



Houlton
CofE Academy Trust

Staff Attendance Management Policy

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Statement of intent

Houlton Church of England Multi Academy Trust is committed to maintaining the health, safety and welfare of its staff, seeks to provide a positive and healthy working environment, and recognises the value of its employees' work-life balance. Regular attendance at work is an integral part of each employee's contract of employment; however, it is recognised that employees will, on occasion, have genuine and acceptable reasons to be absent from work. On those occasions, we will aim to support an employee during the period of absence, with the aim of assisting their return to work at the earliest opportunity.

This policy outlines provisions to minimise absence levels across the school and provides information on how we may support those employees who are unable to attend work due to ill health, in order to ensure the best quality of education for pupils. This policy also aims to provide a fair and consistent framework for managing attendance and informs all employees of their responsibilities regarding attendance at work.

In accordance with its obligations under the Equality Act 2010, we will make all reasonable efforts to allow employees with a disability to continue their employment.

This policy is not contractual, and we may depart from its terms where circumstances dictate.

1. Legal Framework

1.1. This policy has due regard to legislation and statutory guidance, including, but not limited to, the following:

- Equality Act 2010
- Redundancy Payments Modification Order 1985
- DfE (2022) 'School teachers' pay and conditions document 2022 and guidance on school teachers' pay and conditions'

1.2. This policy operates in conjunction with the following school policies:

- Equal Opportunities Policy
- Data Protection Policy
- Staff Disciplinary Policy
- Staff Leave of Absence Policy
- Staff Wellbeing Policy

2. Roles and responsibilities

2.1 The **Headteacher** is responsible for:

- Informing all employees of attendance management procedures, including the conditions of the sick pay scheme.
- Recording all sickness absence upon notification (this role is generally delegated to the Office Manager).
- Meeting with employees on their return to work, regardless of the duration of the absence.
- Monitoring and reviewing sickness absence across the school.
- Deciding if a stage one absence hearing with an employee is appropriate when their sickness absence level has reached a trigger point.
- Maintaining reasonable contact with employees during a period of absence.

2.2 Staff are responsible for:

- Attending work when fit to do so.
- Complying with the school's notification of sickness absence procedures.
- Maintaining reasonable contact with the school and meeting with the school when required during periods of absence of four weeks or longer ("long-term sickness absence").
- If requested to do so by the school, attending occupational health (and potentially other medical) appointments.

3. Attendance management procedure

3.1 The school will make appropriate arrangements to minimise the impact of sickness absence, including arranging supply cover or longer-term arrangements in the event that an employee is absent for a longer period of time.

3.2 The school expects staff to report absence using the following procedure:

- On the first day of sickness absence, staff will contact the Headteacher via phone by no later than 8:00am.
- Staff will notify their line manager of the reason for their absence and the likely duration of their absence.
- Staff will maintain contact with the school for the duration of their absence.
- Unless and until staff are certified by a doctor's fit note, they will call the Headteacher by no later than 8:00am for each day of absence unless instructed otherwise.
- If a staff member is absent for longer than seven consecutive days (including weekends), then they will submit a doctor's fit note to the school.

3.3 Failure to follow this process could result in sick pay being withheld or the absence being treated as unauthorised.

4 Sick pay

4.1 Sick pay is based on length of service. For teachers, this is aggregated teaching service within any LA and any academy. For all other staff, it is continuous service within any public authority to which the Redundancy Payments Modification Order 1985 applies.

4.2 If the school is concerned that the reason given for staff absence is not genuine, it may commence action under the school's Disciplinary Policy.

4.3 The school reserves the right to withhold sick pay in circumstances which are described in the relevant paragraphs of the conditions of service for teachers and support staff.

Additionally, if staff are found to be carrying out some other work, within their contracted hours at the school, sick pay may be withheld.

4.4 Staff who are absent from work on sickness absence must not participate in any other form of work (paid or unpaid) during or outside of their normal working hours without the prior written authorisation of school.

4.5 Staff will notify the school if they are undertaking therapeutic work whilst off sick and will consult with the school's occupational health service as to the advisability of such activity.

4.6 Time off for surgery that is not for medical reasons will ordinarily not be paid by the school. Any leave granted, whether paid or unpaid, will be subject to the availability of staff to cover the employee's period of absence.

5 Statutory sick pay (SSP)

5.1 In order to qualify for statutory sick pay (SSP), staff must:

- Be sick for at least four or more days in a row, including weekends and bank holidays (SSP is not payable for the first three days of any period of absence); **and**
- Earn an average of no less than the Lower Earnings Limit for National Insurance Contributions (NIC).

