

# MANAGING ATTENDANCE

Learning Academies Trust

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## CHANGES

Policy date	Summary of change	Author	Version	Review date
16/03/2023	Policy has been created.	Amy Bosworth	1.0	16/03/2024

### 1. PURPOSE

This policy covers absences which are reported as sickness absence. The purpose of this policy is to promote the well being of staff, to ensure a safe working environment and recognises the need for clear, fair and consistent procedures when managing attendance. Knowle Primary School are committed to the rehabilitation and support for staff who are too unwell to attend work, and whilst the majority of employees are conscientious and have good attendance levels, absence puts additional pressure on other employees and this, in turn, can affect the level and quality of service.

Absence represents a significant financial cost in terms of sick pay, payments for deputising and the employment of temporary staff. It negatively impacts on pupils may affect the performance pupils. As such, absence levels will be monitored for all staff.

The aim is to encourage all employees to maximise their attendance at work and outline the procedures to follow when an employee is absent from work through sickness or injury.

The occupational sick pay scheme alleviates hardship and anxiety on those occasions when employees are unable to carry out their duties due to illness or injury. All staff should note that the misuse of sickness absence is regarded as misconduct and will be dealt with under the Disciplinary Policy and Procedure.

Under the Conditions of service for School Teachers in England and Wales, a teacher shall not be entitled to sick pay unless:

- (i) notification is made to the employer as may be required, not later than the fourth working day of absence;
- (ii) a doctor's statement is supplied not later than the eighth day of absence;
- (iii) subsequent doctor's statements are submitted at the same intervals as they are required for D.S.S. (N.I.) purposes and on return to duty in those cases where the absence extends beyond the period covered by the initial statement and at similar intervals during a period of entitlement to Statutory Sick Pay;

This policy confirms condition (i) "as may be required"

## 2. SCOPE

This policy and procedure applies to all School employees.

Where responsibility falls to a 'Headteacher', this could be any member of staff who has been designated responsibility. It could also refer to a governor, who for example, is required to perform a role in relation to dealing with an issue involving the Headteacher/Principal or other staff member where it is felt appropriate.

## 3. CONFIDENTIALITY AND DATA PROTECTION

All matters are regarded as confidential and all documentation must be securely stored. The terms of the Data Protection Act will be observed.

## 4. THE ROLE OF OCCUPATIONAL HEALTH

Occupational health is available to provide an objective medical opinion on the employee's fitness for work and likely future attendance. Where an occupational health referral is arranged it is important that employees attend appointments as the advice is beneficial when deciding how best to manage the employees sickness absence. Should the employee decline an appointment for occupational health advice, or following an appointment decline the provision of an occupational health report, it may be necessary for management to make decisions about the employee's employment without the benefit of a medical report. The school HR Adviser will provide support to the Headteacher in these circumstances.

Please note that if an appointment is arranged with the employee, failure to attend without at least 24 hours notice will result in a cancellation charge being made. Depending on circumstances the charge may be passed onto the employee or disciplinary action may be taken.

## 5. SICKNESS REPORTING

Employees' Responsibility depending on the schools procedure which may be:

- Telephone their Headteacher, or authorised person at the earliest opportunity, or by 8 am on the first day of their absence.

- It is useful for workforce planning if the employee provides information as to the nature of their sickness and how long they believe they will be absent for.
- To ensure consistency of service, if possible, inform whether there are any critical tasks/meetings that need to be undertaken.
- To sign the Sickness Declaration Form on return to work which is a self-certificate for absences of seven calendar days or less.
- Where the employee is sick for more than seven days (including non-work days), they must contact the school on the eighth day (or the closest working day) to confirm that they are going to their doctor.

#### Managers Responsibility;

- Ensure that employees are treated in a sympathetic way and with dignity.
- In cases where the employee has not been able to speak directly to their Headteacher, or authorised person, it is feasible (if deemed appropriate) for the Headteacher to make a welfare call to the employee.
- Inform the employee how often contact is required and whether they are required to telephone the day before returning to work (e.g. where cover has to be provided).
- Maintain contact with the employee. Contact should be of a friendly and supportive nature and mindful of the welfare needs of the employee. The maintenance of contact should enable effective communication between the parties and facilitate the employee's return to work.
- Consider whether an occupational health referral is required

Employees who fail to follow the notification procedures or provide misleading or false statements may face deductions in pay, withdrawal of self-certification and/or disciplinary action

The employee may choose to be accompanied by a trade union representative or work colleague at any formal meetings with Headteachers to discuss their sickness absence (as long as their attendance does not significantly delay proceedings).

