

## The STAR Multi Academy Trust

### Attendance Management Policy and Procedure

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## **Introduction**

The current educational climate predicts change at a significant pace for delivery of high quality teaching in a rich learning environment. STAR Multi Academy Trust values all members of staff and their health and well-being is important. There are occasions when health related circumstances cause sickness absence and the Attendance Management policy enables staff to be appropriately supported within a procedural framework that provides for best management practice.

### **1. Roles and Responsibilities**

#### **1.1 Managers' responsibilities (for the purposes of this policy manager could mean headteacher/Executive headteacher or Line Manager)**

In cases where an employee is unable to attend work for reasons related to ill health, the manager will ensure that they:

- Have a clear procedure outlining whom employees must contact in the event of an absence due to illness, any relevant timescales and the procedure if the employee is unable to contact the Academy themselves;
- treat the individual concerned with empathy and understanding;
- treat matters related to ill health with confidentiality;
- encourage attendance by early intervention in attendance issues and seeking positive solutions;
- Explore with employees who are absent whether there are any work related or other issues affecting their attendance with a view to determining an agreed way forward;
- establish effective communication to ensure all employees are aware of reporting procedures and their responsibilities relating to attendance employee guidance;
- discussion may include arrangement for any planning or education resources prepared prior to absence to be exchanged, however this is subject to circumstances and may not be appropriate in all cases;
- in cases of prolonged absence, make contact at the earliest opportunity, before the four working week stage if appropriate, to offer support and explore possible options.
- Any meetings should be arranged after the initial four working week period. Maintain and agree an appropriate level of contact with employees who are absent from work due to ill health. A record of all contact can be made for telephone conversations and face to face meetings using the contact record
- conduct return to work updates promptly after each absence to clarify reasons for absence and offer appropriate support;

- seek medical advice where appropriate, via medical practitioners and health and well-being services, according to service agreements;
- Where the Trust extends the right to be accompanied by a recognised trade union representative/professional association or work colleague, the manager should establish the status of the person accompanying the employee before the start of the meeting.
- keep accurate records of all absence and up to date as this could affect occupational sick pay;
- where absence is attributable to an accident at work implement the Academy Trust accident at work reporting procedures;
- Ensure and promote safe and healthy work conditions and policies
- maintain accurate and up to date return to work documentation (including risk assessments undertaken);
- monitor trends, patterns and reasons for absence, using management information held in the Academy Trust;
- treat as misconduct any abuse of the attendance management policy in line with the Academy Trust disciplinary policy;
- report attendance information through team structures within the Academy Trust leadership team to enable strategic management and ownership.
- The Academy Trust will pay any fees associated with obtaining medical statements from GPs.

If the absence is due to mental health issues, consider an early referral to medical Occupational Health to identify support following receipt of GP fit note confirming diagnosis. If appropriate, explore routes of support including GP, community support, counselling, and employee assistance programmes (for example, Health Assured).

Consider using a Stress Risk Assessment at the appropriate place in the procedure, for instance prior to a return to work. Discussion with the employee may be useful to identify a named colleague as a contact point for the employee to receive and engage in regular updates about workplace matters. This would only apply in situations where this will provide additional support, subject to circumstances, and may be helpful where an employee is beginning to discuss a return to work (formal contact will continue to be made by the relevant manager).

## **1.2 Employees' responsibilities**

- All employees are expected to make themselves familiar with the procedure for reporting illness and absence from work, due to their ill health; This procedure will outline to whom the individual must make their notification, how they must supply the Academy Trust with notice of their absence, and the procedure if the employee is unable to contact the Academy Trust themselves;

- Take responsibility for looking after their own health and safety and advise the Academy Trust as early as possible of any work or health related issues. This is especially important if suffering from stress related illness as the Academy Trust may be able to provide support and/or expert help at an early stage;
- Notifying their manager as soon as possible of any planned absences in line with the Academy Trust reporting procedure (e.g. where confirmation of a medical appointment has already been received) so that discussions can take place concerning workloads, anticipated length of absence and any return to work issues;
- The employee should remain in contact with their manager during their absence, and be contactable by agreed methods and frequency, and participate in discussions/meetings with them unless other arrangements agreed. The employee is required to attend any medical appointments, such as occupational health appointments, and reviews arranged for them by health and well-being partner services;
- The purpose of regular contact is to enable the manager to enquire of the employee's health, explore what additional support may be provided and keep communication channels open and, as appropriate, keep the employee up to date with developments at work and consider arrangements and timescales for an effective return to work;
- For prolonged periods of absence, an employee should keep in touch and update their manager, on a regular basis, subject to specific Academy Trust arrangements and case circumstances. Alternatively, the employee may prefer the manager to make contact at pre-arranged times for update purposes. Employees who continually fail to keep in touch without good reason may lose their entitlement to occupational sick pay and may have their level of absence considered under The Academy Trust disciplinary procedure;
- Managers and employees need to ensure that every day of a period of absence is covered either by a self-certification sickness form (see 'Reporting an Absence, Return to Work Meetings & Self-certification form') or a doctor's fit note. An employee who is off sick for seven days or less (including weekends) must complete a self-certification form to cover every day of absence, including half days. This can be done prior to, or on their return to work. The manager retains the form and follows Academy Trust absence reporting procedures.
- For absences exceeding seven calendar days, a medical statement (fit note) should be submitted at appropriate intervals to cover the absence. Statements must be submitted to the manager by the employee as soon as possible after they have been issued. The medical statement provided by the employee's GP will be a "Statement of fitness for work" (fit note) and will advise either:
  - That the employee may be fit for work with adjustments or

- If it is not possible for adjustments to be provided as recommended by the GP, then the medical statement (fit note) should be used as if the GP had advised not fit for work. The GP will clearly state the length of time the medical statement is to cover and will also state clearly if the employee needs to be reassessed at the end of this period.
  - Employees must not undertake any leisure, sporting or other activities that could negatively impact on their recovery and return to work;
  - Employees should not embark upon any paid employment on days when they should be working for the Academy Trust as this could be considered a disciplinary issue (see disciplinary policy)
  - Where an employee has multiple employments (internal or external to the Academy Trust), managers are advised to seek medical advice from health and well-being partner services regarding the fitness for work relating to all of the roles. This will ensure that undertaking one role is not detrimental to the recovery of the individual;
- If the employee's absence is attributed to an accident, assault, injury or disease whilst undertaking the duties of their post, they must report this to their line manager as soon as practicable. As soon as reasonably possible an accident / incident report must also be completed at this point for submission for appropriate health and safety risk management and health and safety;

## **2. Attending work when unwell**

If an employee attends work and is clearly unwell but insists on staying at work the manager should contact The Trust Health and Well-being partners, such as occupational health for further advice. If the employee is unfit but refusing to seek certification from their GP, then a risk assessment should be undertaken, and the following could be considered:

- Temporarily adjust the employee's duties, working conditions and / or hours of work if appropriate;
- Offer suitable alternative work, within the remit of the employee's role, if any is available; or
- Suspend the employee from work for as long as necessary to protect their safety and the safety of others and this should be reviewed regularly.