5.2 SSP is paid by the school for up to a maximum of 28 weeks.

6 Returning to work

6.1 Where a clinical health professional or GP advises a staff member that they are not fit for work, the health professional will state the period (or dates) for which this will be the case and whether they will need to assess the staff member again. If the health professional has not stated that they need to assess the staff member again, the school will ordinarily assume that the employee will return to work on expiry of the fit note.

6.2 The school may ask the staff member to seek further advice from their clinical health professional regarding a return to work or to seek advice from an occupational health advisor before the employee is allowed to return to work. Staff will attend any additional appointments as reasonably instructed by the school.

6.3 During any additional period of assessment, the staff member will remain entitled to sick pay in accordance with the SSP or the employee's terms and conditions of service.

6.4 Staff will take on board any advice given by their doctor on how to return to work. Advice may include:

- A phased return to work.
- Flexible working.
- Amended duties.
- Workplace adaptations

6.5 The school will consider any recommendations made by the staff member's doctor and implement additional measures to support the staff member's return to work where possible.

6.6 On their return to work, staff will contact the Headteacher.

6.7 Following a period of sickness absence, staff will be required to attend a return to work interview with their line manager within three days of their return.

6.8 The interview will:

- Welcome the staff member back to work.
- Inform the staff member of any changes during their absence.
- Seek assurance that the staff member is well enough to be at work.
- Establish if the staff member requires any additional support.
- Assess whether the staff member needs to be referred to occupational health.

6.9 During the interview, staff will be made aware of the following:

- Whether their absence may lead to a stage one absence meeting
- Any support the school will offer to avoid a stage one absence meeting
- Whether they have surpassed the trigger points for a stage one absence meeting and the implications of this, e.g. being invited to an absence meeting

6.10 If a staff member has already received an official warning over their attendance, they may be invited to a stage two or three absence meeting.

6.11 A record of a return to work interview will be signed by both the staff member and their line manager and a copy will be kept and stored securely.

7 Occupational Health

7.1 The school will refer staff to an occupational health advisor where necessary. The advisor will outline:

- When the staff member will be able to return to their role.
- The staff member's ability to carry out their role.
- Whether any adjustments or modifications will be made to assist the staff member in carrying out their role.
- Whether the staff member is (or will soon be) unable to carry out their role or alternative duties within the school.
- Whether any adjustments or modifications could be made to assist the employee in carrying out such alternative duties.

7.2 The school will consider appropriate support options, including reasonable adjustments or phased returns to work.

7.3 For employees experiencing a psychological illness, e.g. stress, anxiety or depression, or a musculoskeletal complaint, e.g. a neck, shoulder or back condition, a referral to occupational health will be made if deemed necessary. Employees can make use of phone

counselling services free of charge as well as access to useful webinars and podcasts to aid with stress management – please refer to the Staff Wellbeing Policy for further details.

8 Persistent Absence

8.1 If a staff member is persistently absent and their attendance levels have not improved to a satisfactory level following informal action through the return to work interviews, and having taken into consideration the trigger points, their line manager may choose to obtain medical advice from occupational health (if appropriate) or may proceed to a stage one absence meeting.

8.2 Where there is a history of formal absence warnings that result in a successful monitoring period which is then immediately followed by further absences, the school may not recommence the informal attendance monitoring process but move instead to the next stage in the formal procedure.

Stage one absence meeting

8.3 If a staff member's sickness absence levels have not improved despite being addressed in their return to work meetings, the line manager will invite the staff member to a stage one absence meeting.

8.4 The Headteacher (or other member of Senior Leadership) will provide at least 3 working days' notice, in writing, of the stage one absence meeting. They will communicate the following to the staff member:

- The time, date and place of the meeting
- The reason for the meeting
- Any evidence to be discussed at the meeting
- The staff member's right to be accompanied by a trade union representative or work colleague not involved in the case

- 8.5 The line manager will prepare for the meeting by ensuring that they have identified the employee's sickness absence levels and the support that has been provided via the return to work meetings.
- 8.6 Any medical evidence or documentation that the staff member wishes the line manager to consider will be submitted 24 hours ahead of the meeting.
- 8.7 In the stage one absence meeting the line manager will:
- Explain the concern about the absence level and reasons for that concern, such as operational difficulties caused.
 - Listen to reasons and respond appropriately.
 - Consider whether to refer the case to occupational health if they have not already done so.
 - State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement.
 - Identify any support required.
- 8.8 The potential outcomes of this meeting include:
- Giving the staff member a stage one warning, to remain on file for 12 months, and explain that continued failure to improve attendance to the specified level may lead to a stage two absence meeting which could lead to the staff member's employment being put at risk.
 - An extension of informal monitoring.
 - No further action.