Where the absence is a result of an accident at work, the employee must where possible confirm this, and follow the accident reporting procedures in line with the health and safety [accident reporting flowchart](#). The Headteacher or the designated person responsible for health and safety within the school must be contacted as soon as possible after the incident and will support the employee in all reporting processes. The Headteacher must also ensure that the incident is investigated.

## 6. FIT NOTES

Fit Notes to cover their period of absence from day eight and must be sent to the school on a timely basis. Where consecutive Fit Notes are required, they should be sent to the school ideally within one week of expiry of the previous Fit Note.

The Fit Note is used to arrange appropriate sick pay. Any periods of uncertified absence will be unpaid.

The doctor may specify on the Fit Note whether they need to see the employee before returning to work. Employees should return to work as soon as they feel well enough, and with the Headteacher's agreement if they return before a Fit Note expires. However, if the doctor has advised that it would be unsafe for the employee to return to work, they should take this advice.

Employees who are sick during annual leave should follow the notification procedure described above. Annual leave within the current leave year will be reinstated only on the prompt production of a doctor's Fit Note within seven working days. The employee will be regarded as being on sick leave from the date of the doctor's Fit Note. The cost of this will be met by the School.

For teachers and support staff (term time only) who are on long term sick and their sickness continues over the holiday periods, Fit Notes should continue to be produced.

## 7. RETURN TO WORK

On return to work managers will need to complete a Sickness Declaration Form which is sent to payroll to confirm return to work.

A return to work meeting should be carried out on the first day back. Headteachers will determine who arranges and conducts these meetings, but an employee may also request that it be conducted by a person of the same sex. A copy of the return to work form will be saved on the employees file.

It may also be necessary to undertake a risk assessment, especially in cases of stress related ill health. The [Health and Safety Risk Assessment](#) is available on Schoolroom.

## 8. RETURN TO WORK ASSESSMENT

If there is a concern about the employee's fitness to work, the employee can be sent home and requested to obtain either a Fit Note from their doctor stating that they are well enough to attend work or attend a referral to occupational health to confirm fitness to work. Please seek advice from your school's HR Adviser in these circumstances.

## 9. MONITORING SICKNESS ABSENCE

Where sickness absence is short-term and frequent in nature, it is recommended that the Headteacher or an authorised person meets with the employee to discuss their absence history – (see [below](#) absence review meetings). There may be underlying health issues such as work related stress, which are more effectively addressed if managed at an early stage.

In certain cases the employee may be referred to occupational health to establish whether there is an underlying medical problem and/or whether any support or adjustments are required within the workplace.

## 10. ABSENCE REVIEW MEETINGS

Repeated short-term sickness absence will be recognised as a cause for concern and will result in an absence review meeting with the employee. The purpose of the meeting is to review the history of sickness absence to determine whether there is an underlying medical problem and/or whether there is any support that can be given to assist the employee to improve their attendance levels.

- To ensure consistent management of absence within the school, the following triggers may result in an absence review meeting:
- There has been absence on one or more occasion in the last three-month period totalling five working days.
- There have been three separate periods of absence in a three-month period.
- There has been a total of ten working days or more in a rolling 12 month period, except where an agreed course of action has been established.

Triggers are reduced pro-rata for those working part-time, this includes term time workers.

If it appears that a disability could be contributing to periods of short term absence, advice from occupational health/Fit Notes may be taken into account when determining a future course of action. Absence review meetings should be held so that the employee can explain the support they require and to discuss and consider whether reasonable adjustments are appropriate.

An outcome of the absence review meeting may be to remove the right to self-certify absences in order that medical advice is obtained at the earliest opportunity. This should be for a pre-determined amount of time only. In these circumstances the employee will be required to obtain a Fit Note from their doctor from the first day of any future sickness absence. The school will be responsible in meeting any costs incurred.

The absence review meeting will set an attendance target which is usually zero absences for the next two months. Where the employee has a medical condition or disability, different targets can be set, but absences must still be monitored to ensure that the employee is capable of undertaking their role.

