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# Policy and Procedure for

## Supporting Attendance

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Prepared by:	Approved by Board of Trustees	Signed	Review Date (every 2 years)
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# Supporting Attendance Policy and Procedure

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### 1. Promise

The Aspire Educational Trust recognises the benefits of a healthy workforce and is committed to promoting health, safety and wellbeing of its entire staff and promises to support and assist individuals who have health difficulties. It is vital that all staff and managers throughout the Trust demonstrate commitment to achieving the lowest possible level of absence.

We value the contribution to the effective running of our academies that our employees make through regular attendance. We understand that each absence is unique and promise that they will be dealt with in a sensitive, fair and confidential manner, with decisions made based upon the information available at the time.

#### **The Trust Promises to:**

- provide appropriate support to help all our employees to return to work after illness, for example through a phased return, counselling, occupational health, reasonable adjustments and in some cases redeployment
- tackle issues which result in absence due to work related stress ( see stress at work policy)

- encourage attendance, and monitor absence and the costs of sickness absence
- work with unions and health and safety representatives to identify actions and preventative measures to promote the health, safety and wellbeing of staff
- provide coaching and training for all managers dealing with sickness absence issues.

**The aims of this policy and guidance is to:**

- provide a supportive framework for our employees who are unable to work due to ill health and assist a successful return to work as quickly as possible.
- give our employees appropriate support to improve attendance
- reduce the impact on colleagues when covering for employees who are absent due to illness
- secure the attendance of all our employees in order to minimise the cost and effects of sickness absence on educational delivery.

**2. Roles and Responsibilities:**

**THE TRUST**

The Trust Board and senior leadership team will:

- ensure that sickness absence is effectively monitored by managers and that actions taken support our employees
- ensure that all our employees are treated fairly and with respect, and that confidentiality is maintained.
- ensure that, where necessary, reasonable adjustments are considered to enable employees with disabilities to maintain good attendance levels and to comply with the requirements of the Equality Act.

**MANAGERS**

It is the responsibility of all our managers to:

- ensure all staff are aware of this policy that it is visible and available
- encourage and support all employees to maintain good attendance levels through good management practice, including return to work interviews
- apply procedures relating to attendance and sickness absence in a fair, sensitive, reasonable and consistent manner
- manage the attendance of our employees and ensure that flexible working arrangements are promoted where possible
- record absences and monitor attendance by reviewing absence data on a regular basis and monthly as a minimum.

- maintain reasonable contact (i.e. weekly) with employees when they are absent
- conduct return to work interviews for all planned and unplanned absences, and complete the relevant documentation
- consider referring all absent employees to Occupational Health where the absence continues for more than 4 weeks, or immediately where the employee has been signed off by their GP with stress/anxiety/depression, or where it is felt there is a genuine concern for their health and safety
- complete a stress risk assessment where stress is a factor for absence
- and where any stressors are identified these need to be considered and /or temporarily removed and this needs to be recorded
- obtain advice from Occupational Health and/or the Trust's HR where required to investigate reasons around persistent short term or intermittent absences
- hold reviews as part of the return to work interview when trigger points are reached
- progress employees through the procedure when attendance levels remain 'Concerning'
- ensure that employees are trained in safe and healthy working practices and adhere to them
- undertake risk assessments to ensure that the working conditions are as safe and healthy as possible, and that significant risks are appropriately managed
- under the guidance of Occupational Health, seek to make temporary or permanent adjustments in the workplace in order to facilitate a successful and sustained return to work

### **Responsibility of Employees:**

It is the responsibility and expectation of employees to:

- familiarise themselves with and ensure that they comply with this procedure, including undertaking actions / attending appointments agreed
- report absences in a timely manner, by telephone in person.
- alert their manager to
  - any work related issues that may be contributing to your ill health and/or absence
  - any medical condition which might put yourself, pupils or colleagues at risk
  - any work related accident, incident or injury, and make an entry in the accident reporting book.
- gain agreement from your line manager before undertaking any form of secondary employment whilst off sick

- seek to achieve maximum attendance by adopting a positive approach to your own health and wellbeing and to the management of your absence
- maintain regular contact with your manager throughout your period of absence
- provide medical statements as required by the procedure
- look after your own health and wellbeing, seeking advice and support when there are health problems, or when circumstances arise
- comply with requests to attend appointments with the Trust's designated Occupational Health Services
- follow safe and healthy working practices and procedures, and report any concerns to their manager

### **Responsibilities of HR**

The role of Human Resources (collectively in school management and administration systems and the Trust HR manager) is to support management by:

- advising on supporting attendance policy and best practice relating to supporting employee health and well being
- advising on making Occupational health referrals
- analysing staff sickness absence data and reporting this to Board of Trustees
- advising hearings on procedural matters
- advising management on individual cases and give advice on measures/told for managing absence
- monitoring and implementation of this policy and advising managers on implementation to encourage fair management of sickness across the Trust

### **3. Reporting Sickness absence**

#### **Absence Reporting Procedure**

On the first day of absence you should make contact with your manager as soon as possible, by a telephone call (and not via text) detailing:

- that you are absent
- the reason for your absence
- the length of time you feel you will be absent and likely return to work date
- if you have made a GP appointment
- where possible, any outstanding work that may need attention before you return
- any pupil work that the academy will need to provide cover for

It is expected that you will make contact personally with your manager to inform them of your absence. Only in **exceptional** circumstances it is reasonable to accept someone else making the call on your behalf, for example, if the employee is in hospital and unable to make a call.

As your sickness absence continues you will contact your manager as agreed. You should agree arrangements for contact relative to the circumstances: for example, if it is a minor illness and a quick return is expected then daily contact may be appropriate, however, if it's clear from the outset that your absence will be longer term then weekly or fortnightly contact may be more appropriate to maintain communication. This can be agreed depending on each individual case.

Where you fail to contact your manager as agreed, your manager may contact you.

If no contact has been made within 1 working day of your absence and your manager has been unable to make contact, your manager may contact your next of kin.

If you become ill during the working day and need to leave before your normal finish time your absence will be recorded from the following day.

#### **4. Administration Process**

Your line manager should ensure that the Part 1 Sickness Absence form is completed from the 1<sup>st</sup> day of **every** separate absence, and the Part 2 Sickness Absence form is completed at the end of every absence. This is important as it ensures correct recording of absence data for the monitoring of trigger points, and maintains the correct administration of sick pay.

For absence of more than seven calendar days a "statement of fitness for work" (fit note) is required. It should be received by no later than the eighth day of absence. Doctors fit notes will only be used for sick pay purposes from the date that they have been signed. You should ensure that your fit notes are continuous (i.e there are no gaps in dates), and must provide an explanation if this is not the case. Fit notes should be received within 3 working days of the expiry of the previous note to ensure that your occupational pay is not affected.

Even after your SSP/sickness benefit has been exhausted a medical certification (fit note) will still need to be provided.

#### **5. Sickness during holidays**

Being ill on a public / bank holiday does not qualify you for time off in lieu at a later date.

If you are a full year employee and off sick whilst on annual leave, your absence will be classified as sickness subject to the following criteria:

- your manager must be informed at the time of sickness, and not after the period of annual leave, and
- a medical certificate must be produced regardless of the length of the absence

Teachers holidays and weekends do not count against the sick leave entitlements set out in the burgundy book, only the 195 working days (term time plus INSET) are counted. Teachers absent due to sickness continue to receive full or half pay, as appropriate, through weekends, half term breaks, bank holidays and the longer Christmas, Easter and Summer breaks, however these periods do not count against their sick leave entitlements. Teachers whose sick leave extends into the school holiday must continue to submit fit notes, even though the school is closed.

## **6. Maintaining Contact**

Reasonable contact should be made from day one onwards. It is important for both you and your manager to maintain two-way contact, you need to keep your manager updated on your absence and your manager needs to be supportive and give you updates that may be relevant to you.

## **7. Returning from Sickness Absence – Return to work Interviews**

We need to support you at the earliest opportunity to ensure we reduce the absence of all our employees. To enable this and in line with best practice a 'Return to work' interview will take place.

The meeting should take place preferably on the first day back following absence and ideally before you begin work but if this is not possible within 2 days of your return.

The meeting should be a brief 5-10 minute chat and should be conducted in a private area with your line manager or somebody suitable and who you feel comfortable with.

### **The purpose and process of the brief discussion is:**

- to welcome you back, and check that they are fit to be at work

- to explore any actions required to ensure a successful return to work and prevent further absences
- to update you on any work matters or changes
- to complete a work risk assessment including stress risk assessment if needed
- your manager will record all outcomes of the meeting in writing to you including timescales and further meetings
- to establish and inform if further action is required, for example, if absence triggers have been met
- your manager will consider whether you are well enough to return to work, if your manager is concerned especially from a health and safety perspective they can request you obtain a statement from your GP or refer you to Occupational Health for advice.
- if adjustments are recommended to enable you to return to work, then your manager will assess whether they are reasonable. If your manager has any concerns they should consult with HR. If it is really not possible to accommodate the adjustment then the reasons should be confirmed to you in writing. We would also recommend that if you have a trade union rep you involve them in these discussions.

