



MAMSA - Maximising Attendance and Managing Staff Absence policy

The King's School
Cadhay Lane
Ottery-St-Mary
Devon
EX11 1RA

Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Rights Act 1996
- The Working Time Regulations 1998
- Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999
- The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)
- Equality Act 2010
- The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018
- The Paternity Leave (Amendment) Regulations 2024
- The Carer's Leave Regulations 2024
- The Statutory Parental Bereavement Leave (General) Regulations 2020 (Jack's Law)
- ACAS (2010) 'Code of practice on time off for trade union duties and activities including guidance on time off for union learning representatives'
- Cabinet Office (2023) 'Report trade union facility time data'
- DfE (2014) 'Advice on trade union facility time'
- DfE (2021) 'Teachers' Standards'
- DfE (2023) 'School teachers' pay and conditions document 2023 and guidance on school teachers' pay and conditions' (STPCD)
- Department for Work and Pensions (2023) 'The fit note: guidance for patients and employees'

This policy operates in conjunction with the following school policies:

- Family Leave Policy
- Disciplinary Policy and Procedure
- Grievance Policy

Roles and responsibilities

The Governing Board of Trustees will be responsible for:

- Reviewing this policy and ensuring it is adhered to across the school.
- Ensuring that this policy is implemented fairly, consistently and in line with the board's equality duties.
- Signing off any special leave requested by the headteacher, e.g. bereavement leave.

The Headteacher will be responsible for:

- Implementing this policy in line with their statutory duties.
- Informing all employees of attendance management procedures, including the conditions of the sick pay scheme.

The Director of Finance and Operations will be responsible for:

- Ensuring the recording all sickness absence upon notification.
- Monitoring and reviewing sickness absence across the school.
- Deciding if a stage one absence hearing with an employee is appropriate when their sickness absence level has reached a trigger point.
- Maintaining reasonable contact with employees during a period of absence.
- Meeting with employees on their return to work, regardless of the duration of the absence.
- Delegating responsibilities to line managers to sign off annual leave in line with this policy.

Line managers will be responsible for:

- Implementing this policy in line with their statutory duties.
- Briefing employees on the school's sickness absence procedures.
- Ensuring employees are supported throughout their period of leave and being a point of contact for any queries or problems they may have.
- Managing and signing off annual leave requests.
- Recording all sickness absence on notification.
- Conducting Return To Work meetings with all absence staff that they manage.

Staff will be responsible for:

- Attending work when fit to do so.
- Complying with the school's notification of sickness absence procedures.
- Maintaining reasonable contact with the school and meeting with the school when required during periods of absence of four weeks or longer ("long-term sickness absence").
- If requested to do so by the school, attending occupational health (and potentially other medical) appointments.
- Arranging annual leave during school holiday periods.
- Requesting special leave as soon as possible.
- Submitting annual leave requests to their line manager.
- Arranging leave for a convenient time, i.e. not in conflict with other relevant staff leave.
- Completing Self-Certifications upon return from an absence.
- Adhering to this policy at all times.

Rationale:

The King's School recognises and values the contribution of each member of staff to the education of the students in the school.

High levels of absence among teaching and support staff pose a serious problem for a school in terms of disruption to teaching programmes, students' learning and other areas of the school's work. The Board of Trustees is committed to managing attendance so that any disruption to the students' education or the effective running of the school is minimised. Equally it recognises that during the course of employment, colleagues will occasionally be absent from work through ill health, maternity and other authorised circumstances.

Absence of any staff employed in school during term time means some impact on the students' education. Therefore, requests from any member of staff for absence to be taken during term time must be regarded as the exception rather than the norm. Requests for leave of absence for the purpose of taking holidays and/or contributing to holidays will not be granted.

This policy gives details of entitlements of members of staff in relation to absence. Part-time staff will have the entitlement for leave from work reduced in proportion to the percentage of time they work.

Seeking Approval for Leave from Work:

All staff who need to leave work for an emergency/illness should seek permission from a member of the Senior Leadership Team (SLT), ideally the Headteacher (HT) or Director of Finance and Operations in term time and then sign out. A request for absence should be submitted retrospectively via Every.

