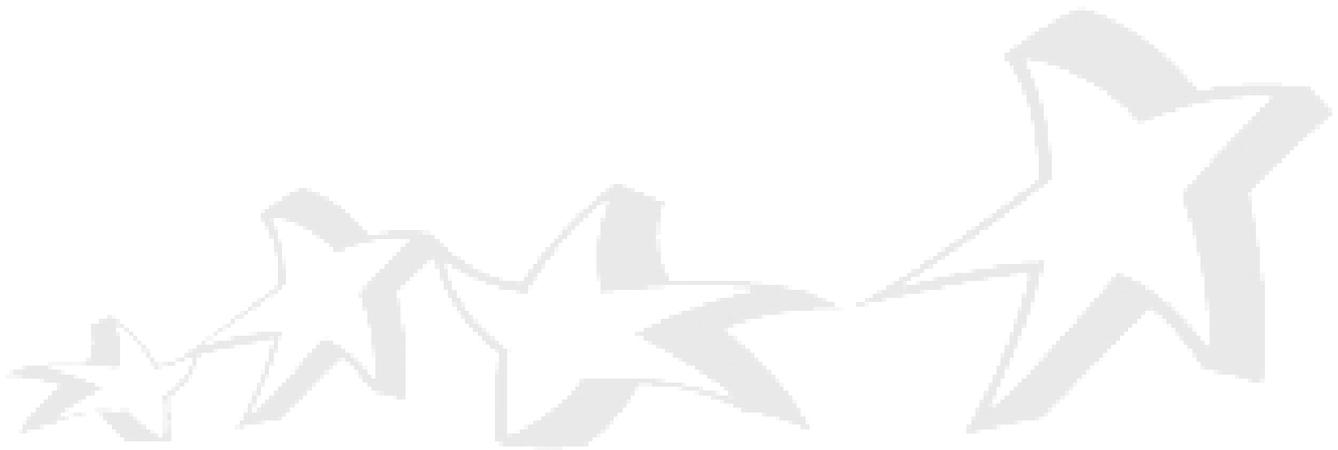




TRUST IN LEARNING (ACADEMIES)

MANAGING STAFF ATTENDANCE POLICY AND PROCEDURES



Date Created: September 2012
 Effective From: September 2012
 Dated Adopted by the Board: September 2012
 Review Date: January 2019

Date	Page	Change	Purpose of Change

Introduction

The Board of Directors of Trust in Learning (Academies) adopted this policy on 1st September 2012. The Board is delegating the operational procedures and oversight of the policy to the Local Governing Bodies of its schools.

Policy

This policy applies to all staff of the Trust in Learning (Academies) (TiLA), except for staff of external contractors whose own procedures will apply.

The local governing bodies of the schools wish to promote health and wellbeing within the school. They will promote healthy schools initiatives and will ensure that all staff are directly involved in contributing to the development of ideas that reduce workplace stress.

The purpose of this policy and procedure is to ensure good practice in the management of absence due to sickness with the aim of improved provision of services to children.

The Chief Executive/Headteacher of each school manages day-to-day attendance of the staff at the school through TiLA policies e.g.

Leave of Absence Policy
 Maternity Schemes

And through

- full and open discussions regarding issues affecting attendance e.g. return to work discussions;
- identifying measures (including return to work plans) for improving attendance;
- meeting the requirements of relevant legislation e.g. H&S at Work Act, Equality Act
- a clear procedural framework, should more formal action be required

Impact Assessment

- During the period that this statement remains in force (three years) we will review all policies and practices on a rolling programme in respect of their effect on protected characteristics
- We will collect and analyse relevant statistical information (see below);

Information

The Local Governing Body, Chief Executive/Headteacher, designated managers and the school employees have responsibilities regarding attendance as follows:

1. Local Governing Bodies' responsibilities are to:

- a) Ensure that there are policies in place for managing attendance fairly and consistently
- b) Ensure there is a procedure for reporting sickness absence
- c) Hear appeals in accordance with this policy.
- d) Designate a governor to act in the case of the absence of the Chief Executive/Headteacher. That governor should take over the role of Chief Executive/Headteacher within this procedure (i.e Headteacher's absence should be reported to governor and a return to work meeting should be held) and should seek advice from the HR adviser on managing the sickness absence of the Chief Executive/ Headteacher. See guidance notes.
- e) Monitor absence of the Chief Executive/Headteacher

