



## Attendance (Sickness Absence) Policy and Procedure

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Policy adopted by Local Governing Body on	

This policy links to:	<i>Located</i>
<ul style="list-style-type: none"> <li>• Disciplinary Procedure</li> <li>• Health and Safety Policy</li> <li>• Maternity, Paternity, Adoption and Parental Leave Policy</li> <li>• Equalities Act 2010</li> <li>• Data Protection Act 1998</li> </ul>	

**REVIEW DATE:** December 2014

# Information relating to the Attendance (Sickness Absence) Policy and Procedure

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## 1 Policy Statement

- 1.1 Academy Transformation Trust is committed to providing high quality teaching and learning in our academies and for our pupils. To support this we are committed to providing a safe and healthy working environment for our employees so they are able to attend work regularly.
- 1.2 We take a sympathetic and sensitive approach in managing sickness, and will make every reasonable effort to aid recovery and return to work. However we recognise the impact absences have on pupils and colleagues, and the cost of providing staff cover so employees should be aware that they have a duty to attend work regularly and take reasonable steps to ensure their health and welfare.

## 2 Aim and purpose of policy

- 2.1 The aim of the policy is to manage attendance in an effective way, in order to support employees suffering from ill health, maintain good attendance and reduce sickness absence levels. This policy takes account of the Equality Act 2010 and decisions will be taken in light of the provisions of that Act.
- 2.2 The purpose of this policy is to set out the rules and procedures which need to be followed so that attendance is managed in a fair, consistent and reasonable way.

## 3 Scope of policy

- 3.1 This policy covers all employees, (except those within their probationary period where alternative arrangements apply) whether permanent or temporary, full or part time and irrespective of level in the organisation. The policy covers both short term and long term periods of sickness.
- 3.2 Failure to comply with the policy may be dealt with under the Disciplinary Procedure.

## 4 Confidentiality and data protection

- 4.1 All information regarding an employee's health or personal situation should be treated confidentially and sensitively. Employees should be aware that sometimes line managers will need to ask them about their health where this is affecting attendance. Any breach of confidentiality may result in disciplinary action being taken.
- 4.2 All records will be kept no longer than is necessary in accordance with the Data Protection Act 1998.

## 5 Roles and responsibilities

### 5.1 The Board

- To set the strategic direction of Academy Transformation Trust and to approve policies in relation to absence
- To delegate responsibility for day to day management of issues to The Trust HR Department/Principal
- To participate in capability hearings and/or appeals as appropriate.

### 5.2 Principal and The Trust HR Department

- Day to day management of employee attendance and implementation of the Attendance (Sickness Absence) Policy and Procedure as agreed by the Board
- To be responsible for monitoring sickness levels and trends, and taking action accordingly.

### 5.3 Other line managers including Principal and Operations Director

- To be responsible for identifying problems and taking action
- To conduct return to work and attendance management meetings, where the policy indicates they should do so
- To maintain regular contact with employees who are off work
- To make decisions and where appropriate implement the relevant procedure.

### 5.4 Employees

- To achieve the highest level of attendance possible and to take reasonable steps to aid recovery, and remain in regular contact with their line manager during a period of absence
- To comply with absence reporting and notification arrangements
- To attend attendance absence meetings where required
- To report accidents or injury sustained in the course of work and ensure the information is recorded in the accident book

## 6 Sickness reporting procedure

- 6.1 On the first day of sickness absence, employees must telephone the reception so that cover can be arranged and their line manager to explain why they are ill and when they are likely to return to work. The contact should be made by . Contacting by text message or email is not acceptable, although a relative or friend of the employee can telephone on their behalf.
- 6.2 During the absence contact between the employee and line manager should be maintained. Where an employee is not covered by a fit note then in most cases they should ring in everyday of the absence. Employees should be available to discuss urgent work related issues

with their manager or colleagues, if appropriate, depending of the circumstances of their illness.