All staff will be required to complete a request for a planned absence via Every at least 5 working days in advance. Following authorisation from the line manager and other relevant staff the request will be confirmed via Every. The request should be made as soon as it is known that it will be required, and in any case at least one week in advance of the proposed absence, except in exceptional circumstance such as the death of a family member. If the absence is authorised it can be either paid or unpaid depending on the absence type and the discretion of the Headteacher. All absence from work for the reasons given in this policy requires prior approval.

Requests made by the Headteacher should go to the Chair of Trustees.

The Board of Trustees has given delegated authority to the Headteacher to approve leave of absence requests for up to 5 consecutive days in any one academic year. For anything greater the Headteacher must discuss each case with the Chair of the Trustees, or his/her representative, and act on the recommendation made.

Requests for leave of absence will be considered taking into account

- the principles of this policy,
- the best interests of the students and the school,
- treating staff in a fair, sensitive, reasonable and consistent way, in line with the schools' equality policy
- national and local terms and conditions of employment.

Where the agreements refer to relatives of the first degree, this is taken to mean husband/wife, permanent partner, brother/sister, parent and child or the corresponding relatives-in-law. Additionally, the school will consider absence requests that relate to grandparents or other relatives/carers who have taken on the main caring role or people who are not related but occupying a similar position in the family.

Dental and medical appointments

It is expected that dental and medical appointments will be made out of school hours wherever possible. It is recognised that in some circumstances, such as an appointment being expected from a hospital, that this may not always be possible. However, appointments in work time should be kept to a minimum and cause as little disruption as possible.

Emergencies involving dependants

All employees have the right to take a reasonable period of unpaid time off during working hours to deal with an emergency involving a dependant. A dependant is defined as a spouse, partner, child or parent, or someone who lives with the employee as part of his/her family. In the case of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.

Parental Leave – See Family Leave Policy

Reporting Staff Absence

On the first day of absence the employee must telephone the Cover Manager in line with the school arrangements before **7:30am** and notify their line manager(s). Staff who work in the evenings should phone in by 12:00 noon. Details of the illness or injury and anticipated length of absence from work should be indicated. Exceptionally, if unable to telephone in person, the member of staff should arrange for another person to call and give the reason why the member of staff is unable to call. The employee should notify the Headteacher or Director of Finance and Operations if they think that they may have come into contact with infectious disease. The Headteacher or Director of Finance and Operations will then inform staff appropriately.

The line manager should clarify any current work commitments that need to be rearranged and arrange cover work where necessary.

Monitoring Staff Absence

All staff returning to work after a period of absence must complete a Self-Certification Form (via Every) **within 24 hrs**. They will undergo a "return to work interview" within 48 hrs of their return. Any self-certification or doctor's certificates should be attached. These interviews will be conducted by the appropriate line manager in a suitable venue. The line manager should complete a risk assessment if they feel this is appropriate or is requested. If the line manager feels a referral to Occupational Health would be beneficial, they can discuss this with the Director of Finance and Operations in the first instance.

Although there is no requirement to do so, staff are welcome to keep in contact with the school during the school holidays if they are experiencing illness that they feel the school could help and support them on their return to school. The Headteacher and Director of Finance and Operations do check emails regularly throughout holiday periods.

To receive sick pay, the member of staff must:

- notify the school on the first day of absence in accordance with the school's arrangement;
- provide a Statement of Fitness for Work certificate by the eighth day for absences over seven consecutive days;
- provide consecutive medical certificates to cover the whole period of absence prior to the previous medical certificate lapsing; where there is a continuing sickness absence, even if this covers school holidays. These should be uploaded on Every by the Cover manager
- contact the school to indicate they are fit for work if absent before a holiday.

Trigger Points

Trigger points provide consistency of approach and ensure that the Board of Trustees and the Headteacher are aware of any possible patterns of absence. They define the points at which the Director of Finance and Operations will review the sickness absence history of an individual member of staff, in order to help improve the staff's attendance at work.

