



# **Attendance Management Policy March 2017**

The Local Governing Body of Long Field Academy adopted this policy on 22<sup>nd</sup> May 2017  
It will be reviewed annually by the Trust Personnel Committee, the next such review to be no later than 31 March 2018.

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## **1 Introduction**

- 1.1 This policy applies to all Academies within The Spencer Academies Trust. The Directors may approve a transitional policy for recently converted Academies in exceptional circumstances. The Scheme of Delegation for each Academy within the Trust outlines the delegated responsibility for employee matters and the pay and conditions of all employees.
- 1.2 This policy has been developed taking into account the requirements of both education and employment legislation and recognises ACAS guidance. This policy sets out the Academy's procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.3 The Principal or their appointed representative, supported by the Trust HR Manager will be responsible for managing the procedures. References to Principal include the Chief Executive Officer (CEO) and the Senior Leader responsible for each Academy or appropriate Trust employed operational support lead.
- 1.4 The aims of this policy are;
- a) Attendance to be recorded and managed;
  - b) Employees to be interviewed about absences, when appropriate;
  - c) Problems to be identified at an early stage and action and support agreed;
  - d) Employees to be supported and encouraged to attend work regularly; and
  - e) The cost and disruption of absence to pupils to be kept to a minimum.
- 1.5 Sickness absence can vary from short intermittent periods of ill-health for related or unrelated reasons to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.6 The Academy seeks to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness in their return to work.
- 1.7 The Academy may vary the procedures set out in this policy, including any time limits, as appropriate in any case.
- 1.8 In the case of the absence concerning the Principal, Executive Principal or the CEO the procedures will be managed in the case of the Principal or Executive Principal by the CEO or in the case of the CEO by the Chair of Directors of the Trust Board.
- 1.9 Guidance on managing attendance is available from the Trust HR Manager who must be consulted before commencing these procedures.

## **2 Long Term and Short Term Intermittent Absences**

- 2.1 Long Term Absences for the purposes of this policy are defined as absences of four or more consecutive weeks. Where appropriate, the procedure for Long Term absence is set out at paragraph 7 of **Appendix 1**. In other long term cases the procedure set out in section 5 may be followed.
- 2.2 Short Term Intermittent Absence triggers that causes concern is defined as:

- a) Repeated short term sickness of 4 occasions in a rolling 12 month period;
- b) 11 days absences in a rolling 12 month period;
- c) Any score on the Bradford Factor of more than 150;
- d) Situations when the amount of leave of absence taken is approaching the normal limit for paid leave and may appear to be linked to an underlying health problem.

2.3 Where necessary the Academy will implement the Attendance Management Procedures set out at **Appendix 1**.

### **3 Disabilities**

3.1 The Academy is aware that sickness absence may result from a disability. At each stage of the policy, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

3.2 Employees who consider that they are affected by a disability or any medical condition which affects their ability to undertake their work, should inform the Principal, their line manager or their HR contact.

### **4 Sickness absence reporting procedure**

4.1 Employees will be made aware of the Academy's sickness absence reporting procedures which are linked to this policy and where they are set out.

### **5 Evidence of incapacity**

5.1 Where the Academy is concerned about the reason for absence or the level of frequent short-term absence, a fit note for each absence regardless of duration may be required. In such circumstances, the Academy will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.

### **6 Unauthorised absence**

6.1 Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence. The Academy will try to contact the employee by telephone and in writing if necessary. Continued unauthorised absence may result in all or any part of the employees' pay being withheld.

6.2 Cases of unauthorised absence will be dealt with under the Academy's Disciplinary Policy.

### **7 Sick pay**

7.1 Sick pay will be paid in line with the Burgundy Book for teachers and the NJC Green Book for support staff.

### **8 Keeping in contact during sickness absence**

8.1 During any period of sickness absence employees should expect to be contacted from time to time by their line manager or other appropriate manager in order to discuss their wellbeing, expected length of continued absence from work and any work that requires attention. This may include a welfare

meeting/visit by the line manager or another senior member of staff as appropriate. Such contact is intended to provide reassurance and help support a return to work.

- 8.2 If in the circumstances it is not appropriate for the Academy to contact the employee directly, the Academy may liaise with a chosen representative; a member of their employee's family or trade union representative providing the employee consents to this.
- 8.3 Any concerns the employee has while absent on sick leave, whether about the reason for their absence or their ability to return to work, or otherwise should be discussed with their line manager or other appropriate senior manager.

## **9 Medical examinations**

- 9.1 The Academy may, at any time in operating this policy, refer the employee to an Occupational Health expert and/or a doctor nominated by the Academy and at the Academy's expense.
- 9.2 Employees will be asked to agree that any report produced in connection with any such examination may be disclosed to the Academy and that the contents of the report may be discussed with the Academy advisers and the relevant Occupational Health advisor and/or other doctor nominated by the Academy.
- 9.3 After a report has been obtained the Academy will meet with the employee to discuss its contents.

