



# STAFF IMPROVING ATTENDANCE POLICY

## Approved By Governors

Committee Staffing & Finance Committee

Review Date 13<sup>th</sup> October 2016

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Signed Chair of Governors: 

Due for Renewal 12<sup>th</sup> October 2017

All of our polices are directly derived from our Mission Statement;

“Our Lady & St John Catholic College aims to be a caring Catholic Community centred on Christ, so as to fully develop the Gifts and talents of each person in order to love and serve God, others and themselves.”

# **HR Policies & Procedures**

## **Schools' Improving Attendance Policy**

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**This policy must be read in conjunction with the Improving Attendance Guidance - Schools.**

### **1. Introduction**

- 1.1 This policy is intended to outline the school's approach to the management of attendance. It aims to assist school-based staff, including Headteachers, Designated Governors, or other staff nominated by the Headteacher, with a framework in order to apply a fair and consistent approach to monitoring, managing and reducing sickness absence levels.
- 1.2 All management action under this policy will take into account the obligations of the Equality Act (EA).
- 1.3 Whilst the policy and associated guidance documents provide guidance for managing sickness absence, they are unlikely to cover all situations. The nature of sickness absence is such that each case must be considered separately and must be given the individual attention it requires. When any action is taken, including the progression or advancement of stages within the procedure, consideration should be given to the individual circumstances of the case.

### **2. Scope of Policy and Procedure**

- 2.1 This policy applies to all employees within Community and Controlled schools where the Local Authority (LA) is the employer. It is also commended to all other schools in the borough and should be adopted by Governors accordingly.
- 2.2 This procedure assumes that the Governing Bodies of Foundation, Voluntary Aided and Foundation Special schools have agreed, in writing, that the LA can attend a meeting/hearing in an advisory role. In the absence of such an agreement a decision can be made by the Secretary of State on whether the LA can attend. For Community, Voluntary Controlled, Community Special and

Maintained Nursery schools, the LA has an automatic right to attend in order to provide advice.

### **3. Definitions**

- 3.1 Throughout the procedure reference is made to the manager responsible for sickness absence matters. This refers to the nominated individual(s) who deal(s) with employee sickness absence in the school. All employees must be made aware of the identity of the manager/s appropriate to them.
- 3.2 A representative means any representative of a recognised trade union or work colleague; it does not include legal representation. The statutory right to representation applies at all stages of the formal procedure.
- 3.3 Capability is the ability of an individual to discharge their duties to an acceptable standard. An employee who is unable to work due to ill-health would enter the Improving Attendance Procedure. A distinction should be made between this and performance capability.

### **4. Roles and Responsibilities**

- 4.1 A manager can issue cautions up to and including a Final Caution in the Improving Attendance Policy. After this stage the case will be presented to the appropriate person who will make the decision on whether or not to dismiss.
- 4.2 Please refer to your school's decision sheet for information on who can issue cautions or determine a dismissal.
- 4.3 An employee's appeal against any level of caution issued may be heard by the next level of management within the school or a Governors' appeal panel. A Governors' appeal panel must hear all appeals against dismissal.

### **5. Standard Procedure**

This policy should be read in conjunction with the Improving Attendance Guidance. The document provides further information on how to effectively support and manage employees' absence.

This policy has been written after consultation with employee representatives.

#### **5.1 Trigger Points**

- 5.1.1 Under this policy the employee absence trigger points for line management intervention are either one or more of the following:
- Any absence from work which gives cause for concern, which could be due to the nature of the absence, e.g. stress or repeated patterns of short term absence;

- Over 4 weeks (20 days) of continuous absence, which for the purposes of this procedure is classed as long-term absence. This trigger is pro-rata for part time employees.

5.1.2 These trigger points are a guide and managers are able to make an informed decision around what steps to take should these triggers be exceeded, or in cases which are causing concern.

## **5.2 Absence Reporting**

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

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

5.2.3 Whenever an absence is reported consideration should be given as to whether it is appropriate to offer an alternative role or duties, dependent on the nature of the illness.

## **5.3 Self-certification and GP certificates**

5.3.1 A self-certification is required for every absence up to 7 consecutive days, including the weekend. On the 8th day of absence a medical certificate (Fit Note) from the employee's doctor should be submitted by the employee to the Headteacher or nominated manager.

## **6. Short and Long-Term Absence Management Procedure (Informal and Formal)**

Absence should be managed with a consistent approach in line with the following procedure. It may be appropriate to take a slightly different view on short-term and long-term absence. For instance, for long-term absences consideration should be given for a longer timescale to better accommodate potential long-term or terminal illnesses, which may be covered by the Equality Act and require more sensitivity.