The measures taken to avoid the identified risk must continue for as long as this continues to exist. Suspension from work on medical grounds should only be undertaken as an option of last resort and it would be appropriate to seek advice from the Trust HR Provider or Union Representative for the employee. Any employee suspended under the Health and Safety regulations should receive their full pay (up to a maximum of 26 weeks).

**GOOD PRACTICE:** In the event that a manager makes a decision to send an employee home, as they are too ill to remain in work, then it is at the manager's discretion as to whether that day would be counted for trigger purposes, subject to individual circumstances. Where a manager has concerns about 'presenteeism' advice should be sought from the Trust HR Provider.

### **3. Manager checklist when employees are unable to attend work due to illness**

During the telephone notification the manager should ask (subject to circumstances):

- Nature of sickness absence;
- when the sickness began;
- expected date of return to work;
- any relevant information about current workload e.g. appointments, work deadlines, sharing pre-planned tasks etc., subject to circumstances of the absence. This will help managers to plan for ongoing work to be done;
- telephone number to return the call, particularly if the manager is unavailable;
- if other forms of support would be appropriate at this stage, such as contact with Health and Well-being partners.

If the employee has planned annual leave that is likely to be affected by the period of sickness absence this should be discussed. If the manager decides that the annual leave is to be considered as sick leave, then the employee will need to provide a GP fit note to cover the period.

If the employee states that their absence is due to an accident at work, the manager must ensure that an accident form is completed and follow the Academy Trust Health and Safety reporting arrangements. If the employee is still unfit for work after 3 days, they must contact their manager again in order to provide an update and, if possible, an indication of when they are likely to be fit to return.

**GOOD PRACTICE:** Is the absence related to a disability or mental health issues? If so discuss if additional support is needed and signpost employee to Health and Well-being partners if required. Employees may have a condition or an impairment that they wish to keep confidential, and they are not obliged to disclose this, unless it is a condition that may endanger colleagues, the public or themselves.

### **4. Fit notes, GP certificates and record keeping**

Following notification of the absence, the Academy Trust is required to report this to their payroll provider.

Managers and employees need to ensure that every day of a period of absence is covered either by a self-certification sickness form or a doctor's fit note. An employee who is off sick for seven days or less (including weekends) must complete a self-certification form to cover every day of absence, including half days. This can be done prior to, or on their return to work. The manager retains the form and follows Academy absence reporting procedures.

For sickness absences of eight days or more (including weekends) a doctor's fit note is needed. This should be sent by the employee to the manager following issue by a doctor. Upon receipt the manager records details of the medical fit note, a copy is placed on the personnel file, and the original is returned to the employee.

If an employee is absent from work through sickness and has not notified their manager as outlined previously, or does not provide the appropriate medical certificate, the absence will be regarded as unauthorised and therefore the absence may be unpaid and may be regarded as a conduct issue, subject to The Academy Trust's disciplinary policy.

Any sickness absence relating to a disability is recorded separately as disability related sick leave, where the Academy Trust has allocated additional days to the individual.

## **5. Reasonable adjustments, credited medical leave and disability**

It is important to check the reasons for the employee's absence, discuss with the employee if the absence is connected to any previous absence, as this may indicate there is an underlying condition or issue, and to check for patterns; the Academy Trust attendance records can be used for this. Managers should consider any reasonable adjustments relevant to the employee's role which can facilitate a healthy and quick return to work.

The reasonableness of an adjustment is determined by:

- whether it is effective;
- whether it is practical;
- what it costs;
- the resources of the organisation/employer;
- the availability (if any) of financial support e.g. access to work.

Document discussions on any of the above; considerations can include:

- Amount of duties that need to be removed - how much would be 'reasonable' - and the effect on the Academy Trust and provision of education.
- Would this be a permanent/temporary arrangement?
- Impact on grade if permanent (as there is no legal requirement to protect pay).

- Transferring the person to fill an existing vacancy (redeployment).
- Discussing the medical report with the employee - the report will indicate whether the employee should be redeployed on medical grounds.
- Can the employee be accommodated within the Academy Trust on alternative duties?

**GOOD PRACTICE FURTHER OPTIONS TO CONSIDER:**

- Making adjustments to premises (e.g. providing a ramp, re-arranging office equipment), or assigning the individual to a different place of work, or altering the persons' working hours (if appropriate for the post)
- Record evidence of consideration of adjustments e.g. detailed breakdown of additional costs for adjustments to be put in place.
- Other options and cost comparisons.
- Effect of changes on other staff, service delivery.
- Trialling arrangements if you are unsure that an option is reasonable in order to demonstrate attempts to reasonably adjust.
- Timescales and ensure that any reasonable adjustments are implemented without unnecessary delay.

**5.1 Disability related sick leave is considered as a reasonable adjustment:**

Depending on their individual circumstances and how they manage with their disability, their symptoms and treatment, a reasonable adjustment may include allocating a number of days (subject to individual circumstances this is up to a recommended maximum of ten days) to allow for disability related absence. If the cause of absence was related to a disability, then the employee's manager should consider whether any of that absence should be counted as disability related sick leave and excluded from the sickness absence calculation for trigger points or increment purposes (where applicable).

When reviewing an employee's attendance record, each case should be considered on its own merits on a case by case basis with advice sought from the Trust HR Provider and health and well-being services. Employees may choose to complete a workability passport (if applicable to the Academy Trust) in which to record disability related sick leave and agreed reasonable adjustments.

**5.2 Credited medical leave**

Provides disabled employees with reasonable paid time off work for reasons related to their disability to attend appointments to undergo treatment or rehabilitation. It can usually be planned in advance and is for a fixed period of time. Examples include:

- Hospital and specialist appointments
- Hospital appointments as an outpatient
- Hearing aid tests

- Training with a guide or hearing dog
- Medically prescribed treatment appointments

This leave should only be granted where such appointments and treatments fall unavoidably on the employee's working time.

## **6 Return to work arrangements**

The manager will hold a return to work meeting on the day of return from absence or as soon as possible thereafter, following each absence and update the Academy Trust absence records accordingly.