A further absence review meeting will be arranged and details will be put in writing and given to the employee, with a copy placed on the employee's personal file.

At the further absence review meeting the absence history will be reviewed again and the outcome of the meeting will determine whether:

- No further action is required
- An additional two-month further absence review period is set. Date to be confirmed and target set.
- Employee to be referred to occupational health. If disciplinary action is being considered, the employee may be referred to occupational health to determine whether they have a disability or underlying health condition. This may not be necessary if the absences are totally unrelated e.g. tooth extraction, sprained wrist, cough, stomach ache and headache
- Where the level of absence is unsustainable and negatively impacting on the school, the Headteacher should progress to a disciplinary hearing (see section 11). The following evidence can be used for the disciplinary pack: return to work, absence review, further absence review, and occupational health referral outcomes, where relevant.
- Where occupational health has recommended reasonable adjustments, where possible, they must be implemented to assist the employee undertake their role.
- Variations to the employee's duties, on either a permanent or temporary basis are required, taking account of the occupational health advice.

## 11. DISCIPLINARY HEARING

The disciplinary policy and procedure will be used where an employee has:

- Failed to meet the targets set out in the absence review meeting.
- Been absent from work without the cover of a Fit Note and the school is not satisfied that the employee can demonstrate a genuine reason for the unauthorised absence.
- Failed to follow the sickness absence notification procedure without good reason
- Deliberately falsified a sickness declaration/doctor's Fit Note

This list is not exhaustive.

If an employee with persistent short term absence has a disability, it is advisable that HR advice be sought before taking disciplinary action.

Disciplinary action will follow the schools disciplinary policy and procedure. The purpose of the hearing will be to consider the facts of the case, including medical advice where appropriate. Possible outcomes of a formal hearing include:

- Taking no further action.
- Requiring improvement over a specified period and setting targets
- Withdrawing the right to self-certify sickness
- Seeking advice/further advice from occupational health

- Reviewing and/or monitoring the employee's work programme if work has been a factor in their level of absence.
- Redeploying the employee within the school, following receipt of medical advice, or consider part time work if the employee is unable to manage full time hours.
- Suspension of occupational sick pay if absences have not been supported by any medical evidence.
- Issuing a verbal, written or final written warning, or dismissal

This list is not exhaustive

### Frequent short-term sickness absence summary

**Step 1:** First day of absence, employee contacts school to advise of absence.

**Step 2:** If absence is greater than seven calendar days, employee will need a Fit Note from their GP.

**Step 3:** Employee returns to work and the school a return to work meeting.

**Step 4:** If employee has hit the triggers, arrange an absence review meeting.

**Step 5:** At the absence review meeting the Headteacher reviews absence history, offers support and determines an appropriate action plan for future attendance and sets date for further absence review meeting in 2 months.

**Step 6:** A Further absence review meeting is held after 2 months, or earlier if the employee has absence during review period. It is possible to set a second further absence review meeting if the school considers it to be appropriate.

**Step 7:** Disciplinary investigation and hearing.

## 12. LONG TERM ABSENCE

Long term absence applies once an employee has been continuously absent from work for four weeks or more.

Annual leave entitlement for support staff should be monitored during long periods of sickness absence. This is to ensure that employees do not lose their annual leave entitlement. Please seek advice from the schools HR Adviser.

### MAINTAINING CONTACT DURING LONG TERM ABSENCE

Where the employee has been absent for a period of four weeks, the school will review the circumstances, in liaison with their schools HR Adviser, to consider seeking advice and support from occupational health if appropriate, and to enable informed decisions to be made in the best interest of the employee.

Reviews will normally be undertaken by the Headteacher every four weeks, or as appropriate to ensure they actively monitor long term absences.

In appropriate circumstances Headteachers may invite the employee to a meeting at a mutually agreed venue, to discuss the employee's health, keep in touch with work colleagues, or share relevant information. The employee may be accompanied by a trade union representative or colleague at any such meeting. In addition, the manager may wish to be accompanied by a schools HR Adviser.