Trigger levels are:

- 3 or more instances of sickness absence in any 3 month period of an academic year.
- 6 or more instances of sickness absence in any 12 month period of an academic year or rolling 12 month period.
- 8 or more days sickness absence within a 12 month period in an academic year or rolling 12 month period.
- Any other recognisable pattern e.g. often absent on a Monday or at certain times of the year.

First absence Meeting

This meeting should take place as soon as possible with the Director of Finance and Operations if:

1. Any of the trigger points have been met.
2. Any concern for a member of staff welfare.
3. Any concern for the welfare of others who s/he may come in contact with.

At this meeting the Director of Finance and Operations will consider all the circumstances and decide whether any appropriate action should be taken. This might include a risk assessment or referral to occupational health. A date should be arranged with the member of staff for a follow up absence meeting in the next 6- 8 weeks if deemed necessary. A written summary of the meeting with the key points discussed will be given to the member of staff and saved in their personnel records.

Stage 2 Absence Meeting

If the employee's attendance deteriorates further, the Director of Finance and Operations will ask the employee to attend a Stage 2 Absence Meeting. The Director of Finance and Operations will provide at least 5 working days' notice of the Stage 2 Absence Meeting in writing. They will inform the employee of the time, date and place of the meeting, the reason for the meeting, issue any evidence to be discussed at the meeting and state that they have the right to be accompanied by a trade union representative or work colleague not involved in the case.

In the Stage 2 Absence Meeting the Director of Finance and Operations shall:

- Explain the concern about the absence level and reasons for that concern, such as operational difficulties caused.
- Listen to reasons and respond appropriately.
- Consider whether to refer the case to occupational health, if they have not already done so.
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement.
- Identify any support required.

Potential Outcomes

- Give the employee a formal **warning** which will usually remain active for 12 months explaining that continued failure to improve attendance to the specified level will lead to a Stage 3 Absence Hearing which could result in dismissal.

- An extension of monitoring and support within Stage 1 of the formal process.
- A date should be arranged with the member of staff for a follow up absence meeting in the next 6- 8 weeks
- No further action is required at this stage.

In any event the Director of Finance and Operations should fully record the details of the meeting and ask the employee to confirm the details of this meeting. If at any stage an employee has reached a level of improvement acceptable to The King's School, monitoring should revert back to informal arrangements.

Stage 3 Absence Hearing

If the employee's attendance deteriorates further within the set monitoring period, the Director of Finance and Operations will ask the employee to attend a Stage 3 Absence Meeting.

The Clerk to the Trustees will provide at least 5 working days' notice of the Stage 3 Absence Meeting in writing:

- the purpose of the hearing.
- details of the employee's attendance.
- the stage reached in the procedure.
- when and where the hearing will be conducted.
- the right to be accompanied by a trade union representative or work colleague not involved in the case.
- the requirement for the employee to provide, in at least 2 working days before the hearing, all documents that he/she intends to present at the hearing.

The Stage 3 Absence Meeting will be conducted by a panel of Trustees. Any medical evidence or documentation that the employee wishes the panel to consider should be submitted at least 2 working days prior to the hearing. The purpose of the Stage 3 Absence Meeting is to consider whether the employee is capable of continuing employment with The King's School in the light of their health, their attendance and their ability to perform the role with reasonable effectiveness. The meeting also considers whether The King's School can reasonably sustain the employee's level of attendance.

Potential Outcomes:

- An extension of monitoring and support within Stage 2 of the formal process
- If the panel of Trustees decides that the employee's attendance is not acceptable and is unlikely to improve to an acceptable level, the employee may be dismissed with notice on the grounds of failure to sustain required levels of attendance.

N.B. Prior to a decision to dismiss, consideration will be given to any alternative working arrangements or roles with The King's School Trust.

If the King's School decides to terminate the employee's employment on the grounds of the above, the employee will be informed of The King's School's decision to dismiss in writing and the employee will be advised of their right of appeal.