There may also be a requirement for more than one medical or specialist report to enable full understanding of the condition and ensure reasonable supportive measures are put into place.

### **6.1 Informal Sickness Absence Management Procedure**

#### **6.1.1 Return to Work (RTW)**

Return to Work meetings should be conducted and a RTW Interview Form completed and signed. Where possible, the meeting should be conducted on the first day the employee returns to work and no longer than 3 days after. This can be conducted by another nominated manager.

The Return to Work meeting is an important part of the management of attendance and allows early discussion on issues and for potential solutions to be explored.

### **6.1.2 Welfare Meetings**

It is important that the employee is made aware that all attendance records are regularly reviewed and this may be done through a Welfare Meeting.

The employee should be informed that this is an informal meeting, although afforded the right to representation/support. This meeting may offer an opportunity to discuss any concerns on a one-to-one basis, if any support is required and the next steps should the employee be unable to return to work.

The outcome of any Welfare Meeting should be confirmed in writing and, if appropriate, further review meetings arranged.

Where the employee continues to be absent, or there is no improvement in attendance, the matter may need to be considered further under the formal stages of the policy.

If the employee has an underlying or recurrent medical condition and the employee is unfit to remain in their current role, the Headteacher or nominated manager should discuss with the employee any suitable alternatives such as any reasonable adjustments to duties or alternative duties within the school. In some cases of long term absence, medical information may confirm that the employee is unable to return to work or attend work for a significant period of time.

## **6.2 Formal Sickness Absence Management Procedure**

If the employee's attendance does not sufficiently improve, the formal stage of the procedure will commence.

The employee should be given reasonable notice of at least 5 working days to attend any formal meeting/hearing and they should be informed of the right to be accompanied by a representative. Where the employee or representative cannot attend on the date proposed, and provides a good and valid reason for not attending, the meeting may be postponed to another day.

This should be arranged within 5 working days of the original date of the meeting or mutually agreed otherwise.

### **6.2.1 Stage 1 Formal Meeting**

If there has been no acceptable improvement after the informal review, or further triggers have been met, a Stage 1 Formal Meeting should be arranged with notice and the right to representation. During the meeting the Headteacher or nominated manager should consider all the information presented before deciding on what action is required.

Having considered the information, the manager may decide not to issue a caution. If the Headteacher or nominated manager remains concerned about

the employee's attendance, the employee should be issued with a Caution and informed that their level of attendance is considered to be unsatisfactory and that a sustained improvement is required. A Caution will remain on the employee's personal file for 12 months from the date of issue.

The employee should be advised of their right to appeal against the decision to issue them with a Caution. Once a decision has been made the outcome will be conveyed to the employee within 24 hours. Confirmation of the decision will also be given to the employee in writing, where possible, within 5 working days of the meeting.

Appeals should be submitted in writing, detailing in full the grounds of appeal to the next level of management within 10 working days of receipt of their outcome letter.

A review period should be agreed and, if appropriate, a target for improvement may be set with the employee.

### **6.2.2 Stage 2 Formal Meeting**

If there has been no acceptable improvement after Stage 1, a Stage 2 Formal Meeting should be arranged. The meeting should follow the same format and considerations as the Stage 1 Formal Meeting above. However, in addition the Headteacher or nominated manager should also consider any new reasons offered by the employee in relation to their condition and review the effectiveness of any support or assistance that has been put in place, along with any current medical information.

Having considered the information, the manager may decide not to issue a caution. If the Headteacher or nominated manager remains concerned about the employee's attendance the employee should be issued with a Final Caution that their level of attendance is considered to be unsatisfactory and that a significant and sustained improvement is required. A Final Caution will remain on the employee's personal file for 12 months from the date of issue.

Once a decision has been made the outcome will be conveyed to the employee within 24 hours. Confirmation of the decision will also be given to the employee in writing, where possible, within 5 working days of the meeting.

The employee should be advised of their right to appeal against the decision to issue them with a Final Caution. Appeals should be submitted in writing, detailing in full the grounds of appeal to the next level of management within 10 working days of receipt of their outcome letter.

Depending on the individual case, it may be appropriate for a Headteacher or nominated manager to hold more than one Stage 2 meeting before considering moving to a Stage 3 meeting. However, this is a management decision and progress should not be unduly delayed.

### **6.2.3 Stage 3 - Case Review/Recommendation for Formal Capability Hearing**

If there has been no acceptable improvement after Stage 2, a Stage 3 Case Review meeting should be arranged. The meeting should follow the same

format and considerations as the Stage 2 Formal Meeting above, but in addition the Headteacher or nominated manager should also consider any new reasons offered by the employee in relation to their condition and review the effectiveness of any support or adjustments that have been put in place.

