



Holyhead

Teach What Matters

Attendance Management for Staff Policy

Review Date:

Autumn 2020

Agreed:

Governors' HR, Autumn 2020

Ratified:

Full Governors, Autumn 2020

To Be Reviewed:

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Reviewer:

Y Idris



Attendance Management Policy

1. Aim of the Policy and Procedure

This document outlines the procedures to be followed in the event of sickness or other related absences. The policy is aimed at enabling such absences to be addressed consistently and fairly by:

- providing a supportive environment for those members of staff affected by ill-health;
- providing a framework within which cases falling within the ambit of the Equality Act can be more readily identified and supported;
- balancing the interests of the individual and the operational needs of the School in cases of long-term sickness and debility;
- encouraging and developing a positive culture towards attendance at work with a consequent benefit of reduced rates of absence due to sickness.

2. Scope

This Policy relates to all categories of staff employed by Holyhead School.

This Policy does not form part of your contract of employment and may be varied from time to time by the Governing Body.

If you have less than 24-months continuous service, the school reserves the right to dismiss you for unsatisfactory attendance levels without following the Attendance Management Procedure.

3. Principles

Staff who are genuinely ill will be treated with dignity and every effort will be made to assist recovery and safeguard their employment. However, it should be recognised that the loss of working days through sickness can have a significant impact on Holyhead in terms of the effect on students, work not completed, and the cost of arranging absence cover. Repeated sickness absence places additional pressure on colleagues.

Entitlement levels for contractual sick pay are as per Holyhead's current policy. However, all staff should be aware that sickness leave **is not** an automatic entitlement and **may not** be available in the event of a failure to follow any of the procedures identified in this policy.

4. Sickness Absence – Reporting Procedure

4.1 Calendar Day 1, 2, 3, 4 and Day 5

- Staff must telephone the Cover Supervisor on 0121 523 1968 to report sickness by 7.30am on the day of absence. An indication should be given as to the expected date of return to work;
- Staff should not normally ask anyone else to make contact on their behalf unless, in exceptional circumstances, it is not possible to do so;
- The Cover Supervisor must be informed if the member of staff believes that their condition may be related to an activity or incident at work;
- Staff must inform the Cover Supervisor of any meetings or other important information relating to their work, which might be affected by the absence.
- If any member of staff is unwell at work they should seek permission to leave work from their Line Manager, they should contact the Cover Supervisor immediately to inform him that they are leaving, they must sign out and they should seek medical advice.

4.2 Calendar Day 8

- Staff must contact the Cover Supervisor to report that they are still sick and that they have obtained, or will be obtaining, a 'fit note' from their General Practitioner.

4.3 Every Further 7th Calendar Day

- Staff must contact the Cover Supervisor to report that they are still sick and to give an indication of when they expect to return to work.

All telephone calls made to Holyhead to report initial or continuing sickness must, whenever possible, be made by 7.30am on the day when the member of staff is normally due to start work. In exceptional cases where it is impossible to notify the Cover Supervisor within the required period, arrangements should be made to do so at the earliest opportunity. The member of staff may still be considered to be in breach of the policy if the Principal does not consider the reason given for the delay acceptable.

Staff who do not comply with the above procedure and fail to report their absences as required, will be deemed to be absent without permission. This will result in loss of pay. Continued non-compliance will lead to action being taken in accordance with Holyhead's disciplinary procedure and if there is no contact at all it may be considered that the member of staff no longer wants to work at Holyhead I and their employment may be terminated.

5. Sickness Absence – Fit Notes

5.1 What are fit notes and how do they work

A fit note provides information on how an individual's condition affects their ability to work. This will help Holyhead understand how they may be able to help staff return to work sooner. The fit note will advise that the individual is not fit or may be fit to return to work.