### OCCUPATIONAL HEALTH REFERRALS – LONG TERM ABSENCE

The Headteacher determines whether the employee should be referred to occupational health. The purpose of the referral is to seek advice from occupational health on the employee's likelihood of a return to work, timescale for

return, the impact the medical condition has upon their continuing ability to work, any reasonable adjustments that may be appropriate, or whether advice should be taken to determine if ill health retirement is an option.

Headteachers should discuss the referral to occupational health with the employee before it is progressed.

### 13. PHASED RETURN TO WORK

If a Headteacher believes, or medical advice confirms that a gradual return to work is appropriate, then a phased return to work programme will be agreed. Any phased return programme that has been drawn up by the Headteacher, employee (with support from their representative, if they are a member of a union, occupational health or the employee's doctor (through the issue of a Fit Note), must take into account the needs of the school and its pupils.

The programme should be specific in outlining the hours that are to be worked each week taking into account how long the employee has been off, what their job involves, the nature of their illness, etc. A phased return to work form detailing the agreed hours must be completed, and a copy forwarded to the school's payroll provider to enable accurate sickness recording and monitoring/auditing. For support staff the minimum number of hours an employee can be paid is a half-day, and the schedule for payroll should be written in half day/whole day blocks.

Teachers who return on a phased basis will be paid a sum combining ordinary pay based on the number of days/hours worked in each week and sick pay for those days/hours not worked based on any remaining entitlement to contractual sick pay.

Support staff who do not work their full contracted hours on any day during a phased return, the remainder should be recorded as absence, or annual leave, or may be unpaid. This will be discussed with the employee before starting the phased return.

When the employee returns from sickness absence and starts their phased return, the Headteacher must also conduct a return to work meeting and complete the sickness declaration form which is sent to payroll.

A phased return will be flexible, and the hours/days worked altered if necessary. A new phased return to work form detailing the altered hours should be completed and submitted to the school's payroll provider if changes affect the employees pay.

For the duration of the phased return to work, should any other separate and unrelated periods of sickness occur (i.e. causing the employee to be absent during their agreed hours), a Sickness declaration form is to be completed for each period of sickness. The payroll provider should input additional absences that occur during a phased return to work.

The Headteacher, following consultation with the school's HR Adviser if required, will address the issue of how any outstanding annual leave, if applicable, will be dealt with as part of the rehabilitation programme.

All phased return to work programmes should be put in writing and a copy kept on the employee's personal file. A phased return to work programme normally lasts between 4/6 weeks. In exceptional cases, a longer period may be considered depending on advice received from Occupational Health.

If the phased return is unsuccessful in getting the employee back to full normal working, then a meeting with the Headteacher and School's HR Adviser will take place. The employee will be advised that the options are:

- A referral back to occupational health or the employee's doctor for further advice



- Consideration for medical retirement on the grounds of ill health, provided this has been endorsed by occupational health
- Termination of employment on the grounds of capability due to ill health

## 14. REASONABLE ADJUSTMENTS

Reasonable adjustments may be required to help an employee return to work. Adjustment can be part of a phased return to work or a permanent change in the role, and options for some or all job types may include:

- Not undertaking the full range of the normal duties
- Temporary or permanent change of work section
- Temporary or permanent adjustment to working hours
- Time off for treatment, rehabilitation or assessment
- Making adjustment to premises
- Transferring the person to fill an existing vacancy
- Additional training or mentoring
- Providing additional supervision or other support
- A review of the workstation and risk assessment
- This list is not exhaustive

Advice and input may be sought from your school's HR Adviser, the school Health and Safety Officer, the occupational health physician or a specialist support agency (e.g. PLUS).

The Headteacher will arrange to meet with the employee to discuss reasonable adjustments that can be made, taking into account the school's needs. Written details of the particular arrangements will be given. A risk assessment may also be undertaken, if necessary.

## 15. RETIREMENT ON THE GROUNDS OF ILL HEALTH

**Support Staff** - If occupational health make a recommendation that the employee is eligible for retirement on the grounds of ill health, the Headteacher will arrange a meeting to discuss this with the employee. The school's HR Adviser will also provide advice and support. It is not possible to obtain an estimate of benefits until ill health retirement has been approved.

**Teachers** - An application for ill health benefits must be submitted to Teachers Pensions (TP) through the employer, unless the applicant has left teaching employment more than 12 months ago. In such case, the form should be submitted direct to TP.