2. Chief Executive/Headteacher /designated manager's responsibilities are to:

- a) Ensure that Health and Safety Management Standards are met including undertaking or making sure that relevant workplace risk assessments are in place (including Stress Assessment) and reviewed annually.
- b) Implement a clear procedure for reporting absence which is drawn to the attention of all employees.
- c) Maintain and agree how personal contact will be maintained with the employee when s/he is off sick, retaining confidentiality (see guidance)
- d) Ascertain that the employee is fit to return to work and reasonable adjustments are made where appropriate
- e) Undertake and record return to work discussions
- f) Understand his/her obligations under the DDA, pregnancy or injury at work absence within the context of the procedure (see Appendix A)
- g) Seek advice from the school's HR Adviser as necessary, especially in relation to pregnancy, injury at work or disability issues
- h) Ensure compliance with certification arrangements (self and medical certificates)
- i) Monitor and report absence from work to the governing body.
- j) Take action in line with this procedure (including formal action as set out in Section 8)
- k) Formally record any management discretion exercised in addition to any action taken, or in delaying formal action
- l) Give the employee his/her right to be accompanied by a Trade Union Representative or workplace colleague (for advice and support) at formal meetings
- m) Provide five working days' notice, in writing, of any formal meetings to be held with the employee and/or Trade Union Representative and confirm the outcome in writing
- n) Discuss referrals and medical reports with employees
- o) Refer an employee for OH/Counselling appointments when appropriate
- p) Always refer long term sickness absence cases to Occupational Health (OH)
- q) Refer stress or muscular-skeletal cases to Occupational Health immediately
- r) May suspend sick pay if there is clear evidence that the employee is abusing the sickness scheme
- s) Reimburse an employee where a GP makes a charge for issuing a medical certificate where self-certification has been withdrawn
- t) Consider carefully any OH advice and support phased returns to work (see paragraph 10) of up to six weeks wherever possible.

3. Employees' Responsibilities are to;

- a) Attend work when fit to do so (unless on authorised leave of absence)
- b) Report any absence from work in accordance with school's absence reporting procedure(See Appendix 3 for suggested sickness absence reporting procedure)
- c) Speak to their line manager on the first day of absence prior to their normal start time, to inform him/her of the absence and anticipated length of absence from work and leave a message on the absence line.
- d) Agree how/when they are going to maintain regular contact with their line manager (see guidance notes)
- e) Make all reasonable efforts to respond to their manager during periods of absence
- f) Participate in a return to work discussions with their manager to discuss all illness and/or workplace issues/practices impacting upon your attendance
- g) Attend appointments with the Occupational Health & Counselling Service (OHS) when requested. Formal action will be taken if they do not comply with this request unless they are medically unfit to do so (confirmation will be required from their GP)
- h) Attend and/or make own arrangements for representation at formal meetings (Stages 1 to 3). Where, due to medical reasons, employees are unable to attend their Trade Union Representative or a work colleague may attend on their behalf, or they may make written representations
- i) Comply with the self/medical certification absence arrangements (otherwise sick pay may be withheld and/or disciplinary action could be taken)
- j) Follow medical advice and avoid activities that may delay your recovery.
- k) Record all industrial injuries in the accident book

Employees, when absent, will be entitled to claim sick pay under the scheme providing they:

- a) notify the school in accordance with the school's sickness absence notification scheme
- b) provide medical certificates at the appropriate times
- c) attend OH appointments when requested
- d) do not abuse the scheme

If an employee refuses to attend OH appointments without any good reason it may result in further action being taken under the formal stages of this procedure without the benefit of up-to-date medical advice and, where an employee fails to attend an arranged OH appointment this could lead to disciplinary action.

Occupational sick pay may be suspended if an employee abuses the sickness scheme, although statutory sick pay is still payable. Any abuse of the sickness scheme will be dealt with in accordance with the disciplinary procedure.

4. Role of Human Resources (HR), Occupational Health and Health & Safety

HR will provide professional advice, guidance and support on the application of the procedure to the governors and Chief Executive/Headteacher, on request.

The Occupational Health and Counselling Service will provide guidance to the Chief Executive/Headteacher, or designated manager, based upon competent medical advice in order to assist them to make informed decisions and take appropriate action including any reasonable adjustments. Occupational Health will also advise if medical redeployment is appropriate.

For support staff OH will determine whether the requirements of the pensions regulations are met with regards to early retirement on the grounds of medical incapability to enable the release of retirement benefits.

Occupational Health can also advise whether or not they are able to support an application to Teachers' Pension for ill health retirement, although the decision on granting ill health retirement or otherwise lies with Teachers' Pensions.