## 8. Informal action

All managers are responsible for monitoring absence levels, and if your sickness absence starts to reach levels of concern then informal action should be taken to support you. The support should include:

### Short term/Occasional/frequent recurring patterns:

**Review** - meetings take place after every absence

**Support** - if the absences are potentially related to an underlying medical condition or there is cause for concern (e.g work related stress) make an Occupational Health referral

**Action** - if following the informal support, the absence still remains a concern the case should be managed through the formal stages of the policy

### Long Term Absence:

**Review** - if you are off for 4 weeks or more

**Support** - your manager will maintain contact with you arrange to meet with you after 4 weeks or earlier if necessary, this can be somewhere you feel comfortable and does not need to be in your workplace

**Action** - Following the support stages and where appropriate depending on individual circumstances the case will be managed through the formal stages of the policy.

Your manager may take informal action by meeting with you to highlight the concerns and discuss your absences, and any steps that could be taken by either party to help facilitate the employee to maintain good attendance. Your manager should bring your attention to the policy ensuring you understand any possible consequences of further absences.

The discussions will not be formally recorded by your manager should confirm by email the discussion and any actions agreed.

Although it is good practice it is not mandatory to go through informal action prior to commencing formal action, however we will always endeavour to do this.

## **9. Formal Action – Stage One Meeting**

A formal review meeting will normally be organised when your absence reaches a level of concern in line with one or more of the following:

- 3 separate absences or a total of 10 days or more in a rolling 6 month period; this will be proportionate to days worked for part time workers
- a pattern of absences that is causing concern, e.g Fridays and/or Mondays, before or after bank holidays
- other concerns about levels of absences, such as increase in absence following expiry of monitoring periods
- a period of long term sickness of more than 4 weeks where the return to work date has not been specified or is of concern your manager

The purpose of the indicators is to alert your manager to undertake a formal review and assess whether further action is required, following full consideration of each individual circumstances and the nature of the absence.

Modification of the indicators maybe considered when reviewing your personal circumstances (for example, as a reasonable adjustment under the terms of the Equality Act).

If a formal meeting is not held when the indicator is first reached, it will not preclude your manager convening a meeting at a later date if he/she has concerns about the continued level of sickness absence.

The purpose of the meeting will be to;

- examine the reasons, pattern and nature of the absence

- examine whether there is an underlying cause or condition and the prognosis of this if known
- decide whether further information needs to be sought either from your doctor or a referral to the Occupational Health provider
- give you the opportunity to discuss any problems or raise concerns
- consider reasonable adjustments if the absence is disability related or support measures where we would assist the employee in reducing your sickness absence and/or making a successful return to work.

If appropriate, you may be set a target for improvement and a period during which your absence levels will be monitored. As a “starting point” guide, a target and review might be no more than 2 days in the next term, or 3 days in the next 2 terms, however, your manager will ensure that when setting targets for improvement they will take account of your individual circumstances, medical advice and impact of any disability.

If appropriate, you will be notified that if your attendance does not improve to the required level of acceptance, or you are unable to return to work in the time scales specified in a support plan that this may ultimately lead to your dismissal.

You will have all agreements and discussions in the formal stages confirmed in writing.

Where your manager has concerns about your reasons for absence, or frequent short term absence they may request that evidence is provided and that you have sought medical advice for all absences regardless of the length of the absence (e.g. appointment card from GP surgery, hospital and fit notes).

You will be given at least 10 working days’ written notice of the meeting (unless you agree in writing to less) and you will be given the right to accompanied by a Trade Union Representative or suitable work colleague.

In the case of long term absence, where the medical advice indicates that you will be unable to return to your role, redeployment and reasonable adjustments will be considered. Where there are no alternative or reasonable adjustments you may discuss a mutual termination and omit the next stages of the procedure.

An outcome of the meeting will be confirmed to you in writing including the improvement expected, the monitoring period, support to be given

and actions to be taken and you will be informed that if you are unable to reach the required level of attendance it may lead to your dismissal.

### **Next Steps**

Interim review meetings may be held during the monitoring period to check that actions/support are taking place as agreed.

If your attendance improves to the required standard for the agreed period, you will be removed from the sickness procedure. However, it is expected that the improvement is sustained for a minimum of 12 months (if the agreed monitoring period was less than this) if it is not then the procedure will recommence at the stage it stopped.