- 6.3 If sickness absence continues for more than seven continuous days, the employee is required to obtain a fit note from their general practitioner (GP) or hospital and send to the academy as soon as possible.
- 6.4 If an employee wishes to return to work before the end of the fit note period where a GP has advised that they are not fit for work, provided the line manager agrees and a risk assessment is carried out, there is no need to wait until the end of the fit note period.
- 6.5 The Trust/academy may request a fit note for any period of illness even though this may be fewer than eight consecutive days. If a cost is incurred, then The Trust/academy shall reimburse upon production of a receipt.

## **7 Return to work**

- 7.1 On returning from sickness absence employees are required to complete Part A of the return to work form - self certification - which is then signed and countersigned by their line manager.
- 7.2 Where an employee has been absent for a period of three consecutive days' illness or more, the employee will be required to meet their line manager to jointly complete the return to work form (which also incorporates the self-certification section), stating the reason for absence and any follow up action required. The information collected will be used, for absence management and monitoring purposes.
- 7.3 The return to work meeting should be as informal as possible but be held on a confidential, one-to-one basis and in private. The meetings should not be onerous and may in some cases be simply a welcome back after an absence and to update. At the meeting the line manager should:
  - Welcome back the employee and enquire after their health, clarifying the reasons for the absence and any treatment
  - Determine whether the employee is fit for work
  - Offer any further help and support
  - Confirm that high attendance is expected from all employees and that their situation will be treated fairly and sensitively
  - Where appropriate, highlight any concerns with the employee's absence levels
  - Update the employee on developments at work during their absence.
- 7.4 Once completed, the line manager should send the form (appendix 1) to the relevant person in order that the employee's record can be updated.
- 7.5 In some cases of a particular sensitive nature, the return to work meeting can be conducted by a different manager who is of the same sex as the employee.

### **Phased return to work**

- 7.6 In certain circumstances The Trust/academy may offer the opportunity to resume their duties on a phased basis.
- 7.7 The duration of a phased return will not normally exceed four weeks except in exceptional circumstances, depending on appropriate medical advice. During the phased return the employee will receive their normal rate of pay.

## **8 Managing short term absence**

- 8.1 Absences due to sickness that are frequent or persistent will be investigated. Occasions of absences of less than 20 days are considered as short term absence.
- 8.2 The line manager will take management action, if the following sickness triggers are met:
- Four or more occasions in any rolling 12 month period
  - 10 or more days in any rolling 12 months
- Or
- Any other pattern that causes concern.

### **Stage 1 – first sickness meeting**

- 8.3 The employee will be given five working days' written notice of the date, time and venue of the first sickness meeting. The letter will also include details of why the line manager is concerned about the sickness absence and the possible consequences of the meeting. The meeting will be conducted by the employee's line manager and the employee has the right to be accompanied to the meeting by a work colleague or trade union representative.
- 8.4 If for a good reason, the employee or their companion is unable to attend at the time specified, the line manager should be informed who will agree an alternative time which should be within five working days' of the original date.
- 8.5 A meeting may be adjourned if the line manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting.
- 8.6 The purposes of further meeting will be to:
- Discuss the reasons for, pattern and impact of the absences, and measures that can be taken by the employee and line manager to improve attendance
  - Discuss the likelihood of further absences
  - Consider any medical advice that has been obtained
  - Consider the employee's ability to attend work regularly and the impact on business needs, work colleagues and pupils
  - Consider whether adjustments can reasonably be made to assist in the employee attending work regularly

- Agree a way forward and set out what action will be taken and a time-scale for review and/or a further meeting(s).

8.7 The options for the line manager are as follows:

- Take no further action based on the information discussed but keep under review for a set period.
- Decide that further support and reasonable adjustments should be given over an agreed further review period
- Set out an action plan for improvement including:
  - Any support that will be offered
  - The timetable for improvement and follow-up review meetings - *“Review Period”*
  - Caution the employee that failure to attend work regularly could result in their dismissal.

8.8 Confirmation of the outcome of meeting will be sent to the employee.

8.9 At the end of the review period, if there has been an increase in the level of absence or no overall improvement in attendance then a further sickness absence meeting may be convened. This may also take place where attendance has dipped after a review period has elapsed.

### **Stage 2 – further sickness absence meeting**

8.10 The employee will be given five working days’ written notice of the date, time and venue of the further sickness absence meeting. The meeting will be conducted by the employee’s line manager and the employee has the right to be accompanied to the meeting by a work colleague or trade union representative.

