

Managing Attendance Policy for School Staff

Guidance for Managers and Employees

Version FV2.0 – September 2023



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1.0 Policy Statement

Every employee at the School is expected to provide an effective and reliable service. The school is committed to creating a culture that encourages employees to attend work and provide the best possible services. It is recognised that there will be occasions where absence due to sickness is unavoidable. The school's attendance policy ensures that all employees are treated in a fair and consistent way.

2.0 Scope

This policy applies to all employees with exception of those employees who are in their probationary period. This policy applies to all employees within maintained and voluntary controlled schools. All other schools must follow the RAG guidelines for adoption or adaption.

When the Headteacher is absent due to sickness the same principles in relation to reporting, certification and management of the case will apply, the Chair of Governors will take on the line manager responsibility as set out within this policy

When it applies...

- If you can't come to work because you're ill
- What will happen when you return to work after a period of absence
- How we'll support you if you're off work due to long term ill health
- How we'll support you with both short term and long-term absences

This document explains...

- Our attendance procedure
- What you should do if you are going to be absent from work
- What short term absence is
- What long term absence is
- What you should do on your return to work and how we can support you returning to work.

3.0 Reporting sickness absence

No matter what the reason, if you can't come into work, you must follow these absence reporting procedures:

- **Call your headteacher** (local arrangements may differ from school to school) on the first working day of absence and no later than one hour from your normal starting

time or in the case of shift workers at a designated time prior to the commencement of the shift.

- Inform your manager of the **reason for your absence**
- Inform your manager of your **expected return date**
- Agree with your manager the **frequency of contact** required and remain in contact

Notification by text, voicemail, or e-mail is not acceptable; an employee must make verbal contact with their manager. In extreme circumstances (i.e. hospitalisation) notification can be by a third party, again this must be by phone. At this stage Headteacher and employee must agree the frequency of contact. This may mean daily contact should the expected duration of the absence be unknown, or an alternative frequency may be agreed where the expected date of return is clearer.

Payment of 'sick pay' is dependent on the policy and procedures being followed correctly.

If your absence continues beyond your original expected date of return you should notify the Headteacher as soon as possible or no later than one hour before you're due to start work.

4.0 Statement of Fitness for Work

If you're away from work for seven calendar days or less, you don't need a Fit Note from your doctor. You will need to attend a **Return to Work interview with your line manager upon your return.**

If you're away for **more than seven calendar days**, you will need to obtain a Statement of Fitness for Work (Fit Note) from a healthcare professional (the term healthcare professionals is used to relate only to members of the five professions who can certify fit notes. These are doctors, nurses, occupational therapists, pharmacists, and physiotherapists), which gives details of your illness and when you expect to return to work. The Fit Note should be provided to your Headteacher within 5 days of issue.

If you are still off work after the expiry date of your original Fit Note, you'll need to obtain extra fit notes to cover the whole time you are away from work.

5.0 Return to Work Interview

Return to Work Interviews must take place after every period of absence regardless of the duration and should be conducted by the employee's line manager or headteacher. Ideally the interview should take place the day the employee returns from sick leave or within 48 hours of their return.

They should be supportive in nature, clarify the reason for absence and confirm that the employee is fit to resume work. Should a pattern of absence become a cause for concern (repeated weekdays etc.) this should be addressed as part of the return to work interview.

6.0 Trigger Points

Trigger points are used to identify employees who have absence levels that may give cause for concern. The trigger points are used for the management of periods of absence.

Absence **must be reviewed** when an employee meets a trigger point.

The Trigger Points are when either an employee has:

1. **3 absences in a rolling 12-month period**
2. **or 7 working days / 51.8 hours (pro-rata for part-time employees) in a rolling 12-month period.**

For clarity and to ensure fairness in the application of the policy full time employees who undertake shifts or work compressed hours will have absences against the trigger points calculated in hours. Therefore, an employee working shifts or compressed hours will hit the trigger once 51.8 hours absence has been reached regardless of how many of their 'days' that equates to.