Where the absence has been for seven days or less, the manager should give the employee the self-certification form to complete and sign. There is allocated space on the back of the form for the manager to make a brief note of the meeting. There should be discussion on whether attendance management triggers have been reached, and if so, what action is to be taken as a result e.g. whether an attendance consultation meeting will be arranged. The discussion is informal and supportive and is designed to enable the manager to better understand the reason for the absence. It is an opportunity to explore whether there are any underlying reasons for absence and what support could be provided.

**GOOD PRACTICE:** Where an employee is returning to work following a prolonged period of absence managers may find the following checklist helpful to facilitate a return to work.

- Phased returns to work
- Reasonable adjustments
- Change of working hours, part time or reduced hours either temporarily or permanently
- Use of unpaid leave
- Flexible working
- Redeployment (if recommended by medical advisors, or as a further reasonable adjustment where other reasonable adjustments to the role have failed or cannot be accommodated).

### **6.1 Phased return to work:**

A phased return is to allow an employee who becomes fit for work after a long-term absence the opportunity to gradually return to normal duties over an agreed period, normally no longer than four working weeks, subject to medical advice, and discussion with the employee and manager. This may enable the employee to return earlier than expected. Length of the absence itself is not the only factor to be taken into account as it must also be considered alongside the nature of the illness, recover time and the type of job.

Managers must use their judgement to balance the needs of the individual against the needs of the Academy Trust and should take advice as necessary from the Trust HR Provider and Health and Well-being partners, such as occupational health (see section 8 further routes of support and available resources).

The pattern of working and any adjustment to duties can be agreed in advance of any return, with Professional Association or Trade Union representatives providing further advice and support to the employee if appropriate.

**GOOD PRACTICE:** A phased return agreement is helpful, confirming phased working hours, leading to a full hours return.

Examples of matters to be considered (alone or in combination) are:

- the hours per week to be worked - reduced working hours with scheduled increase over the time period of the plan;
- use of annual leave to facilitate the phased return, if appropriate;
- the work pattern - shorter days, increased breaks;
- the work location - would an alternate location for work be possible, considering the needs of the post?
- the duties to be undertaken - reduced or changed duties, with monitoring, training / refresher;
- the need for any adjustments in the workplace (workstations or work practices);
- car sharing journeys to and from work;
- the period of the phased return;
- the dates of any proposed review of the initial agreement;
- appropriate training, support and assistance, as required.

Regular discussion should take place to ensure the phased return is effective and allow opportunity for the employee and manager to address any related matters. In order to commence a phased return, the employee must be issued with a 'fit note' medical certificate by their GP indicating advice to return to work with adjustments.

**GOOD PRACTICE:** If the cause of the absence is work related stress, managers should complete a stress risk assessment. Prior to a return to work a stress risk assessment should be completed.

## **6.2 Salary arrangements during phased return to work**

The employee must be paid an amount equivalent to that being paid immediately prior to the start of the phased return. Until such time as a return to normal contractual working hours is made, payment on a phased return will be at a rate equivalent to the sick pay (whether it be full pay, half pay statutory sick pay or incapacity benefit) the

employee was receiving immediately prior to their return to work i.e. payment would be based on the employee being no worse off than if they had remained on sick leave. In cases where hours actually worked are in excess of the sickness pay receivable prior to the return to work, then payment for the hours actually worked would be made.

If an employee is absent again due to sickness during a phased return, before returning fully to their substantive post, it will not normally be deemed to be the same absence for the purposes of calculating entitlements to sickness payments, i.e. the period when the employee was 'at work' will break the continuity of any absence. Therefore, calculation of sickness entitlement will normally be based on the latest absence. Payroll providers should be notified of any agreement that impacts upon contracted hours, subject to Academy Trust arrangements.

## **7 Medical referral**

Consider obtaining occupational health advice or making a referral to health and well-being services if any of the following apply following NYCC Occupational Health Referral Form and Guidance.

A referral is to be made when an employee is absent continually for 4 weeks. In circumstances where an employee is absent with work related stress, the referral may be brought forward able to provide support and/or expert help at an early stage. If you feel health is affecting an employee's ability to work, attendance or performance at work and this cannot be resolved through normal line management.

- When the employee is absent from work with mental health issues or stress, or an individual stress risk assessment has been carried out, and further medical advice is required.
- In complicated cases where the manager feels they need medical information to make a decision.
- Following receipt of a fit note where the GP recommends an occupational health assessment.
- Where work may be a contributory factor affecting an employee's health and an appropriate risk assessment has been carried out.
- In the case of work related injury / accident.
- Where there is suspected drug or alcohol abuse.
- In order to progress ill health retirement where required by pensions procedures.
- Where the manager feels they have discussed the issue with the employee and introduced adjustments yet no improvement in attendance or progress has been made.

Situations for Managers to consider where medical referral may not be required:

- If the manager is able to discuss return to work with employees based on the information on the fit note.

- For personal issues that are not impacting attendance. Employees should be encouraged to self-refer to the employee assistance programme;
- For advice on health issues which do not impact on work. Seeing a GP would be the appropriate route here.
- Where the manager suspects that the illness is not genuine and have solid evidence to prove so. In this case contact the Trust HR Provider for advice.
- Where full recovery or return to work is likely in the imminent future.

Managers can also contact their Trust HR Provider to discuss employment related health issues and advice on referral.

It is important to discuss the reasons for the referral with the employee as the detailed content will be discussed directly at the occupational health appointment.

## **8 Further routes of support and available resources**

Further to support available from line managers, medical advice from health practitioners and additional support from Professional Association or Trade Union representatives, the following routes are also available

### **8.1 Jobcentre Plus**

Advice is also available from local Jobcentre Plus offices that employ disability employment advisors. They will offer advice on current schemes in place to assist disabled employees, financial assistance available to employers, specialist equipment to help accommodate the needs of disabled employees. Alternately, you can contact Jobcentre Plus.

### **8.2 Access to Work**

Access to Work provides advice and practical support to disabled people and their employers to help overcome work related obstacles resulting from disability. Through Jobcentre Plus, Access to Work may pay a grant towards any extra employment costs resulting from disability. Where the employee has liaised with Access to Work, they should inform their manager of any costs associated with support so a decision can be taken as to whether it can be considered as a reasonable adjustment.  
[www.gov.uk/access-to-work](http://www.gov.uk/access-to-work)

### **8.3 Fit for Work Service**

This government initiative provides free and impartial advice to anyone looking for help with issues around health and work. The service is contactable via free line 0800 032 6235 or via their website, <https://fitforwork.org>

## 8.4 NHS

The NHS Choices website is available for all which can provide information and help locate NHS services via [www.nhs.uk](http://www.nhs.uk)

Public Health England also has a website specifically designed to support individuals with a range of tools and advice to support health and well-being, available at [www.nhs.uk/oneyou](http://www.nhs.uk/oneyou)

## 8.5 Employee assistance programme

Academies have the option of purchasing an employee assistance programme provided by Health Assured, an independent external organisation who work to a robust professional code of strict confidentiality via the Health and Well-being Service. Some of the services, available via Academy contracts arranged through NYES, include:

- Individual health assessment with diet and exercise tips to achieve health goals;
- Counselling and advice on a wide variety of issues including debt, tax, consumer and legal matters;
- Emotional support;
- Fitness advice; and
- Personal coaching tool and medical information.

