

**NORTH FERRIBY C E PRIMARY SCHOOL**

## **ATTENDANCE AT WORK POLICY (SCHOOLS)**

<b>Date of New Policy:</b>	<b>Autumn 2015</b>
<b>Review Date:</b>	<b>Autumn 2017</b>
<b>Policy Type:</b>	<b>Corporate</b>
<b>Co-ordinator:</b>	<b>Russ Orr</b>
<b>Link Governor:</b>	<b>Derek Shepherd</b>
<b>Committee:</b>	<b>Personnel</b>

**Mission Statement:**

A Christian School with children at its heart.

**Christian Values Statement:**

At North Ferriby CE Primary School, we keep Christian values at the heart of our school community where we live, love and learn together.

**Ethos Statement for North Ferriby CE VC Primary:**

Recognising its historic foundation, the school will preserve its religious character in accordance with the principles of the Church of England and in partnership with the Church at parish and diocesan level.

The school aims to serve its community by providing an education of the highest quality within the context of Christian belief and practice.

It encourages an understanding of the meaning and significance of faith and promotes Christian values through the experience it offers to all its pupils.

YORK DIOCESAN BOARD OF EDUCATION

Attendance at Work Policy and Procedure (Schools)

<b>Lead Directorate and Service:</b>	Corporate Resources/Human Resources
<b>Effective Date:</b>	From the date adopted by the School's Governing Body
<b>Contact Officers:</b>	HR Advice Centre (01482) 391221
<b>Approved by:</b>	The Cabinet: 17/7/07. min3036/ The Cabinet: 26/4/11. min4163. Decision Record 10/06/15 Ref 17156.

This Policy and Procedure Must Be Read In Conjunction With the  
Guidance Notes for Governors and Headteachers

A Attendance at Work Policy

**1. Background**

- 1.1 The Council and Governing Body recognise that some degree of sickness absence is inevitable and will ensure that it responds and manages this in a caring, supportive and confidential manner. The well being of their employees is paramount and the Council and Governing Body are committed to providing appropriate support and encouragement to all employees in schools who are ill, and to take all reasonable steps to assist them to return to work as soon as possible.
- 1.2 It must also be recognised that employees at all levels feel the impact of a colleague being absent due to illness as it can significantly affect how they, the Council and individual schools perform, and this in turn affects the level and quality of service we give. It is therefore essential that attendance is managed in a timely, consistent and sensitive manner.
- 1.3 However the need to balance the interests of the individual employee with the requirements of the school and service must be understood and when it becomes necessary discussions will be held with employees concerning their level of attendance, particularly when it reaches a level where it is giving cause for concern and/or putting their job at risk. Employees must be assured that where issues relating to sickness absence are raised with them this will be undertaken in a mutually supportive manner.

**2. Definitions For The Purpose Of Policy**

- The Attendance at Work Policy and Procedure defines the broad principles of operation and does not seek to define every circumstance.
- Misconduct will be dealt with under the school's disciplinary policy and is separate from the attendance policy.
- Capability relating to skills, experience and qualifications etc. to perform in the job will be dealt with under the school's capability policy.

### **3. Policy Statement**

- 3.1 Investing in the well being of our employees is paramount in ensuring good attendance at work which, in turn, contributes to the Council's and school's success in meeting its objectives. The East Riding of Yorkshire Council will develop its Attendance at Work Policy and Procedure in accordance with the Corporate/Schools Policy Framework. This policy applies to all school based employees where it has been adopted by their respective school governing body.

### **4. Policy Aims**

- To develop and implement initiatives to support the health and well being of our workforce.
- To create a positive working environment that sustains high morale amongst employees.
- Headteachers to identify and monitor the levels of attendance and issues which impact on these and take appropriate action.
- To consistently and fairly apply the Attendance at Work Policy and Procedure.
- To provide appropriate support to employees during an absence and when returning to work.
- To set and review targets for the Council, Directorates, Schools, Headteachers, Managers and, where appropriate, individual employees to improve attendance levels.
- At school level, the Governing Body to review the effectiveness of the operation of this policy.
- To provide adequate support to Headteachers, other nominated senior member of staff or appropriate line managers, and Governors including appropriate training.

