

## **Attendance Management Procedure**

<b>Ratified by the Board of Governors:</b>	<b>October 2015</b>
<b>Due for review:</b>	<b>October 2018</b>
<b>Source:</b>	<b>Trafford LA</b>

### **1. PRINCIPLES**

The Board of Governors considers the health and well-being of its employees to be of paramount importance and is committed to providing a high-quality working environment for all employees.

The Board of Governors recognises that underlying health conditions may impact on the ability of staff to attend work or carry out their role. The Board of Governors aims to support these employees and ensure that they are employed in suitable roles, in addition to the rehabilitation and provision of support to those staff that are too unwell to attend school.

The Board of Governors recognises the need for a clear, fair and consistent policy and procedure for managing the health, well-being and attendance of all staff and therefore the following procedure has been established and agreed.

Through the proper application of these procedures, the Board of Governors aims to ensure that absence is kept to a minimum, but that staff who cannot attend school, or who cannot continue in their role for health reasons, are adequately supported.

The principles outlined within these procedures reflect best practice in handling attendance management, as outlined within ACAS guidance and are compliant with current legislation.

The Board of Governors advocates a non-disciplinary approach to managing employees' absence levels, although it is recognised that there is a need to treat long-term absences and absences due to underlying reasons differently to ad-hoc absences with no underlying health conditions. However where it is shown that absences are not as a result of sickness, or the policy isn't being followed, the disciplinary policy will be followed.

It is important to note that ill health does not always result in an employee being absent from school. Some staff may have an underlying health issue, which prevents them from carrying out some aspects of their role. In these types of situations, these guidelines should be followed to ensure that the Board of Governors considers whether there are any temporary or permanent measures that could be taken, which would assist the employee in overcoming their difficulties.

### **2. SCOPE**

This policy and procedure applies to all teaching and support staff employed through the Board of Governors.

Note: - for support staff who have not completed their probationary period and have not been confirmed in post the "Probationary Policy" should be followed, where there are health and/or absence issues.

### **3. THE FRAMEWORK**

The core framework of the Attendance Management Policy and Procedure is made up of informal discussions and at least three formal meetings.

The informal part of the procedure should be used following all periods of absence, or where a staff member first indicates that an underlying health condition may be impacting

on their ability to carry out their role. The informal phase comprises of return-to-work meetings and informal discussions. These informal meetings and discussions would normally be carried out on a one-to-one basis.

The formal part of the process is appropriate where a staff member's absence, or underperformance due to health, is beginning to give cause for concern and/or the thresholds detailed under "Formal Approach" have been reached. The formal process consists of a series of Formal Health Review meetings. These Formal Health Review meetings provide an opportunity for the staff member and Headteacher/line manager to discuss the reason(s) for the absence, to fully investigate ways of supporting the individual, and to facilitate an improvement in their health, their level of attendance and/or a return to school. The employee should be made aware of their contractual obligations with regards to attendance and reasonable expectations. The formal process may also include One to One discussions in between the Health Review Meetings to discuss progress against action plans and to provide support.

The number of formal Health Review meetings will depend upon the individual circumstances of a case, but will not normally be less than three (First, Interim and Final). However if medical advice indicates that an employee is not likely to return to work in the foreseeable future it may not be necessary to hold three meetings.

A final Health Review meeting (Medical Incapacity Hearing) will be held where it has become apparent that the staff member will not be able to return to school in the near future, or where, despite attempts to support the individual, their absence levels are unsustainable.

Headteachers may seek advice, support and guidance from the HR Director, prior to instigating the formal process and prior to holding a formal Health Review meeting at any stage of the process.

#### **4. INFORMAL APPROACH**

In the vast majority of cases, informal discussions and return-to-work meetings will ensure that attendance is effectively managed.

Staff must keep in regular contact with their Headteacher/line manager during any period of absence and should advise of their likely date of return (see Appendix 1 for the initial notification procedure). Where it is apparent that the staff member's ill-health means that they will be absent for a long period of time, the staff member and their Headteacher/line manager should agree a frequency of contact that is appropriate and what form this should take.

Headteachers/line managers should ensure that a return-to-work discussion with staff after every absence relating to illness or with respect to other appropriate absences (e.g. dependant's illness or bereavement) is carried out by an appropriate member of staff. The purpose of this meeting is to discuss the reasons for the absence and to determine any support required in relation to the staff member's return to work.

Headteachers/line managers should be supportive in their approach and often, as a result of these discussions, they will be satisfied that the staff member is fully recovered and fit for work. However, where the individual's health and/or level of attendance continue to cause concern, it is important that this is fully discussed with the individual and that an

appropriate action plan is implemented. The action plan should include the provision of adequate support, to allow the staff member to maintain an acceptable attendance level.