8.11 The purpose of this meeting is to explain that the level of sickness absence continues to give cause for concern despite support and the review period. At the end of the meeting, the options for the line manager are as follows:

- Take no further action based on the information discussed but keep under review for a set period.
- Decide that further support should be given over an agreed further review period
- Set out a final action plan for improvement including:
  - Any support that will be offered
  - The timetable for improvement and follow-up review meetings - *“Review Period”*
  - Caution the employee that failure to attend work regularly could result in their dismissal.

8.12 Confirmation of the meeting will be sent to the employee within five working days’ of the meeting.



- 8.13 At the end of the review period, if there has been an increase in the level of absence or no overall improvement in attendance then a further sickness absence meeting may be convened. This may also take place where attendance has dipped after a review period has elapsed.

### **Stage 3 – Final sickness absence meeting – dismissal**

- 8.14 If the level of absence fails to satisfactorily improve following the above two stages of this process, the line manager may consider taking further action based on the belief that the employee is unable to fulfill their contract of employment. This involves referring the matter to a final sickness absence meeting. A decision at this level will be taken by the Principal or Local Governing Body panel.
- 8.15 A stage 3 a final sickness absence meeting will be convened with the purpose of reaching a final decision on the issue.
- 8.16 Possible outcomes of this meeting are:
- The Panel agrees to take further action, within an agreed timescale, to try and address the problem. This is only applicable where there is a clear belief that further action is likely to lead to an improvement even where it has not done so previously
  - The Panel offers the employee a change to his/her contract of employment for example redeployment, changes to working hours, job role, job grade. The employee would need to agree to this change and it would be offered on the basis that attendance will improve
  - The employee's employment is terminated with full notice or payment in lieu of notice.
- 8.17 Notification and a summary of the outcome of the meeting, including evidence presented and their right of appeal, will normally be sent to the employee and The Trust HR Department within five working days' of the meeting (unless this time scale is not practicable in which case it will be provided as soon as is practicable) and the employee will be advised of his/her right of appeal.
- 8.18 Where the employee's employment has not been terminated but their attendance fails to improve during an agreed timescale, then the line manager will arrange a further stage 3 sickness absence meeting as set out above.

## **9 Managing long term sickness absence**

- 9.1 If an employee has been absent for a consecutive period of 20 working days' or more, the line manager should contact the employee asking them to attend a welfare review meeting. This will be in addition to the agreed contact during the sickness absence period.
- 9.2 As part of the review process, the line manager will organise a referral to occupational health service (if not already arranged)

### Stage 1 – Welfare review meeting

- 9.3 In most cases the employee will be invited into the workplace for the review meeting. However it can be held at a suitable alternative location, if the individual is not well enough to travel into the office. A record of this meeting will be provided by the line manager to the employee.
- 9.4 If the employee is too ill to attend a meeting, another form of communication may be agreed, for example by telephone.
- 9.5 The purpose of the review meeting is to:
- Consult with the employee to obtain an update on their condition and, if possible, assess a likely timescale for a return to work
  - Ask the employee if they have identified any adjustments to their working arrangements which could facilitate their return to work (for example a phased return or temporary part-time working)
  - Enquire about what support or treatment the employee is receiving to assist their return to work
  - Discuss the initial referral to occupational health service (if appointment has taken place) and then in subsequent meetings to discuss follow up actions from the referral (or follow-up appointments)
  - Offer any support during their absence
  - Warn the employee that if they do not return to work within a reasonable timeframe then dismissal on the grounds of capability may be considered and actioned
  - Set a date after which the sickness absence will be reviewed again.
- 9.6 After the review date, if an employee's long term absence is continuing with no date of return, a further review meeting will be arranged. The meeting will be an opportunity to discuss with the employee the possibility that they will not return to work and the relevant consequences.