After considering all the information discussed, including the impact of the employee's absence on teaching and learning and the running of the school, depending upon the case history the Headteacher or nominated manager may consider one of the following outcomes:

- a recommendation that the case proceeds to a Stage 4 Formal Capability Hearing and the case is considered for dismissal;
- a further period of review and targets for improvement;
- no further immediate action as the attendance has improved to an acceptable level.

Once a decision has been made the outcome will be conveyed to the employee within 24 hours. Confirmation of the decision will also be given to the employee in writing, where possible, within 5 working days of the meeting.

#### **6.2.4 Stage 4 - Hearing to Consider Dismissal on Grounds of Capability**

The employee will be given at least 10 working days' advance notice of the hearing. The notice will be in writing and will inform the employee of:

- the purpose of the hearing and that it will be held under the school's Improving Attendance Policy;
- their right to be accompanied;
- the arrangements for the hearing and if the employee has any specific requirements;
- the witnesses to be called, if appropriate;
- the date for the exchange of documents, where applicable.

The employee should be informed that one of the outcomes may be that the employee is dismissed on the grounds of capability.

The hearing will be chaired by a Headteacher or Designated Governor who has the authority to dismiss.

The employee will be provided with all relevant written information (a Statement of Case) that management intends to rely upon during the hearing (including witness statements) within the required timescales (10 working days' notice for cases that could result in dismissal). The timescales will be adhered to unless otherwise agreed by both parties.

Similarly, the employee will provide management with all relevant written information that he/she intends to rely upon in accordance with the above timescales unless agreed otherwise.

Only in exceptional circumstances, and at the discretion of the Headteacher or Designated Governors' panel hearing the case, will new documents be

accepted at the hearing and relevant time allowed for either party to consider such information where required.

Before reaching a decision the Headteacher/Designated Governor will consider all the facts in relation to the case including:

- the length and frequency of absence;
- the employee's explanation;
- the medical position including all medical and Occupational Health reports;
- steps taken to support the employee and reasonable adjustments made;
- the implications for the efficient running and education needs of the school;
- the employer's responsibility under the Equality Act 2010.

After careful consideration of all the facts presented by both parties the potential outcomes are:

- the Headteacher or Designated Governors' panel may decide that the employee should be given notice to dismiss them from the employment of the school on the grounds of capability;
- that the matter is referred back to the Headteacher, or nominated manager, for a further period of review and if appropriate the panel may recommend specific action such as further reasonable adjustments in accordance with the Equality Act.

Once a decision has been made the outcome will be conveyed to the employee within 24 hours. The outcome of the hearing will also be confirmed in writing to the employee, where possible, within 5 working days of the meeting.

The employee has a right to appeal against the decision and this must be submitted within 10 working days of receipt of their outcome letter.

## **7. Dismissal Appeals**

7.1 Appeals must be received within 10 working days of the employee receiving written notification of the decision and they must state the grounds, in full, on which the decision should be reviewed.

7.2 Governors that have not been involved in the case will form a panel to hear the appeal the dismissal appeal. The hearing will be held at a convenient date that is within 15 working days of receipt of the written statement of appeal.

7.3 The decision of the Panel hearing the appeal is final. Once a decision has been made the outcome will be conveyed to the employee within 24 hours. The outcome of the hearing will also be confirmed in writing to the employee, where

possible, within 5 working days of the meeting. There is no further right of appeal following an Appeal Hearing.

## **8. Unfit for the Foreseeable Future**

- 8.1 In the case of an employee who has been identified as unfit for the foreseeable future, an Investigation Meeting should be arranged and the employee informed of their right to be represented.
- 8.2 The meeting should be arranged as soon as is reasonably practicable. The purpose is to consider any new/additional information that the employee may have obtained and if there is a potential case for a dismissal on the grounds of capability. Advice must be sought from the HR provider.

## **9. Critical/Terminal Illness**

- 9.1 An employee who is absent due to long-term illness must be treated fairly and sympathetically. However, there may come a time where the need to run the school efficiently has to be balanced with the need to provide employment for the employee.
- 9.2 In some cases of long-term absence the medical information may confirm that the employee is unable to return to work or attend work for a significant period of time. Depending upon the case, for example where the employee meets the definition of ill-health retirement, and in agreement with the employee, it may be more appropriate to move to Stage 4 in the procedure and arrange a Capability Hearing for the matter to be considered by an appropriate officer. A mutual termination agreement is a further option that may be considered at this time. The Headteacher or Designated Governors' panel should seek advice from HR and each case will depend on the particular circumstances.
- 9.3 It may be appropriate, on occasions, that due to the nature of the illness, a mutually agreed process be considered in regards to the hearing. See guidance for details.

