

Attendance Management Policy

PACT HR

**Wibsey Primary School
Policy for School Staff**

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Attendance Management Policy

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1. Attendance Management Policy Statement

The Principles of this Managing Staff Attendance Policy

Wibsey Primary School is committed to maintaining the health, safety and welfare of its staff, seeks to provide a positive and healthy working environment and recognises the value of employee's work/life balance. Regular attendance at work is part of every employee's contract of employment. However, it is recognised that employees will on occasion have genuine and acceptable health reasons to be absent from work and on those occasions the school will aim to do everything possible to support an employee during the period of absence, with the aim of assisting their return to work at the earliest opportunity.

The overall aim of the policy is to minimise absence levels across the school and provide information on how the school may support those employees who are unable to attend work due to ill health. The policy also aims to provide a fair and consistent framework for managing attendance and should inform all employees of their responsibilities regarding attendance at work.

Under the Equality Act (2010), management will make all reasonable efforts to allow employees with a recognised disability, or who become disabled, to continue their employment.

The School's Responsibilities

- To inform all employees of attendance management procedures, including the conditions of the sick pay scheme.
- To record all sickness absence upon notification.
- To meet with all employees on their return to work, regardless of the duration of the absence.
- To monitor and review all sickness absence across the school.
- To decide if a Consideration Meeting with an employee when their sickness absence level has reached a trigger point is appropriate.
- To maintain reasonable contact with employees during a period of absence.

Employee Responsibilities

- To attend work when fit to do so.
- To comply with the school's notification of sickness absence procedures.
- To maintain reasonable contact with the school and to meet with the school when required during periods of absence of 4 weeks or more ("long term sickness absence") or, if medically unable to maintain such contact, to make arrangements for an intermediary, e.g. trade union representative or family member, to maintain contact on their behalf.
- If requested to do so by the school, to attend appointments with the Employee Health and Well Being Unit (EH&WU) (also known as "Occupational Health").

2. Attendance Management Procedure

How to Report Sickness Absence

The purpose of having a clear reporting process is to ensure that the school can make the necessary arrangements to cover sickness absence. This may involve arranging for supply cover or longer term arrangements in the event that an employee is absent for a longer period of time.

As such the school has set the following absence reporting procedure, which must be followed in the event of sickness absence. A failure to follow this procedure may result in sick pay being withheld and/or the absence being treated as an unauthorised absence in accordance with the school's disciplinary procedure.

On the first day of sickness absence the employee must if at all possible telephone the Headteacher on [Telephone Number] by no later than [Time]. If the sickness absence occurs during the school holidays and there are no members of staff in school, the employee should contact the Bradford Council School Support Service directly on 01274 385999. The employee must notify the Mr Cooper/ School Support Service of the reason for their absence and the likely duration of their absence. The employee has an ongoing duty to maintain contact with the school/Bradford Council's Business Support Service for the duration of their absence.

If the employee's absence persists for longer than 7 consecutive days, they must submit a doctor's fit note to the school.

Sick Pay

Sick pay is based on length of service. For teachers this is aggregated teaching service within any Local Education Authority and for all other staff it is continuous service within any public authority to which the Redundancy Payments Modification Order 1985 applies. Please refer to the Teachers' Local Conditions of Service 'White Book' and the Officers' Terms and Conditions of Service 'Blue Book' for sick pay entitlements, for instance in the case of an accident or assault at work.

If the school is concerned that the reason(s) given for the employee's absences are not genuine, the school may commence action under the school's disciplinary procedure. In this case the school is considering the employee's conduct.

The school reserves the right to withhold sick pay in circumstances which are described in the relevant paragraphs of the conditions of service for teachers and support staff. Additionally, if the employee is found to be carrying out some other work, within their contracted hours at the school, sick pay could be withheld.

Employees who are absent from work on sickness absence must not participate in any other form of work (paid or unpaid) during their normal working hours without the prior written authorisation of the school. It is the responsibility of the employee to notify the school if undertaking therapeutic work whilst off sick and to avoid misunderstandings it is advised that the employee should consult with Occupational Health as to the advisability of this kind of activity.

Statutory Sick Pay ("SSP")

In order to qualify for SSP an employee must:

- Be sick for at least 4 or more days in a row (including weekends and bank holidays) (SSP is not payable for the first 3 days of any period of absence); and
- Earn an average of not less than the Lower Earnings Limit for National Insurance Contributions (NIC).