5. Short-Term Absence

Short-term absence is defined as any period of absence (from half a day, up to four working weeks).

The Chief Executive/Headteacher, or designated manager, and the employee should maintain regular contact (in the agreed way) and after two working weeks consider a meeting to ascertain how long the sickness is likely to continue and whether or not a referral to Occupational Health and/or Counselling is appropriate.

6. Long-Term Absence

Absence for more than 20 consecutive days (four weeks) is long term.

The Chief Executive/Headteacher, or designated manager, should continue to maintain regular contact with the employee throughout the period of absence.

If the employee has not already been referred to Occupational Health a referral should be made after four weeks.

The formal stages of the procedure should be followed as outlined in Sections 7 & 8 of the procedure. In many cases of long-term sickness it is not appropriate to issue the employee with a formal warning, however, it does need to be made clear to the employee that if s/he is unable to return to work within a reasonable timeframe that ultimately the manager may have to dismiss him/her on the grounds of incapability.

If medical advice from OH is that the employee is unable to return to his/her post on grounds of medical incapability, then Stage 3 in Section 7 of the procedure will apply.

7. Trigger Points for Management Action

Where absence reaches the following trigger points

- 5 working days' absence within 2 consecutive terms, or
- 3 separate incidents of absence within 2 consecutive terms, or
- 10 days within the previous 12 months

Headteachers will formally review the employee's attendance (see below Formal Review of Attendance)

NB: In appropriate cases the local governing body will adjust the trigger points for pregnant, disabled employees, or those who have had an industrial injury. The triggers will be applied on a pro-rata basis for part-time staff. Please see guidance notes for further information.

Management of Attendance - Procedure

1 Return to Work (RTW) Discussion

This is an informal stage of the procedure. The Chief Executive/Headteacher or designated manager should conduct a return to work discussion with the employee whenever s/he returns from a period of absence. (Please see Appendix B)

2 Stage 1 - Formal Review of Attendance

A Stage 1 meeting will be convened by the Chief Executive/Headteacher, or the designated manager,

- when an employee has reached any of the trigger points, unless discretion has been exercised by the manager (see Guidance)
- where, following a referral to OH, an OH report has been received

At this meeting, the employee's attendance record will be reviewed with the employee and there should be a discussion of any underlying reasons for sickness absence. The employee should be given five working days' notice of the meeting and is entitled to be accompanied by a trade union representative or work colleague.

The following outcomes could result from the meeting

- no further action
- undertake any reasonable adjustments and hold a future meeting (specified date) to allow a further period of monitoring
- adjourn the meeting, pending medical advice
- issue a warning, which will remain current for 6 months, and set a further review date
- request medical certificates for absences of less than seven days for a specified period and set a further review date
- suspend sick pay (as set out in the Headteacher's responsibilities above)
- other action as deemed appropriate

The Chief Executive/Headteacher or designated manager will formally record, in writing, the outcome of the meeting, including discussions and decisions reached.

3 Stage 2 - Formal Review of Attendance

If, following the Stage 1 meeting, there is insufficient improvement(s) in attendance over the agreed review period, the manager may progress to Stage 2.

A further meeting should be held following the same structure as above, and with the same range of outcomes available to the manager as set out in Stage 1. The employee should be given five working days' notice of the meeting and is entitled to be accompanied by a trade union representative or work colleague. This meeting must also be formally documented.

If a Stage 2 warning is given, this will remain current for a period of 12 months from the date of the meeting.

4 Stage 3 - Formal & Final Review of Attendance

This is the final stage of the procedure and applies where:

- There has been insufficient improvement in the employee's attendance (as set out in Stage 2)
- An employee is off work due to long term sickness and it is the opinion of OH that the employee will not be able to return within a reasonable timescale. In such instances the school's management may, in certain circumstances, consider dismissal even though the employee may not have received previous warnings
- Occupational Health have been requested by the governors / Chief Executive/Headteacher to express a view on early retirement on the grounds of incapability for a member of the support staff and they subsequently recommend this
- OH identify that the employee is (or soon will be) medically unfit to undertake their substantive post but may be well enough to undertake other less onerous duties and responsibilities (see Medical Redeployment below)

This final review will be undertaken by the Chief Executive/Headteacher or nominated governor/s. A HR representative should also attend this meeting.