### **5. Statutory Obligations**

- 5.1 Equalities in Employment - This policy recognises the requirement to comply with the Equality Act 2010 (EA) when dealing with the attendance of disabled employees. The provisions under the EA will include assessing and implementing whenever possible any reasonable aids, adaptations and adjustments that can be made to the duties, workplace, provisions, criteria or practices in order to maintain attendance and performance at work and assist a disabled employee back into the workplace following absence. Throughout this policy and procedure it is expected that Governors, Headteachers, other nominated senior members of staff and appropriate line managers will follow these principles regardless of the reasons for the absence. Sickness absence records are considered to be sensitive data and will be treated in accordance with the requirements of the Data Protection Act 1998, as amended,

### **6. Policy Development Including Consultations**

- 6.1 This policy was developed in consultation with Managers (including Headteachers and School Governors), Trade Union Representatives and Elected Members.

## **7. Links With Other Supporting Departments/Policies**

7.1 The following services will support Governing Bodies, Headteachers other nominated senior member of staff and appropriate line managers in effectively implementing the Attendance at Work Policy and Procedure:

- Human Resources
- Occupational Health Unit

7.2 The following policies must also be used in support of the Attendance at Work Policy and Procedure where appropriate:

- Well being Policy
- Flexible Working Policies, eg job share, home working etc
- Special Leave Policy
- Retraining and Redeployment Policy
- Workplace Drug and Alcohol Testing Policy
- HIV and Aids Policy
- Health and Safety Policies
- Equalities in Employment Policy (Race, Gender and Disability)
- General guidance on the Equality Act 2010
- Personal Harassment Policy
- Attendance at Work Policy and Procedure Guidance Notes for Managers, Governors and Headteachers issued by the Human Resources Department
- National terms and conditions for employees, eg Green Book, Burgundy Book Schoolteachers' Pay and Conditions Document. This policy and procedure is not intended to negate or worsen the provisions contained in these nationally agreed documents.

## **8. Desirable Outcomes**

8.1 The desired outcome from implementation of this policy is a well motivated and committed workforce and an increase in overall attendance rates.

## **9. Policy Implementation**

9.1 The Council will review this policy and procedure in line with its programme of policy reviews in consultation with the relevant trade unions.

9.2 Following consultation with Trade Unions, the Director of Corporate Resources under appropriate delegation of the Council has approved the policy on 10 June 2015.

9.3 This policy will be implemented through adoption by individual school governing bodies and the provision of effective training for Managers and Headteachers in good attendance management.

## **10. Evaluation/Review**

- 10.1 This Policy will be monitored by Headteachers, Governing Bodies and Director of Children, Families and Schools to ensure that cases are managed appropriately and within defined and reasonable timescales.
- 10.2 Absence information is available to managers from the council's HR Payroll system. Regular reports will be presented to the Council's Corporate Management Team (CMT) and Senior Management Team (SMT) detailing absence statistics of Council employees.

## **B Attendance at Work Procedure (Schools)**

### **This Policy and Procedure Must Be Read and Actioned In Conjunction With The Guidance Notes For Governors and Headteachers**