SSP is paid by the school for up to a maximum of 28 weeks.

Surgery not for Medical reasons

Time off for surgery that is not for medical reasons may be paid or unpaid at the discretion of the Governing Body. There is no automatic right to be paid during periods of time off work to undergo surgery which is not for medical reasons.

Any leave granted, whether paid or unpaid, will be subject to the availability of staff to cover the employee's period of absence. An employee is entitled to statutory sick pay (SSP) when they are deemed unfit to work.

Returning to Work

From 6 April 2010 the 'sick note' was changed to become the 'fit note'. An employee does not need a 'signing off' note. Where the GP advises the employee that "you are not fit for work" the GP will state the period (or dates) that this will be the case and whether they will need to assess the employee again. If the GP has not stated that they need to assess the employee again, it should be assumed that the employee will return to work on expiry of the fit note, however there may be rare occasions where it is advisable to ask the employee to seek further advice from their GP regarding a return to work or to ask EH&WU to advise.

The fit note offers a new option - 'may be fit for work taking account of the following advice'.

A GP will be able to suggest ways of helping an employee get back to work. This might mean discussing:

- A phased return to work.
- Flexible working.
- Amended duties.
- Workplace adaptations.

It is important that employees contact Mr Cooper prior to their return to work to discuss any adjustments suggested by their GP. Employees should inform the school of their return to work date as soon as possible.

On their return to work, the employee must contact Kathryn Luscombe and complete the Sickness Notification Form as directed. If the employee is fit to resume work during the school holidays and there are no members of staff in school, they should contact the Bradford Council School Support Service directly on 01274 385999, or the school's HR provider.

Employee Health and Well Being Unit

The school may refer the employee to the Employee Health and Well Being Unit ("Occupational Health") who will be able to advise on matters such as:

- When the employee may be able to return to their role.
- The employee's ability to carry out their role.
- Whether the employee falls under the auspices of the Equality Act (2010), and whether any adjustments or modifications could be made to assist the employee in carrying out their role.

NB Employees covered by the Equality Act 2010, do not have a specific right to take time off to attend medical appointments, however, employers have a duty to make reasonable adjustments where appropriate, which can include appropriate time off to attend medical appointments. What is reasonable for the employer to do will depend on the circumstances of the particular case. Please contact your HR Advisor for more specific advice.

- Whether the employee is (or will soon be) unable to carry out their role and/or the employee's ability to carry out alternative duties either within the school or within the City of Bradford Metropolitan District Council.
- Whether any adjustments or modifications could be made to assist the employee in carrying out such alternative duties. (Occupational Health can also advise whether the employee should contact Access to Work).

The school has a duty of care to its employees to consider all appropriate support options, including reasonable adjustments or phased returns to work.

It is recommended by the EH&WU that for employees experiencing a psychological illness ie stress/anxiety/depression or a musculoskeletal complaint ie neck/shoulder/back condition, an immediate referral is made.

Return to work Interview

Following a period of sickness absence the employee will be required to attend a return to work interview. Ideally this should be done on the employee's first day back to work. If this isn't possible it should be held within at most 3 days of their return to work.

The meeting will normally be held by the employee's line manager or head of department. The purpose of the interview is to welcome the employee back to work, inform them of any changes during their absence and to seek reassurance on the part of the employer whether the employee is completely fit for work or needs extra support at the time. It is also to demonstrate the school's commitment to monitoring the health and well being of its employees. It may be that a Referral to the Occupational Health Unit for investigation of the employee's health problems is necessary to gain advice on medium and long term fitness for work and if there is an underlying condition requiring reasonable adjustments to be carried out.

In a Return to Work interview employees must be made aware when they are near to reaching the trigger points and that reaching these could result in a Stage 1 Absence Meeting (and that a Stage 1 warning could be given at this meeting.) Employees should be offered support to prevent this. Should the employee have hit the trigger points by this stage they will be informed at the Return to Work interview that they could be invited to a Consideration Meeting. Should a live warning already be on file for the employee, and they have exceeded their absence target, they will be notified at the Return to Work interview that they could be invited to a Stage 2/3 Absence Meeting. A record of the interview must be made using the Return to Work interview Form, this is to be signed by the manager and employee and copied to the employee and placed on the employee's personnel record file.

