

Improving Attendance Policy & Procedure

Reviewed 2017

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1) Introduction

This Policy and Procedure provides guidance to managers and employees in matters of improving attendance at work. It is strongly recommended that governing bodies of schools and Academies adopt this policy and procedure.

2) Definitions and abbreviations

Throughout the procedure, reference is made to the Manager responsible for sickness absence matters. This refers to the nominated individual/s who deal/s with employee sickness absence in the school. All employees must be made aware of the identity of the Manager/s appropriate to them.

Trade Union Representatives means any representative of a trade union or any other staff representative.

3) Employees Covered by this Policy and Procedure

This policy and procedure applies to all school employees whose employment is under the purview of the Governing Body.

This policy and procedure does not apply to centrally managed employees who work within the school i.e. those under the purview of the Local Authority.

It does apply in unsponsored Academies where they have chosen to adopt the policy.

4) Policy Statement

Well being of employees is extremely important and there are a range of services available to schools to enable them to support individuals in managing and improving their health.

All employees are required to provide regular and consistent attendance at work. There are times when employees are ill and unable to attend work and absence is therefore expected in any organisation. However, a high level of absence adversely affects the quality of educational provision for the children and therefore effective absence management is essential.

Management will take such steps as are reasonable and practicable to reduce sickness absence. These measures will include: -

- pro active healthcare initiatives
- sympathetic support services
- maintaining appropriate contact with employees who are absent due to ill health
- identifying and addressing factors in the workplace which may be affecting employee attendance
- the maintenance of sickness absence records
- the proper application of the sickness absence procedures
- appropriate use of Occupational Health to obtain professional medical opinion or advice
- discussion with employees whose absence exceeds pre-determined parameters or whose health/attendance otherwise gives cause for concern
- the use of return to work interviews
- appropriate use of the relevant procedures in all cases where abuse of the sickness absence/pay provisions is identified.

Effective management of attendance will help to:

- Improve the health and morale of the workforce
- Enhance the quality and consistency of service provision
- Reduce costs

5) Principles

The Improving Attendance Procedure has been designed to support the commitment to establishing a culture of high attendance. This commitment is also reinforced through a number of policies and procedures including those concerning flexible working, health and safety, managing stress, and health promotion.

It is expected that attendance at work matters will form part of the normal supervision discussions between the manager and employee.

The Procedure provides guidance to both managers and employees on the processes and practices to be followed in connection with sickness absence from work.

The aim is for the manager to operate within the frameworks specified in the procedure. Where this is not possible due to the particular circumstances of any case, it will be for the manager to determine the most appropriate way forward, within the scope and spirit of the procedure.

It is accepted that there is no one best way of dealing with sickness absence from work and that it is not automatically fair to treat everyone the same. Consistency is about always taking into account factors that are relevant in any particular case.

6) Interpretation of the Policy

In the event of a dispute regarding the interpretation of the policy, advice must be sought from HR Advisory Service (Schools). The Local Authority may seek national or local employers' organisation advice before issuing any guidance.

Any advice regarding interpretation will automatically become incorporated into this policy and procedure and will be binding on all schools that have adopted it. This is to ensure consistency in practice across all schools.

7) Responsibilities under this Policy

The Employee

It is the responsibility of each employee to attend work and to make every effort to maintain a high attendance at work. If absent due to ill health, employees must co-operate with management in following the appropriate school procedures, as outlined in this policy document.

The Manager

The Manager must take responsibility and accept accountability for the effective and supportive management of staff attendance, in line with the guidance provided in this policy and procedure.

If the absence is as a result of an incident or accident at work the manager must notify the Health and Safety department.

Trade Unions

An employee is entitled to be accompanied by a TU representative (or work-place colleague) at any formal sickness absence interview.

The role of the TU representative is to provide advice, guidance and support to an employee. In any case where an employee is unable to attend a formal meeting/hearing, the TU representative may attend and make representations on the employee's behalf.

Occupational Health

The Local Authority uses an Occupational Health agency to provide the following services:

- Pre-employment health advice
- Sickness absence referrals
- Health surveillance such as hand-arm vibration assessments
- Immunisation
- Physiotherapy
- Referrals for counselling

A manager may refer an employee for Occupational Health advice in order to obtain a Medical Report. This may be appropriate, for example, when a sickness record causes concern or when medical information may assist management to determine the most appropriate response in any particular case.