An employee must seek advice from their line manager should they choose to opt out of this service.

## 9 Attendance Triggers

When a pattern of recurring sickness absence or an unacceptable level of sickness absence is identified by reference to the triggers, the manager needs to consider further action in an attendance consultation meeting with the employee concerned. The triggers are one or more of the following:

- 3 or more occasions\* in any rolling 6 month period
- 4 or more occasions\* in any rolling 12 month period
- Any period of absence of four working weeks or more

\*An occasion is defined as a period of absence that may be consecutive days, single days or half days. This includes all absences, regardless of duration. Recurrent absences with the same illness in short succession (i.e. one week) may be considered as one occasion subject to discussion. Trigger points may include short half day, one day or consecutive days and instances of prolonged absence. It will be important to establish if there is an underlying medical cause for the absence.

**GOOD PRACTICE:** To consider absences within the rolling period, review 6 or 12 months previous to the date the current absence started.

Employees must be aware that all sickness absence has an impact on educational provision. As an employer, The Academy Trust will ensure that sickness absence records are kept and attendance levels monitored to ensure that employees are appropriately supported whenever they are absent, or upon return to work following absence.

In managing attendance before, during and after any period of absence due to sickness, managers should consider all options that could assist the employee in achieving a higher level of attendance or make a healthy and early return to work. Managers should record the outcome of any discussion with the employee detailing any reasonable adjustments.

### **9.1 Contact during absence**

Regular communication, review meetings, and consultation meetings will be held with the absent employee to ensure the employee is aware of the process, the support available to improve attendance and the potential impact on their employment. Employees will receive written confirmation of the arrangement, and outcome of all formal meetings held under the attendance management procedure.

Where a manager is concerned about an employee's attendance it would be good practice to arrange an attendance consultation meeting to encourage open dialogue and discuss circumstances to establish whether support is required, including whether there needs to be a regular contact agreed to enable the employee to be supported in the work place.

### **9.2 Representation**

Where the Trust extends the right to be accompanied by a recognised trade union representative/professional association or work colleague, the manager should establish the status of the person accompanying the employee before the start of the meeting. A work colleague is allowed to accompany the employee unless there is a risk that the colleague may be compromised e.g. if he/she may be required to monitor or support the employee or give information about the employee's job performance. If this is the case, the employee should be asked to find a suitable alternative colleague to accompany them.

### **9.3 Initial Review**

When triggers are met, the manager will arrange an attendance management consultation with the employee to discuss their attendance. Targets and support will

be discussed and set over a 3 month review period to help the employee improve their attendance.

### **9.3.1 Attendance management consultation**

The employee will be given reasonable notice in writing of the attendance consultation meeting and the reason the meeting has been called. The employee should be advised that the attendance consultation meeting is being held under the attendance management policy and procedure. Managers will have discretion not to arrange an attendance consultation meeting in exceptional circumstances, for example where treatment is underway for life threatening illness. Where this occurs, a brief note should be made and placed on file for reference purposes.

Items to discuss at the meeting:

- Update on absence - looking at patterns of absence, or any underlying reasons for absence;
- Undertake an individual stress risk assessment if required;
- Referral to / update from Health and Well-being partners, e.g. occupational health if relevant;
- Any reasonable adjustments or additional support required;
- Confirm duration of review period (3 months);
- Look at other policies which may help (e.g. flexible working, job share, flexible retirement etc.) Set appropriate improvement targets.

The manager should record the content of the attendance consultation meeting and any improvement targets set in the discussion.

### **9.3.2 Improvement targets**

The Academy Trust will determine a consistent approach to setting appropriate improvement targets and where possible agreed with the employee, depending on individual, team or department circumstances. Considerations could include clarifying expectations and requirement for improving attendance subject to individual circumstances, using team absence levels, broader Academy Trust absence levels or a fixed number of days

### **9.3.3 Reviewing the initial review**

Regular interim review meetings during any monitoring period will ensure appropriate support is discussed, providing an opportunity for advice to be given and progress monitored. Any action plan in place can be reviewed and updated in writing, providing opportunity for transparent discussion and confirmation regarding any further procedural steps. The employee will be informed of any review meetings and the possible outcomes in writing within a reasonable timeframe.

Where an employee has a review, period set for reaching the trigger of 3 absences in 6 months and another absence occurs, this should be addressed within the remit of the target set at the attendance management consultation meeting and managed as part of an ongoing process.

If after 3 months of monitoring, the employee has achieved the targets set, a meeting will be held to confirm that no further action is required.

## **9.4 Formal notification**

### **9.4.1 Attendance management consultation**

Where the employee has not sufficiently improved towards their attendance in the initial review period, measured against the targets set, an attendance management consultation meeting will be held, and formal notification will be issued to allow the employee a further 3 month review period and support to improve attendance.

A **formal notification** is given when the employee has not met the targets set in the initial 3 month review period. The formal notification period will last for 3 months during which monthly review meetings will be held. In exceptional circumstances, subject to provision within the policy, the manager may wish not to issue formal notification, however they must make a note on the file. During this process Managers may seek medical advice, subject to the circumstances involved and discuss the advice received with the employee to ensure open and transparent conversation.

### **9.4.2 Reviewing the formal notification**

Following the 3 month formal notification period, another attendance management consultation meeting is held. At this meeting there are 3 possible outcomes:

1. Satisfactory progress has been made and targets have been achieved, marking an end to the process. If at any time within the 6 month period immediately following the date of the review meeting, the employee's attendance again falls below an acceptable level the manager may reintroduce the formal procedure and commence the procedure at a point which is appropriate in the light of previous action. In such circumstances it is advisable to seek advice from The Trust HR Provider.
2. The employee has not achieved the targets set, and subject to discussion with the employee, a final notification is issued as part of the meeting.
3. In exceptional circumstances - a decision may be made to extend the monitoring period by a maximum of one month and the action plan updated.

## **9.5 Final notification**

If the employee does not achieve the targets set in the formal notification, or there are further lapses in attendance within 6 months of ending the formal period, a final

notification will be issued, with a further 6 month review period, with targets and support to improve their attendance.

The duration of **final notification** is for a period of 6 months during which time monthly reviews will take place, where appropriate. The employee will be informed of each of the review meetings and the possible outcomes in writing within a reasonable timeframe.