### Stage 2 - Further review meeting

- 9.7 The purpose of this meeting will be to:
- Consider whether there have been any changes since the last meeting regarding a possible return to work or opportunities for return or redeployment
  - Consider the up to date medical evidence available
  - Consider whether there is a reasonable likelihood of the employee returning to work in the foreseeable future.
- 9.8 If at the further review meeting, it is clear from the medical information available that the employee has no confirmed date to return to work (within the foreseeable future), and there is no recommendation for ill-health<sup>1</sup> retirement, the line manager seek a further medical

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<sup>1</sup> If this is possible under the academy/trust's pension scheme

opinion to establish whether the employee will be able to return to work in the foreseeable future.

- 9.9 If the line manager concludes that there is no likelihood of return to work, and the employee has had regular review meetings and been referred to occupational health, then he/she should refer the matter to a capability meeting to consider the possible termination of employment.

### **Stage 3 - Capability meeting**

- 9.10 A letter should be sent to the employee, inviting them to attend the capability meeting at least five working days' in advance of the meeting, enclosing a copy of the documentation that is to be referred to at the meeting. Additionally, the written notification should warn the employee that the hearing might result in dismissal. The meeting will normally be conducted by a Panel of Governors or The Trust's HR Department.
- 9.11 The employee may be accompanied at the meeting by a work colleague or trade union representative. If the employee (or their representative) is unable to attend the capability meeting for a good reason, then it can be rearranged (within five working days' of the original date) or the employee may be represented at the meeting by their work colleague or trade union representative if they are unable to attend or they can submit a written statement.
- 9.12 At the meeting, the employee's line manager will present the details of the employee's absences including the outcomes from the review meetings and occupational health referrals. The employee (or their representative) will be able to respond and state their case.
- 9.13 Following the capability meeting, the Panel may decide to either:
- Take no further action and request that the line managers continues to manage their attendance in accordance with the policy
  - Seek a second medical opinion on the prognosis
  - Give consideration to alternative employment for the employee including changes to working hours
  - Dismiss the employee with appropriate contractual notice.
- 9.14 The Principal's/Panel's decision will be confirmed in writing, normally within five working days' to the employee, summarising the outcome of the meeting.

## **10 Appeals**

- 10.1 The employee may appeal against the outcome of a dismissal decision and may be accompanied to an appeal meeting by a work colleague or trade union representative.
- 10.2 The employee should set out their appeal in writing, stating the full grounds of appeal. This should be sent to the line manager within five working days' from receipt of the decision.

- 10.3 The appeal meeting will be conducted by a manager more senior to the line manager, a separate Panel of Governors or The Trust's HR Department and should not have previously been involved in the case. The appeal will be dealt with as impartially as possible. The employee has a right to bring a companion to the appeal hearing.
- 10.4 The appeal hearing will focus on the grounds of appeal but may not be a complete re-hearing of the matter. This will be for the senior manager, a Panel of Governors or The Trust's HR Department to determine.
- 10.5 Following an appeal the Panel of Governors or the Trust's HR Department may:
- Confirm the original decision
  - Revoke or replace the original decision with a different decision
- 10.6 The final decision will be confirmed in writing, if possible within five working days' of the appeal meeting, although this may be extended in certain circumstances. There will be no further right of appeal.

## **11 Entitlement to sick pay**

- 11.1 If an employee does not comply with this policy, full sick pay may be refused but statutory sick pay may still be payable. Conditions will be in line with Burgundy Book and Green Book provisions.
- 11.2 Sickness absence of three days or more, occurring immediately after a period of annual leave, will need to be certified as sickness absence by the employee's GP. Where an academy employee is off sick immediately prior to a school holiday, they will continue to be deemed as being off sick for the purposes of recording absence and statutory and/or contractual sick pay during the school holiday period, unless the employee provides a fit note indicating they are fit to return to work. The cost of fit note will be covered by The Trust/academy if applicable.
- 11.3 An employee is entitled to accrue annual leave whilst in receipt of paid contractual sick pay.
- 11.4 Sickness due to industrial injury will be treated in accordance with the provisions of the Burgundy Book and Green Book.

## **12 Disability issues**

- 12.1 An individual who has been absent from work by reason of a disability as defined by the Equality Act 2010 has protection under that Act 2010. As an academy/trust we may consider making reasonable adjustments to support disabled people in work.