The purpose of this meeting will be to review the attendance record, up to date Occupational Health feedback, any reasonable adjustments undertaken and to decide whether or not the employee should be dismissed on the basis of:

- (i) medical incapability and/or
- (ii) continuing absence of an unsatisfactory level
- (iii) refused to consider or access medical redeployment

Alternatively, in exceptional circumstances, the Chief Executive/Headteacher /governors has/have the discretion to apply a further review period.

NB: Where OH have recommended medical redeployment see below.

5. Medical Redeployment

This only applies where OH recommend that the employee is (or will soon be) medically unfit to undertake their substantive post within a reasonable time period, but may well be well enough to undertake alternative/less onerous duties and responsibilities.

Where medical redeployment is considered appropriate by OH, the School will seek to redeploy, providing the employee wishes to be redeployed as an alternative to dismissal.

All employees will be given notice in accordance with statutory legislation/conditions of service.

If the employee unreasonably declines an offer of redeployment to a suitable alternative post the dismissal will stand (subject to any appeal rights).

6. Phased Return to Work

Where OH have confirmed that an employee who has been off sick long-term can return to work on a phased basis the employee can return on a phased basis for up to six working weeks. At the end of the agreed period the employee should be undertaking full duties and full time (for him/her) hours. During the period of phased return the school should determine whether or not the employee will receive full pay for his/her full normal hours, or only for the hours s/he is at work, with sick pay being paid from the employee's entitlement for hours not at work.

7. Appeal Rights

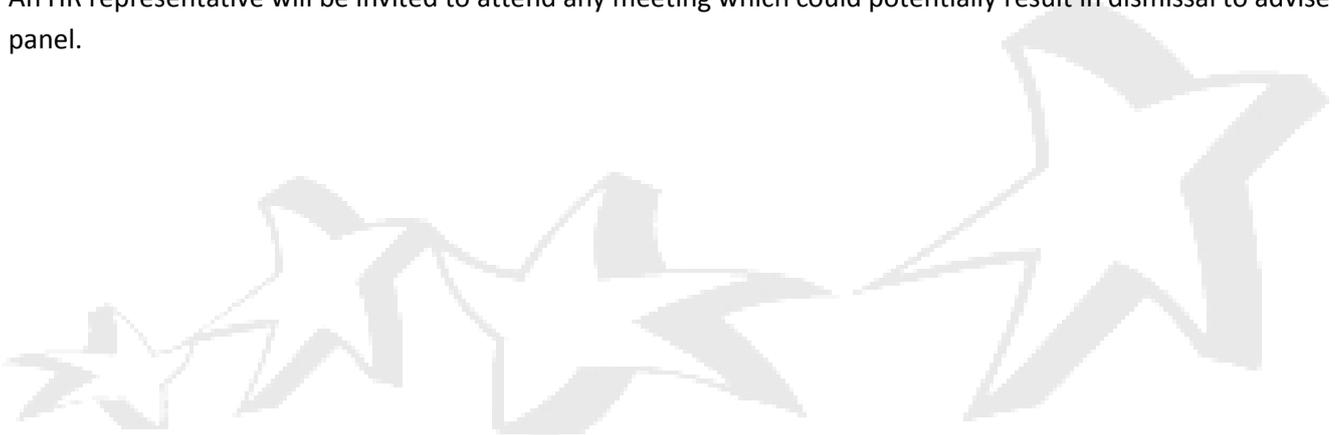
The employee has the right to appeal against the following sanctions:

- a) removal of self-certification
- b) action taken under the formal Stages of the Procedure (Stage 1 to 3)

Appeals must be lodged, in writing, within five working days of receipt of the sanction. Appeals will be to a panel of three governors

The employee is entitled to be represented at appeal by a trade union representative or work colleague.

An HR representative will be invited to attend any meeting which could potentially result in dismissal to advise the panel.



Appendix A

Equality Act 2010

Under the Act, it is unlawful to discriminate against a disabled person for reasons related to their disability. If an employee complains to a Tribunal that they have been unlawfully treated and this complaint is upheld, unlimited compensation can be awarded.

Who is disabled?

An employee is covered by the Act if she/he has a physical or mental impairment, which has a substantial and long term adverse effect upon his/her ability to carry out normal day to day activities. For the purposes of the Act the illness or condition is considered long term if it has lasted, or could last 12 months.

Physical impairments include impairments that affect the senses, e.g. hearing or sight, (unless corrected by lenses).

Some re-occurring conditions are covered by the Act, for example some back injuries and conditions where there are periods of remission, such as multiple sclerosis.