If you are unable to meet the agreed attendance targets, or a return to work has not taken place as expected, the next stage of the procedure will be implemented immediately – it is not necessary to wait until the end of the monitoring period.

### **Formal Action – Stage Two Meeting**

Where a decision is taken to hold a stage two meeting, you will be given at least 10 working days' written notice and you will be able to be represented by your Trade Union representative or a suitable work colleague.

If the stage two meeting is relating to long term absence (more than 4 weeks continued absence) then this meeting should be taken **no later than after 18 weeks of absence**.

The purpose of the meeting is to:

- review your attendance during the relevant period
- review the steps that have been taken to support you achieving an acceptable level of attendance or returning to work
- give you opportunities to discuss any problems or raise any concerns
- discuss any relevant medical advice and review if further advice is required
- give further consideration to reasonable adjustments or other support measures
- set a target for improvement and a period over which absence levels will be monitored as in stage one

You will be informed that if you are unable to improve to the level required or unable to return to work (in the case of long term absences) that this may lead to your dismissal.

You will receive a letter confirming the outcome of the meeting.

### **Next steps**

Interim review meetings may be held during the monitoring period to check that actions/support are taking place as agreed.

If your attendance improves to the required standard for the agreed period, you will be removed from the sickness procedure. However, it is expected that the improvement is sustained for a minimum of 12 months (if the agreed monitoring period was less than this) if it is not then the procedure will recommence at the stage it stopped.

If you are unable to meet the agreed attendance targets, or a return to work has not taken place as expected, the next stage of the procedure will be implemented immediately – it is not necessary to wait until the end of the monitoring period.

If your absence is considered long term and you are not expected to be fit to return to work within a reasonable timescale, and steps taken at stage one and two have not been successful in securing a successful and sustained return to work, alternative work or reasonable adjustments should be discussed with you. If there are no alternatives or adjustments that can be agreed then you will be moved to a formal stage three Dismissal Hearing.

### **Phased Return**

A phased return to work may be offered to you as a way of supporting your return following a long period of absence and may form part of a reasonable adjustment if you have a disability.

The return will be agreed between you and your manager and will need to take account of what is possible for Academy to accommodate based on how it might impact on operational needs. Advice on the return can be sought from OHU.

The Trust will normally only be able to support one phased return per employee in one academic year. Any exceptions to this will be discussed with Human Resources.

A phased return would normally not exceed 4 weeks, if you are unable to return to your normal working hours a temporary variation to reduced hours maybe agreed and your pay will therefore be on a pro- rata basis.

## **Formal Action – Stage Three Dismissal Hearing**

You will be given at least 10 working days' written notice of the dismissal hearing. The Chair of the meeting will write to you and confirm

- the problem with your absence and the reasons for contemplating dismissal
- the date time and location
- the name of the person chairing the hearing
- your right to be accompanied and or represented by your trade union representative or work colleague
- you will need to provide the chair with any copies of documents that you rely on as evidence at least 5 working days before the hearing
- you will be advised that the hearing could result in your employment being terminated

You will be provided with all documents that management will refer to at the hearing, and the names of any witness that they may ask to attend the hearing.

At the hearing both you and management will be given the opportunity to state their case, call witnesses and ask questions. HR will attend the hearing to provide procedural advice.

The chair/panel will consider:

- your overall attendance record
- the impact of the level of attendance on the Trust/academy
- representations from the employee
- whether the reason for the absence falls within the disability provisions of the Equality Act 2010
- the management of the case
- any medical advice received
- the support/reasonable adjustments considered and or provided
- whether ill health retirement has been considered

The hearing will normally be adjourned whilst the chair/panel reaches a decision

The outcome of the hearing may be either dismissal on the grounds of capability or alternative action in the light of evidence presented at the hearing. If you are dismissed, you will receive appropriate notice. You will normally be notified in writing within 5 working days of the hearing.

The hearing may be postponed if you and your representative are unable to attend on the proposed date. The postponement should not be more than 5 working days after the original date proposed. Where the hearing

is rearranged and you are still unable to attend the second time, the hearing will normally convene, as arranged, and a decision taken in your absence.

Termination of employment during a period of sick leave: in the event of you exhausting your part or full entitlements to sick pay and being given notice of the termination of your contract without returning to work on ground of permanent capacity or for some other reason related to the sickness absence, you shall be paid full salary for the notice period with normal deductions only.