## **13 Dealing with stress**

- 13.1 Line managers will routinely consider workload management, risk assessments and discussions with employees to help decide upon the practical improvements that can be made

to the work to avoid stress at work. Line managers are expected to take prompt action to prevent, minimise and manage stress, including an immediate referral to the occupational health service whether absence has occurred or not.

## **14 Pregnancy related sickness**

- 14.1 If a pregnant employee works beyond the fourth-week before their expected week of childbirth and becomes ill with a pregnancy-related illness, her maternity leave will commence immediately. The Trust/academy will not take into account any absence related to pregnancy or maternity when considering taking formal action under this policy. Sickness absence falling after the end of the maternity leave period (for example, for post-natal depression) will be treated in the same way as any other form of illness.

## **15 Medical suspensions**

- 15.1 The Principal/Chair of Governors or The Trust may suspend an employee where necessary if their condition poses a risk to the safety and well-being of children or colleagues. However this action will only be taken on the advice of an appropriately qualified medical advisor about the risks associated with the individual's health. Each case should be judged on its circumstances. The Chair of Governors and the Trust's HR department must be informed if an employee is suspended.

## **16 Time off for Medical Appointments**

- 16.1 It is expected that non-urgent appointments for GPs, dentist etc, should, where possible, be arranged in an employee's own time or at the beginning or end of the working day. Time off without pay will be granted provided adequate notice has been given. Time off with pay will be considered for appointments concerned with serious illness. If there are a large number of appointments over a period of time consideration may need to be given for time to be made up. Appointment cards may be requested.

## **17 Review of policy**

- 17.1 This policy is reviewed and amended by The Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

**Appendix 1 – Return to work form**

**CONFIDENTIAL**

[NAME OF SCHOOL/ACADEMY/TRUST]

**Return to work form (incorporating self certification form)**

**PART A – To be completed by employee [for all absences]**

NAME			
JOB TITLE		EMPLOYEE NO.	
FIRST DAY OF SICKNESS	Date: (dd/mm/yyyy)		
LAST DAY OF SICKNESS	Date: (dd/mm/yyyy)		
RETURN TO WORK DATE		NUMBER OF WORKING DAYS	
REASON FOR ABSENCE			
TYPE OF CERTIFICATION FOR ABSENCE	Self Certificate <input type="checkbox"/> Medical Certificate <input type="checkbox"/> Both <input type="checkbox"/>		
Is this absence a result of an accident at work? If yes, has an accident form been completed?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
If not directly an accident at work, could the absence be work related e.g. RSI/Eye Strain/Muscular/Skeletal/Stress If 'yes', bring this to the attention of your manager at your 'Return to Work' interview	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
Employee's Comments:			
<p><b>DECLARATION</b></p> <p>I declare that the above information is true and accurate to the best of my knowledge. I understand that to give false or misleading information can result in disciplinary action which may lead to dismissal.</p> <p>Employee's signature:</p>			
<input type="text"/>		Date:	<input type="text"/>



## Appendix 2 – Attendance Management Meeting Form

<b>CONFIDENTIAL</b> [Name of academy]			
<b>Attendance Monitoring Meeting (short term)</b>			
NAME			
JOB TITLE		EMPLOYEE NO.	
Date of AMM			
Reason for review meeting - trigger(s) met (see 10.5)			
Number of occasions of sickness in last 12 months			
Number of days sickness absence in last 12 months (list absence dates)			

At this meeting the following was explained to the employee (tick the boxes below to confirm these were discussed):

The reason for the review meeting	
Why monitoring has taken place	
The academy's aim to maintain regular attendance	
That support will be provided to ensure regular attendance	
Caution the employee that failure to improve attendance could result in formal action which could eventually result in dismissal	



Conformation of discussion on absences: <ul style="list-style-type: none"> <li>• Reasons for absences</li> <li>• Underlying condition</li> <li>• Pattern of absences</li> </ul>	
Response/comments from employee (or representative), including any personal problems affecting attendance	
Follow-up action by manager, setting out attendance improvement plan and next steps	
Set review period	
Follow-up meeting date:	

**Manager's signature:**

**Date:**

**Manager's name (print):**

**Job title:**

**Employee' signature:**

**Date:**