Other services may also be available, following discussion and agreement with the HR Advisory Service.

Senior HR Adviser

Both management and staff may contact the Senior HR Adviser (Schools) for advice and guidance in respect of any sickness absence issue.

In those schools where the service level agreement provides for such, the Senior HR Adviser may contact an absent employee in order to discuss matters informally and/or liaise with Occupational Health. The Senior HR Adviser may also be required to provide support to the manager or to undertake the role of nominated manager in any case, conducting formal reviews and managing the process.

In arranging meetings, union availability will be taken into consideration and the Senior HR Advisor will reschedule meetings where possible, provided this does not result in undue delay of the process.

In cases where Hearings are arranged, the Senior HR Adviser may be required to prepare and to present information to the Nominated or Appeal Officer or Panel.

8) Procedure

Notification of Sickness Absence from Work

School Management should have clear policy on who should be contacted in case of absence. This may be a nominated person such as a School Business Manager or other member of SLT. The use of text and email is not acceptable under normal circumstances and the employee is expected to speak to the nominated contact in person.

1st Day of Sickness Absence

The employee must telephone the nominated contact at the school on the 1st day of sickness absence. This contact should be made as early as possible before the normal start time. The nominated contact will ask for the following information:

- The date the illness started
- The reason for the absence
- The anticipated duration of the absence

4th Calendar Day of Sickness Absence

If still absent on the 4th calendar day, the employee must telephone the nominated contact and provide an update of the situation and on the anticipated duration of the absence.

In some circumstances, the manager may have agreed on the first day of absence that a call on the fourth day will not be necessary as no further information will be available (for example if it is clear that the absence will be longer than seven days and will require medical certification).

7th Calendar Day of Sickness Absence

If still absent on the 7th calendar day, the employee must call the nominated contact and provide an update of the situation. The employee must obtain medical

certification and forward to the school as soon as possible. Further, timely, certification must be provided for any subsequent absence.

Contact During Absence

Good practice requires that the employer and absent employee maintain contact during any absence from work due to ill health.

There are instances where this can be problematic eg in cases of stress / depressive illness when a feature of the condition may be the employee's wish to avoid contact. This does not mean that the contact, therefore, ceases, but that the manager takes steps to reach an agreement with the employee as to how best the contact may be maintained. In exceptional circumstances, this may be via a friend, colleague or via a Representative. In these instances agreement should be sought from the school.

An absent employee can perceive lack of regular contact (particularly during a lengthy absence) as lack of care and this can increase anxiety of returning.

Failure to Follow the Reporting Procedure

Managers will inform employees who fail to follow the normal process for reporting absence or for providing medical certification, that they may have salary payments withheld and that there could be disciplinary consequences.

Actions required by the school

The school will record absence and update the payroll system from the 1st working day and on the receipt of any subsequent absence information from the employee. The school should utilise any comments or notes fields in the system in order to maintain up to date records of the absence and ensure medical certification is also entered.

The school will be responsible for ensuring, together with the employee, that absence records are always accurate.

Abuse of the Sickness Scheme

If a school suspects that an employee is abusing the Sick Pay Scheme, then an investigation will be undertaken in accordance with the Council's Disciplinary Procedure. The manager will discuss the matter with the school's HR Adviser.

Return to Work Interview

Consistent and timely return to work interviews are fundamental to the success of robust attendance management and employee support. Guidance is drafted and is available to all managers.

On an employee's return to work following a period of absence due to ill health, the line manager will schedule a return to work interview; preferably on the day which they return to work. The manager should carefully prepare for the meeting in order that it is sufficiently detailed to ascertain pertinent information and agree a work support plan or other intervention as appropriate. Content of the interview will vary depending on the individual circumstances.

The manager should keep a record of the date and content of the interview, including any points for further action. The manager will also ensure that any agreed support is provided.

Welfare Visits

Where an absence is expected to extend beyond a 28 calendar day period it may be appropriate to schedule a welfare meeting to discuss possible early interventions to enable the employee to return to work. This may include a referral to occupational health, physiotherapy, Employee Assistance Programme or an informal mediation meeting to discuss any work related issues.

It may be appropriate for the Welfare visit to be undertaken by the Senior HR Adviser on behalf of the school, particularly in instances where the employee considers the reason for absence to be due to work related stress. In such cases the employee should be provided with a copy of the Managing Stress Policy which includes information on Stress Risk Assessments and the HSE framework for identifying stress factors.

