATERNITY LEAVE

- 11.1 Details of maternity and paternity leave are set out in the Maternity, Paternity and Parental Leave Policy.
- 11.2 Requests for maternity leave or paternity leave should be passed to the School Manager and the School Principal at the earliest opportunity. On receipt of this notification, the School Principal will supply to the member of staff with details concerning her responsibilities and obligations and any entitlement to maternity leave and pay that are due.
- 11.3 In relation to maternity leave, members of staff are normally expected to make arrangements to attend antenatal care outside normal working hours. Where this is not possible, paid time off will be allowed.

## **11 UNAUTHORISED ABSENCE**

- 11.1 Unauthorised absence is where a member of staff is absent without authorisation or without notifying the relevant individuals as outlined in Annexure 2.
- 11.2 A member of staff may be absent for periods of time in circumstances where they are deemed to have unreasonably failed to give notification or seek authorisation according to the procedures set out in this policy and associated annexes. In such cases there will be no entitlement to pay for such periods and disciplinary action may be taken.

## **12 LATENESS**

- 12.1 Incidents of lateness will, in the first instance, be dealt with by the Unit Head or School Manager. The Unit Head or School Manager may escalate concerns to the Board.
- 12.2 Persistent lateness by a member of staff may require the activating of disciplinary procedures

## **13 RESOLVING GRIEVANCES**

- 13.1 Any member of staff who feels they have been treated unfairly as a result of the implementation of any aspect of this policy has the unequivocal right to seek redress through the grievance procedures set out in the Grievance Policy.

## ANNEXURE 1

### GUIDELINES FOR STAFF – LEAVE OF ABSENCE

#### **AUTHORISED ABSENCE**

The School's policies allow for authorised absences from work, with or without pay. The following are examples of situations where the School Manager, may give initial approval for leave of absence to staff

Any such initial approval must receive final approval from the Board/Trustees, who may grant any such leave, with or without pay (at their absolute discretion), for reasonable periods.

#### **LEAVE OF ABSENCE (AUTHORISED ABSENCE) WITH PAY**

Reasonable time off with pay will be allowed for the following reasons (N.B. reasonable means up to one day except where otherwise indicated).

#### **COMPASSIONATE LEAVE:**

In the event of the death or illness of a relative of the first degree (i.e. employees' husband, wife, partner, brother, sister, parents or children or corresponding relatives in law or if the Board/Trustees are satisfied that the relationship is close enough to warrant it) the Board have agreed that compassionate leave will be granted in accordance with the following:

- 13.1.1 **DEATH**: Normally up to five days (one week) leave with pay, in the case of a relative of the first degree (as defined above). In the event of the death of a relative who is not of the first degree, the Unit Head or School Manager may recommend to the Board that unpaid compassionate leave of up to one day be granted.
- 13.1.2 **FUNERALS**: Requests for leave of absence to attend funerals other than those of a relative of the first degree will be considered individually and may be granted with or without pay. In the event of a request to attend a funeral of an individual who is not a relative of the first degree, the Unit Head or School Manager may recommend to the Board that unpaid compassionate leave of up to one day be granted.
- 13.1.3 **CRITICAL ILLNESS**: Normally up to five days (one week) leave with pay, in the case of a relative of the first degree.
- 13.1.4 **OTHER ILLNESS**: Requests for leave in order to make nursing arrangements for a dependant relative of the first degree and who are living with the member of staff or are living alone, will be considered where the Board are satisfied no other arrangement can reasonably be made. All leave granted under this provision will be restricted to the minimum period required to make nursing arrangements to be made rather than the duration of the relatives illness).

#### **LEAVE OF ABSENCE (AUTHORISED ABSENCE) WITHOUT PAY**

Where an allowance is paid (e.g. Territorial Army 'bounty', jury service loss of earnings etc.) the School will grant unpaid leave of absence from work. The member of staff is expected to claim in full, allowances available.

- 13.1.5 Time off may be allowed without pay at the discretion of the Trustees, on the advice of the School Manager.

- 13.1.6 Agreed time off without pay will be calculated on the basis that one-day equals one 365th of annual salary. For periods of more than one week this will include weekends as well as Bank Holiday periods.
- 13.2 The School Manager will make the day-to-day decisions concerning leave of absence as part of the internal organisation and management of the School in a manner consistent with the advice of the Board. Where new circumstances are encountered which are not covered by these notes or previous advice, the School Manager will seek the advice of the Board.

## ANNEXURE 2

### PROCEDURE FOR THE NOTIFICATION OF ABSENCE FROM WORK

1. A member of staff who is not available for work on any day and for any reason including sickness must notify by **telephone** the Unit Head to whom they report, or their Manager as soon as they know they are going to be absent. In any event, notification should be made before **7.30 am** on the day of absence.
2. The Unit Head or Manager will notify absences to the School Principal, or in her absence, the School Manager, to allow overall monitoring of sickness and absence levels.
3. The member of staff should notify the Unit Head or School Manager by 4pm on the same day of the likelihood of their ability to return to work the following day.
4. Unless signed off by a doctor for a specified period, the member of staff should provide further notification of the nature and probable duration of his/her absence to their Unit Head or the School Manager on a daily basis.
5. Absences up to seven calendar days require the member of staff to complete a self-certification form relating to the absence. Copies of the self-certification pro-forma to be used are available from the school office. If the absence continues a doctor's statement must be submitted on the eighth calendar day.
6. If you are absent for more than 4 consecutive days, you will be entitled to claim statutory sick pay. You must provide your self-certification or Doctor's note to the School Office or Commercial Director to enable your sick pay to be processed.
7. **Attention:** The School will not accept any responsibility for any errors in pay where members of staff have failed to follow this procedure. Overpayments will be deducted from the next salary payment due.
8. Upon their return to work, the member of staff will be required to complete a "return to work" interview with the Unit Head or School Manager. The completed form will then be returned to the School Office for placing on the employee's personnel file.
9. For prolonged or repeated periods of absence, the return to work interview may be conducted by the School Principal or another member of the Board.