The doctor may also:-

- advise when the member of staff may be fit for work with some support
- suggest common ways to help the member of staff return to work
- give information on how the member of staff's condition will affect what they can do

This may mean recommendations for the school to consider:-

- A phased return to work
- Altered hours
- Amended duties
- Workplace adaptations

Whilst Holyhead does not have to implement the advice from the doctor on a 'may be fit for work' statement, Holyhead will discuss this advice with the individual member of staff to see if they can return to work taking into account the illness or injury. If it is possible for the employee to return to work an agreement will be reached on how this will happen, what support the employee will receive and how long the support will last.

If the employee and Holyhead agree that it is not possible for the employee to return to work until the employee has recovered further, the employee does not need to return to their doctor for a new fit note.

5.2 When are fit notes required?

- Sickness absences up to and including the 7th continuous calendar day (including long term sickness) must be covered by a self certification form which is available from the Vice Principal – Business Management and must be completed by the member of staff on the day of their return to work.
- Periods of sickness absence in excess of 7 continuous calendar days must be covered by a 'fit note' which **must** be sent to the Operations without delay.
- Provision of 'fit notes' – special circumstances. A doctor's 'fit note' covering each day of absence must be obtained if a member of staff is sick:
 - During a period of notice;
 - On the day either side of a public bank holiday;
 - On the day either side of an Academy holiday period;
 - During the first 6 months of employment.

- A 'fit note' may also be required for each day of absence if this has been one of the determined courses of action following an absence review meeting (see below)
- 'Fit notes' obtained after the sickness absence will not be accepted.

Failure to provide 'Fit notes' as required will result in loss of pay and possible disciplinary action.

6. Sickness Absence – General Points

- Absences before completion of ½ day (12.00) of the working day will be recorded as ½ day;
- The general procedure for reporting sickness absence also applies to staff who are away from Holyhead when they fall sick (for example, on a school trip or on a training course);
- For staff working part-time or job share for less than 5 days a week or uneven hours each day, the time-scales are to be counted pro rata for the purposes of completing the sickness record and in consideration for the manager's monthly review.
- If an employee falls sick just before a school holiday and is fit to return to work during the holiday period, then a fit to return to work certificate must be obtained from their doctor. Otherwise a 'fit note' must be obtained to cover the full holiday period. Holyhead will only reimburse the cost of a 'fit note' when it is required by Holyhead but would not normally be issued by a doctor. Holyhead will only pay for a 'fit note' when a receipt is produced showing the cost.

7. Early intervention

7.1 Return to Work Meetings

Return to Work Meetings are informal and the employee is not entitled to be accompanied at these meetings. They should be conducted following **each** occasion of absence or in the case of long term absence, before the employee is due to return. It is important that the employee is made aware that all attendance records are regularly reviewed.

If an absence trigger has been met, it is appropriate to raise concerns with the employee at the return to work meeting.

The purpose of the return to work meeting is to:

- a) welcome the employee back and discuss their fitness to return to work;
- b) clarify the reason(s) for the absence;
- c) ensure all relevant paperwork is complete (usually self-certificate and/or Fit Note);
- d) discuss any support or adjustments that may be appropriate;
- e) provide an update on work matters;
- f) where appropriate, for example where the return to work meeting is being combined with an informal discussion to raise concerns, discuss any

previous absences (including any concerns about patterns or levels of attendance over the previous 12 months), ensure that the absence record is accurate and discuss interventions aimed at improving attendance/avoiding formal action. If an informal discussion about patterns or levels of attendance is taking place at this meeting, the school or academy should ensure that the employee is provided with an up to date record of their sickness absences at the meeting.

7.2 Absence Data Reviews

To support this process, on a monthly basis, the HR Manager will examine the sickness records for their staff. If any of the following occurs, a review process will normally be set in motion beginning with a formal absence review meeting.

- Where there are 3 spells of sickness, of any length, in the previous 3 month period.
- Where a total of 10 days sickness has been taken in the previous 12 month period (for this purpose, there is no distinction between certificated or self-certificated sickness).
- Any other pattern of concern (e.g. regular Monday or Friday absence)
- Continuous Absence of 4 weeks or more

Note: It is accepted that in certain instances e.g. for a broken leg or post-operative recuperation a period of absence exceeding the trigger may be required. In such circumstances, at the discretion of the manager, informal absence reviews/welfare meetings may be held. HR advice should be taken where any of the absences are related to maternity or a Disability.