Occasionally, certain absences may be disregarded, e.g. an operation or a pregnancy related illness. Where absences are specifically related to a disability this will be taken into account at all stages of the process and a reasonable adjustment may be considered appropriate. Headteachers should seek advice from HR if they are unsure about the application of the triggers.

7.0 Short Term Absence

7.1 Informal Stage

When an employee's absence reaches any of the trigger points for short term sickness, the manager will review the attendance record with the employee at an Informal Attendance Meeting.

Informal Attendance Meeting

It is the line manager's or Headteachers responsibility to arrange the Informal Attendance meeting with the employee.

The meeting provides the opportunity **for managers and employees** to:

- Clarify the attendance standards expected at school
- Identify the causes of unsatisfactory attendance

- Assess what actions are required to improve and sustain attendance levels; including consideration of any medical advice available, and whether any adjustments may be necessary.
- Explain consequences if these standards are not achieved.

Meeting Outcome

An attendance monitoring period will be set at **6 calendar months**. However, if there are mitigating circumstances a manager may decide it is not appropriate to take action. Managers will need to note their reasoning on the record.

Clarify that during the 6-month monitoring period, any further absence will result in progression to the formal stage of the process, unless there are mitigating circumstances why this would not be applicable.

The meeting outcome and any agreed actions will be confirmed in writing.

Continuous Review

Managers will continue to review the employee's attendance throughout the duration of the 6-month monitoring period.

If the employee has no episodes of sickness during the monitoring period, then no further action will be taken.

If a further absence occurs, the decision to progress to the formal stage of the process the employee will be advised at the return to work interview/followed up in writing. This decision may be delayed if further advice is required. If you are unsure then please speak to your HR provider.

7.2 Formal Stage

The formal procedure will be applied if the employee has a further episode of sickness or the informal procedure has not brought about an improvement in the employee's attendance.

Before starting the formal procedure, line managers must satisfy themselves that sufficient reasonable action has already been taken to informally address absence issues.

Stage 1 Formal Attendance Meeting

In preparation for the Stage 1 Formal Attendance Meeting, it may be appropriate to obtain current medical advice. This can be considered on a case by case basis.

It is the line manager's responsibility to arrange the Stage 1 Attendance Meeting with the employee. A letter should be sent giving a minimum of 3 working days' notice.

The employee can be accompanied by a trade union representative workplace colleague.

This meeting will restate the standards of attendance, consider all medical advice received (if appropriate) and what support or adjustments may be offered. The employee will be given an opportunity to comment on the concerns, present any mitigation and to ask any questions.

Meeting Outcome

If there are no mitigating circumstances the line manager will issue a First Written Warning which will remain live for 12 months.

The outcome of the Stage 1 Formal Attendance Meeting, including any agreed actions, will be confirmed in writing.

If the employee has a further episode of sickness during the 12-month period, they will be invited to attend a Stage 2 Formal Attendance Meeting.

Continuous Review

Managers will continue to review the employee's attendance throughout the duration of the 12 month First Written Warning.

If the employee has no episodes of sickness for the duration of the First Written Warning, then no further action will be taken. If a further absence occurs, the employee will be advised at the return-to-work interview/followed up in writing. This decision may be delayed if further advice is required. If you are unsure, then please speak to your HR provider.

Stage 2 Formal Attendance Meeting

In preparation for the Stage 2 Formal Attendance Meeting, it may be appropriate to obtain current medical advice. This can be considered on a case by case basis.

It is the line manager's responsibility to arrange the Stage 2 Attendance Meeting with the employee. A letter should be sent giving a minimum of 3 working days' notice.

The employee can be accompanied by a trade union representative or workplace colleague.

This meeting will restate the standards of attendance and consider all medical advice received (if appropriate) and what support or adjustments may be offered. The employee will be given an opportunity to comment on the concerns, present any mitigation and to ask any questions.