## **5. FORMAL APPROACH**

The formal approach should normally be implemented where a staff member reaches the short-term or long-term sickness absence thresholds. In the case of short term absences, sufficient support should have already been provided on an informal basis i.e. return to work interviews have been carried out. The long-term and short-term sickness absence thresholds are as follows:

### **i) Short-Term Sickness Absence Thresholds**

- 3 occasions of absence in a rolling 12-month period, or,
- A total of 9 working days absence in a rolling 12-month period, or,
- Where the employee falls outside of these trigger points but their levels of absence is a cause for concern.

### **ii) Long-Term Sickness Absence Threshold**

- A continuous period of absence lasting 21 calendar days or more.

Initiating the formal approach on reaching these thresholds ensures that Headteachers/line managers have the opportunity to investigate whether there are any underlying reasons for absence at an early stage, and to allow them to provide appropriate support to improve their attendance. It also means that the employee is aware that their level of absence is of concern and warrants further monitoring. Employees should be made aware of the possible consequences of continued high levels of absence, i.e. that it could ultimately lead to termination of their contract of employment.

The use of these triggers also ensures that a consistent and fair approach is adopted.

Formal Health Review meetings will differ dependent upon the circumstances of each case and will have different outcomes.

Further to all Formal Health Review meetings, Managers should ensure that the agreed support is being provided, and they should maintain contact with the employee as agreed via the most appropriate method between meetings. This may include holding One to One meetings to discuss progress against action plans and to provide support.

It is important to note that in cases where an absence threshold has been met, and the employee is back in work, a return-to-work discussion will be held initially following the absence that results in the individual reaching the threshold. The individual should then be advised at the end of the return-to-work discussion that the formal process will be initiated and a separate Formal Health Review meeting should be arranged.

Employees are expected to comply with the process, attending meetings, OH where appropriate, and following the agreed action plan. Failure to do so may lead to withdrawal of sick pay and/or disciplinary action. If the decision is made to withdraw sick pay the employee has the right to ask for a review to be undertaken of this decision.

## **6. FIRST HEALTH REVIEW MEETING**

The first Health Review meeting should be held once the employee has reached the short-term or long-term absence threshold.

The Headteacher/line manager should write to the employee, to invite them to a First Health Review, and should clearly explain why the meeting is being convened. The employee should be provided with at least 5 working days notice of the meeting.

The meeting should ideally be held on a one-to-one basis between the staff member and the Headteacher/line manager. However, the employee may ask that a work colleague or Trade Union representative (or family member, in exceptional circumstances, or if the individual is on long-term sickness absence and the meeting is to take place at their home) be present during the Health Review meeting. In this case the Headteacher/line manager conducting the Health Review meeting should also be accompanied by another member of staff or the HR Director.

In the case of long-term absence, arrangements should be made for the Health Review meeting to be held at a mutually acceptable location, which would normally be the School. Where necessary and based on the individual's circumstances, it may be more appropriate for the meeting to be held at the employee's home or at another mutually agreed venue.

A comprehensive letter detailing all discussions should be provided to the staff member. This must indicate that, should the agreed objectives set out in the action plan not be met, a further Health Review may be appropriate. The action plan should be provided with the letter.

## **7. FURTHER HEALTH REVIEW MEETINGS**

Further Health Review meetings should be arranged between the Headteacher/line manager and the staff member where:

- In the case of short-term absence, an employee's attendance record continues to give cause for concern (e.g. where agreed outcomes from the first Health Review meeting have not been fulfilled within a reasonable or agreed timescale, which demonstrate improvement),
- In cases of long-term absence, where the employee has not returned to work within a reasonable timescale,
- In cases where a gradual return to work has been attempted and/or other forms of support have been provided, but the staff member is still unable to carry out the requirements of the role.

The Headteacher/line manager should ideally be accompanied by the HR Director at all further Health Review meetings, to guide on the most appropriate approach to take.

The letter accompanying the minutes and action plan from the meeting must indicate that, should the agreed objectives set out in the action plan not be met, the staff member's employment may be terminated due to medical incapacity, subject to a final Health Review meeting.

#### **8. FINAL HEALTH REVIEW MEETING - (Medical Incapacity Hearing)**

A final Health Review meeting should be arranged where:

- Despite the implementation of any support mechanisms, the individual's absence levels still give cause for concern and the action plan(s) has not been adhered to,
- For long-term absence, the staff member continues to be absent from work and there is no foreseeable return, or further to a return to work, with or without adjustments, the employee is still unable to carry out the required hours/duties of the post.

The purpose of the final Health Review meeting is to consider whether it is reasonable and appropriate for the staff member's employment with the School to continue, taking into account all the relevant information and support provided.

Dismissal on the grounds of medical incapacity should be the final option in all cases and should only be considered where all other options (including ill health retirement) have been explored.

