

**Human Resources**

# **Attendance Management**

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# **Policy and Procedure**

# **(Schools)**

**September 2018**

## Contents

Section 1 – Overview.....	2
1.1 Introduction .....	2
1.2 Objectives .....	2
1.3 Roles and responsibilities .....	2
1.3.1 Employee.....	2
1.3.2 Manager.....	3
1.4 Independent Health Advice .....	4
1.5 Attendance management trigger points .....	4
1.6 Returning to work .....	4
Section 2 – Managing Attendance.....	6
2.1 Short term/intermittent sickness absence .....	6
2.2 The 3 stage formal process.....	6
2.3 Long term sickness absence.....	7
2.4 Phased Return .....	9
Section 3 – Potential Outcomes.....	10
3.1 Talent Pool (redeployment).....	10
3.2 Unsustainable absence from work resulting in dismissal on the grounds of ill health/unsatisfactory attendance .....	10
3.3 Ill health Retirement .....	11
3.4 Right of appeal .....	11
<b>Appendices</b>	
Appendix 1 what to do in the case of Sickness Absence.....	12
Appendix 2 Return to work plan pro forma.....	16

# **SECTION ONE – OVERVIEW**

## **1.1 Introduction**

An effective organisation requires its employees to maximise their attendance at work. Whilst it is recognised that most employees will experience periods of ill health during their working life, it is possible to reduce the impact on attendance by adopting a firm but fair approach to absence management; an approach that is characterised by care and support for individual employees.

The conditions of service setting out the sickness provisions for Teachers are contained in the Conditions of Service for School Teachers in England and Wales and for Support Staff in the National Joint Council for Local Government Services National Agreement and this policy will be applied in line with the appropriate set of conditions.

## **1.2 Objectives**

This procedure has been produced to help improve attendance at work, and reduce the impact of absence on the organisation and therefore the quality of services that are provided to our customers. In order to achieve this aim the school must meet the following objectives:

- To adopt an approach to support employees to maintain their health and wellbeing and safety through relevant intervention and rehabilitation where reasonable and appropriate.
- Managers trained and supported to manage absence effectively and to apply this procedure intelligently, compassionately and effectively;
- Improved attendance at work by the consistent management of both long and short term sickness absences supported by Trade Union colleagues;
- Implementation of an approach to absence that ensures legal compliance and meets a high quality, professional human resources standard;

## **1.3 Roles and Responsibilities**

### **1.3.1 Employee:**

Each employee has a responsibility to maximise their own attendance and minimise their sickness absence from work and to work with their manager, and other (including health) professionals in order to achieve this.

Employees are required to keep in regular contact with their manager in order to maintain regular communication during any periods of absence and will be required to attend meetings to discuss their absence from work and health situation.

Fitness to Work notes (and self-certificates which must be completed for every period of sickness) must be provided in timely manner. Guidance is available as an appendix of this Procedure.

### **1.3.2 Managers:**

Managers are responsible for applying the Attendance Management policy in order to achieve the overall outcomes for the school and to support employees to improve their health and attendance at work.

Managers will be responsible for seeking appropriate advice from HR and associated advisory health services.

Authority to dismiss on ill health or unsatisfactory attendance sits with the Head Teacher/Governing Body.

### **1.4 Independent Health Advice**

Where appropriate independent health advice will be obtained and health strategies put in place to support employees either back into the workplace or in improving attendance levels.

When seeking advice on supporting an employee the quality of medical advice is dependent on the quality of the referral, the more information received the more comprehensive and relevant the advice will be.

Options could include: Occupational health; Counselling (including CBT); Physiotherapy; and Access to work.

### **1.5 Attendance management trigger points**

Managers are responsible for monitoring the absence of their employees. The following triggers identify when an attendance level is of a concern:

- 3 occasions or 2 working weeks in a 3 month period
- 4 occasions or 3 working weeks in a 6 month period
- 5 occasions or more in a 12 month period
- a continuous absence over 20 days.

The trigger points are pro-rata for part-time employees.