Meeting Outcome

If there are no mitigating circumstances the line manager will issue a Final Written Warning which will remain live for 12 months.

The outcome of the Stage 2 Formal Attendance Meeting, including any agreed actions, will be confirmed in writing.

If the employee has a further episode of sickness during the 12-month period, they will be invited to attend a Stage 3 Formal Attendance Hearing.

Continuous Review

Managers will continue to review the employee's attendance throughout the duration of the 12-month Final Written Warning. If the employee has no episodes of sickness during the Final Written Warning, then no further action will be taken.

If a further absence occurs, the decision to progress to Stage 3 of the process should be taken by the manager the employee will be advised at the return-to-work interview/followed up in writing. This decision may be delayed if further advice is required. If you are unsure, then please speak to your HR provider.

Stage 3 Formal Attendance Hearing

In preparation for the Stage 3 Formal Attendance Hearing current medical advice must be obtained.

It is the Headteachers responsibility to arrange the Stage 3 Formal Attendance Hearing with the employee. A letter should be sent giving a minimum of 5 working days' notice. The employee can be accompanied by a trade union representative or workplace colleague.

The Hearing will be chaired by a committee of governors who will be advised by a representative from Human Resources.

The headteacher will present the evidence for the attendance issues, how those have been addressed, the process followed, and the support given as well as details of all medical advice and any reasonable adjustments made. If the event that the employee is the headteacher then the Chair of Governors will present to the committee.

The employee will be given the opportunity to respond.

Meeting Outcome

The Chair of the committee will decide whether:

1. To dismiss the employee with notice
2. To give the employee further time to improve their attendance. If there is a further episode of sickness during this time, then a further Attendance Hearing will be arranged.

The decision from the Formal Attendance Hearing must be relayed verbally as soon as possible and be confirmed in writing within 5 working days.

An employee has the right to appeal the decision made at the Hearing within 5 working days of notification of the decision.

Continuous Review

If the Hearing outcome is to allow the employee further time to improve, then the line manager will continue to review the employee's attendance throughout the duration of the Final Written Warning. If a further absence occurs, the decision to return to a Formal Attendance Hearing will be taken by the line manager.

If the employee has no further episodes of sickness for the remainder of the Final Written Warning, then no further action will be taken.

8.0 Long Term Absence

Long term absence is defined as continuous sickness absence lasting, or expected to last, for 4 weeks (20 days) or more.

All employees are expected to use the reporting procedure detailed in *Section 3* and to keep their manager updated about their absence in a timely manner. Managers will also remain in contact, with the frequency of contact appropriate to the circumstances of the absence. Dependent on the circumstances managers may choose to hold an informal meeting(s) prior to commencing the formal process.

8.1 Formal Stage

Each case must be judged on its own merits. As a general rule, managers should arrange a Stage 1 Long Term Absence Review Meeting for absences of 4 weeks or more. If an absence

is clearly identified as being 4 weeks or more from the offset then a manager may decide, subject to the circumstances of the absence, to hold the meeting sooner.

Consideration should be given to obtaining medical advice prior to the review meeting taking place. Guidance on this point should be sought from your HR provider.

Stage 1 Long Term Absence Review Meeting

It is the line manager's responsibility to arrange the Stage 1 Long Term Absence Review Meeting with the employee. The meeting should be arranged at a mutually convenient time and location. The meeting arrangements should be confirmed in writing. The employee may be accompanied by a trade union representative or workplace colleague at all Long Term Absence Review Meetings.

The purpose of the meeting is to:

- Establish the nature of the illness
- Discuss the prognosis for a return to work
- Explore what assistance the School can give the employee (e.g. reasonable adjustments, phased return etc.)
- If a medical report has been obtained prior to the meeting examine the report and the options available. These options may include those detailed in Sections 5.5 – 5.8 - phased return, reasonable adjustments, redeployment, the feasibility of ill health retirement, or the need to progress to a Formal Attendance Hearing (Section 5.4.1).