#### **Introduction**

#### **1. Background**

- 1.1 The aim of this procedure is to provide a framework within which employee and Headteacher or other appropriate line manager can work together in a supportive and co-operative manner to pro-actively manage periods of sickness absence. For the purposes of this policy and procedure, the appropriate line manager will always be someone who is senior to the person absent due to illness. In a very small school this may be the Headteacher whereas in a larger school it may be the individual's immediate line manager.
- 1.2 The Council and Governing Body value the contribution of its employees in the delivery and maintenance of high quality services, and accept that there will be occasions when employees will be unable to attend work due to illness. In addition it also acknowledges that some employees will attend work when they are ill and make a valid, but reduced, contribution and in these circumstances the school will make every effort to support those employees. Absence through illness will be treated as genuine, but any abuse of this policy and procedure will be dealt with under the School's Disciplinary Procedure.
- 1.3 Employees must be aware that all sickness absence has an impact on the services the Council and schools provide. As an employer the Council, through individual school Governing Bodies and Headteachers, will ensure that sickness absence records are kept and attendance levels monitored to ensure that employees are supported whenever they are absent, or upon return to work following an absence.
- 1.4 Where the procedure outlined below has been followed and the level of attendance has not improved despite all the support provided, the employee will be informed that their employment could ultimately be at risk.
- 1.5 A warning under this procedure is completely separate to warnings given under the School's Disciplinary Procedure.
- 1.6 Employees should be reassured that the Council, Governing Body and Headteacher will do all they reasonably can to assist with a sustained return to work. However, sometimes it will become clear that a sustained return to work is not possible and in those cases the Governing Body and Council must take decisions based on the circumstances of each case, which may include dismissal.
- 1.7 In the case of school based employees, dismissal will be after hearings before the Headteacher and/or the Governing Body's Discipline and Appeals Committees. NB where the Headteacher has been involved in any decision making at an earlier stage they will be precluded from taking part in any decision making at a later stage in the procedure.
- 1.8 In managing the absence of the Headteacher, the Chair of Governors will be responsible for managing action under this policy and procedure in relation to that absence.

## 2. Supporting Framework

2.1 In managing attendance before, during and after any period of absence due to sickness, Headteachers, other nominated senior members of staff or appropriate line managers should consider the wider range of tools, options and advice available to them. In discussion with the employee(s) these may include as positive considerations:

- **Flexible working options**

This could be changes to working patterns or methods of working and could be considered as part of a short or long term strategy for either the prevention of an absence or to support a sustained return to work following a longer period of absence.

- **Phased return to work**

This will be time limited and could take the form of a reduction in the number of days or hours worked initially, gradually increasing up to the normal working hours or pattern of work. Depending on the nature of the absence, the type of work undertaken, and the specific terms and conditions applicable to the employee's contract of employment, there may also be an opportunity to combine attendance in the workplace with an element of working from home until the employee is able to return to normal working. The duration of any phased return to work will vary on a case by case basis. A further case review must be held after 6 weeks if the initial planned phased return to work period exceeds this timescale.

- **Fast-track physiotherapy**

Where an employee suffers from a musculo-skeletal related problem (eg back pain, repetitive strain injury) and this may result in an absence from work or affect their performance at work, it is possible to make a referral through the Occupational Health Unit for access to physiotherapy. Under the present contract this access is guaranteed within 3 working days from the time access to treatment is approved by the Occupational Health Unit.

- **Counselling**

Headteachers are able to refer employees to the Occupational Health Unit for access to external counselling support and, in addition, the Council has introduced an externally provided Employee Assistance Programme (EAP) which is a 24/7 confidential helpline designed to support individuals through any difficult situation that may affect their home or work life. The contact number for this service is 0800 107 6145. Teachers also have access to Teacherline, a 24/7 helpline offering confidential counselling, support and advice on any problem. The contact number for this service is 08000 562 561.

- **Well Being**

The aim of Well Being is to develop and maintain a culture within schools where all parties work together to manage workloads effectively.



### 3. Exclusions

3.1 The following types of absence are not classed as sickness for the purposes of this policy and procedure:

- (a) GP appointments
- (b) Dental appointments
- (c) Hospital appointments
- (d) Any form of absence that is not sickness related.

NB Reasonable time off is allowed to attend these appointments. It is expected that these will be arranged to minimise disruption to the school eg, in the employee's own time or at the start or end of their working day/shift.

3.1 The following types of absence will be recorded as sickness but will not be included in calculating absence for the purpose of the formal warning stage:

- Sickness absence where it is connected with a condition that is likely to require a pre or post course of treatment, a maximum of up to 1 day's absence may be allowed. It must be demonstrated clearly that the absence is directly attributable to the course of treatment. This is not applicable to the first day of absence linked to hospitalisation or surgery. **NB** Please refer to the Attendance at Work Guidance Notes (K2c) for further guidance and a worked example of the application at this point,
- Absences which are as a direct consequence of pregnancy. All absences whilst pregnant should be reviewed separately by the Headteacher or other nominated senior member of staff.
- Absence arising out of an accident, assault, injury or disease whilst undertaking the duties of the post. Please refer to section 6.1.4 for more information about the process.