Where the employee has been issued with a final notification, they have a right of appeal against this and a right to be accompanied. The employee must submit their appeal within five days from the date of receipt of the letter with the final notification. The employee will be informed of the decision of the panel.

#### **9.5.1 Reviewing the final notification**

If the employee does not meet the targets set during the final notification period, the manager will hold an attendance consultation meeting and the case may progress to a panel.

If the employee has achieved their targets, a further attendance consultation meeting is held at the end of the 6-month final notification period and final notification expires. If at any time within the six month period immediately following the date of the review meeting, the employee's attendance again falls below an acceptable level (the acceptable level will be determined on a case by case basis based on individual circumstances), the managers may reintroduce the formal procedure and commence the procedure at a point which is appropriate in the light of previous action. In such circumstances it is advisable to seek advice from HR.

#### **9.6 Prolonged absence**

Where an employee is absent for a prolonged period in excess of four working weeks, including during any review period, this will be considered as an occasion of absence for procedural purposes. During the period of absence regular attendance consultation meetings will be held and information and advice from occupational health practitioners will be explored. The manager will meet with the employee and discuss updates to their health and potential return to work dates, following Attendance Management Guidance.

##### **9.6.1 Options / actions available to the Academy**

Once an employee has been absent from work due to their ill health for four working weeks, consider whether an attendance review meeting should be held, subject to nature of their illness (for example if they are currently receiving treatment for life

threatening illness or receiving intensive therapy associated with mental health), medical information or pending appointments or medical assessments. The employee must receive an invitation to the review giving them notice of the time and place of the review This meeting is to:

- Enquire after the employee's health and well-being, exploring routes of support for the employee;
- Discuss the Academy Trust attendance management policy and procedure;
- Discuss any expected return to work dates, or reasonable adjustments that may facilitate a safe and healthy early return to work;
- Discuss referral to health and well-being partners, such as occupational health for medical advice; and
- Make arrangements for further meetings.

Attendance management consultation meetings should be held regularly, where appropriate, throughout the absence to enable regular updates and discussion in support of the employee returning to work.

## **10 Attendance Panel**

If the employee's attendance has not sufficiently improved during the final notification period, or there is an ongoing period of absence with one or more of the following:

- no foreseeable return to work date
- a prolonged recovery timescale that is unsustainable for the Academy Trust

The case will then be progressed to Attendance Panel. It is expected that the manager has explored appropriate support mechanisms and any related reasonable adjustments to improve attendance during the attendance management process, including whether medical redeployment, or ill health retirement are applicable to the case.

Managers are not obliged to keep an employee's job open to them indefinitely. Where there is no clear return to work date or the prognosis of a return to work is too long a period for the Academy Trust to sustain, managers can begin the termination process.

It is reasonable to start considering termination when an absence has reached 3 to 4 months. However, all options to facilitate return to work must be considered prior to any decision on the employee's contract, including reasonable adjustments, phased return, redeployment and ill health retirement (if in LGPS), as appropriate.

If there is still no predicted return to work, or any further medical information from Health and Well-being partners which would facilitate a return to work, dismissal may be progressed.

A final review meeting must be held at which the manager must make the employee aware that dismissal is being considered.

In some circumstances it is appropriate for a formal meeting to be held instead of an Attendance Panel, for example an individual subject to an Attendance Management Panel requests that their dismissal takes place outside of that forum. This stage is outlined in this guidance at section 11.3 and Academies can contact the Trust HR Provider for further advice.

### **10.1 Medical redeployment and ill health retirement**

If the employee remains off sick and the service cannot sustain the absence, and if a return to work is not foreseeable, then the manager should consider whether medical redeployment is applicable or available, and whether ill health retirement should be considered and discussed with the employee.

For Local Government Pension Scheme (LGPS) members, the manager obtains medical advice from Health and Well-being partners, such as Occupational Health, for consideration of ill health retirement and access to pension. Further information can be obtained from the Trust HR Provider.

The Teachers' Pension Scheme has a separate process in which the employee arranges for the medical reports from their GP / consultant to be sent for assessment by the teachers' pension's independent medical practitioner.

It should be noted that the decision in relation to ill health retirement is separate from any decision to dismiss an employee on grounds of ill health / capability.

### **10.2 Ill health Suspension**

It may be necessary to temporarily suspend an employee from work if on the grounds of ill health in the following circumstances:

- in the opinion of the Occupational Health the employee is unfit for work, but is declaring themselves fit or being declared fit by their own Doctor,
- if the individual is deemed to be a risk to themselves or to others because of their medical condition,
- if any adjustments or adaptations are not operating or in place.

Ill health suspension is the headteacher's/Executive headteacher decision. Any medical suspension will be at the normal rate of pay; it is not a disciplinary suspension. Advice should be sought prior to making a decision to suspend an employee from the Trust HR Provider and Occupational Health.

## **11. Attendance panel, formal meetings and appeals**

## **11.1 Attendance panel**

The employee must be invited to an attendance management hearing and given good notice of the hearing. Any documentation which the manager will be using at the hearing must be given to the employee, their representative, and the panel at least 5 working days prior to the hearing.

For LGPS members before the termination of employment can take place, consideration of whether the employee is eligible for ill health retirement benefits must be commenced (see above). The decision to dismiss is a separate consideration from whether the employee can retire on ill health grounds. It is important to note that the consideration for ill-health retirement benefits does not have to be completed prior to termination of employment. In cases of serious or potentially terminal ill health, advice should be sought from the health and well-being services at the earliest opportunity.

The redeployment process does not have to be completed prior to termination of employment as this process can continue during the employee's notice period.

The attendance panel will be held in accordance with The Trust 'Hearing and Appeals' procedure. Panels / Headteachers /Executive Headteachers will normally be advised by The Trust HR provider.

## **11.2 Outcome of attendance panel**

If, as an outcome of the attendance hearing, the panel decide that the employee's level of absence is unacceptable, given the circumstances of the case, or the Academy Trust cannot sustain the absence, despite all the measures taken to facilitate a return to work and / or improve attendance, then it should consider the following:

1. Extension of the period for improvements in attendance or continuation with the monthly review, and / or modification of the targets set, together with a revised action plan and monitoring programme, or
2. Termination on the grounds of capability due to ill health. Notice will be given in accordance with this procedure and will be either contractual or statutory, whichever is greater.

At any attendance management panel, it is important for management to ensure that:

- All reasonable adjustments suggested either by the employee or medical partners such as occupational health have been considered;
- Medical advice has been obtained and considered;
- Medical redeployment and Ill health retirement options have been considered;

The Academy Trust should notify the employee of the outcome of the hearing as soon as possible, in writing after the panel.