### **1.6 Returning to work**

When an employee returns to work following a period of sickness absence the manager will arrange a return to work interview at the earliest possible opportunity. The discussion should cover the following points:

- The reason for the absence;

- The employee's current health situation;
- Whether they are fit to undertake their normal duties/contractual hours;
- If there are any underlying health reasons impacting on their attendance at work;
- Where underlying reasons are identified any action required of the manager or employee – e.g. changes to the workplace environment or employee's work station, counselling or occupational health referrals;
- Whether any reasonable adjustments need to be made to enable the employee to undertake their role;
- Whether the employee has met an attendance trigger and the next stages of the process.

## SECTION TWO – MANAGING ATTENDANCE

### 2.1 Short term/intermittent sickness absence

This section describes how a manager will respond to an employee whose sickness absences have hit a trigger point. During the return to work interview consideration should always be given to the circumstances of the sickness absence/s, the employee's previous attendance record, any extenuating circumstances, their current health situation and what action should be taken.

Where a trigger is hit a formal meeting should be held, this will be arranged with the employee to discuss the following:

- The employee's attendance record including the number of days absent, number of occasions of absence, any patterns and the reasons for absence;
- Consider a referral to Occupational Health or consider any Occupational Health reports or correspondence which may have been received;
- If the absence is stress related, carry out a Stress Risk (wellbeing) Assessment (in most circumstances this should have been done prior to any formal procedures);
- Discuss any support that can be provided such as practical support in the workplace or through the services of a health advisor;
- Does the employee have a disability and are they likely to be considered disabled under the Equality Act. Consider any reasonable adjustments that could be put in place;
- The individual circumstances and decide whether further action is necessary. Managers need to be aware that DLTs and the Attendance Review Panel will be looking at consistency and trends.
- Advise employee of the attendance target and formal review period.

When arranging a formal meeting 5 working days' notice must be given in writing to confirm the details for the meeting. The employee should be reminded that they have the right to be accompanied at the meeting by work colleague or trade union representative.

### 2.2 The three stage formal process

**First Formal Meeting** – This meeting should consider all the circumstances and representations from the employee. The most common outcome would be to set an attendance target (normally 5 days or 2 occasions) and formal review period (normally 6 months). This would normally mean that if the employee is absent from work for a further 5 days or 2 occasions within the 6 months review period a further formal meeting would be held. If the

circumstances are accepted then a further review period should be applied within which absence will be monitored.

**Second Formal Meeting** – this meeting is held if there has been a failure to meet the attendance target set at the first formal meeting. A further attendance target and formal review period is set. This would most commonly be for a period of 9 months with a similar target as in the first meeting.

**Third Formal Meeting** – this meeting is held if there has been a failure to meet the attendance target set at the second formal meeting and a failure to improve their attendance over a sustained period of time. A potential outcome of this meeting is dismissal on the ground of unsatisfactory attendance.

***At any stage of the process consideration should be given to disability adjustments and an employee can be 're-set' an attendance target at the existing stage they are at, dependent on the circumstances.***

Where an employee's attendance improves and they meet the attendance target, the manager should write and confirm this and also advise the employee that their attendance at work will continue to be monitored for a period of 12 months. Should an employee exceed the trigger points within this 12 month period the manager should decide, dependent on the circumstances, whether further formal action is necessary. If employees are placed back into the formal process they will not automatically revert to the first formal stage, which stage they return to will be dependent on the individual circumstances.

### **2.3 Long term sickness absence**

Long term sickness is sickness absence for 20 working days (or 4 working weeks for part time staff) or more. Long term sickness should be managed dependent on the circumstances of the health situation which vary widely. Examples of the reasons for long term sickness are below:

- Absence from work to have an operation followed by a period of recovery or following a physical injury. The timescales of this can often be planned;
- Absence from work to undertake a course of treatment that will incapacitate an employee for the duration of the treatment– e.g. certain cancer treatments;
- Absence from work due to various health problems or health problems where it is difficult to define the recovery period.

Long term sickness should be managed in line with the following principles:

- Early and appropriate intervention;
- Regular but proportionate contact;
- Supportive approach;
- Clear communication.

Where an absence extends beyond 20 days and is therefore long term in most cases a referral should be made at this early stage to Fit for Work. This will enable managers to gain medical advice and to begin to establish the potential length of the absence, any support or adjustments that could be offered in order to enable an earlier return to work. A return to work plan can be discussed with the individual. A return to work plan pro forma is attached as Appendix 2.