## **10 Return-to-work meetings**

- 10.1 Employees who have been absent on sick leave may be required to have a return-to-work meeting with their line manager or other appropriate senior manager.
- 10.2 A return-to-work meeting enables the Academy to confirm the details of the absence. It also gives the employee the opportunity to raise any concerns or questions they may have, and to bring any relevant matters to the Academy's attention.
- 10.3 Where the employee has met the triggers, as detailed in section 2 above, the employee's line manager or other appropriate manager will discuss the need to improve the employee's attendance with them and where appropriate inform the employee that should their attendance not improve they will be invited to an informal meeting with the Principal or their appointed representative. This meeting will be held in line with section 2 of Appendix 1 Attendance Management Procedure.
- 10.4 Where a doctor has provided a certificate stating the employee "may be fit for work" the Academy will usually hold a return-to-work meeting to discuss any additional measures that may be needed to facilitate the return to work, taking account of the doctor's advice.
- 10.5 The Academy is committed to helping employees return to work from long-term sickness absence or improve inappropriate levels of short term intermittent absences. As part of our sickness absence meetings procedure, where appropriate and possible, support by:

- a) Obtaining medical advice;

- b) Making reasonable adjustments to the workplace, working practices and working hours;
- c) Considering redeployment; and/or
- d) Agreeing a return to work programme with everyone affected.

## **11 Suspension**

- 11.1 If the Academy has real concerns about an employee's health, safety and welfare or that of pupils or colleagues, it may decide to suspend the employee on medical grounds from work on full pay.
- 11.2 Before taking such a decision the Principal should discuss this with the Trust HR Manager, CEO and Local Chair of Governors to decide if the action is necessary.
- 11.3 Suspension on medical grounds is a neutral act and does not imply that formal action will be taken. If there are separate allegations of misconduct, these will be investigated separately under the Academy's Disciplinary Policy.
- 11.4 Suspension on medical grounds will be confirmed in writing.
- 11.5 Employees will not be allowed to return to work until the Principal, CEO and Local Governing Body is satisfied of their fitness to work. This may be after a medical report has been obtained.

## **12 Employee Responsibilities**

- 12.1 The Academy expects that employees will:
  - a) Comply with the sickness absence reporting procedures;
  - b) Take all reasonable steps to safeguard their health and safety at work;
  - c) Not attend work when unfit to do so;
  - d) Attend work when fit to do so;
  - e) Seek medical advice as soon as possible;
  - f) Keep the Academy informed of any relevant developments during their absence; and
  - g) Take all reasonable steps to improve unacceptable levels of sickness absence.

## **Appendix 1 Attendance Management Procedure**

### **1 Introduction**

- 1.1 This policy may be applied whenever the Academy considers it necessary, including, for example, but without limitation, if an employee has hit the following Short Term Intermittent Absence triggers:
- a) Has been absent due to illness on 4 occasions in a rolling 12 month period;
  - b) Has discussed matters at a welfare or return to work interview that require investigation; and/or;
  - c) Has been absent for 11 days in a rolling 12 month period;
  - d) Has a Bradford Factor score of 150 or more.
- 1.2 Should sickness absences be pregnancy or disability related these will be recorded as such. Further action will not be taken where this would be discriminatory.

### **2 Informal Meetings**

- 2.1 Before the procedure set out at Paragraph 5 below is followed, the Principal or their appointed representative will meet with the employee informally to discuss their absences, and will investigate the reasons for these. At this meeting it will be made clear to the employee that their level of absence is unsatisfactory and if there is no improvement that the formal attendance management procedure set out at **Paragraph 5** will be followed.

### **3 Formal Meetings under this policy**

- 3.1 Employees will be given 5 working days' notice of the date, time and place of an attendance management meeting. The written notification will include the level of sickness absence, the concerns and the basis for those concerns, details of any support already put in place and details of any impact the absence is having on the Academy. This will allow the employee a reasonable opportunity to consider this information before a meeting and provide a written response should they wish, which should be submitted 3 days before the meeting.
- 3.2 Employees must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. A meeting may be adjourned if the Academy is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- 3.3 Notes of the meeting, including any agreed actions, will be taken and a copy given to the employee, usually within 10 working days of the meeting.
- 3.4 Confirmation of any decision made at a meeting including the appropriate sanction, the reasons for it, and of the right of appeal will be given in writing usually within 3 working days of an attendance management meeting, unless this time scale is not practicable, in which case it will be provided as soon as is practicable.
- 3.5 If, at any time, the Principal considers that sickness absence is being taken when the employee is not unwell, the matters may be dealt with under the Academy's Disciplinary Policy.