## **11.3 Using a formal meeting instead of an attendance panel**

Action on attendance management which is outside of the hearing procedure can be undertaken in appropriate circumstances when, for example, an individual who is to be subject to a panel hearing requests that their dismissal be undertaken outside of that forum **(the use of this process must be subject to mutual agreement)**.

Such action can save time and stress for the individual, but it is essential that due process is followed in accordance with the attendance management policy and procedure to avoid allegations of unfairness, undue pressure or discrimination. It must be emphasised that whilst an individual may be allowed to be subject to a process outside of a panel hearing, that the attendance process is still a formal one.

#### **11.4 Process**

The employee should be invited to a final attendance consultation meeting. The use of a formal meeting instead of a hearing will be discussed with the employee at this final consultation meeting. It must be explained that dismissal is being proposed. The employee must be informed of their right to a formal hearing and given a copy of the attendance management policy and procedure with explanation, as necessary. If the decision is reached to use a dismissal meeting, the employee will be asked to confirm their agreement in writing. A signed copy of the agreement should be retained for Academy Trust records.

#### **11.5 Representation**

The employee should be encouraged to be accompanied, subject to Academy Trust local agreement, by a trade union representative (if applicable) or work colleague at the final review meeting and the dismissal meeting (formal attendance meeting) to have the opportunity to take separate advice prior to and during the meetings or to seek independent advice prior to the formal attendance meeting.

On receipt of this confirmation, the employee will be invited to a formal attendance meeting. At the formal attendance meeting the employee must be reminded of their rights to a formal hearing and given a full explanation of the evidence and proposed action and have the opportunity to comment on and question the facts of the case.

#### **11.6 Outcome of the formal meeting**

If there is agreement to the proposed action (dismissal) management must confirm in writing to the employee the facts of the case and the process that has been followed including the date of the meeting, those present, the information and advice given about the employees' rights under the formal procedure (including the appeal process) and their understanding of these

Should an employee wish to retract their agreement to dismissal prior to or during the formal attendance meeting, then a panel hearing should be arranged under the normal procedure.

There may be circumstances where an employee does not wish to attend or is too ill to attend. Where this occurs, the formal meeting must proceed in the employee's absence to reach a decision and this must be formally communicated with the employee, following the procedure outlined.

### **11.7 Appeals against dismissal**

An employee has a right of appeal against the decision of the attendance panel to terminate their employment within ten days of notification of outcome of the attendance panel. The appeal should be heard as soon as possible and where possible before the termination takes effect.

Appeals against termination will be heard in accordance with The Academy Trust hearing and appeals procedure.

Panels will normally be advised by a representative from the Trust HR provider.

## **12. Further Guidance**

Occasionally there are situations which are more difficult to manage, and which can lead to a break-down in communication. Common issues include:

### **12.1 The employee refuses to speak with you, to remain in touch or to respond to your phone calls and letters**

The manager will need to write to the individual, making very clear their responsibilities as an employee to abide by the contractual conditions of their employment (this can be found in the employee's responsibilities). Any letters should be clear but non-aggressive or threatening and should include the offer to consider alternative methods of contact where this can be accommodated. Employers continue to have a duty of care to their employees even when they are off sick and employees can be reminded of this.

### **12.2 The employee's relative, partner or representative intercepts or makes contact on behalf of, or blocks communication**

This can happen in instances of conflict with the employee and can be difficult to manage. It is important for the employee to be informed in writing of their responsibilities. In any circumstance the employee would need to provide their permission for you to discuss any of their details / employment with a third party, no matter how close their relationship. It is important to agree a method of communication and to follow up and confirm any verbal agreements in writing to the individual. This will avoid any misunderstanding.

### **12.3 If the employee is hospitalised**

It may be appropriate to delay seeking contact with the individual until the employee is able to communicate. However, for prolonged hospitalisation, writing to the

individual may be necessary to ensure they are kept aware of any issues that may impact on their employment. In many circumstances, a family member will willingly keep the manager updated on the employee's progress. Visiting whilst in hospital will depend on the circumstances and it should not be assumed that employees should receive a visit (though good wishes sent from work colleagues may be welcomed). It would be appropriate to receive permission to do so.

#### **12.4 Issues around terminal illness / poor prognosis and end of life**

Sensitivity and understanding will be required, especially where discussions need to take place around financial planning, and pension benefits etc. Managers have a duty to ensure that employees receive their appropriate pension benefits, so these conversations are essential. Other conversations should centre on support for the individual, keeping in touch and offering services such as employee assistance programme.

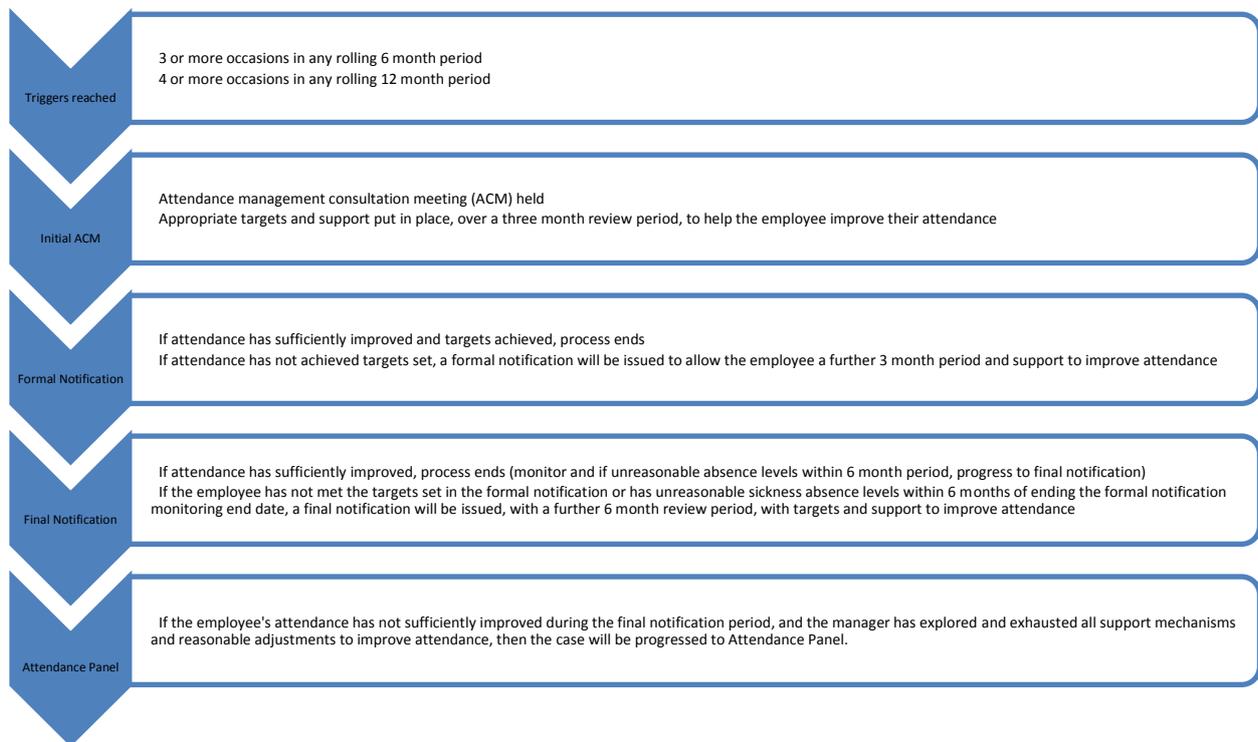
#### **12.5 Compassionate leave**

If a member of staff is absent from work for compassionate reasons and requires information on this type of absence this can be found via the appropriate The Academy Trust leave policy.