Appeals

Any appeal arising as a result of a warning or dismissal must be made in writing to the Clerk of Trustees within 5 working days of receiving the outcome of the hearing. If the employee submits an appeal, he/she will be invited to an Appeal Hearing where their case will be heard by ideally a panel of three different Trustees (wherever possible). The outcome of the Appeal Hearing will be confirmed in writing to the employee. There is no further level of appeal.

Managing Headteacher Sickness Absence

In the case of the Headteacher's sickness absence, the Absence Management Procedure will be managed by the Chair of Trustees or a nominated Trustee. All Sickness Absence Hearings relating to the Headteacher's sickness absence will be conducted by a nominated trustee and any subsequent appeal by a panel of up to three Trustees.

Long-term Sickness Absence Management

Where an employee is or is reasonably expected to be absent from work for four weeks or more (including any period of holiday) or where the employee has been unable to sustain regular and efficient attendance due to a long-term condition, they will fall within the scope of the long-term sickness absence management procedure. It may be appropriate for employees experiencing a psychological illness i.e. stress/anxiety/depression or a musculoskeletal complaint such as a neck/shoulder/back condition, that an immediate referral to occupational health is made. The King's School will maintain regular and supportive contact with the employee, which may include regular review meetings to discuss the employee's continuing absence, when the employee may be able to return to work and any reasonable adjustments that The King's School may be able to make to assist the employee in returning to work. It is a contractual requirement that the employee co-operate with The King's School during such period of absence.

Alternative Venues

In some circumstances where an employee is unable to attend a meeting at The King's School it may be appropriate for management to arrange an alternative venue. This may include the employee's home with their agreement, a neutral venue, or via online video.

Medical Suspension

There are a number of circumstances where it may be necessary to medically suspend an employee. Reasons for such a decision may include consideration for the protection of the person's own health, as well as the health and welfare of other staff and pupils who may be put at risk by the medical condition of an employee. Occupational Health may recommend medical suspension to management.

When Medical Capability is being considered

If, following advice from Occupational Health, it appears that the employee is probably not going to be able to return to their role or to provide regular and efficient attendance within a reasonable period of time the employee may be invited to attend a Medical Capability Hearing at the request of the Head Teacher or, if in

relation to the Head Teacher, by the Chair of Trustees. Prior to a medical capability hearing a preliminary meeting will ordinarily be arranged in order to discuss the following:

- The history of the employee's absence, including the number of absences or duration of absences.
- Any reasonable adjustments that have been made or considered.
- If and when the employee may be able to return to work or to provide regular and efficient service.
- Any redeployment options that have been considered within The King's School
- The up-to-date medical advice.

The employee has the right to be accompanied at this meeting by a trade union representative or work colleague. If, following the preliminary meeting, management remain of the opinion that the employee is not able to return to work within a reasonable period of time and that their absence cannot be sustained or that the employee will not be able to provide regular and efficient service in accordance with their contract of employment, the employee should be invited to attend a Medical Capability Hearing.

Medical Capability Hearing

The Medical Capability Hearing will be conducted by a panel of three Trustees. The purpose of the Medical Capability Hearing is to consider the viability of the employee's continuing employment with The King's School. The employee will be given written notification of the meeting giving 5 working days' notice. The Panel will consider dismissal on the grounds of medical capability where having considered any medical advice and any representations by the employee that the panel reasonably believes that:

- the employee is permanently unfit to work.
- they are unable to reasonably determine when the employee will be able to return to work or to provide regular and efficient service.
- the employee is unlikely to be able to provide regular and efficient service.

Should an employee fail to attend appointments with Occupational Health and therefore there is no medical evidence to consider, the Panel may make a decision based on the information at the Hearing. The employee has the right to be accompanied at the Medical Capability Hearing by a colleague or a trade union representative. Any documentation that the employee wishes The King's School to consider should be submitted at least 2 working days prior to the Hearing. In certain situations where medical evidence from an employee is in conflict with the medical evidence from occupational health, The King's School may decide to obtain a further medical report or may prefer either report. Where an employee fails to attend the Medical Capability Hearing, the hearing may go ahead in their absence.

If the Panel decides to terminate the employee's employment on the grounds of Medical Capability, the employee will be informed of the decision to dismiss in writing and the employee will be informed of their right of appeal.