### 4. Preventative Measures

4.1 A key element of maintaining attendance levels and reducing sickness/absence is to focus on preventative measures.

4.2 The Council and Governing Body strongly believe that proactive initiatives put in place to assist employees in maintaining a healthy work/life balance, proactively addressing minor ailments to prevent them deteriorating further will help to reduce the length of an absence and in some cases prevent an absence altogether. Management time and effort spent in preventing absences, making reasonable adjustments and/or modifications to the work or working environment will outweigh the time and effort required to manage on going absences.

4.3 Preventative measures can take many forms as shown below:

- a) To take proactive steps to avoid an excessive hours culture within the workplace

- b) Communication needs to be open and two way, between the Headteacher, other nominated senior member of staff or appropriate line manager, and their employees. This can be on an individual basis through methods listed in paragraph 2.1 above or via staff meetings/briefings, non-contact/training days etc. Regular communication will foster good relationships and trust between the Headteacher, other nominated senior member of staff or appropriate line manager and employee enabling frank discussions regarding work and personal issues that may affect performance including attendance levels. Positive action should be taken to prevent/reduce absence.
- c) Management Awareness of Employee Issues - This will take many forms, eg, informal discussions, regular workload reviews, performance monitoring and effective management, well being assessments or at meetings as part of Appraisal Schemes for support staff, to develop a culture which promotes two way communication and the confidence to highlight any issues that need proactive intervention.
- d) Healthy Staff Policies/Initiatives - These include health and safety policies (eg well being and workstation risk assessments/audits) and flexible working policies (eg job share, compressed working, home working etc) as well as discounted leisure centre membership, stop smoking support, hand arm vibration screening, regular training on H&S issues eg lifting and carrying and stress awareness; flu vaccinations for service critical employee groups, Employee Assistance Programme (24/7 helpline), external counselling service, access to fast track physiotherapy service via the Occupational Health Unit. (See also the links to other policies listed in paragraph 7 of the Policy).

## **5. Roles and Responsibilities**

### ***5.1 Role of The Governing Body***

- 5.1.1 The Governing Body is responsible for monitoring the effectiveness of the operation of this policy in managing staff attendance within the school, and seek to ensure that adequate resources are available to minimise any workload implications arising out of its operation.
- 5.1.2 The Governing Body, on the advice of the Headteacher, will determine whether other senior members of staff, in addition to the Headteacher, are authorised to issue warnings under this procedure and, if so, who. This should be reviewed on an annual basis and also following any changes to the staffing structure.
- 5.1.3 In agreeing who should be given this authorisation, the Governing Body should bear in mind that under the School Staffing (England) Regulations 2003 it is expected that the Headteacher will take the initial decision on dismissal of staff with the Governing Body hearing any appeals. It is not appropriate for the Headteacher to both issue warnings, or make decisions about the use of discretion over entry to the formal stage, and take initial dismissal decisions. Against this background, if the Headteacher is the person issuing warnings or authorising the

use of discretion under this policy and procedure the decision on dismissal must be delegated to a Committee of at least three governors, with a separate Committee of three governors considering any appeals. Where any governor has been involved in the decision making at an earlier stage in the procedure they will be ineligible to be a member any subsequent governors Committee.

## ***5.2 Role of the Headteacher, Other Nominated Senior Member of Staff or Appropriate Line Manager***

5.2.1 The Council, School Governing Bodies, and Headteachers have a joint responsibility to provide a safe and healthy working environment.