It is the intention that the school will manage absence in a pro-active manner through the effective completion of return to work interviews.

3. Short Term Absence Management

It is important to note that the trigger points themselves should not be used as an automatic mechanism for taking action (for example, an episode of flu or emergency surgery lasting 7 days or more may not on its own suffice to trigger a consideration meeting.) All circumstances of the individual should be carefully and sensitively considered in order to treat all employees fairly, consistently and compassionately.

How attendance will be reviewed

In order to manage attendance effectively it is important that sickness absence is consistently reviewed. The school have pre-determined review points which can alert the school if an employee's attendance has reached a point where there may be cause for concern. The following review points are in place to monitor employee attendance:

- 3 or more occurrences of sickness absence in any 6 month period
- 7 or more day's sickness absence in any 12 month period
- 4 weeks continuous sickness absence.
- When operational need dictates, for example if the number or pattern of absences causes concern.

Procedure

This procedure is designed to deal with persistent short-term ill-health cases.

Consideration Meeting

If the employee's attendance levels have not improved to a satisfactory level following informal action through the return to work interviews, and having taken into consideration the trigger points, management should hold a Consideration Meeting. At this meeting a decision will be made as to whether or not to move to the next stage of the procedure. At this meeting

there should be an evaluation of previous informal discussions/ return to work interviews and an evaluation of support offered.

Potential Outcomes

- Continue support within the informal stage
- Refer to Occupational Health
- Invite to Stage 1 Absence Meeting

Stage 1 Absence Meeting

If an employee's sickness absence levels have not improved, despite being addressed in their Return to Work Meetings, and the employee has reached the trigger points, the Headteacher may invite the employee to a Stage 1 Absence Meeting (see appendix x)

The Headteacher will agree a date with the employee, making clear they have the right to representation and that their representative's availability should be sought, and then should confirm the invitation to the Stage 1 Absence Meeting in writing giving the employee at least 5 working days notice (taking into account the complexity and seriousness of the case and availability of all parties). They should 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/professional association representative or work colleague not involved in the case. (No other individual may accompany the employee.) An employee may request an adjournment of up to 5 working days.

The Headteacher should prepare for the meeting by ensuring that they have clearly identified the employee's sickness absence levels and the support that has been provided via the Return to Work meetings. Any medical evidence or documentation that the employee wishes the Headteacher to consider should be submitted prior to the meeting.

More time may be allowed if further documentation needs to be collected.

In the Stage 1 Absence Meeting the Headteacher must:-

- 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 the Occupational Health Unit, if not already done.
- 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 Stage 1 warning, to remain on file for 6 months, and explain that continued failure to improve attendance to the specified level may lead to a Stage 2 Absence Meeting which could lead to his/her employment being put at risk.
- An extension of informal monitoring.
- No further action is required at this stage.

Fully record the details of the meeting and send a letter to the employee confirming all the details of this meeting.

Stage 2 Absence Meeting

If the employee has made no improvement by the end of the set Monitoring period the Headteacher will ask the employee to attend a Stage 2 Absence Meeting (see appendix x), at which the employee will have the right to be accompanied by a trade union/professional

association representative or work colleague not involved in the case. (No other individual may accompany the employee.) An employee may request an adjournment of up to 5 working days.

The Headteacher will seek to agree a date with the employee, making clear they have the right to representation and that their representative's availability should be sought, and then should confirm the invitation to the meeting in writing giving the employee at least 5 working days' notice (taking into account the complexity and seriousness of the case and the availability of all parties). Any medical evidence or documentation that the employee wishes the Headteacher to consider should be submitted prior to the meeting.

More time may be allowed if further documentation needs to be collected.

In the Stage 2 Absence Meeting the Headteacher must:-

- Explain the concern about the continued absence level and reasons for that concern, such as operational difficulties caused.
- Listen to reasons and respond appropriately.
- Consider whether to re-refer the case to the Occupational Health Unit, if not already done
- 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 Stage 2 warning, to remain on file for 9 months and explain 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.
- No further action is required at this stage.

Fully record the details of the meeting and send a letter to the employee confirming all the details of this meeting.

If the employee has made no improvement by the end of the set Monitoring Period the Headteacher must arrange a Stage 3 Absence Hearing which may lead to dismissal. This Meeting will be heard by the Governors of the School.