Employees who are a member of a union or professional association are recommended that they seek their advice, in conjunction with the school's HR Adviser before making any application for ill health retirement.

Where the medical evidence form has been completed by a specialist or GP, it should be sent to occupational health, along with any supporting reports or correspondence. The application must be assessed by the authorities Occupational Health Adviser for completeness.

If the view of the Occupational Health Adviser is that the application does not contain enough medical information to enable the DfE Medical Adviser to make a recommendation, the applicant must be given the opportunity to consider what more could be provided. Ultimately, it is for the applicant to decide what is included.

When a condition is severe enough to warrant ill health retirement, whether this be a psychiatric or physical complaint, it is not unreasonable to expect that the applicant should have had the benefit of a specialist opinion. It would greatly help in the consideration of the application, if the medical information is provided by a specialist. If this is not possible, or the applicant has not been referred to a specialist, then the form should be completed by the

applicant's GP or an occupational health physician. Copies of all specialist reports or hospital correspondence relating to the present illness(s) should, however, be included.

All applications for ill health retirement will be considered on the basis of the medical information submitted with the application. It will not be possible for TP to obtain such reports on the applicant's behalf at a later date.

## 16. DISMISSAL

Where retirement on the grounds of ill health is not appropriate, and the employee does not show any signs of returning to work, it may be appropriate to dismiss an employee on the grounds of ill health.

Written confirmation requiring an employee to attend a governor's panel, during which dismissal is to be considered, should state that this is the case, and should advise the employee that they have the right to be accompanied by their trade union representative or a work colleague of their choice.

All circumstances of the case should be considered prior to any decision to dismiss, including a thorough exploration of reasonable adjustments. Advice should be sought from the school's HR Adviser prior to this meeting.

In addition, the following should be considered:

- The views and opinion of the employee
- An up-to-date medical prognosis, giving the nature of the illness and the likelihood of it or some other illness recurring
- The employee's overall attendance, including the length of absence(s) and periods of good health between them
- Any other appropriate action which could be taken as an alternative to dismissal, e.g. workplace adjustments
- Implications of any health and safety or sickness audit carried out in the employee's work area
- Whether more time or alternative support would be beneficial
- The fairness of the overall decision
- The impact on the school
- Procedure: has the policy been followed?

There is a right of appeal against dismissal for reasons other than challenging the medical opinion. Any appeal should be lodged within five working days of the governor's staffing panel meeting.

Arrangements will be made for an appeal hearing to be held. The governors' appeal panel must contain an equivalent number of governors to the governors' staffing panel none of which should have been involved in the original decision.

Any dismissal of a disabled person for a reason relating to their disability must be objectively justified.

Employees who have been dismissed as a result of a governor's staffing panel's decision may be offered pay in lieu of notice.

## 17. PREGNANCY RELATED ILLNESS

If a pregnant employee is ill and this is affecting her attendance or work performance, Headteachers must take appropriate action in consultation with their school's HR Adviser, remembering that illness directly related to pregnancy may be of a limited duration.

It is advisable to carry out return to work reviews after each absence, and pregnancy risk assessments in order to identify practical support and assistance.

If an employee is absent with a pregnancy-related illness after the beginning of the fourth week before the expected week of childbirth, ordinary maternity leave will commence.

Headteachers are strongly advised to contact their school's HR Adviser before taking any action in relation to a pregnant employee at any stage of their pregnancy.

## 18. COSMETIC SURGERY

Cosmetic surgery is a surgical procedure for the purpose of improving appearance. It is known as elective surgery, meaning that the patient chooses to have it and it is not essential. Cosmetic surgery is different from plastic surgery, which is surgery to reconstruct or improve the appearance after injury or illness.

Where an individual has plastic surgery for reconstruction or to improve their appearance due to disfigurement, or after injury or illness, sick pay will be paid. Generally, no sick pay will be paid where an individual elects to have cosmetic surgery to improve their appearance.

Headteachers are entitled to ask for evidence of appointments, such as appointment cards, and letters that outline the expected recovery period.

Term time employees should apply for unpaid leave when they wish to have elective cosmetic surgery. This leave should cover the time in hospital and the planned recuperation period following surgery. For employees working 52 weeks per year, it may be possible to take annual leave.