7.3 Welfare Meetings

All welfare meetings should be approached with sensitivity, and in the light of the employee's circumstances. Where practical, welfare meetings will be arranged for long term sickness absence depending on the nature and circumstances of the illness. These may take place in school, in the home of the employee or a neutral location. The Manager will not turn up unannounced at the home of a sick employee, but establish a mutually agreed date and time, confirming arrangements in writing beforehand. The manager will normally be accompanied at these meetings/visits.

Where an employee doesn't engage in informal welfare meetings, it is appropriate to commence the formal process.

8. **Occupational Health Referral**

8.1 The School may, at any time it considers appropriate, refer you to Occupational Health for an assessment of:

- (a) Your health
- (b) Its impact on your attendance at the School

- (c) Its impact on your fitness to perform the duties required by your employment
- (d) Its impact on your ability to attend formal meetings or interviews under any other procedure
- (e) What steps the School could take to improve your health and/or attendance

A referral to Occupational Health is a supportive measure and under the terms of your employment, you are required to cooperate fully where such a referral is made. Occupational Health appointments will be scheduled during working time, where possible.

8.2 Notwithstanding Paragraph 8.1 above, if you decide not to engage in an Occupational Health referral the School will have no option but to proceed to make decisions about your continued employment without the benefit of medical advice.

9. Formal Attendance Management Procedure

9.1 Absence Reviewer, Final Hearing and Appeal Manager

The table below sets out the persons to be appointed, where possible, throughout the stages of the sickness absence review procedure depending on the person who is/has been absent from work due to sickness:

<i>Employee Level</i>	<i>Absence Reviewer</i>	<i>Final Hearing Chairperson</i>	<i>Appeal Manager (re Written Warnings)</i>	<i>Appeal Manager (re Dismissal)</i>
Principal	Chair or a non-staff Governor (other than the Vice-Chair) nominated by the Chair	Governors' Absence Panel appointed by the Vice-Chair	A non-staff Governor (other than the Chair or Vice-Chair) nominated by the Vice-Chair	Governors' Appeal Panel, appointed by the Vice-Chair
Other Leadership Spine	Principal	Chair or a non-staff Governor nominated by the Chair	A non-staff Governor nominated by the Vice-Chair	Governors' Appeal Panel
Other Teaching Staff	Deputy Principal	Principal	Chair or a non-staff Governor nominated by the Chair	Governors' Appeal Panel

Other Associate Staff	Vice Principal/Busi ness Manager	Principal	Chair or a non-staff Governor nominated by the Chair	Governors' Appeal Panel
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9.2. Formal Absence Review Meetings

Where a Formal Absence Review Meeting has been triggered in accordance with Paragraphs 7.2 above, the School will appoint an Absence Reviewer in accordance with Paragraph 9. The Absence Reviewer will write to you inviting you to a Formal Absence Review Meeting. You will be given at least 5 working days' notice of such meeting. At the same time as sending you the letter inviting you to the meeting, the Absence Reviewer will also send you a copy of the Absence Report which they have prepared and which shall:

- Set out your absences from work indicating your reasons given for the absence
- Set out any suggestions made by you or the School to make reasonable adjustments to working arrangements that could reduce your absence or assist your return to work
- Include copies of self-certificates, doctor's statements and all medical reports including those obtained from Occupational Health.

At a Formal Absence Review Meeting the following should be discussed:

- Any medical evidence in your possession
- Reasonable suggestions about managing your return to work including any phased return to work, change or reduction of duties and/or working hours
- How much longer you will be off work
- The impact of the absence(s) on the school/colleagues
- The next steps in the procedure if there is not an improvement/return to work.

10. Formal Responses

The Absence Reviewer will confirm the outcome of the Formal Absence Review Meeting in writing within 5 working days of the date of such meeting. The Absence Reviewer may, in addition to making an Occupational Health referral, make the following formal responses:

10.1 Reasonable adjustments to working arrangements

These will vary on a case by case basis depending on the medical condition identified.