The employee should be informed that this is an informal meeting, although afforded the right to representation/support. This meeting may offer an opportunity to discuss the Improving Attendance Procedure and the next steps should the employee be unable to return to work.

Policy Triggers

In order to maintain a fair and consistent approach, the frequency and duration of an individual's attendance will be monitored informally over a rolling 12 month period. If the levels of attendance deteriorate to a level to cause concern, an employee will trigger a formal review.

The trigger points for reviews will normally be as follows;

| Number of Days Absent | Action Required |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>3 occasions of absence in a 12 month period *</p> <p>OR</p> <p>8 working days of absence or more in a 12 month period *</p> <p>OR</p> <p>6 weeks of continuous absence</p> | <p>Stage 1 review meeting to be arranged.</p> <p>Contact nominated Senior HR Adviser for advice if required.</p> |
| <p>2 further occasions of absence whilst in the Stage 1 monitoring period of 12 months.</p> <p>OR</p> <p>8 working days of absence or more during the Stage 1 monitoring period of 12 months.</p> <p>OR</p> <p>A further period of 6 weeks continuous absence (where an employee remains absent to this point)</p> | <p>Stage 2 review meeting to be arranged.</p> <p>Contact nominated Senior HR Adviser for advice.</p> |
| <p>1 further occasion of absence during the Stage 2 monitoring period of 12 months.</p> <p>OR</p> <p>A further period of 6 weeks continuous absence (where an employee has remained absent throughout the formal absence management process)</p> | <p>Stage 3 review meeting to be arranged.</p> <p>Consideration to be given to Exceptional Factors (see Appendix A) and a decision made as to whether to convene a dismissal hearing.</p> <p>Contact nominated Senior HR Adviser for advice.</p> |

* Formal meetings will be arranged as soon as possible after the employee has hit the triggers

NB: Triggers will be applied pro rata for part time employees in terms of the number of days of absence.

Reasonable adjustments for employees who are covered by the Equality Act will be considered at every stage of the process – please see page 13.

Most absence problems will be manageable under this procedure. There may, however, be occasions when an absence record does not fit neatly within this procedure, but is such that it causes the manager concern, e.g., before or after weekends or holidays. In these circumstances, it will be for the manager to determine an appropriate response, seeking advice from the nominated Senior HR Adviser, within the scope and spirit of these procedures.

Where an employee has been subject to the formal absence management procedure in the 12 months following the expiration of the 12 month monitoring period (at whatever stage), consideration should be given to them re-entering the procedure at a Stage 2 (using Stage 1 Triggers). Managers should contact the nominated Senior HR Adviser for advice at this point.

Monitoring Period

At the Staged Review meeting, the manager should confirm the formal absence Stage which the employee has triggered. The 12 month monitoring period will begin on the date of their return to work.

Absence Hearing

The purpose of the Hearing is for consideration to be given to all case information presented and for a decision to be made, which may include termination of employment.

The manager will inform the employee that there will be a Hearing held in accordance with the process outlined in Appendix A. The employee will be advised that a possible outcome of the Hearing may be the termination of employment (this to be confirmed in writing).

A minimum of 10 working days written notice will be given to the employee, together with a pack of evidence to be used at the Hearing. The letter will outline the reason for the Hearing, the employee's right to be represented and the date, time and location of the Hearing. The employee must submit any evidence for the panel to consider at least two days before the Hearing date.

The employee is entitled to be accompanied or represented at the Hearing by a TU representative or a work colleague. Failure to attend the Hearing, or to be so represented, will not prevent it from taking place.

Should an employee be unable to attend due to sickness, a representative may attend and act on an employee's behalf, or alternatively, the employee may provide a written submission to be considered at the Hearing.

If the original scheduled Hearing date is not possible the manager will determine an alternative date. The Hearing may be postponed for up to a maximum of 5 working

days if the employee's representative; ie work colleague or TU representative is not available. If the employee's representative is still unable to attend the re-arranged Hearing, the employee must find an alternative representative. Failure to appoint an alternative representative may result in the Hearing taking place with the employee unrepresented.

The outcome of the hearing will be confirmed in writing within 5 working days of the Hearing.

Appeal Process

The employee has the Right to Appeal against any decisions involving the termination of employment.

An employee wishing to appeal should write to the nominated officer within 10 working days of receipt of the written outcome of the Hearing, providing details of the grounds for appeal.