#### **4 Right to be accompanied at meetings**

- 4.1 Employees may bring a companion who may be a colleague or trade union representative to any formal meeting or appeal meeting under this policy. Their identity must be confirmed before the meeting takes place. Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting.
- 4.2 If the employee or their companion are unable to attend a formal meeting/appeal meeting at the time specified the Academy will seek to agree an alternative time where possible.
- 4.3 Employees are allowed reasonable time off with pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.
- 4.4 The Academy may at its discretion, permit a companion who is not an employee or union representative, for example, a family member, where this may help overcome particular difficulties caused by a disability, or difficulty understanding English.
- 4.5 A companion may make representations, ask questions, and sum up the employees position, but will not be allowed to answer questions on their behalf. An adjournment will be allowed for the employee to confer privately with their companion at any time during a meeting.

#### **5 The Procedure**

##### **Stage 1: First attendance management meeting**

- 5.1 If there has been no or insufficient improvement in attendance following the informal meeting Stage 1 of the procedure will be followed.
- 5.2 The meeting will be conducted by the Principal or their appointed representative.
- 5.3 The purposes of a first sickness absence meeting may include:
- a) Discussing the reasons for absence;
  - b) Where on long-term sickness absence, determining how long the absence is likely to last;
  - c) Where short term absences on a number of occasions, determine the likelihood of further absences;
  - d) Considering whether medical advice is required;
  - e) Considering what, if any, measures might improve the employees' health and/or attendance;
  - f) Explaining consequences of continuing poor attendance;
  - g) Agreeing a way forward, action that will be taken and set a time-scale for the review period (usually to be 6 weeks unless circumstances warrant a longer or shorter review period) and/or a further meeting under the attendance management policy.
- 5.4 The employee will be informed of the outcome of the meeting in writing in accordance with this policy (for example first written warning).

## **Stage 2: Further attendance management meeting(s)**

- 5.5 Depending on the matters discussed at Stage 1, a further meeting or meetings may be necessary where there has been no or insufficient improvement in attendance. If the employee has more absences within the review period Stage 2 can be brought forward to before the end of the review period set at Stage 1.
- 5.6 The meeting will be conducted by the Principal or their appointed representative.
- 5.7 The purposes of further meeting(s) may include:
- a) Discussing the reasons for and impact of the on-going absence(s);
  - b) Where on long-term sickness absence, discussing how long the absence is likely to last;
  - c) Where short term absences on a number of occasions, determine the likelihood of further absences;
  - d) If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required;
  - e) Considering the employees ability to return to/remain in their job in view both of the employee's capabilities and the Academy's operational needs and any adjustments that can reasonably be made to the employees job to enable them to do so;
  - f) Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeployment;
  - g) Where they are able to return from long-term sick leave, whether to their substantive role or a redeployed job, agreeing a return to work programme;
  - h) If it is considered that the employee is unlikely to be able to return to work from long-term absence, whether there are any benefits they should be considered for, for example ill health retirement;
  - i) Explaining consequences of continuing poor attendance;
  - j) Agreeing a way forward, action that will be taken and setting a time-scale for the review period and/or a further meeting(s). This may, depending on steps already taken, include warning the employee that they are at risk of dismissal.
- 5.8 After consideration of all of the facts and any representations made by the employee at this meeting, the person conducting the meeting will decide on any appropriate action (for example Final Written Warning) which will be confirmed in writing in accordance with this policy.

## **Stage 3: Final attendance management meeting**

- 5.9 Where the employee has been warned that they are at risk of dismissal, and there has been no or insufficient improvement in attendance they will be invited to a meeting under Stage 3 of the Attendance Management policy.
- 5.10 10 working days' notice of this meeting will be given and it will be conducted by the Principal, Executive Principal, CEO or Director of the Trust as appropriate.

- 5.11 A statement of case will be presented to the person hearing the case. The statement of case will be given to the employee not less than 7 days before the meeting and will include:
- a) The absence record and reasons for absence;
  - b) Medical statements received from Occupational Health, doctor or from other sources;
  - c) Information received from the employee about their absences and expected return to work/improvement in short term absences;
  - d) Proposals to support a return to work including reasonable adjustments, or redeployment alternatives; and
  - e) Implications for pupils, colleagues and the Academy resulting from the absence.
- 5.12 The purposes of the meeting will be:
- a) To review the meetings that have taken place and matters discussed with the employee;
  - b) Where the employee remains on long-term sickness absence to consider whether there have been any changes since the last meeting under stage two of the procedure; either as regards to a possible return to work or opportunities for return or redeployment;
  - c) To consider any further matters that the employee wishes to raise;
  - d) To consider whether there is a reasonable likelihood of a return to work or achieving the desired level of attendance in a reasonable time;
  - e) To consider any adjustments which could be made to assist a return to work or an improvement in attendance level;
  - f) To consider the possible termination of the employee contract of employment;
- 5.13 In deciding the appropriate action the person hearing the case must consider all the circumstances including:
- a) The medical information;
  - b) The employees ability to do the job in light of their attendance levels/ability to do the job due to ill health;
  - c) The likelihood of a change in attendance/ability;
  - d) The possibility of modifying the job or a temporary transfer of responsibilities;
  - e) Whether medical evidence indicates that redeployment, if possible, will improve attendance;
  - f) The effect the past and future absence is having or might have on pupils' education and attainment, on other employees, or the Academy;
  - g) How the employees' health and attendance affects their performance; and
  - h) Any evidence or mitigating circumstances the employee chooses to submit, which must be provided to the Academy not less than 5 days before the meeting.