Formal meetings should take place at appropriate intervals with the employee and cover the following areas:

- The employee's reasons for the absence from work, the Statement of Fitness to Work note and the potential timescales for the absence;
- Consider a referral to Employee Healthcare or consider any health advice, reports or correspondence which may have been received;
- Discuss any medical advice from GP, specialists, consultants etc.
- If the absence is stress related, carry out a Stress Risk Assessment (in most circumstances this should have been done prior to any formal procedures). In addition to this in the majority of cases a referral should be made for independent Health advice;
- Discuss any support that can be provided such as practical support in the workplace or through the services at Occupational Health or other organisations;
- Does the employee have a disability and are they likely to be considered disabled under the Equality Act. Consider any reasonable adjustments that could be put in place;
- Advise employee of the next stage and potential outcomes of continued sickness absence.

When arranging a formal meeting 5 working days' notice must be given in writing to confirm the details for the meeting. The employee should be advised that they have the right to be accompanied at the meeting by a work colleague or trade union representative.



## **2.4 Phased return to work**

When an employee has been absent for a long period of time and subject to either Occupational Health advice or information on the Statement of Fitness to Work a phased return to work will normally be agreed. This is for a period of up to 4 weeks and a gradual increase in hours and/or duties should take place in order to re-integrate the employee into the workplace. This will be paid at the normal contractual pay and the sickness absence will come to an end.

Where an employee returns to work from a period of long term sickness absence and dependent on the circumstances they will be set an attendance target and a formal review period as they have hit an attendance trigger. This is in line with the short term/intermittent sickness absence process.

## **SECTION THREE - POTENTIAL OUTCOMES**

### **3.1 Redeployment**

Where the Independent Health advice states that an employee is physically or mentally unable to continue in their current job role or carry out aspects of their job then deployment into another role will be considered. The employee is expected to give up their substantive role to be considered for this option and be under notice. Consideration should be given to the following:

- The viability of redeployment as an option will be considered following advice from Occupational Health but may not be pursued as an option if finding suitable alternative employment appears unrealistic;
- There are no guarantees that suitable alternative work at an appropriate grade will be available and no guarantee of finding suitable alternative employment;
- Protection of salary on health grounds will only be considered where the redeployment is supported by medical evidence;
- Redeployment consideration is time limited to three months. Regular case reviews will be carried out.

### **3.2 Unsustainable absence from work resulting in dismissal on the grounds of ill health/unsatisfactory attendance**

Where an absence from work becomes unsustainable due to the impact on the business this should be referred to a manager with the authority to dismiss: Consideration should be given to the following points:

- The overall attendance records;
- The chronology of events (whether the procedure has been followed, letters, meetings etc.)
- Up to date medical advice and likely return to work date;
- Ability to undertake the substantive post with or without adjustments;
- Whether redeployment is a potential option;
- The cost of the sickness absence;
- The impact of the absence on the team, service and the school and the continuing needs of the school.
- Consideration of adaptations to the work and/or working environment, including any further reasonable adjustments;
- Any new or additional information or submission by or on behalf of the employee

Following the above considerations there will be instances when an employee's absences from work and/or their health situation result in a decision being taken to dismiss them from their employment with the school.

The decision to dismiss will normally be taken only after medical advice has been taken into consideration. This is ultimately a management decision made following full consideration of the case but with key considerations being given to the needs of the business, given the impact of the employee's absence/health.

Any dismissal must be undertaken by the Head Teacher or Governing Body with the authority to dismiss.

### **3.3 Ill health retirement**

Where Independent Health advice indicates that an employee may be permanently unfit to work in any capacity, a case review will be arranged with an independent physician who will make the decision in relation to the release of pension benefits due to ill health.

Any decision regarding access to pension due to ill health is separate to the decision taken to dismiss an employee. The outcome of the case review may not be known at the point of dismissal.

There is a right of appeal against the decision in relation to the release of pension benefits on health grounds and this is made to the relevant Pension Fund.