The employee may be accompanied or represented at an Appeal by a TU representative or a work colleague. Failure to attend the Appeal, or to be so represented, will not prevent it from taking place.

The Appeal Process is at Appendix B.

The outcome of the Appeal Hearing will be notified to the employee within 5 working days.

Following an Appeal Hearing there is no further right of appeal.

Authority to make decisions

The Nominated Officer has the authority for decision making at Hearings and may be:

- Head Teacher (where they have not been involved in the case so far)
- OR
- Governor(s)

An Appeal Officer or an Appeal Panel holds authority for decision making at an Appeal and may be as follows:

- A minimum of two Governors

In all cases the panel will be advised by an HR adviser which in the case of a Community School will be an LA representative.

The Officer/Panel consider all the evidence and determine an appropriate response.

9) General Considerations

Occupational Health

The Council works closely with an Occupational Health provider to provide managers with expert medical advice in order to assist in the management of absence (or potential absence) from work. Medical referrals should only be made when a medical assessment would assist in providing specialist advice for both employee and employer on how to manage or rehabilitate a case where there is no known or acceptable return to work date. It is also useful in cases where there is an unclear underlying medical reason for absence that prevents effective case management.

It is essential that medical referrals outline in detail the nature of the case as well as prior management actions in order for a detailed assessment to be made. In normal circumstances, no case will progress to Stage 3 of the Attendance Management procedure without having sought the advice of Occupational Health on at least one occasion, where the employee has remained absent throughout the formal absence management process.

Physiotherapy Support

Physiotherapy is provided for early intervention to treat acute injuries (e.g. back pain, sciatica, whiplash, sports injuries, muscle and ligament strains and joint pain). If a manager / employee / employee's GP agree that physiotherapy treatment may assist in supporting an employee's attendance or productivity at work, then the manager can make a referral for physiotherapy treatment. Where cases are approved, this will be limited to one course of treatment per referral and there is a cost to the school.

Employee Assistance Programme

The Employee Assistance Programme (EAP) is an independent, confidential telephone counselling, help, advice and support service available to all school based employees where the school have purchased the Occupational Health and Wellbeing SLA. The service can provide advice about health, work, legal, financial, family/marital or addiction issues.

The service can be accessed directly without management knowledge. Whatever is discussed remains completely confidential. Employees or their managers can request up to 6 sessions of face-to-face counselling or up to 6 telephone sessions of Cognitive Behavioural Therapy (CBT).

Whilst it is important that managers inform employees of this valuable service, it does not negate managerial responsibility to help any individual avoid, minimise or deal with such as stress and, to this end, there are stress risk assessments which, selectively, should be carried out by the manager in order to assist with employee wellbeing and, ultimately, work attendance. The EAP should be used where the support required is beyond the 'lay person' competence of the manager.

Phasing Return to Work

Consideration will be given to provision of a phased return. Any agreed phased return will be dependant on circumstances and length of absence. It will normally

commence with the employee working approximately half their contracted hours and gradually build back up to full time hours.

HR Advisers will support Head teachers in looking creatively at options for phasing return. An employee who returns to work on a phased programme will be entitled to receive full pay for the duration of the phased return, for a maximum of 4 weeks.

In some circumstances the phased return may also include temporarily adjusted duties to accommodate the restrictions of the individual and to prevent further absence.

Pregnancy

Employees who are pregnant are protected from discrimination as a result of absences due to pregnancy. As such, it is important for managers to refer to the HR Advisory Team in such cases to seek further advice.

Equality

The Council is mindful of its responsibilities under the Equality Act, and will manage attendance issues for disabled employees in accordance with this legislation. If an employee is recognised as having a disability they have the right to have consideration given by their employer to a 'reasonable adjustment' to support their productivity and attendance in work.