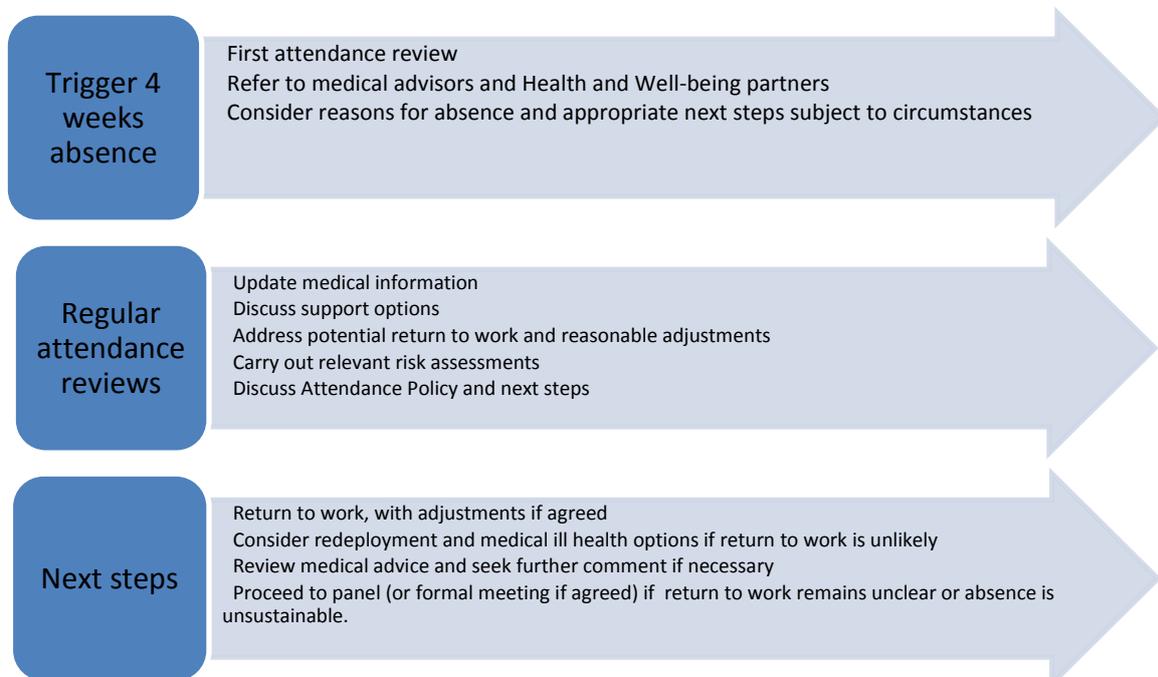
All of the above situations need to be managed and managers are advised to seek HR advice where appropriate.

## 13 Flowcharts

### 13.1 Intermittent sickness absence: Flowchart once triggers are reached



### 13.2 Process for single absence of four working weeks or more



## 14. Template letters

### Letter agreeing to formal meeting instead of attendance panel

Dear **Name**

Formal Meeting

I write to confirm the main points covered at the meeting at **(venue)** on **(date)** held to discuss your continuing absence from work. Also present were **(HR Adviser)** and **(Professional Association / Trade Union representative or work colleague)**.

You informed me that due to your continuing health problems it was not possible for you to return to work and that redeployment was not appropriate. You therefore accepted that dismissal on the grounds of ill health/capability would have to be considered and that it was likely that your employment would be terminated.

It was explained to you that normally, the case would now go to a hearing before a panel of Governors / Trustees for a decision to be made regarding your employment. It was also explained that when the employee does not wish to put forward a case against dismissal that it is possible to hold a formal meeting instead of a hearing. You informed me that you wanted your case to be considered at a meeting rather than at a hearing.

Please sign a copy of this letter to indicate that you understand that you have the right to a hearing but have agreed to the formal meeting as you do not wish to put forward a case against dismissal on the grounds of ill health/capability. The signed copy should be returned to me in the envelope provided. Once I have received this I will contact you to arrange a date for the Formal Attendance Meeting. You will have the right to be accompanied by your Trade Union representative or a work colleague at that meeting.

Please contact me if you need any further information regarding any of these procedures.

Yours sincerely,

(Manager Name)

I agree to a formal meeting to decide on my employment rather than a hearing before a panel. I have received a copy of the Attendance Management Policy.

Signed \_\_\_\_\_ Date \_\_\_\_\_

### Invitation letter to formal meeting instead of attendance panel

Dear **Name**

I have received written confirmation from you of your decision to have your case considered at a Formal Attendance Meeting rather than at an Attendance Panel Hearing.

The meeting will be held on **(date & time)** at **(venue)**. I will lead the meeting and **(name)**, HR Adviser will also be present. I have to advise you that you have the right to be represented at the meeting by your Professional Association / Trade Union representative or a work colleague.

The purpose of the meeting is to reach a decision regarding your employment. As previously discussed, dismissal on the grounds of capability due to your continuing ill health will be considered at this meeting and it is likely that your employment will be terminated.

Please contact me on *(telephone number/email address)* to discuss any questions you may have, and to confirm your attendance at this meeting.

Yours sincerely

(Manager)

**Invitation letter to appeal panel against dismissal**

Dear (Name)

### **Attendance Appeal Hearing**

I have received your request for an Appeal Hearing regarding your dismissal by reason of ill health/capability under the Attendance Management Policy.

The Appeal Hearing will take place on (Date) at (Venue). The Appeal Panel Members will be:

You may be accompanied by a Professional Association / Trade Union or work colleague, if you wish.

A copy of the Attendance Appeal hearing format is enclosed.

Please find attached all papers that will be submitted to the panel. If you wish to submit any further paperwork you must provide this to me at least five days prior to the Panel.