An impairment is to be taken to affect the ability of the person concerned to carry out normal day-to-day activities if it affects one of the following;

- mobility
- manual dexterity
- physical co-ordination
- continence
- ability to lift, carry or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate learn or understand
- perception of risk of physical danger

The definition of disability will cover employees with progressive conditions of HIV, multiple sclerosis and cancer at the time of diagnosis. Employees with a mental illness are also protected even if their illness is not clinically recognised.

The OH & Counselling Service will be able to advise whether the employee is covered by the Act.

Managing the Attendance of Disabled Employees;

It is essential that the school:

- seeks advice from Human Resources as appropriate
- consults with the employee at an early stage and seek medical advice with regard to any appropriate reasonable adjustments to reduce the prospects of ongoing patterns of absence
- undertakes all reasonable adjustments (see below)
- allows a reasonable monitoring period following the implementation of any reasonable adjustments
- records absences such as impairment related leave and impairment related sick leave relating to disability separately from non-disability related absences
- justifies the extent to which it is possible to make a reasonable adjustment to the trigger points

- records objective reasons why formal action under the Sickness Absence Policy is necessary, if the level of absence (including disability related absences) is considered unacceptable
- consults with Occupational Health regarding the option of medical redeployment prior to any dismissal

Impairment Related Sick Leave

Disabled staff who come under the definition of the Act should record all sickness, but if the sickness is related to their impairment the absence will be recorded as such. The same certificating processes and return to work discussions apply. In addition, Occupational Health can be used for advice and guidance.

Impairment Related Sick Leave will be paid in accordance with the sick pay scheme (as with all other sickness absence) and recorded on the absence returns.

Impairment Related Leave

Disabled staff who come under the Acts definition outlined above will be able to take time off for treatment, rehabilitation or assessment concerned with their impairment e.g;

- having a hearing aid tested
- attending mobility training with a guide dog or training with a dog for Deaf and hearing impaired people
- hospital check ups
- assessments e.g. dyslexia
- counselling for someone with a mental health/emotional distress issue
- hospital treatment as an outpatient
- dialysis treatment
- physiotherapy sessions

Wherever possible appointments should be arranged at a time which will provide the minimum disruption to the work place. Disabled employees should make an application in writing, preferably on the Impairment Related Leave Form (Appendix D) to be authorised and signed by their Chief Executive/Headteacher. The employee and headteacher/manager may also need to review any reasonable adjustments which may need to be made to the workplace.

Impairment related leave should also be recorded as such and payment will be as normal (i.e. not subject to the provisions of the sick pay scheme).

Dismissal

Under the Act, dismissal, including compulsory ill health retirement, of a disabled person for a reason relating to the disability needs to be justified and the reason for it has to be one which could not be removed by any reasonable adjustment.

Reasonable Adjustments

Under the Act, employers have a legal duty to make “reasonable adjustments” where any aspect of working arrangements place a disabled person at a substantial disadvantage from those that are not disabled.

A range of “reasonable adjustments” that an employer may need to make are specified by the Act. These include:

- accepting that an employee may need some absence from work
- making adjustments to premises
- allocating some of the disabled person’s duties to another person
- transferring the person to fill an existing vacancy

- adjusting working hours
- relocation
- giving the person, or other team members training
- acquiring or modifying equipment
- modifying instructions or reference manuals
- providing a reader or interpreter
- modifying procedures for testing or assessment
- ensuring adequate monitoring

Where the adjustment is “not reasonable”, the Authority need not carry it out. Factors to consider when determining whether an adjustment is reasonable include:

- the extent to which it is practical to make the adjustment, the financial and other costs incurred in making the adjustment and the extent to which making it would disrupt activities
- the extent of the Campus’s financial and other resources
- the availability of financial assistance with respect to making the adjustment

Paid Time Off to Attend Hospital Appointments

Paid time off to attend hospital appointments (in connection with their disability) should be given unless deemed unreasonable, taking into account the needs of the service. Headteachers /designated managers may request confirmation of the appointment - either by way of an appointment card, or, a statement by the employee to confirm the period of absence attributable to the hospital appointment (in connection with their disability).

Headteachers/designated managers are advised to contact the school’s HR adviser/Occupational Health for further advice on such requests. Where these cannot be met other (above) alternatives should be explored.

Pregnancy Related Sickness

All pregnancy related absences will be recorded in the normal manner and return to work discussions conducted, but are disregarded for the purpose of determining whether a warning should be issued. If such absences become excessive, it may be necessary to refer the employee to the Occupational Health & Counselling Service line with the long-term absence procedure.