### **3.4 Right of appeal**

An employee may appeal against the third stage outcome by writing to the Governing Body requesting a review of the decision. The letter must specify the reasons for appeal and must be made within ten working days of receipt of the outcome letter.

Where an appeal is made it is heard by the appeals panel/committee. This panel/committee must be made up of different Governors involved in the original decision.

Appeals will be conducted in line with the processes detailed in the disciplinary procedure.

There will be no further right of appeal against the outcome/decision.

## **Appendix 1 what to do in the case of Sickness Absence**

### **First day of sickness**

When an employee is unwell and unable to attend work because of their health situation they must, if possible, personally inform their manager or other designated/ nominated person by telephone within 30 minutes of the time they are expected to start work.

In certain appropriate conditions with management's agreement it might be possible to initially contact the manager by text but a telephone conversation should still take place. The employee should make contact themselves unless the symptoms of illness genuinely prevent personal contact or the employee is receiving medical attention.

When receiving a report of absence a manager must obtain as much of the following detail as possible:

- The nature of the illness and whether the employee is going to see their doctor;
- If the absence is disability related or due to an accident at work;
- The anticipated length of absence;
- Details of any urgent work, diary commitments or other matters that need to be dealt with during the absence;
- Details of how and when contact with their manager will be maintained during the absence.

If the employee's manager is not available the employee should ask to speak to another manager in the service in order that their absence can be recorded. In such cases the employees direct line management will then contact them to obtain details of the absence as described above.

Depending on the reason of the absence managers may ask employees to ring again later on the same day to provide an update about their health situation (for example if seeking medical advice or if the individual is unsure whether they are likely to be fit the following day).

If an employee becomes unwell during work they should notify their manager before they leave work and/or seek medical advice. This may be recorded as an absence occasion (but not as an absence day) on their attendance record.

If an employee abuses the sickness scheme through a pattern of absence or the absence is due to or attributable to deliberate conduct prejudicial to recovery, or the employees own misconduct, occupational sick pay may be suspended. Such abuse of the scheme will be dealt with under the disciplinary procedure.

## **Keeping in touch**

There is an expectation that managers and employees will agree when contact will be made. This should be on a regular basis and depends on the circumstances of the absence/illness and must ensure that the welfare of the employee is met and service continuity is achieved.

Where an employee fails to make or maintain contact with their line manager, attempts will be made by the manager to contact them, this may be by phone, in writing or in person. Should contact not be made or maintained this absence may be classed as unauthorised absence which is unpaid and may lead to formal action being taken.

## **Statement of Fitness for Work notes and self-certification**

An employee must provide a Statement of Fitness to Work note for any absence exceeding 7 calendar days (including non-working days).

The original must be forwarded to the line manager as soon as possible.

If the absence continues further Statement of Fitness to Work notes must be provided for the whole period of absence for the purpose of Statutory Sick Pay. Any period of absence not covered by a Statement of Fitness to Work note will not be eligible for Statutory Sick Pay and the school reserves the right to withhold occupational sick pay.

An employee must complete a self-certificate for all absences

## **Health related suspension**

In certain exceptional circumstances, managers will have the discretion to request that an individual refrains from attending work, pending medical advice in relation to their current health situation and ability to attend work.

Decisions of this nature should be taken by the relevant line manager, in consultation with the school's HR provider and in some cases independent health advisers. Normal rate of pay will be maintained during any such suspension.

## **Sickness and annual leave**

If an employee becomes ill whilst on annual leave normal reporting and certification arrangements apply. Annual leave may be reclaimed for the days that they were sick provided that a Statement of Fitness to Work (or equivalent medical information from abroad) is provided to cover those days.

## **Holidays and sick leave**

Annual leave continues to accrue during both paid and unpaid periods of sick leave.

Employees must inform their manager in advance of taking any holiday during periods of sick leave.

Employees may also request to take the holiday as part of their annual leave entitlement in which case it would be paid at the usual annual leave rate and deducted from their annual leave entitlement.

If the employee is unable to return to work at the time the holiday year comes to an end they can carry forward a maximum of four weeks leave\*, pro-rata for part time employees.