## ANNEXURE 3

### BRADFORD FACTOR

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## **BRADFORD FACTOR**

Wikipedia defines the Bradford factor as a “Formula [which] is used in human resource management as a means of measuring worker absenteeism. The theory is that short, frequent, and unplanned absences are more disruptive than longer absences

It was developed in connection with research undertaken by Bradford University School of Management in the 1980s.

Using the Bradford Factor highlights the disproportionate level of disruption on an organisation's performance that can be caused by short-term absence compared to single incidences of prolonged absence.

The Bradford Factor is calculated as follows:

$$B = S^2 \times D$$

where:

B is the Bradford Factor score

S is the total number of spells (instances) of absence of an individual over a set period

D is the total number of days of absence of that individual over the same set period

The 'set period' is set as a rolling 52 week period.

For example:

01 instance of absence with a duration of ten days (1 x 1 x 10) = 10 points

03 instances of absence; one of one, one of three and one of six days (3 x 3 x 10) = 90 points

05 instances of absence; each of two days (5 x 5 x 10) = 250 points

10 instances of absence; each of one day (10 x 10 x 10) = 1000 points

The School introduced the Bradford Factor in September 2010 to try and mitigate the disruption that one-off days of absence cause. Obviously, if staff are ill, they are not expected to come into work, but the Bradford Factor has been found to reduce absence by as much as 20% by discouraging people from taking “duvet days” or “throwing a sickie”. Staff need to recognise that taking these odd days cause a vastly disproportionate disruption to other members of staff, especially as the School is a High Dependency Unit with pupils being taught on a one to one basis.

The School recognises that sometimes, there will be valid reasons for taking odd days off, and we will obviously be considerate of any extenuating circumstances. We would encourage staff to be truthful about any such absences, as we are then able to plan to mitigate absence, and also to provide support and assistance to staff.

Absence for reason other than sickness, such as authorised absence, compassionate leave, hospital appointments, will not be included when calculating an employee's Bradford Factor. Where staff have an existing registered and disclosed disability, reasonable adjustments may be made accordingly.

For members of staff who work part time, their Bradford Factor will be calculated as a pro-rata basis.

### **Bradford Factor and Disability Rights Legislation**

The Equality Act 2010 creates a duty on employers to tailor their actions to the individual circumstances of disabled employees.

Certain disabilities may lead to a greater likelihood of short-duration absences or to a higher total of days of absence, and the School makes reasonable adjustments in the case of those employees with a disability

In addition, disabled employees are able to request 'reasonable adjustments' in situations where they are disadvantaged by the generic processes of using the Bradford Factor. Reasonable adjustments in the case of the Bradford Factor might include recording Disability-Related Absence separately from Sickness Absence, or individually tailoring targets.

However, the case of *Olusoga v Homerton University Hospital NHS Trust* confirms that employers are not automatically obliged to disregard all disability-related absences.

Mr Olusoga (O) worked for Homerton University Hospital NHS Trust (H) as an administrator. O has sickle cell anaemia and it was accepted by H that O is disabled. O had a high level of sickness absences, which were largely due to his disability. H uses a scoring system (the Bradford factor) for controlling absence, which takes account of the number of periods of absence and the total number of days of absence. O claimed that the scoring system is a provision, criterion or practice (PCP) which puts disabled employees at a disadvantage, as disability related absence is recorded under the scheme in the same way as non-disability related absence. O claimed that this amounted to indirect disability discrimination and that, as a reasonable adjustment, H should record disability and non-disability related absence separately and totally disregard disability related absence.

The ET followed the EHRC's Code of Practice which states that employers are not automatically obliged to disregard **all** disability related absences and that a balance needs to be struck between the aims and interests of both parties. H had a legitimate aim of seeking to maximise (in a fair manner) the attendance of all its employees, whether disabled or not. The policy was found to be a proportionate means of achieving H's aim, not least because it is desirable that employees know where they stand and have access to the assistance of occupational health. The ET noted that whilst O had a right to have adjustments considered under the policy, H had a right to monitor that O performed the role he was paid to do, disabled or not.

In such circumstances "a reasonable balance of interests needs to be struck" and in this case, the ET found that employer was justified in not excluding disability-related absences

### **Policy on Staff Sickness and use of Bradford Factor**

Within the EU, the UK has a relatively low rate of absence. All countries show similar patterns of absence, with higher absence in the public sector and health sectors and low in education.

However, because the School is a High Dependency Unit, it is reasonable to compare roles within the public sector. One of the highest absences was found in the Prison Service as it is identified as stressful with demanding workloads.

The UK Prison Service uses the following triggers for action:

- 51 points – verbal warning
- 201 points – written warning
- 401 points – final warning
- 601 points - dismissal

The School therefore felt it was reasonable to apply these guidelines to staff at the School. Our policy is therefore as follows:

- 51 points – discussion and/or possible verbal warning

201 points – formal recorded discussion and/or possible written warning  
401 points – formal recorded discussion and/or possible final warning  
601 points – formal recorded discussion and/or possible dismissal