Stage two absence meeting

- 8.9 If the staff member's attendance drops below the required level within the set monitoring period, their line manager will ask the employee to attend a stage two absence meeting.

8.10 The line manager will provide at least 3 working days' notice of the stage two absence meeting in writing. They will communicate the following to the staff member:

- The time, date and place of the meeting
- The reason for the meeting
- Any evidence to be discussed at the meeting
- The staff member's right to be accompanied by a trade union representative or work colleague not involved in the case

8.11 In the stage two absence meeting, the line manager will:

- Explain the concern about the absence level and reasons for that concern, such as operational difficulties caused.
- Listen to reasons and respond appropriately.
- Consider whether to refer the case to occupational health, if they have not already done so.
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement.
- Identify any support required.

8.12 The potential outcomes of this meeting include:

- Give the employee a stage two warning, to remain on file for 12 months and explain that continued failure to improve attendance to the specified level will lead to a stage three absence hearing which could result in dismissal.
- An extension of monitoring and support within stage one of the formal process.
- No further action.

8.13 The staff member's line manager will fully record the details of the meeting and send a letter to the staff member confirming the details of this meeting.

8.14 If at any stage a staff member has reached a level of improvement acceptable to the school, monitoring will revert back to informal arrangements.

Stage three absence hearing

8.15 If the employee's attendance drops below the required level within the set monitoring period, their line manager will ask the staff member to attend a stage three absence meeting.

8.16 The line manager will provide at least 5 working days' notice of the stage three absence meeting in writing. The notice will include:

- The purpose of the hearing.
- Details of the employee's attendance.
- The stage reached in the procedure.
- When and where the hearing will be conducted.
- The right to be accompanied by a trade union representative or work colleague not involved in the case.
- The requirement for the employee to provide, in at least 2 working days before the hearing, all documents that they intend to present at the hearing.

8.17 The stage three absence meeting will be conducted by the Headteacher. Any medical evidence or documentation that the staff member wishes the Headteacher to consider will be submitted at least 2 working days prior to the hearing.

8.18 The purpose of the stage three absence meeting will be to consider whether the staff member is capable of continuing employment with the school in the light of their health, their attendance and their ability to perform the role with reasonable effectiveness. The meeting will also take into account whether the school can reasonably sustain the staff member's level of attendance.

8.19 The potential outcomes of this meeting include the following:

- An extension of monitoring and support within stage two of the formal process
- If the Headteacher decides that the staff member's attendance is not acceptable and is unlikely to improve to an acceptable level, the

employee may be dismissed with notice on the grounds of failure to sustain required levels of attendance

8.20 Prior to a decision to dismiss, consideration will be given to any alternative working arrangements or roles with the school.

8.21 If the school decides to terminate the staff member's employment on the grounds of the above, the employee will be informed of the school's decision to dismiss in writing and the employee will be advised of their right of appeal.

9 Appeals

9.1 Any appeal arising as a result of a warning or dismissal will be made in writing to the chair of governors within 5 working days of receiving the outcome of the hearing.

9.2 If the staff member submits an appeal, they will be invited to an appeal hearing where their case will be heard by a Trustee panel. The outcome of the appeal hearing will be confirmed in writing to the employee. There is no further level of appeal.

9.3 An appeal following a stage three dismissal will be heard by a panel of up to three governors.

10 HT Appeals

10.1 In the case of Headteacher sickness absence, the absence management procedure will be managed by the governing board.

10.2 All sickness absence hearings relating to the Headteacher's sickness absence will be conducted by a nominated governor panel and any subsequent appeal by the chair of governors.

11 Long-term sickness absence

11.1 Where a staff member is or is reasonably expected to be absent from work for four weeks or more (including any period of holiday) or where the staff member has been

unable to sustain regular and efficient attendance due to a long-term condition, they will fall within the scope of the long-term sickness absence management procedure.

11.2 The school will maintain regular and supportive contact with the staff member, which may include:

- Regular review meetings to discuss their continuing absence.
- When they may be able to return to work.
- Any reasonable adjustments that the school may be able to make to assist them in returning to work.