Headteachers/designated managers are reminded that women have the right not be subjected to unfair treatment at work because of pregnancy or childbirth, maternity suspension on health and safety grounds, or for exercising a right to take maternity leave.

Absence Due to Accident or Injury at Work

Headteachers/designated managers should still undertake a return to work discussion with the employee as a matter of good practice. Where information has been gathered as a result of an investigation into the accident (or is being gathered), it will be unnecessary to duplicate this at the interview. The nature of the injury or the duration of the resultant absence may mean that the procedures for long term absence should be applied.

Pay during absence resulting from an industrial injury/disease is treated separately from an employee’s sick pay entitlement and should be recorded separately.

Headteacher or designated managers are advised that the Trade Unions recommend that their members, in these

circumstances, should be accompanied by a Senior Trade Union Representative.

Muscular/Skeletal/Stress Issues

Employees must be referred to Occupational Health immediately for absences relating to any of the above e.g. back injuries, arthritis, rheumatism, upper limb disorder, stress and depression. Immediate referral will enable OH to quickly identify measures to support the employee or facilitate a speedy return to work.





Appendix B

CONFIDENTIAL

[insert TiLA location]

Return to work discussion

(to be held after every absence with every school employee)

NB form to be completed jointly by headteacher/ line manager and employee

Employee..... Post

Line Manager..... Post

Period of sickness from:toDate of interview

Reason for absence

.....

Is the reason related to any of the following (please tick):

Pregnancy* industrial injury * disability * Stress*

(work-related injury)

*If so, is advice required from HR or Safety section? If absence stress-related, does a stress risk assessment need to be completed?

Did employee follow sickness absence reporting procedure (i.e. inform relevant person at appropriate time)

Yes/No

If "No" give details

Headteacher/ manager to confirm absence recorded on weekly absence return form. Please tick one of the following:

Self cert form supplied - 7 days or less)

Medical certificate supplied - over 7 days)



Heads/ managers may wish to use the following as a framework for discussion (to be used as appropriate)

- confirm employee is fit to return to work
- establish reason for absence and any underlying causes
- establish if the employee has an impairment or disability
- are work-related factors causing or exacerbating the illness
- is the illness likely to recur

Has a trigger point been reached (see over page for trigger points)? If yes, please tick as appropriate:

- 5 working days' absence within 2 consecutive terms, or
- 3 separate incidents of absence within 2 consecutive terms, or
- 10 days within the previous 12 months

If yes, date when stage 1 meeting will be held

(NB 5 working days' notice to be given in writing)

Comments of head/ line manager

Comments of employee

Signature of manager

Signature of employee

NB There is no right for employees to be accompanied by a TU rep or work colleague at a return to work discussion. However, HR advise that where a request to be accompanied is made that it is agreed.

The original of this form will be kept on employee's personal file

Copy of form to be provided to employee

Appendix C

Unplanned Sickness Absence Reporting Procedure

Employees should report any sickness in accordance with the following procedure in order to claim sick pay.

1. Notification is made to the sickness absence line and to line manager on the first day of absence prior to the normal commencement time where reasonably practicable. Wherever possible the employee should speak to the line manager, and not rely on someone else to pass the information on. If necessary also confirm what work is to be provided for your students when notifying line manager.
2. Where absence continues, the employee contacts the absence line and line manager before 2pm to confirm that absence will continue the following day.
3. On return to work the employee signs a self-certification form and return to work form detailing the reasons for all absences up to and including seven days (whether or not they are working days).
4. Submits a medical certificate (doctor's statement) to the headteacher/manager not later than the eighth day of absence. Certificates arriving later than the eighth day will be investigated and action taken as appropriate.
5. Submits subsequent medical certificates as necessary, not later than the expiry of the existing medical certificate. Certificates arriving later than will be investigated and action taken as appropriate.
6. in cases where a medical certificate covers a period exceeding fourteen days or where more than one statement is necessary, the employee must, submit to the manager a final medical certificate as to fitness to resume duties before returning to work.

Employees will be entitled to claim sick pay when absent under the scheme providing they comply with the above sickness absence reporting scheme.

The employee will attend Occupational Health Appointments as required. If an employee refuses to attend appointments it may result in further action being taken under the formal stages of the Managing Attendance Policy without the benefit of up-to-date medical advice.

If an employee fails to attend an arranged appointment, action may be taken under the disciplinary procedure.

Although statutory sick pay is still payable, occupational sick pay may be suspended if an employee abuses the sickness scheme. Abuse of the sickness scheme will also include action under the disciplinary procedure.