## **10. General Considerations**

### **10.1 Wellbeing Services**

Wellbeing services are available and offer guidance and support to individuals to help improve health and mental health wellbeing.

They can provide advice, guidance or practical support for lifestyle changes, such as stopping smoking, drinking less or being more physically active, but also include support for issues such as housing, employment and money management. These concerns can affect individuals emotionally and by addressing them and accessing support it may enable a return to work.

Wellbeing services can be considered for supporting employees to return to work but also for prevention, to avoid absence and support employees whilst they remain in work.

These services provide employees with the opportunity to make a self-referral, or for the Headteacher/nominated manager to make a referral, as part of this absence management process. Wellbeing services are confidential, and information will not be shared with the school unless agreement with the employee has been given.

Please see the Improving Attendance Guidance for further information.

## 10.2 **Employee Assistance Programme (EAP)/Counselling**

Where the school has an Employee Assistance Programme (EAP), the service generally offers support to employees to identify and resolve personal concerns and issues that may affect their performance in their job. This may include health, marital, family, financial, alcohol, drug, legal, emotional, stress, or other personal issues.

An Employee Assistance Programme (EAP) is an independent, confidential telephone counselling help, advice and support service available to all school-based employees, where the school has purchased the occupational health and wellbeing services. EAPs act as gateways to a wide range of services and support functions. The service can provide advice about health, work, legal, financial, family, marital or addiction issues.

The use of an EAP service by an employee is voluntary and the vast majority of employees who use the service do so through self-referrals. The service is confidential and only usage figures are reported to the school.

## 10.3 **Occupational Health**

Schools should work closely with an occupational health provider to provide managers with expert medical advice in order to assist in the management of absence (or potential absence) from work.

It is essential that medical referrals outline in detail the nature of the case as well as prior management actions in order for a detailed assessment to be made.

It is advised that HR support is sought with regard to referrals to an occupational health service provider. Further information on referrals for employees to the occupational health service is available in the Improving Attendance Guidance and via their HR provider.

## 10.4 **Managing Stress - Risk Assessment**

Schools should have available a Self-Evaluation – Stress Indicator Tool and Stress Risk Assessment Form to support employees and to assist Headteachers/nominated managers in the management of work related stress.

This should be based on the HSE Management Standards. The schools can access via the HSE website.

A stress assessment should normally be completed prior to the employee's return to work, with support from your HR provider as required.

#### **10.5 Phased Return to Work**

Consideration will be given to the provision of a phased return. Any agreed phased return will be dependent on circumstances, length of absence and any reasonable adjustment required to support the employee back into work.

This will normally be a 4 week period, however, the duration should be shortened or extended to meet the needs of the employee and school.

An employee who returns to work on a phased plan will be entitled to receive full pay up to a maximum of 6 weeks, although in exceptional circumstance the phased return to work may be extended.

The HR Provider will support Headteachers in looking creatively at options for a phased return to work. In some circumstances the phased return may also include temporarily adjusted duties to accommodate the restrictions of the individual and to prevent further absence.

#### **10.6 Pregnancy**

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

### **11. Third Party Claims**

An employee who is absent as a result of an accident, where damages may be receivable from a third party, must notify their line manager of the circumstances of their absence. The employee should then pass on the information to the relevant payroll provider. Where loss of earnings may form part of the damages received, the school will undertake to reclaim a refund of the sick pay allowance paid to them during their absence.

### **12. Commitment to Equality**

The Council is committed to treating all employees fairly and with dignity and respect, taking a zero tolerance approach to any form of discrimination.

Managers must ensure that all decision-making is free from discrimination of any form and manage attendance issues for disabled employees in accordance with this legislation. This policy and the guidance have both been subject to an Equality Impact Assessment to ensure our organisational approach to improving attendance is free from discrimination of any kind.

### **13. Further Guidance**

Further guidance is available in the Schools' Improving Attendance Guidance. If Headteachers require any general advice regarding the application of this policy and guidance, please contact your HR provider. If schools require

specific guidance, or the LA view on any aspect of the policy and guidance, they may contact the LA who will be happy to provide advice.

**14. Policy Review**

This policy will be reviewed in accordance with any changes to statutory legislation and in consultation with the recognised trade unions.

**15. Approving Body & Date**

LJNCC: date/Month/Year