5.2.2 Headteachers are responsible for managing absence under this policy by proactively putting procedures in place to ensure that:

- (i) all absences are reported to the appropriate member of administrative support staff in the school office as soon as notification is received from the employee
- (ii) all absences are monitored
- (iii) regular and effective communication with absent employees is maintained, taking into account the context or possible sensitivities of the reason for the employee's absence (see also paragraph 6.1.2, third bullet point)
- (iv) advice from Human Resources and the Occupational Health Unit is sought at appropriate stages. At the point when it is considered appropriate to refer an employee to the Occupational Health Unit, the Headteacher, other nominated senior member of staff or appropriate line manager must complete a referral form
- (v) the wider range of options and initiatives for managing attendance and supporting employees are considered
- (vi) employees are aware of the policy and their responsibilities within it, and
- (vii) the appropriate member of administrative support staff in the school office is notified when an employee returns to work, that a completed Absence Declaration Form is checked and signed by the employee and returned to the Headteacher, other nominated senior member of staff or appropriate line manager, who is then responsible for forwarding the completed form to the appropriate member of administrative support staff in the school office. This will ensure that the iTrent absence records are accurate and up to date.
- (viii) act on prompts for action relating to absence levels in accordance with the policy
- (ix) seeking Chair of Governors approval to not issue a formal warning in line with the policy discretion
- (x) completing sickness absence action plans

5.2.3 Depending on the structure and organisation within the school, the Headteacher together with any senior nominated member of staff will be responsible for operating points 3.5 (i) to (vii) above.

5.2.4 In larger school structures appropriate line managers may be involved in managing the early stages of the process.

5.2.5 In all cases it is also essential in managing any increased workloads that regular communication is maintained with the existing workforce throughout any period of absence due to sickness within the team.

### **5.3 *Role of the Employee***

- 5.3.1 Within the workplace attendance management is a shared responsibility and employees are required to play an active role in managing their own attendance by maintaining contact with their Headteacher, other nominated senior member of staff or appropriate line manager when absent, updating them on any change of circumstances and anticipated date for a return to work, particularly following GP or Consultant/hospital appointments. Within the context of the reasons for their current ill-health, the employee has a responsibility to take part in any discussions with their Headteacher, other nominated senior member of staff or appropriate line manager concerning their level of attendance and reasons for any absence. Where the employee has more than one job within the school or Council they must report their absence and maintain contact with each individual Headteacher, other nominated senior member of staff, appropriate line manager or Service Manager.
- 5.3.2 Under the requirements of Health and Safety legislation, all employees have a duty to act responsibly at work and to provide and maintain a safe working environment for themselves and their colleagues.
- 5.3.3 All employees have received, as part of their contract of employment, information regarding absence reporting and sick pay. Additionally, the Headteacher, other nominated senior member of staff or appropriate line manager, as part of the induction process, will have explained the importance of attendance and confirmed that the employee has a copy of the Attendance at Work Policy and Procedure (Schools) and reporting procedure. Employees are required to comply with these provisions.
- 5.3.4 Where an employee is absent from work due to injury or illness which is as a result of a third party, the employee may pursue a claim for costs against the third party. The period of absence will be managed in accordance with the Attendance at Work Policy and Procedure, and will not be excluded for the purpose of the formal warning stage. The employee's legal representative will write to the Council about the earnings element of the claim, including any additional expense incurred. The payroll section will check with the Occupational Health Unit about any additional expense incurred as a result of the accident (eg physiotherapy, counselling etc) and will provide the pay, expenses and absence information requested by the employee's legal representative and raise an invoice to the employee's legal representative for the associated costs. The employee's legal representative will pay the invoice to the Council if the claim is successful. Each case is different and employees should seek advice from their legal representative. Guidance on the process is available from payroll.

### **5.4 *Role of Human Resources***

- 5.4.1 Under the provisions of the Service Level Agreement (SLA) with schools, Human Resources are responsible for providing timely and up-to-date professional advice, guidance and support to Headteacher, other nominated senior member of staff or appropriate line manager and employees to effectively manage attendance. This will include:
- Supporting Headteacher, other nominated senior member of staff or appropriate line manager at appropriate stages throughout the policy.

- Reviewing the policy and procedure in line with changes in legislation or best practice

5.4.2 There are times when it is essential that the Headteacher, other nominated senior member of staff or appropriate line manager takes advice from Human Resources (as identified in the guidance notes) to ensure that they are acting reasonably, objectively and in accordance with employment legislation.