A First Written Caution

10.1.1 In the context of a persistent intermittent absence this is a caution that if you are absent from work for two or more days in the period of the next six months you will be at risk of a Final Written Caution.

10.1.2 In the context of a long term sickness absence this is a caution that if you are not fully back to work within between 4-12 working weeks there will be a further Formal Absence Review Meeting. The precise number of working weeks will be set by reference to the available medical evidence.

10.2 A Final Written Caution

10.2.1 In the context of a persistent intermittent absence this is a caution that if you are absent from work at all in the period of the next six months you will be at risk of dismissal.

10.2.2 In the context of long term sickness absence this is a caution that if you are not fully back to work within between 4-12 working weeks you will be referred to the Final Absence Reviewer in accordance with Paragraph 9 which could lead to dismissal. The precise number of working weeks will be set by reference to the available medical evidence.

11. Final Absence Review Hearing

11.1 Preparation

11.1.1 In preparation for the hearing, current medical advice should be sought from an occupational health provider. If the latest medical advice is 1 or 2 months old and there have not been significant changes to the employee's medical condition, new medical advice will not be necessary. Regardless of the type of absence causing concern, it is essential to verify whether or not there is an underlying illness or disability that is causing the employee to have so much time off, and to obtain a prognosis of the illness, before an employee is considered for dismissal for ill health capability or unsatisfactory attendance.

11.1.2 A formal notice to an employee inviting him or her to attend a hearing should be issued in writing, with an explanation of the hearing's purpose, the reasons for the hearing and its place in the procedure. Copies of any relevant documents should be attached to the notice. The letter must remind the employee of his or her right to be

accompanied or represented. To ensure that the employee has enough time to prepare and to seek advice, at least 5 working days' notice must be given.

- 11.1.3 The employee should be asked to confirm that s/he will be attending the hearing, who will be representing him or her, and a list of any witnesses s/he intends to call. The employee should also be reminded to provide this information along with any documentation s/he wishes to rely on at least two working days before the hearing. Names of any witnesses from both sides should be circulated in advance and all witnesses should be asked to provide a written statement for consideration at the hearing.
- 11.1.4 It is useful to agree a date with the employee's representative before sending the formal notice at 27.3 above. The employee may suggest an alternative time and date for the hearing as long as it is reasonable and is not more than five working days after the original date. The committee, head teacher or principal (as the case may be) may reject the suggestion but will only do so if it is unreasonable, when they may proceed to hear the case in the employee's absence. Advice on what is reasonable may be sought from a HR Consultant/Manager.
- 11.1.5 The Absence Reviewer will present the facts of the absence to the Final Absence Reviewer.
- 11.1.6 The employee can be accompanied and represented by a trade union representative or workplace colleague.
- 11.1.7 The Order of the Hearing is contained in the Toolkit attached to this procedure.

12. Decision

12.1 The Final Absence Reviewer will consider all of the evidence about non-attendance, including mitigation presented by the employee, and decide on one of the following options:

- a) To take no further action in relation to the employee; or
- b) To determine that the employee should be given notice and give notice of dismissal to the employee concerned; or
- c) To set a final reasonable review period to allow for additional formal monitoring and/or management support. This option to be supported with a warning that if the situation has not been resolved satisfactorily by the end of a reasonably defined period, then the hearing will reconvene to reconsider the employee's continued employment.

- 12.2 The Final Absence Reviewer shall announce the decision to the parties in person or subsequently in writing. Any oral announcement shall be confirmed in writing within a reasonable period, including the right of appeal.
- 12.3 The Final Absence Reviewer should take advice from HR on the duties to be undertaken by the employee during the notice period or if a payment in lieu of notice is appropriate.