11.3 It is a contractual requirement that the employee cooperate with the school during such period of absence.

12 Medical suspension and capability

12.1 There are a number of circumstances where the school may medically suspend an employee.

12.2 Reasons for such a decision include consideration for the protection of the person's own health, as well as the health and welfare of other staff and pupils who may be put at risk by the medical condition of an employee. Occupational health may recommend medical suspension to management.

12.3 A referral to LADO may be (subject to LA arrangements) recommended in cases where a staff member is suffering from or has suffered from suicidal thoughts. The school will undertake a full risk assessment on the risks posed to the employee or others before deciding on whether the employee is fit to be in work.

12.4 If, following advice from occupational health, it appears that the employee is likely to be unable to return to their role or to provide regular and efficient attendance within a reasonable period of time, the employee will be invited to attend a medical capability hearing.

12.5 Prior to a medical capability hearing, a preliminary meeting will be arranged in order to discuss the following:

- The history of the employee's absence, including the number of absences or duration of absences
- Any reasonable adjustments that have been made or considered
- If and when the employee may be able to return to work or to provide regular and efficient service
- Any redeployment options that have been considered within the school
- The up-to-date medical advice

12.6 The employee has the right to be accompanied at this meeting by a trade union representative or work colleague.

12.7 If, following the preliminary meeting, the staff member's line manager remains of the opinion that the employee is not able to return to work within a reasonable period of time and that their absence cannot be sustained or that the employee will not be able to provide regular and efficient service in accordance with their contract of employment, the employee will be invited to attend a medical capability hearing.

Medical capability hearing

12.8 The medical capability hearing will be conducted by the Headteacher.

12.9 The purpose of the medical capability hearing is to consider the viability of the employee's continuing employment. The employee will be given written notification of the meeting giving 5 working days' notice.

12.10 The Headteacher will consider dismissal on the grounds of medical capability where having considered any medical advice and any representations by the employee the Headteacher reasonably believes that:

- The employee is permanently unfit to work.

- They are unable to reasonably determine when the employee will be able to return to work or to provide regular and efficient service.
- The employee is unlikely to be able to provide regular and efficient service.

12.11 In the event that an employee has failed to attend appointments with occupational health and, therefore, there is no medical evidence to consider, the Headteacher may make a decision based on the information at the hearing.

12.12 The employee has the right to be accompanied at the medical capability hearing by a colleague or a trade union representative. Any documentation that the employee wishes the Headteacher to consider should be submitted at least 2 working days prior to the hearing.

12.13 In certain situations, where medical evidence from an employee is in conflict with the medical evidence from occupational health, the school will decide to obtain a further medical report or may prefer either report.

12.14 Where an employee fails to attend the hearing, it may go ahead in their absence.

12.15 If the Headteacher decides to terminate the employee's employment on the grounds of medical capability, the employee will be informed of the decision to dismiss in writing and the employee will be informed of their right of appeal.

13 Appeals against medical capability decisions

13.1 Any appeal arising as a result of a medical capability dismissal will be made in writing to school within 10 working days of receipt of the outcome of the hearing.

13.2 If the member of staff submits an appeal, they will be invited to an appeal hearing where their case will be heard by the governing board. The employee and the school will provide additional medical information for consideration at the appeal hearing.

13.3 The outcome of the appeal hearing will be confirmed in writing to the employee. There is no further level of appeal.

14 Redeployment of staff

14.1 Staff fit to return to work, but not in their original role may be transferred into an alternative role which they are able to undertake with or without reasonable adjustments or training.

15 Ill health retirement

15.1 Staff who are contributing to the Local Pensions or Teachers' Pensions (TP) will be considered for ill-health retirement where applicable.

16 Accruing annual leave during sick leave

16.1 Employees have the right to accrue annual leave during sickness and to take this upon return or carry forward the annual leave into the next leave year. A maximum of 5 days' annual leave can be carried forward at the discretion of the Headteacher.

16.2 The time an employee takes leave will be agreed by the staff member's manager in line with the needs of the school.

16.3 Full time employees are entitled to 28 days (5.6 weeks) of statutory annual leave under the Working Time Regulations 1998. Therefore, the entitlement to statutory annual leave can be offset by any periods of school closure, whether they occur before or after the period of sickness. Where there is insufficient school closure time to allow the statutory annual leave to be taken, the school will allow the employee to carry forward the leave to be taken in a school closure.

16.4 When an employee commences sick leave, the amount of leave an employee has had in the current leave year will be established by the amount of school closure periods that have already occurred during the leave year. If this exceeds the entitlement to statutory annual leave, there will be no further entitlement to leave.

This policy will be reviewed annually.