Appeals

Any appeal arising as result of a Medical Capability Dismissal is to be made in writing to the Clerk to the Trustees within 5 working days of receipt of the outcome of the hearing.

If the employee submits an appeal, he/she will be invited to an Appeal Hearing where their case will be heard by a panel of up to three different Trustees (wherever possible). The employee and The King's School may wish to provide additional medical information for consideration at the Appeal Hearing. The

outcome of the Appeal Hearing will be confirmed in writing to the employee. There is no further level of appeal.

Redeployment

There may be some instances where an employee is fit to return to work but not necessarily to the role they were originally employed to undertake. Redeployment is where an employee is transferred into a suitable alternative post which they are able to undertake with or without reasonable adjustments and/or training. In respect of alternative work, the Director of Finance and Operations will look at any existing and near future vacancies in The King's School in the first instance and discuss these with the employee in terms of their eligibility (including consideration of reasonable adjustments and training, as appropriate).

Ill Health Retirement

It may be possible that an employee who is contributing to the Local Pension or Teachers' Pensions (TP) scheme could be considered for Ill-Health Retirement. Ill-Health Retirement is when an employee is considered permanently unable to do their job or any comparable job with their employer.

Accrual of Annual Leave during Sick Leave

Employees have the right to accrue annual leave during sickness and to take this upon return or carry forward the annual leave into the next leave year. The time an employee takes leave will be agreed by management in line with the needs of The King's School. Full time employees are entitled to 4 weeks and 3 days (23 days) holiday (3 of which must be taken between Christmas and New Year). Therefore, the entitlement to statutory annual leave can be offset by any periods of The King's School closure, whether they occur before or after the period of sickness. Where there is insufficient school closure time to allow the statutory annual leave to be taken, The King's School may allow the employee to carry forward the leave to be taken in a school closure.

When an employee commences sick leave, the amount of leave an employee has had in the current leave year will be established by the number of school closure periods that have already occurred during the leave year. If this exceeds the entitlement to statutory annual leave there will be no further entitlement to leave.

Reasons for Leave with Pay

Reasons for leave with pay	Teachers	Support staff
Sickness	Please refer to Terms and conditions in your contract	Please refer to Terms and conditions in your contract
Annual Leave	Not Applicable	Please refer to Terms and conditions in your contract, not applicable for term time only staff (except for those with Long Service Days).
For officials of Trade Unions to perform I.R. duties/undertake approved training	i) Regular release, and/or ii) Occasional release	
For Safety Representatives to perform duties and undertake associated training	i) Regular release, and/or ii) Occasional release	
For ante-natal care	The right to paid off time to attend ante-natal care on production of evidence of appointments if requested. (See Parental, Family related leave policy)	
Attendance as elected members at local authority meetings and properly established committees	Up to 5 days per year	
For members of another school's Board of Trustees	Up to a maximum of 4 half-days per annum depending upon the reasonableness of the request.	
Magisterial duties	Minimum attendance requirement including training and membership of a statutory tribunal not exceeding 20 working days a year	
Candidates for Parliamentary Elections	Normally not more than 5 working days	
Lecturing in professional capacity on condition that all fees to be paid to school	At the discretion of the Board of Trustees up to a maximum of 12 working days	
Duties in connection with external examinations	At the discretion of the school – consent must be requested from the HT	
Sitting examinations relating to professional development	Employees are entitled to be paid leave of absence for the purpose of sitting for examinations concerned with staff's professional development to the benefit of the school. Absence leave for other examinations are at the discretion of the Head Teacher.	
Attendance at approved conferences	At the discretion of the school subject to the conference being of benefit to school and the member of staff's professional development.	
Weddings of close relatives i.e. sibling, parent (or another family member/carer who brought up the employee) or children or corresponding relatives in law	Reasonable period subject to prior approval from the Headteacher – normally one day	