If at any stage an employee has reached an acceptable level of improvement, monitoring should revert back to informal arrangements.

Stage 3 Absence Hearing

The employee must receive at least 10 working days' advance notice in writing of:

- the purpose of the hearing;
- the complaints or allegations;
- the stage reached in the procedure;
- when and where the hearing will be conducted;
- who will be attending, including witnesses to be called;
- the right to be accompanied by a trade union/professional association representative or work colleague not involved in the case. (No other individual may accompany the employee.)
- the requirement for confidentiality;
- the requirement for the employee to provide, in at least 3 working days before the hearing, all documents that he/she intends to present at the hearing. (More time may

be allowed if further documentation needs to be collected). The documents must be presented to the clerk to governors.

An employee may request an adjournment of up to 5 working days.

The Stage 3 Absence Meeting will be conducted by the appropriate Committee of the school's Governing Body. Any medical evidence or documentation that the employee wishes the Committee to consider should be submitted at least 3 working days prior to the hearing (More time may be allowed if further documentation needs to be collected). The purpose of the Stage 3 Absence Meeting is to consider whether the employee is capable of continuing employment with the school in the light of their health, their attendance and their ability to perform the role with reasonable effectiveness. The meeting also takes into account whether school can reasonably sustain the employee's level of attendance.

Potential Outcomes:

- If the case for dismissal is not established, a warning appropriate to the circumstances of the case may be issued.
- If the Governors decide that the employee's attendance is not acceptable and is unlikely to improve, the employee may be dismissed with notice on the grounds of failure to sustain required levels of attendance.

If the Governors decide to terminate the employee's employment on the grounds of the above, the employee will be informed of the school's decision to dismiss in writing and the employee will be reminded of their right of appeal.

For a community or voluntary controlled school (whose staff are employed by Bradford Council), a copy of the letter will be sent to the Director of Children's services. The Director of Children's Services will then formally confirm dismissal by letter to the employee.

For a voluntary aided or foundation school (whose staff are employed by the Governing Body) the Chair of Governors will then formally confirm dismissal by letter to the employee.

If at any stage an employee has reached an acceptable level of improvement, monitoring should revert back to informal arrangements and the employee will be informed of this by letter.

Warnings

A Stage 1 Warning will stay on the employee's record for 6 months.

A Stage 2 Warning will stay on the employee's record for 9 months

If the employee fails to meet set targets in the specified review period, this may result in the employee moving to the next stage before the previous warning period expires.

Appeals

Any appeal arising as a result of a warning or dismissal must be made in writing to the Clerk of Governors within 10 working days of receiving notice from the Headteacher or Chair of the Committee 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 the schools Appeal Committee. 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 Headteacher sickness absence, The Absence Management Procedure will be managed by the Chair of Governors. The Chair of Governors is advised to contact Human Resources Advisory Service in these circumstances.

All Sickness Absence Hearings relating to Headteacher sickness absence will be conducted by the Discipline, Grievance and Dismissal Committee of the school's Governing Body.

Right to be accompanied

An employee has the right to be accompanied at each absence meeting by a trade union representative or a work colleague only.

4. Long Term Sickness Absence Management

Where an employee is absent from work for 4 weeks or more they will fall within the scope of the long term sickness absence management procedure.

It is recommended by the EH&WU that for employees experiencing a psychological illness ie stress/anxiety/depression or a musculoskeletal complaint ie neck/shoulder/back condition, an immediate referral is made.

The school will maintain regular and supportive contact to be mutually agreed 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 school may be able to make to assist the employee in returning to work.

Alternative Venues

In some circumstances where employees are unable to attend a meeting at school it may be appropriate for management to arrange an alternative venue. This may include the employee's home with their agreement or a neutral venue (eg Future House).

Medical Suspension

There are a number of circumstances where it may be necessary to medically suspend an employee. If a situation arises where suspension on medical grounds is being considered the relevant Human Resources Advisor should be contacted immediately.

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. EH&WU may recommend medical suspension to management, via the Human Resources Advisor.

When Medical Capability is being considered

If, following advice from EH&WU, it appears that the employee is probably not going to be able to return to their role within a reasonable period of time the employee may be invited to attend a Medical Capability Hearing.

Prior to a medical capability hearing a preliminary meeting should 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 start providing regular and efficient service.
- Any redeployment options that have been considered within the school.
- The up to date medical advice.