Meeting Outcome

The outcome will vary according to circumstances and medical advice but may include any of the following:

- Refer employee to Occupational Health and meet upon receipt of report for Stage 2 Long Term Absence Review Meeting
- Implement a phased return or any reasonable adjustments that allows the employee to make an immediate or imminent return to existing post
- Allow further time to review progress
- If medical advice identifies that the employee is unfit for work and has no prospect of returning, then consideration to a Formal Attendance Hearing should be given. Further review meetings may not be required.

The outcome of the Stage 1 Long Term Absence Review Meeting including any agreed actions will be confirmed in writing within 5 working days.

Continuous Review

Contact will continue to be maintained between employee and manager. The employee will keep the manager updated of any progress or updates.

Stage 2 - Long Term Absence Review Meeting(s)

Upon the receipt of medical advice, or as a means to review progress, a further Long-Term Absence Review Meeting will be held. Decisions on whether to continue with further Long-Term Absence Review Meetings or move to a Formal Attendance Hearing will be considered no later than three months from the first day of absence but made on a case-by-case basis. In most cases, absences of three months in duration with no prospect of a return to work should progress to a Formal Attendance Hearing, at which dismissal will be considered.

It is the line manager's responsibility to arrange the Stage 2 Long Term Absence Review Meeting(s) with the employee. The meeting should be arranged with a mutually convenient time and location. The meeting arrangements should be confirmed in writing. The employee may be accompanied by a trade union representative or workplace colleague at all Long-Term Absence Review Meetings.

The purpose of the meeting is to:

- Review progress since the last meeting
- Discuss the prognosis for a return to work
- Explore what assistance the school can give the employee (e.g. reasonable adjustments, phased return etc.)
- If a medical report has been obtained prior to the meeting examine the report and the options available. These options may include those detailed in Sections 5.5 – 5.8 - phased return, reasonable adjustments, redeployment, the feasibility of ill health retirement, or the need to progress to a Formal Attendance Hearing (Section 5.4.1).

Stage 3 - Formal Attendance Hearing

In preparation for the Stage 3 Formal Attendance Hearing current medical advice must be obtained.

It is the headteachers responsibility to arrange the Stage 3 Formal Attendance Meeting with the employee. A letter should be sent giving a minimum of 7 working days' notice. The employee can be accompanied by a trade union representative or workplace colleague.

The Hearing will be chaired by a committee of governors who will be advised by a representative from Human Resources.

The headteacher will present the evidence for the attendance issues, how those have been addressed, the process followed, and the support given as well as details of all medical advice and any reasonable adjustments made.

If the employee is the headteacher then the Chair of Governors will present to the committee

The line manager will present the evidence for the attendance issues and how those have been addressed, the process followed, and the support given as well as details of all medical advice and any reasonable adjustments made.

The employee will be given the opportunity to respond.

Meeting Outcome

The Chair of the committee will decide whether:

- To dismiss the employee with notice (this may also include formalising Redeployment or Ill Health Retirement processes)
- To allow for a further period of review

The decision from the Formal Attendance Hearing must be relayed as soon as possible and be confirmed in writing within 5 working days.

Further Review

If the Hearing outcome is to allow for a further period of review, then the line manager will continue to support the employee during their absence. An Attendance Hearing will be reconvened if insufficient progress is being made and/or if there is no prospect of a return to work.

8.2 Reasonable Adjustments (LTA)

Occupational Health may be able to suggest reasonable adjustments that could be made to either the physical place of work, or the work itself. If reasonable adjustments are identified and implemented as part of a return from a long-term absence, then a three-month monitoring period will be put in place to assess whether the adjustments are working effectively. If at the end of the three month period the adjustments have not had the desired impact on the employee's ability to attend work and further adjustments are deemed unreasonable, a Formal Attendance Hearing will be convened, the outcome of which may result in the termination of employment.