Times of severe weather	Permission to leave early will not be unreasonably refused. Staff are expected to make reasonable attempts to attend work if the school is open. Staff will not be deducted pay or expected to make up lost days if the school is closed
Jury Service or attendance as a witness in Court proceedings	For the required period subject to the employee claiming for loss of earnings
Medical screening	For reasonable periods where attendance in school time cannot be avoided.
Members of non-regular forces – annual training	Up to two weeks – the second of which is to be unpaid.
Potential redundancy	Reasonable time to seek alternative employment
Interviews for other posts	For interview and other selection processes. In addition, staff may request one additional day for induction at their new school/place of work, possibly two at the HT discretion.
A sick child with a non-critical illness**	We will agree paid leave up to a maximum of four days in any one academic year for a FTE 1 or as a pro rata of FTE. After that unpaid leave is at the discretion of the Headteacher.
Illness of a close relative i.e. partner/spouse, sibling, parent (or other relative/carer who brought up the employee), child or corresponding relatives-in-law who lives within the members of staff or lives alone	In cases of critical/serious illness of close relatives, up to one week's paid leave. In other relationships, applications for unpaid leave should be addressed in writing to the Headteacher to consider.
Death or critical illness of a close relative i.e. partner/spouse, sibling, parent (or other relative/carer who brought up the employee), child or corresponding relatives-in-law	Up to 5 working days. The member of staff may request additional leave for the funeral at a later date.
House removal	1 working day with as much advance notice as possible.
Sports representation as competitor at national/ international level	At the discretion of the School/Trustees
Election duties	Leave of absence for staff appointed by the returning officer to assist at parliamentary or local elections.

Additional leave with pay may be granted in special circumstances by the Headteacher/Trustees In the first instance any application should be made to the Headteacher via Every. (HTD)

** Under legislation for Emergency Time Off for Dependants there is only provision in the case of a sick child with a non-critical illness, for the first day to be taken unpaid after which it will be assumed that alternative arrangements for childcare will be made. However, contractual provisions override this and allow for up to two days to enable the employee to care or make arrangements for care of the child.

Reasons for Leave without Pay

Reasons for leave without pay	All Staff
Significant one-off events such as passing out from the military, graduation ceremony	1 day paid at discretion of the Headteacher and 1 additional unpaid day at the discretion of the Trustees.
Court hearings – other than those covered under “With Pay” sections – including divorce proceedings, custody of children etc	1 day at discretion of Headteacher and additional time at the discretion of the Trustees.
Caring for a dependent with long-term care needs	Up to 1 week’s unpaid leave, taken as either a whole week or on separate days or half days totalling 1 week*. This may be paid in part or full at the discretion of the headteacher.
Religious devotion days	1 day at discretion of Headteacher and additional time at the discretion of the Trustees
Funerals – other than close relatives as in “With Pay” section	1 day paid or unpaid at the discretion of the Headteacher and additional time at the discretion of the Trustees.
House removals – in excess of 1 day	1 day at discretion of Headteacher and additional time at the discretion of the Trustees.
Sporting representations below national level	1 day at discretion of Headteacher and additional time at the discretion of the Trustees. Normally not more than 10 school days in a year.
Delays on return to school caused by industrial disputes/national travel incidents	1 day paid/unpaid at the discretion of the Headteacher and additional time at the discretion of Board of Trustees.
Special family flights where spouse is in the armed forces	1 day at discretion of Headteacher and additional time at the discretion of Board of Trustees.
Hospital appointments for children where both parents wish to attend.	1 day paid/unpaid at discretion of the Headteacher and additional time at the discretion of Board of Trustees.
Attendance on courses for personal development not considered beneficial to the school	1 day at discretion of Head and additional time at the discretion of Board of Trustees.
Weddings – Employees own wedding and for those other than relatives first degree	2 days, paid at discretion of the Headteacher.

** In accordance with The Carer’s Leave Regulations 2024*

The HT/ Board of Trustees in special circumstances may grant discretionary additional leave.

As in all cases with The King’s School we aim to be as compassionate and flexible with staff as is possible whilst minimising any detrimental impact on the students’ learning. This policy complies with the national agreement and many staff will know from personal experience the school will always support requests where there are exceptional circumstances when it deems it appropriate