The employee should be advised in writing of the arrangements for a Final Health Review meeting and the composition of the panel. This letter should explain the purpose of the meeting and must outline the possible options open to the School following the meeting, including termination of employment. The employee should be provided with at least 5 working days notice of the meeting and must be informed that they have the right to be represented by either a Trade Union representative or a work colleague.

The panel will be the Final Health Review Committee of the Board of Governors, comprising of three Governors from the Finance and Personnel Committee or another appropriate Committee who will have little or no prior knowledge of the case. The panel may be provided by professional advice and support. The Schools case should be presented by the Headteacher.

Note: This procedure may be adapted in cases where the Headteacher has not been involved in the Informal and Formal Review processes to allow the Headteacher to hear the case against the employee.

The staff member should be notified of the outcome within 5 working days of the Final Health Review meeting. Where it is not possible to come to a decision within this timescale e.g. further medical input is required, the hearing officer should advise the employee of the reason for the delay and indicate when they will be notified of the decision.

Where the decision is to dismiss, the employee should be advised of their right to appeal against this decision to the staff Appeal Committee.

#### **9. COMMUNICATION AND MONITORING**

It is important that the Headteacher/line manager and staff member should maintain an open dialogue throughout the Formal Approach and, as part of the action plan, Health Review meetings should be arranged to ensure there is time to follow-up and review any action plans. The aim of these discussions is to assess the success of any support measures,

which have been put in place to try to help the employee achieve the objectives set in their action plan.

Where it is confirmed that the employee has met the required expectations, the individual should be advised that their attendance/performance is at a satisfactory level and that those levels should be maintained. The employee should be made aware that if their health or attendance falls below satisfactory levels, a further Health Review may be held.

The staff member should be informed of how long they will remain under the Formal Approach. This period should not normally last for more than 12 months, unless there are exceptional circumstances. Once this time period has elapsed, any further attendance/health issues would normally be dealt with by initiating the Formal Approach afresh, i.e. starting with the First Health Review meeting.

Where the appropriate support has been implemented and the staff member's health or attendance is still unsatisfactory either due to underperformance or absence, a further Health Review should be arranged.

#### 10. INVOLVEMENT OF OCCUPATIONAL HEALTH

The employee should be referred to Occupational Health in all the following cases, to enable early intervention:

- Where information suggests that the reason for short-term absences relates to an underlying health condition that needs further consideration,
- An **immediate** referral (irrespective of the length of absence) should be made where the reason for absence is stress-related i.e. anxiety, depression, debility, exhaustion etc.,
- An **immediate** referral (irrespective of the length of absence) should be made where the reason for absence is musculoskeletal i.e. back pain, neck pain, work-related upper limb disorder (WRULD), sciatica etc.,
- Where the long-term absence trigger (a continuous absence of 21 calendar days and above) has been reached. If a fit note states that the employee will be absent from work for more than 3 weeks, the Headteacher/line manager should make the referral immediately, rather than waiting until the end of the sick note period,
- Prior to the individual being progressed to the Final Health Review, in cases where:
  - a) The individual has not previously been seen by Occupational Health, as the underlying cause(s) of absence appears not to be health-related, or,
  - b) Where the medical information held is not current/up-to-date.

This is critical to ensure that any decisions regarding the employee's employment with the school are made based on full and relevant information.

Where a referral is made to Occupational Health, Headteachers/line managers should ensure that they have received all relevant information and recommendations prior to progressing to any formal stage of the process.

Employees must attend Occupational Health appointments, failure to do so without reasonable justification may lead to the cessation of sick pay and/or disciplinary action.

### **11. THE APPEAL PROCESS**

Where the individual wishes to exercise their right of appeal, they must state their grounds in writing to the Clerk to Governors within 10 working days of the notification of the decision to dismiss.

An Appeal Panel, consisting of a further three Governors, who again will have little or no prior knowledge of the case will be convened as soon as possible and normally within 4 calendar weeks of the date the appeal was received. The individual must be informed of their right to be represented at the Appeal Hearing by either a Trade Union representative or a work colleague.

Unless there has been any fresh evidence unearthed, or a significant change in the circumstances affecting the case in question, the Appeals Panel will determine whether the previous decision was appropriate, given all the circumstances and evidence heard.

The decision of the Appeals Panel is final and there will be no further right of appeal. The decision must be communicated in writing to the individual within 5 working days of the meeting. Where it is not possible to come to a decision within this timescale, the individual should be informed of the reason for the delay and be given an indication of when they will be notified of the decision.

### **12. KEEPING RECORDS**

Headteachers/line managers must ensure that notes of all formal Health Review meetings, together with action plans, relevant correspondence and Occupational Health reports are retained on the employee's staff file.

### **13. EQUALITY**

We aim to regularly review all the policies and procedures to ensure there are no negative equality impacts. If you feel, on reading this policy, that there may be a negative equality impact within school, please tell us about this. Please also let us know if you need to access this policy in a different format. You can do this by contacting Sue Simons, HR Manager.