8.3 Phased Return

Depending on the nature of the employee's absence a phased return may be recommended by the employee's GP (this should be detailed on the employee's Statement of Fitness for Work) or Occupational Health. The type and duration of each phased return will be determined on a case-by-case basis; however, it is vital that manager and employee are clear from the outset how this will operate. Only in exceptional circumstances will consideration be given to extending the phased return beyond four weeks.

It is important to agree how, during the phased return period, the balance of any hours the employee is not at work will be covered. Employees have the choice of having these non-working hours recorded as sick leave (and receive sick pay should they not have exhausted their entitlement) or if sick pay has been exhausted, zero pay. To ensure that the employee is paid correctly it is crucial the line manager informs payroll provider of the phased return arrangements as soon as they have been agreed.

If an employee is unable to resume full duties at the end of the phased return period or has an episode of sickness during the phased return, then a decision will be made on whether to explore other possible options. This may mean the convening of a Formal Attendance Hearing, the outcome of which may result in the termination of employment.

8.4 Redeployment

If medical advice identifies that the only option to support an employee back to work is through redeployment, and the employee is in agreement, then discussions and arrangements for this can begin at a Long-Term Absence Review Meeting. This would not remove the need to progress to a Formal Attendance Hearing to consider dismissal with notice but to allow redeployment to be pursued in as timely a manner as possible.

8.5 Ill Health Retirement

Ill-health retirement for employees in the Local Government Pension Scheme or Teachers Pension Scheme must be certified by a designated independent Occupational Health Advisor.

Where certification is received while an employee is still employed by the school, and unless the employee waives their right to attend, the employee will be invited in writing to a Formal Attendance Hearing at which the ill health retirement decision will be ratified.

Where certification is received after an employee has been dismissed from the school, it may be applied retrospectively providing the application had been made prior to dismissal and that the employee was suffering from the condition at the time of his/her dismissal.

9.0 Combination of Short- and Long-term absence

If an employee's combination of short- and long-term absence is giving cause for concern the overall absence record must be considered when making a decision about how to manage the attendance issues. The approach taken will vary depending on whether the employee is currently subject to the short term or long-term procedure.

10.0 Appeal

An employee must appeal the decision at any stage of either formal process within 5 working days of notification of the decision.

The employee can appeal on the following grounds only:

- That the Managing Attendance procedure has been applied defectively or unfairly
- That new evidence has come to light that was not available at previous meetings / hearings and that it is likely to make a difference to the original decision

and, as a result, the outcome or level of sanction imposed was inappropriate.

Arrangements for the appeal to be heard will be made by the Chair of the committee or Headteacher depending on which stage the appeal relates too and who issued the original outcome. This is to be done within 10 working days and the employee will be given details of the arrangements 7 working days in advance of the hearing.

Where a written warning has been issued the Appeal Hearing will be chaired by headteacher as long as they were not involved in the original outcome. The appeal hearing will be advised by a representative from Human Resources. In cases of dismissal the Appeal Hearing will be chaired by a committee of governors who were involved in the original outcome resulting in dismissal and will be advised by a representative from Human Resources.

Management and the employee should provide the clerk to the hearing panel with any written material to be used at the hearing at least 5 working days prior to the hearing.

The clerk will arrange for a copy of the other party's written material to be provided to management and the employee at least 3 working days prior to the hearing.

Both parties will have the opportunity to state their case and to ask questions of each other.

In the case of an appeal against action that includes dismissal, the Chair can sanction that:

- The appeal is upheld, and, if appropriate, a lesser penalty may be awarded; or
- The appeal is not upheld, and the sanction remains the same.

The decision of the Appeal Hearing is final and will be communicated in writing by the Chair within 5 working days of the hearing.

11.0 Work Related Absence

If an employee is absent for a work-related reason (e.g. Accident or injury at work), or the employee considers their illness to be work related (e.g. Accident or injury at work) then the employee must complete an Incident Report form and pass to their Head teacher. In the case of community and voluntary controlled schools this form should be forwarded to the MKCC Corporate Health and Safety Team.