## **5.5 Role of Occupational Health Unit**

5.5.1 The Occupational Health Unit will provide advice to Headteacher, other nominated senior member of staff or appropriate line manager through a number of means including:

- the provision of timely, detailed reports on employees when requested to do so
- assistance in managing attendance, particularly by involvement with Case Conferences
- providing appropriate support in aiding employees towards a return to work
- advice on ill health retirement
- health promotion
- telephone advice
- referrals to external providers of physiotherapy and counselling services

## **5.6 Role of Administrative Support Staff in Schools**

5.6.1 Appropriately authorised and trained administrative staff will provide management information from the Corporate Payroll/Human Resources system (iTrent) on absence levels to the Headteacher, other nominated senior members of staff or appropriate line manager as directed by the Headteacher for analysis and action, in accordance with the policy and prompts for action.

## **6. Managing Absence**

### **6.1 Reporting Requirements and Maintaining Contact**

6.1.1 When employees are unable to attend work because they are ill or injured, they are required to follow the reporting procedure set out below. Failure to do so without reasonable cause could result in loss of pay. Where more than one post is held the reporting procedure must be followed for each post and contact maintained with individual Headteacher, other nominated senior member of staff or appropriate line manager.

6.1.2 Employees' responsibilities include: -

- For unplanned absences, notifying the nominated member of staff as soon as possible of the absence but normally no later than one hour before the time they are expected to start work (earlier where possible). This is particularly important for employees working directly with pupils where the timing of the notification must allow for the school to make arrangements for supply cover.

Notification should be made by the employee or, in exceptional circumstances where the employee cannot make contact, a relative or friend and must be made by the quickest practical means, normally by telephone. Practical arrangements will differ from school to school; Headteachers will inform all staff at their school of the specific reporting arrangements. For this school a copy is attached as Appendix D. The Headteacher will normally report their absence to the Deputy Headteacher, or most senior member of teaching staff, and/or the Chair of Governors.

- For any planned absences (eg where confirmation of a hospital appointment has already been received) notifying the person named in Appendix D as early as possible so that appropriate discussions can take place concerning workloads, anticipated length of absence and return to work issues.
- Regular communication is essential and the Headteacher, other nominated senior member of staff or appropriate line manager and employee should aim to agree the frequency and method of keeping in touch. This will vary depending on the reason and length of the absence, and may include home visits which must be by mutual agreement. The purpose of the contact is to enquire of the employee's health, explore what additional support may be provided and, as appropriate, keep the employee up to date with developments at work and consider possible arrangements and timescales for an effective return to work.
- For all absences checking and signing an Absence Declaration Form upon their return to work and returning it to their Headteacher, other nominated senior member of staff or appropriate line manager.
- For absences exceeding 7 calendar days submitting medical fit notes (Med3) at appropriate intervals. Fit notes must be submitted to the Headteacher or nominated member of staff as soon as possible after they have been issued. For periods of between 1 and 7 calendar days a Headteacher or nominated member of staff reserves the right to request that a fit note is provided if this is deemed appropriate in managing the employee's attendance. The School will pay any fees associated with such requests.
- Working with the Headteacher, other nominated senior member of staff or appropriate line manager to implement, where appropriate, adjustments suggested by the doctor on the fit note to facilitate a prompt return to work.
- Within the context of the reasons for their current ill-health, participating in discussions/meetings with the Headteacher, other nominated senior member of staff or appropriate line manager as appropriate to discuss the reason for absence, record details of the sickness absence, establish any underlying reasons for absence and to ascertain if there is anything the school or Council can do to support the employee.
- Not undertaking any activity which might be detrimental to their recovery and return to work.
- Co-operating with the Headteacher, other nominated senior member of staff or appropriate line manager in maintaining a good level of attendance.

6.1.3 Where the initial contact from the employee indicates that the reason for the unplanned absence relates to Musculo-skeletal or stress the Headteacher, nominated member of staff or appropriate line manager will seek immediate advice from the Occupational Health Unit in order that an assessment can be made for access to physiotherapy or counselling support.