\*less any approved holiday during periods of sick leave

## **Pregnancy related sickness**

Pregnancy related sickness absence should be recorded as sickness absence however this should not be taken into account when considering the attendance trigger and formal action. Managers are expected to continue to meet with employees in these circumstances to offer support and ensure a duty of care towards the individual.

## **Sickness absence related to a disability**

Section 20 of the Equality Act states that where a provision, criterion or practice puts a disabled employee at a substantial disadvantage compared to employees who are not disabled, the school is required to make adjustments that are reasonable to remove that disadvantage. What is reasonable will depend on all the circumstances of the case, including:

- The effectiveness of the adjustment in removing or reducing the disadvantage.
- The extent of any disruption to the employer's business.
- The cost of the adjustment in light of the employer's financial and other resources.

Under the Equality Act 2010, discrimination occurs where a disabled person is treated unfavourably not because of the disability itself but because of something arising from it, such as the need to take a period of disability-related absence. However, such treatment can be justified if employers can show it was a proportionate means of achieving a legitimate aim.

Monitoring of the absence will be undertaken and where sickness, both disability related and/or non-disability related, continue to be a concern this

may lead to formal steps being taken in line with procedures should attendance continue to be a concern.

Where an employee becomes disabled during the course of their employment every effort should be made to retain them in their substantive post if, with reasonable adjustments in place, the employee is able to undertake their duties satisfactorily. Where they are unable to do so due to their disability, they should be considered for deployment to a suitable alternative post (with advice from Occupational health if appropriate).

### **Sickness absence due to an industrial injury**

Any sickness absence from work as result of an industrial injury (including stress at work) will be managed in line with the Attendance Management Procedure.

The pay for these periods will be calculated separately to other occupational sick pay i.e. periods of absence will not be set off against one another for the purpose of calculating entitlements under the sickness scheme.

In line with the school's Health and Safety Policy all industrial injuries must be reported appropriately.

Add in employee's name

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## Return to Work Plan

Add in date



# Return to Work Plan

## Employee Details

These return to work arrangements are for:

Name of Employee	Employee Number

Job title	Days/hours of work(Normal)	
Location		
Name of Manager/s		

## Return to Work Arrangements

Duties or tasks to be undertaken
Describe the specific duties and tasks required. Include any physical and other requirements, e.g. lifting, sitting, rotation of tasks, etc.

Workplace supports, aids or modifications to be provided
Describe workplace supports, aids or modifications, e.g. rest breaks, colleague support, special tools, equipment, training, etc.
In addition to these points an <a href="#">Individual Stress Risk Assessment</a> can be undertaken to work alongside this plan and, for office based staff, a <a href="#">Display Screen Risk Assessment</a> should be undertaken – see document HS35

<b>Specific duties or tasks to be avoided</b>
Describe the specific duties and tasks that are to be avoided or restricted, e.g., tasks that are only to be undertaken with the assistance of another worker.

<b>Medical restrictions</b>
Describe the restrictions on the most recent Fit Note or from other sources eg Occupational Health

<b>Hours of work – example plan below – amend to suit the employee’s planned return</b>								
<i>It is recommended that reduced hours are gradually increased where appropriate.</i>								
Week 1	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total p/w
	Off	Off	10-2	Off	Off	Off	Off	4
Week 2	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total p/w
	Off	Off	10-2	Off	Off	Off	Off	4
Week 3	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total p/w
	Off	10-2	Off	10-2	Off	Off	Off	8
Week 4	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total p/w
	10-2	Off	10-2	Off	Off	Off	Off	8
Work location			Add details			Start date:		Add date

<i>(address, team, department)</i>			
<b>Manager</b> <i>(name, position, phone number)</i>	Add name/s	Review date:	Add date

## Signature of key people involved

<b>Employee</b> – I will participate in these return to work arrangements.			
Name	Phone	Signed	Date
<b>Manager</b> – I will implement these return to work arrangements.			
Name	Phone	Signed	Date

## Notes/additional information

If there is any additional information you wish to include in this form.

## Review Meetings

Agreed dates need to be scheduled in to meet and review how the plan is working and check all is working well with the employee's return. We recommend that for the first few weeks of the return a weekly meeting is arranged and recorded. As the employee increases their time back in work the review meetings can be scheduled in as often as the manager feels is appropriate.