The employee has the right to be accompanied at the 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 the Discipline, Grievance and Dismissal Committee of the school's Governing Body. The purpose of the Medical Capability Hearing is to consider the viability of the employee's continuing employment with the school. The employee should be given written notification of the meeting giving 10 working days' notice.

The committee will consider dismissal on the grounds of medical capability where:

- EH&WU have stated that the employee is permanently unfit to work.
- EH&WU are unable to provide evidence of when the employee will be able to return to work.
- EH&WU cannot confirm that the employee is likely to be able to provide a reliable and efficient service.

In the event that an employee has failed to attend appointments with EH&WU and therefore there is no medical evidence to consider, the Committee will move to a decision based on the information presented 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 Committee to consider should be submitted at least 3 working days prior to the Hearing.

In certain situations whereby medical evidence from an employee is in conflict with the medical evidence from the EH&WU, an independent medical referee may be sought to resolve this situation and the hearing postponed to allow for this. This applies for both Teachers and Officers.

The employee may request a postponement of the Medical Capability Hearing of up to 5 working days to ensure that their representative can be available to attend. Where an employee fails to respond using the reply slip to confirm their attendance at the Medical Capability Hearing, the hearing may go ahead in their absence.

If the Committee decides to terminate the employee's employment on the grounds of Medical Capability, the employee will be informed of the Committee 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 must be made in writing to the Clerk of Governors within 10 working days of receiving notice from the Chair of the Committee 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 the school's Appeal Committee. Both the employee and the school may 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.

Conflicting Medical Advice

Where there is conflicting medical advice the teachers' conditions of service state:

“In the event of a difference of medical opinion between the teacher’s medical adviser and the Council’s Medical Officer, as to the teacher’s fitness to work, the matter shall be submitted to a medical referee agreed jointly to be independent”.

For associate staff a third opinion will also be obtained in these circumstances.

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, managers are advised to look at any existing and near future vacancies in the 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).

If there is no suitable alternative post in school it may be possible to look for opportunities across Bradford Metropolitan District Council. In cases of ill-health redeployment, school based staff can be given access to Council non-teaching vacancies from the date of a Governor decision to dismiss, until the end of the notice period. If wider redeployment is deemed appropriate your Human Resources Advisor will arrange a meeting for school management, a representative from the EH&WU and a representative from the Redeployment Unit to discuss the individual case. At this meeting the employee will have the right to be accompanied by a trade union/professional association representative or work colleague not involved in the case. (No other individual may accompany the employee.)

It will be the decision of the Redeployment Unit as to whether a school employee will be accepted onto the redeployment register.

Ill-Health Retirement

At some point the Employee Health & Well-Being Unit (EH&WU) may advise that an employee who is contributing to the West Yorkshire Pension Fund (WYPF) or Teachers’ Pensions (TP), 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. If an employee seeks advice with regard to ill-health retirement he or she should be referred to EH&WB. It is advised that Headteachers and managers should seek support with this process from a Human Resources Advisor.

Support Staff

If appropriate, the EH&WU Adviser will advise the school that they will support Ill-Health Retirement and will complete a Medical Certificate of Permanent Incapacity. This certificate is then forwarded to the WYPF alongside the appropriate documentation. In order to terminate the individual’s employment the school will need to follow the process outlined in the medical Capability Hearing and dismiss on the Grounds of Medical Capability.

Teachers

If appropriate, the EH&WU Adviser will advise the school that they will support Ill-Health Retirement however the process is significantly different to that of support staff. EH&WU can only recommend Ill-Health Retirement, the final decision is made by TP. Under these circumstances the employee will be required to apply for ill-health benefits, completing an application form and a medical evidence form.

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 school. Teachers are entitled to 28 days (5.6 weeks) of statutory annual leave under the Working Time Regulations 1998. Therefore, the entitlement to statutory annual leave can be offset by any periods of 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, employers should allow the teacher to carry forward the leave to be taken in a school closure.

When a teacher commences sick leave, the amount of 'leave' a teacher has had in the current leave year will be established by the amount 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. For more information please speak to your HR Advisor.

Agreed by Governors	Full Governors	
	Finance and General Purposes	X
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Chair of Committee	Dominic Whowell	
Written	October 2015	
Review	October 2018 or as per new document from PACT HR	