- 6.1.4 If an employee's absence is attributed to an accident, assault, injury or disease whilst undertaking the duties of their post, they must report this to their Line Manager as soon as practicable. Although any period of absence will be managed in accordance with the Attendance at Work Policy and Procedure, should it be found to have been sustained whilst undertaking the duties of the post, they will be excluded for the purpose of the formal warning stage. Payments for this absence will be in accordance with the Council's Injury Allowance Scheme (D9), where appropriate, following an assessment by an Independent Registered Medical Practitioner for the purpose of certifying that the injury or disease was sustained during the course of the employee's work or for teachers the Burgundy Book. The Headteacher is responsible for ensuring that an investigation is undertaken in accordance with the guidance on Reporting Accidents and Incidents and they must complete the appropriate Achieve, Accident/Incident form.
- 6.1.5 Where an employee is absent from work and their Headteacher, nominated member of staff or appropriate line manager has not been notified it is acceptable practice for the Headteacher, nominated member of staff or appropriate line manager to try and make contact with the employee to ascertain their whereabouts and health status.
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## **6.2 Return to Work Contact and / or Discussion**

- 6.2.1 When an employee returns to work following any period of sickness absence it is good management practice for the Headteacher, other nominated senior member of staff or appropriate line manager to make contact with the employee. In the main this will be a brief chat, or telephone conversation where the employee's work base is remote, and held in the spirit of concern for the well being of the employee. Where possible this contact should occur on the day the employee returns to work. The purpose of this contact is to be supportive and aimed at providing assistance to the employee's effective return to work.
- 6.2.2 The initial contact may be followed by a more structured return to work discussion if necessary at the instigation of either the employee or the Headteacher, other nominated senior member of staff or appropriate line manager under the following circumstances:
- To ascertain whether any modifications to the work or working practices are required or, where modifications have been previously agreed, that they continue to be suitable/appropriate.
  - There is a need for the Headteacher, other nominated senior member of staff or appropriate line manager to be updated on the employee's medical condition, or its causes.
  - The employee needs to be brought up to date with developments at work, particularly where the absence has been lengthy and continuous.
  - To identify any work related factor which may have caused the sickness absence.
  - A clear pattern of absence over a period of time is identified, eg either side of a weekend, school closure period or, where applicable, annual leave.
  - Any other circumstances where the Headteacher, other nominated senior member of staff or appropriate line manager or employee feels that a more detailed discussion is required.

6.2.3 The information included on the Absence Declaration Form will also help the Headteacher, other nominated senior member of staff or appropriate line manager to decide whether a more formal discussion is needed.

6.2.4 Where a more formal return to work discussion has taken place, a Sickness Absence - Action Record and Plan should be started and the iTrent system updated accordingly to state that the return to work meeting has been held. More detailed information should be recorded on the Sickness Absence Action Record and Plan, this form should be commenced as soon as possible after the meeting and maintained as a record of any subsequent management discussion and action, and will be used by the Headteacher, other nominated senior member of staff or appropriate line manager at any subsequent Case Review and Case Conference.

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## **7. Case Reviews / Case Conferences**

### **7.1 Case Review Meetings**

7.1.1 The purpose of the Case Review is for the Headteacher, other nominated senior member of staff or appropriate line manager to meet with the employee in order to:

- Agree with the employee that the recorded absence is correct and seek to establish the reasons for the absence/length of absence.
- Discuss and agree what assistance can be given by the Headteacher, other nominated senior member of staff or appropriate line manager to support the employee's attendance at work eg consideration of workplace adjustments etc.
- Identify if the employee could do anything further to improve their level of attendance.
- Explore any possible underlying cause for the sickness absence.
- Agree what action is to be taken by the employee and Headteacher, other nominated senior member of staff or appropriate line manager following the meeting. Where this involves the Occupational Health Unit the Headteacher or other nominated senior member of staff must explain to the employee why they are being involved prior to their referral. The Headteacher, other nominated senior member of staff or appropriate line manager must complete the referral form.
- Explain the procedure and timescales in respect of further Case Review meetings / Case Conferences and the possibility of moving into the formal warning stage if the level of attendance does not improve in the case of cumulative absences, or dismissal if continuous absence beyond nine months.