## **Appeals**

You are entitled to appeal against the decision taken at stage three hearing on the basis of one of the following grounds:

- Procedural – a failure to follow procedure had a material effect on the decision
- The decision – the evidence did not support the conclusion reached
- The sanction – was too severe given the circumstances of the case
- New evidence – which has genuinely come to light since the first hearing

The appeal must be made in writing to the chair of the dismissal hearing, stating specific grounds for appeal, within 10 working days of the hearing.

The appeal will be heard normally with 6 weeks of receiving the appeal.

You will normally be given 10 working day notice in writing of the date of the appeal, this will include details of who is hearing the appeal and your right to be accompanied by Trade Union or suitable work colleague. HR will attend the hearing to provide procedural advice.

Both parties must give at least 5 working days' notice, in writing, of any witnesses they wish to call and provide copies of any additional documentation that will be relied upon at the appeal.

The chair of the dismissal hearing will attend the appeal to present their case. You will also be able to present evidence that is directly relevant to the grounds of the appeal. Management will have the opportunity to respond.

The appeal hearing may confirm or overturn the original decision or may recommend some alternative action.

You will be informed of the appeal decision in writing, normally within 5 working days. The decision of the appeal hearing is final.

## Authority to act under the procedure

Who	Informal Discussions on return to work	Stage One and Stage Two Meetings	Stage Three Dismissal Hearing	Appeal against dismissal
All Academy based employees	Principal or manager, or another appropriate person within the academy	Principal or line manager (with HR support)	Principal or a panel of three (normally independent member from across the Trust with HR support)	Panel of three from the Central Trust or LGC (with HR support)
Principal	Trust Senior Leader or CEO of the Trust	Trust Senior Leader or CEO of the Trust (with HR support)	Panel of three from the Trust including 1 member of the Trust Board (including HR support)	Panel of three from the Trust including 1 from member of Trust Board (including HR support)
All central Trust employees except Directors or CEO of the	Line Manager	Trust Senior Leader	Panel of three including 1 member of the Trust Board (including HR support)	Panel of three including at least 1 member of the Trust Board (including HR support)
Trust Senior Leaders	CEO	CEO with HR support	Panel of three including Chair of the Trust board or nominated delegate (including HR support)	Panel of three from the Trust Board (including HR support)
CEO	Chair of the Trust Board	Chair of the Trust board	Panel of three from the Trust board (with HR or external Consultant support)	Panel of three from the Trust Board (with HR or external Consultant Support)

## Annual Leave and Long Term sickness

You are entitled to a statutory annual leave entitlement of 5.6 weeks (28 days) including bank holidays, pro rata for part time employees.

Teachers and support staff on term time only contracts are contractually required to be available to work during term time and their statutory annual leave forms part of normal holidays during school closure periods. Entitlement to statutory annual leave is not effected by either paid or

unpaid long term sickness absence. The entitlement to this leave will be offset by any period of school closure that has taken place in the leave year in question i.e both before and after the sickness leave period.

If you have been unable to take all your statutory annual leave entitlement during the leave year, advice should be sought from HR. Where you remain in employment with the Trust, any statutory annual leave untaken should be carried forward and taken in the school closure periods in the following year.

If you work on a full year basis and have had an extended period of sickness absence and been unable to take your full entitlement in the current leave year as a result, you will be able to carry forward the balance to the next leave year up to a maximum of 20 days (pro rata) – 28 days' statutory entitlement, minus 8 days' bank holidays.

It is not possible for you to decide to carry over statutory entitlement into next leave year, if there is time for it to be taken in the current leave year. It is also not possible to receive payments in lieu of the untaken entitlement unless the employee does not return to work after the period of sickness absence and the contract of employment ends.

### **Pregnancy related absence**

Employees who are pregnant are protected from discrimination. If your absence is due to pregnancy, those absences should not count towards the calculation triggers. For further information, please refer to the Occupational Maternity policy.

### **Accidents at work**

Absence resulting from an injury at work that was not caused by your negligence will still be recorded but will not count towards the calculation of triggers.

### **Abuse of Sick Pay**

In most cases sickness is genuine, however there may be occasions where managers have reason to believe that the Sick Pay Scheme is being abused. In these cases, managers may suspend the payment of an employee's sick pay. In these cases, management will seek advice from HR.

An abuse of the sick pay scheme will be dealt with under the disciplinary procedure and a serious abuse may constitute gross misconduct.

## **Monitoring**

Information relating to sickness will be collated and monitored regularly to ensure that the procedure is operating fairly, consistently and effectively. Issues that are identified from the information will be dealt with appropriately.

## **Review**

This procedure will be reviewed to respond to any changes in the employment legislation, and at least every three years, in conjunction with the Trusts recognised Trade Unions.