Please confirm in writing whether or not you are able to attend and who will accompany you. If you have any questions in relation to this letter, please do not hesitate to contact me on the above number.

Yours sincerely

Manager

**Outcome of appeal panel against dismissal**

Dear **Name**

### **Outcome of Attendance Appeal Hearing**

I am writing to you following the Appeal Hearing held on **(Date)** in order to review the decision of the panel.

At the hearing you were unaccompanied/accompanied by <INSERT EMPLOYEE REPRESENTATIVE'S NAME>. The case was heard by <INSERT PANEL MEMBER'S NAMES AND HR SUPPORT>. Full consideration was given to your grounds of appeal and the points raised by you and by your companion which included the following:

<INSERT POINTS RAISED BY EMPLOYEE>

After careful consideration of the issues put forward by all parties at the Appeal Hearing the Panel's decision is as follows.

### **Uphold option**

Your Appeal has been upheld and the decision to dismiss you on grounds of capability due to your absence levels has been revoked. However, the Appeal Panel decided that in this case it was appropriate to apply a lesser sanction due to:

*(insert reasons)*

Therefore, under the Attendance Management Policy you would be issued with a Final Notification from the date of the Appeal Hearing decision. Please take this letter as the Final Notification.

During this period you will be required to meet monthly with your manager and your attendance will be supported and monitored for improvements. In order to assist you, a plan of action and support will continue to be implemented, as discussed at the Appeal Hearing. You will meet with your manager shortly to agree a plan.

I would remind you that there is a need for your attendance level to improve significantly and where this does not take place your employment will be seriously at risk. Failure to make improvements in your attendance is likely to result in your dismissal.

### **Confirm termination option**

Your appeal is not upheld and the decision to dismiss you for reason of capability still stands. As previously notified to you in the letter of **(date)** you are dismissed by reason of ill-health/capability under the Attendance Management Policy and Procedure of [Academy Trust] and your final date of employment will be **(date)** as previously notified in the Attendance Panel Hearing outcome letter.

I must inform you that this decision is final and that there is no further right of appeal (DELETE THIS IF A REHEARING IS BEING ARRANGED).

Yours sincerely

Manager / Governor / Trustee  
(Chair of Panel)

## **15. SELF-CERTIFICATION OF SICKNESS**

You must complete this form for all absences as soon as possible after your return

- Upon completion this form should be submitted to your line manager
- If this form is not completed you may lose entitlements for paid absence
- To give false information may render you liable to disciplinary action
- You may be required to at any time to present yourself for a medical examination with OHU

Employee completes parts 1 and 2

**Part 1. Personal details**

NAME:.....

**Part 2 . Details of Sickness**

1. Provide the date and time that you last worked?.....
2. On what date did you become sick (irrespective of whether you were due to work or not?.....
3. Start date of absence:.....
4. State the nature of your sickness as you understand it:.....
5. On what date were you fit to return to work?( please specify that date even if that was not a day on which you normally work including public holidays, weekends, annual leave).....
6. Is the absence the result of an accident at work? YES /NO
7. Have you consulted your Doctor? YES / NO

**OTHER REASON FOR ABSENCE ( e.g. Childcare)**

Please state reason for absence.....

Start date of absence.....Return to work date .....

I declare the information given by me is true and complete:

Signed.....Date: .....

**16. Return to work checklist to be completed by the line manager - depending upon the circumstances some or all of the points below should be included in the update.**

- The reason for the absence
- The effect the absence has had on the team
- Is there a pattern of absence emerging from your review of previous absences
- Is there a need for specific support to be offered to the employee such as Staff care, OHU, additional training
- Is there a need to consider work life balance arrangement, flexible working etc

**As part of the Return to Work interview please answer the questions below:**

1. How many instances of sickness absence has the employee had in the last 6 months?.....
2. Do the responses to 1 above and Part 2 overleaf indicate that the level of absence reaches the trigger points?\*

\*3 or more occasions in any rolling 6 month period

\* 4 or more occasions in any rolling 12 month period

NB. An occasion is a period of absence that may be consecutive days, single days or half days

3. If yes to the above what action will you be taking?.....
4. If the absence was due to an industrial injury was it reported in the accident book?..... (If yes, on what date was it recorded ?( If no, you must ensure that it is reported immediately).....

Notes of return to work update:
What actions were decided as a result of the return to work update:

Employees  
signature.....Date.....

Line manager / HR  
Name.....Signature.....

Date..... **Please ensure that the original form is signed and returned to HR.**

**17. Prolonged Absence Return to work Agreement**

**Phased Return to Work Agreement**

Please complete this form as a record of the agreed pattern of work for phased returns, giving a copy to the employee and retaining a copy on the employee's Personal file. If you are a member of the Staff Absence Insurance Scheme, then please send a copy of this page only.

Name of Employee:		Employee Ref No:	
Job Title:		Normal Contractual hours (p/w)	Total Working hours

<u>Week 1</u>	<u>Time</u>		<u>Total hours worked</u>
<u>Date:</u>	<u>From</u>	<u>To</u>	
Monday			
Tuesday			
Wed			
Thursday			
Friday			
Saturday			
Sunday			

<u>Week 2</u>	<u>Time</u>		<u>Total hours worked</u>
<u>Date:</u>	<u>From</u>	<u>To</u>	
Monday			
Tuesday			
Wed			
Thursday			
Friday			
Saturday			
Sunday			

<u>Week 3</u>	<u>Time</u>		<u>Total hours worked</u>
<u>Date:</u>	<u>From</u>	<u>To</u>	
Monday			
Tuesday			
Wed			
Thursday			
Friday			
Saturday			

<u>Week 4</u>	<u>Time</u>		<u>Total hours worked</u>
<u>Date:</u>	<u>From</u>	<u>To</u>	
Monday			
Tuesday			
Wed			
Thursday			
Friday			
Saturday			

Sunday			
--------	--	--	--

Sunday			
--------	--	--	--

1) Checklist of other considerations

Changed Pattern of Working Hours?

.....

.....

.....

.....

Amended Duties?

.....

.....

.....

.....

.....

.....

.....

Changed Workbase / Home-working?

.....

.....

.....

Any other adjustments?

.....

.....

.....

.....

.....

Regularity of review meetings

.....

.....

Please tick to indicate if these have been considered and action taken as necessary

- Consideration of Health & Wellbeing Assessment,  
     e.g. Individual Risk Assessment completed by Line Manager
- Payroll notified of change in hours
- Schools' Absence Insurance Scheme notified of change in hours
- Regularity and date of review meeting agreed
- Additional adjustments/support implemented


Employee Signature:		Date:	
Name of Manager			
Manager Signature:		Date:	