13. Appeals

- 13.1 You may appeal against a First Written Caution or a Final Written Caution by writing to the Clerk within 5 working days of being sent the relevant caution.
- 13.2 You may appeal against a dismissal with notice by writing to the Clerk within 10 working days of being sent the notification of termination.
- 13.3 Any appeal letter lodged must set out the grounds of your appeal in detail.
- 13.4 The fact of the appeal does not delay the commencement of any period under any caution or of any notice period.
- 13.5 Any appeal should normally be heard as soon as reasonably possible of the Clerk receiving your appeal letter.
- 13.6 You will be invited to an appeal hearing with a minimum of 5-working days' notice and you will be given an opportunity to present your grounds of appeal and the Final Absence Reviewer will respond to your appeal.
- 13.7 The Appeal Manager will confirm the outcome of the Appeal Meeting in writing to you within 5 working days of the date of the Appeal Meeting. The decision of the Appeal Manager is final and there will be no further right of appeal. The outcomes of the Appeal Meeting are that:
- a) the Appeal Manager may uphold the decision of the Final Absence Reviewer; or
 - b) the Appeal Manager may uphold the employee's appeal, overturn the decision of the Final Absence Reviewer and refer the matter back to the Final Absence Reviewer for reconsideration.

14. Confidentiality

Many of the issues surrounding sickness absence are of an extremely personal and private nature to the employee concerned.

Managers will be sensitive to any employee's difficulties and appreciate the strict confidence of any information provided. Information should only be shared with other staff on a genuine "need to know basis". Inappropriate breaches of confidence may be considered as a disciplinary offence.

Once the manager is aware of an employee's disability there will be a means which is suitably confidential for bringing the information together, e.g. Occupational Health Service, so the manager can fulfil their duties under the Equality Act. On occasions it might be necessary for the manager to implement reasonable adjustments for a disabled employee without knowing precisely why they have to do so. It may be necessary to tell one or more of a disabled person's colleagues (in confidence) about a disability which is not obvious or where special assistance is required. This will depend on the nature of the disability and the reason others need to know. The manager will in all cases consult with the disabled employee before revealing personal information. Disclosure could be held to be discriminating if the manager would not reveal similar information about another person for an equally legitimate management purpose.

14.1 Records and Documentation

Absence returns showing all occasions of sickness must be submitted to Holyhead's Payroll provider.

The employee's personnel record will also be updated with each spell of sickness absence and will be kept by the Vice Principal - Business. The Manager will keep a thorough record of the actions they take in respect of employee's sickness absence. This will include a record of sickness absence, sickness/guidance interviews, consideration of job redesign options etc.

15. GUIDANCE ON ABSENCE RELATING TO CORONAVIRUS (COVID-19)

15.1 The following guidance has been produced so Holyhead School and its employees are aware of arrangements regarding the procedure to report an absence which is in relation to coronavirus (COVID-19).

Current government guidance is that anyone who has a high temperature, a new continuous cough and/or a loss of, or change in, their normal sense of taste or smell should stay at home (ie self-isolate) for at least ten days from the onset of symptoms. If they live with others, everyone in the household should stay at home for 14 days, even if they have no symptoms. Someone without symptoms who has tested positive for coronavirus (COVID-19), must self-isolate for at least 10 days from the date of the test.

People may also be instructed by the NHS test and trace service to self-isolate if they have had close recent contact with someone who has coronavirus (COVID-19).

Employees who are staying at home in accordance with government advice or advice from the NHS test and trace service, are entitled to sick pay, even if they are not ill. The Government has introduced temporary legislation with the effect that individuals who are unable to work because they are self-isolating are deemed to be incapable of work for the purposes of sick pay.

People who are required to self-isolate after travelling abroad are not entitled to sick pay, unless they are ill.

Prior to 1 August 2020, employees who had been advised to "shield" due to being at very high risk from coronavirus because of certain underlying health conditions were entitled to sick pay. From 1 August 2020 (or 16 August 2020 in Wales), the advice to shield was "paused". However, following the introduction of local COVID alert levels, some individuals may be advised to follow formal shielding advice again. An employee who has received a notification that they should shield again will be entitled to sick pay.

The absence reporting procedure outlined in paragraph 4 will remain throughout and evidence of the absence may be required.

All such absences related to Coronavirus will be recorded, however will not contribute towards the absence data review.