An employee who is absent from work due to an accident or injury at work should be treated in the same way as if their absence was due to sickness and therefore the Managing Attendance Policy should be followed. In the case of teaching staff, the provisions contained within the 'Burgundy Book' should also be applied.

An employee who is absent from work as a result of an accident and receives damages in respect of loss of pay from a third-party claim will be required to refund to the council any sick pay paid to them in relation to the incident.

It is the Headteachers responsibility to ensure that any colleague with a work-related absence is told that the Health and Safety Team will be notified.

12.0 Annual Leave Entitlement and Sickness Absence

Any employee who falls sick immediately prior to commencing pre-booked annual leave or who having fallen sick during a period of leave wishes to reclaim a proportion of that leave will be required to provide a Fit Note stating the period the employee was not able to work and the reason for absence. The Council will not reimburse any fee charged by the healthcare professional for this Fit Note. Additionally, if the employee falls sick immediately prior to or during a period of annual leave they should, where practicable, follow the standard reporting procedures, as detailed in Section 3, at the commencement of their illness.

During long-term absence an employee's annual leave allowance will continue to accrue. Employees have the choice of taking a period of annual leave during their long-term sickness absence. If, however, the employee chooses not to take annual leave while sick and is therefore unable to take this annual leave within the current leave year, then they will be entitled to carry their outstanding annual leave over to the next leave year. It is recommended that the employee is encouraged to take most or all this leave in a block in the first month after their official return to work date, or to assist with a phased return to work.

13.0 Absent without permission

An employee that fails to comply with the school's absence reporting procedures will be deemed to be absent without permission and may be subject to or disciplinary action, which could result in dismissal. Pay will be suspended from the first day of unauthorised absence.

14.0 Non-sickness absence

Sickness absence must only be used when the employee is personally unwell. It must not be used in situations where the employee has caring responsibilities or for other domestic emergencies etc. In these circumstances other forms of leave, as detailed in the school's Leave of Absence Policy may be requested.

However, in situations where high levels of sickness absence are compounded by excessive periods of absence in relation to family emergencies, compassionate leave, discretionary leave etc. then all/some absences may be taken into consideration when determining the appropriate action under this policy. Headteachers should seek advice from their HR provider before progressing such cases.

15.0 Medical Advice

Employees absent from work due to sickness are required to attend and cooperate with any Occupational Health appointments made for them. Where the employee refuses to attend an Occupational Health appointment, the referring manager (Headteacher) needs to explain that without such a report, management decisions will be made using the information available to them. Refusal to attend an OH appointment may also impact on an employee's entitlement to Occupational Sick Pay.

16.0 Medical Suspension

In certain circumstances it may be appropriate to medically suspend an employee to ensure that the school complies with its duty of care, especially in situations where further medical information is required. Any decision to medically suspend needs to be based on sound justification and the headteacher should be able to demonstrate this through a risk assessment which will be shared with the employee. A decision to suspend must be approved in writing by the Chair of Governors.

The employee must be informed as soon as possible of the decision to suspend, and this must be confirmed in writing. Medical suspension will be on contractual pay and does not impact on sick pay.

The Headteacher will discuss and agree with Schools HR Team how to obtain the appropriate medical advice which will allow management to make an informed decision regarding the employee's return to work.

17.0 Data Protection

Any data collected and processed as part of employing and managing employees is held securely. It is accessed by, and disclosed to, individuals only for the purposes of completing that specific procedure, process, or activity.

Records are retained and destroyed in accordance with the organisation's Retention Schedule.

Version Control

Version	Date	Updated by	Comments
FV1.0	07/01/2021	Penelope Croucher & Lisa Kelly	Updated in line with MKC Managing Attendance Policy
FV1.0	01/09/2022	Declan Leith	Transferred on to new MKCC template to ensure accessibility requirements are met
FV2.0	13/09/2023	MKCC HR	Updated image to bring into line with other School Policies.

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