Appendix A – Exceptional Factors to be considered at Stage 3

At the stage three meeting, consideration will be taken of any exceptional factors for the individual employee when making the decision of whether or not to refer to a hearing. Exceptional factors are:

- If an employee has been in the formal absence procedure for less than twelve months, the previous two years of attendance will be taken into account. If in those two years, the Council's annual absence target of 8 days per year has not been exceeded
- Where an employee's absence record is a single period of absence due to planned (non-elective) surgery or other case of hospitalisation
- Where an employee has a disability and their attendance has worsened (by reason of that disability). In such cases the targets can be personalised as an agreed reasonable adjustment
- Where an employee may be suffering from a condition which has restrictions concerning return to work (e.g. health and hygiene regulations provide guidance concerning return to food preparation work following gastric conditions)
- Where an employee has an acceptable attendance record (as defined in the first example above) but sustains a H&S verified and isolated injury at work preventing them from attending work
- Where an employee has limited life expectancy

Appendix B – Conduct of Hearing

The Employee will have been notified, in advance and in writing, of the details of the Hearing and the right to representation

Those present will be as follows:

- The Nominated Officer (which may be the Head teacher, or a Governor normally drawn from the Discipline and Dismissals Committee);
- A Local Authority Representative (normally a Senior HR Adviser) as Adviser to the Panel;
- The Manager/HR Adviser presenting the case;
- The Employee (and Representative)
- Witnesses may be called and will be in the Hearing for the duration of their involvement only.

The Hearing

1. The Nominated Officer will introduce all parties and outline the process. They will explain that the objective of the Hearing is for impartial consideration to be given to all information presented and for a decision to be made, which may include disciplinary action and/or the termination of employment.
2. The Manager/HR Adviser will present the case and may call witnesses.
 - a. The Nominated Officer and the Local Authority Representative may ask questions of the Manager/HR Adviser and any witnesses.
 - b. The Employee and/or Representative may ask questions of the Manager/HR Adviser and any witnesses.
3. The Employee and/or Representative may respond and may call witnesses.
 - a. The Nominated Officer and the Local Authority Representative may ask questions of the Employee/Representative and any witnesses.
 - b. The Manager/HR Adviser may ask questions of the Employee /Representative and any witnesses.
4. The Manager/HR Adviser may sum up
5. The Employee/Representative may sum up
6. All exit the room with the exception of the Nominated Officer and the Local Authority Representative
7. The Nominated Officer considers the evidence and makes a decision. During the decision-making process, the other parties may be recalled in order to provide clarification.
8. The Employee/Representative and the Manager/HR Adviser are re-called, informed of the decision and any right of appeal (in any case where the decision involves a disciplinary penalty or the termination of employment).
9. The decision and the right of appeal are confirmed in writing within 5 working days of the Hearing.

Appendix C Appeal Hearing

Improving Attendance for Staff employed under the purview of Governing Body - Appeal Hearings

Preliminaries

- Following receipt of any Appeal, the Employee will be notified, in advance and in writing, of the details of the Appeal Hearing and the right to representation.
- No party involved in making the original decision may be invited to hear the Appeal.
- Those present will be as follows:
 - The Chair of Governors (known as the Appeal Officer) or an Appeal Panel (2 members of governors normally drawn from the Discipline and Dismissals Committee).
 - An HR Adviser (or Local Authority Representative in all Community School cases) advising the Appeal Panel
 - The Employee (and Representative)
 - The Nominated Officer
 - Witnesses may be called and will be in the Appeal Hearing for the duration of their involvement only.

The Appeal Hearing

1. The Appeal Officer/ Appeal Panel Chair will introduce the parties and outline process. They will explain that an Appeal is an opportunity for the employee to specify the reason/s why the original decision is felt to be unfair, and to have consideration given to this information, and a decision made as to outcome.
2. The Employee and/or Representative will specify the reasons for the Appeal and may call witnesses.
 - a. The Appeal Officer, any Appeal Panel member and the Local Authority Representative may ask questions of the Employee/ Representative and any witnesses.
 - b. The Nominated Officer may ask questions of the Employee/Representative and any witnesses
3. The Nominated Officer responds, giving the reasons for the original decision, and may call witnesses.
 - a. The Appeal Officer, any Appeal Panel member and the Local Authority Representative may ask questions of the Nominated Officer and any witnesses
 - b. The Employee/Representative may ask questions of the Nominated Officer and any witnesses.
4. The Nominated Officer may sum up
5. The Employee/Representative may sum up
6. All exit the room with the exception of the Appeal Officer, or Appeal Panel, and the Local Authority Representative.

7. The Appeal Officer, or Appeal Panel, considers the evidence and makes a decision. During the decision-making process, the other parties may be recalled in order to provide clarification.
8. The Employee and Representative and the Nominated Officer are recalled and informed of the decision
9. The decision is confirmed in writing within 5 working days.
10. There is no further right of appeal

| Record of document review and amendments | | |
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