- 5.14 If the decision is made to terminate the contract of employment it will normally be with full notice or payment in lieu of notice in line with the employee's contract of employment.

## **6 Review Periods**

- 6.1 In each of the review periods agreed throughout Stages 1, 2 and 3 (set out above) the Principal or their appointed representative will keep the employees attendance under review and meet with the employee to discuss their attendance and/or any further absences and ascertain the reasons for these. This will help identify if new medical information has come to light and/or if further medical evidence is required.

## **7 Long Term Absences**

- 7.1 Absences of more than four consecutive weeks will be considered as long term absences and a welfare meeting will be arranged as soon as possible. A referral to Occupational Health will be made and once a report has been obtained the Principal or their appointed representative will meet with the employee to discuss the report.
- 7.2 In cases where the employee is absent for more than three months and medical evidence indicates that they are unfit to return to work which is likely to continue for at least 2 months or more, the Academy reserves the right to move straight to Stage 3 of the policy set out above, even where procedures set out for Stage 1 and Stage 2 above have not already been commenced or completed.
- 7.3 If the employee is unable to attend the Stage 3 attendance management meeting or any other sickness absence meeting under this policy due to ill health, the meeting will continue in their absence and they may send a representative in their place, or alternatively provide a written statement.

## **8 Appeals**

- 8.1 Employees may make an appeal against the outcome of any formal stage of this policy in writing within 5 working days of the date of the written confirmation of the outcome, stating fully the grounds of their appeal.
- 8.2 The protocol outlined in the disciplinary policy will be followed to hear any appeals where the appeal is on the grounds that the hearing was allegedly procedurally flawed. In other cases, the appropriate person may review the original decision based on the paperwork and the contents of the appeal.
- 8.3 Appeal hearings will be arranged without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for notification and right to be accompanied by a companion apply as with the appropriate stage of the attendance management meetings. Notes will be taken and a copy sent to the employee.
- 8.4 Any new matters raised in an appeal may delay an appeal meeting if further investigation is required. The employee will be provided with written details of any new information which comes to light before an appeal meeting. They will also be given a reasonable opportunity to consider this information before the meeting.
- 8.5 The appeal will be dealt with impartially and, wherever possible, by individuals who have not previously been involved in the case. Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. The final decision will not be given at the appeal meeting but confirmed in writing, if possible

within 10 working days of the appeal meeting. There will be no further right of appeal under this or any other Academy policy.

- 8.6 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity of employment or pay.

## **General Principles Underlying This Policy**

### **Confidentiality**

Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy is responsible for observing the high level of confidentiality that is required. Details of the matter must only be disclosed on a "need to know" basis.

Information about attendance management procedures will be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process and marked as confidential. These will be processed in accordance with the Academy's Data Protection Policy.

Breach of confidentiality may give rise to disciplinary action under the Academy's Disciplinary Policy.

### **Consistency of Treatment and Fairness**

The Spencer Academies Trust and Local Governing Body are committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

### **Delegation**

The Scheme of Delegation sets out the rules in respect of the delegation of functions by Trust Directors, CEO, Local Governing Bodies, Principals or other senior leader responsible for the Academy.

### **Grievances**

Where a grievance is raised during the procedure set out in this policy, and that grievance has relevance to the procedure, the process may be temporarily suspended, if appropriate, until the grievance has been resolved or answered. In the situation where there is more than one grievance from the same person these will be heard together. If a grievance restates a complaint they have already raised and had heard or dealt with in the past, they will be asked to explain how the new grievance differs, what new incident has occurred and/or what new evidence has come to light. Where it is clear to the investigator that there is nothing new being raised the grievance can be rejected by the investigator without a formal grievance meeting.

### **Monitoring and Evaluation**

The CEO, Local Governing Body and Principal will monitor the operation and effectiveness of the Academy's Attendance Management Policy.

### **Equality Impact Assessment (EIA)**

An Equality Impact Assessment (EIA) has been completed in relation to this policy.