7.1.2 Depending on the circumstances of the individual case it may also be appropriate for the Headteacher, other nominated senior member of staff or appropriate line manager to arrange to meet with the employee for case reviews in between the timescales outlined below at paragraph 7.3.2.

7.1.3 A record of the Case Review Meeting and outcomes will be made on the Sickness Absence - Action Record and Plan by the Headteacher, other nominated senior member of staff or appropriate line manager, and the agreed outcomes confirmed in writing to the employee. A



copy of the Attendance at Work Policy and Procedure (Schools) will be given to the employee if they have not already been issued with one.

## **7.2 Case Conferences**

- 7.2.1 It is expected that information gathered as part of the regular communication between the Headteacher, other nominated senior member of staff or appropriate line manager and the employee will enable the Headteacher, other nominated senior member of staff or appropriate line manager to form judgements, make decisions and take appropriate actions. However, where a Headteacher, other nominated senior member of staff or appropriate line manager needs to discuss the case management in more detail a Case Conference will be arranged by the Headteacher or other nominated senior member of staff or appropriate line manager.
- 7.2.2 Case Conferences will involve a meeting between the Headteacher, other nominated senior member of staff or appropriate line manager and representatives from both Human Resources and Occupational Health and will be to review the case history to date, and enable the Headteacher, other nominated senior member of staff or appropriate line manager to obtain structured advice and guidance on what further steps may be required to support the employee's attendance at work. A record of the discussions and agreed actions will be made on the Sickness Absence - Action Record and Plan and, where the employee is to be seen by the Occupational Health Unit, the necessary referral form will be completed by the Headteacher, other nominated senior member of staff or appropriate line manager following the meeting once they have informed the employee of the contents of the referral form. Following the Case Conference, and depending on the agreed actions, it may be necessary for the Headteacher, other nominated senior member of staff or appropriate line manager to meet with the employee to discuss their absence further.
- 7.2.3 For continuous absence, a Case Conference must be held when an employee has been absent for 1 month and, if the absence continues, again when they have been continuously absent for 6 months. At the 6 month Case Conference consideration of unresolving ill-health or permanent incapacity must be considered. In all other cases Case Conferences are optional depending on the nature of the absence and the outcomes of the agreed action record and plan. Employees must be made aware of the possible implications of their continued absence. At the 6 month case conference, if it becomes clear that the individual will not be able to return to work before 9 months, managers may request a medical report as to whether the individual is likely to be able to return to work in the following 3 months. While dismissal will not normally take place before 9 months, if medical opinion confirms that the individual will not be able to return to work the managers can arrange meetings with the individual to discuss the possibility of dismissal. The possibility of ill health retirement will be reviewed at this stage also.

## **7.3 Prompts for Action**

- 7.3.1 Action will need to be taken when certain triggers are reached. Triggers are referenced in sections 7.3, 7.4 and 7.5 inclusive. All triggers will be pro rata for workers working more or less than 37 hours per week and will take into account the various work patterns within the School.

### **Continuous Absence**

7.3.2 When the following levels of continuous absence have been reached action will be taken in the form of a Case Review Meeting and where applicable a Case Conference, to be arranged by the Headteacher, other nominated senior member of staff or appropriate line manager.

Period of Continuous Absence	Action	
	Case Review Meeting (Manager and Employee)	Case Conference (Manager, Human Resources, Occupational Health)
1 month	Yes	Yes (unless a return to work date has been agreed/notified)
3 months	Yes	Optional
6 months	Yes	Yes (unless a return to work date has been agreed/notified)

#### Cumulative Absence

7.3.3 When the following levels of cumulative absence have been reached, of more than one occasion within the rolling period as stated below, action will be taken in the form of a Case Review Meeting and where applicable a Case Conference, to be arranged by the Headteacher, other nominated senior member of staff or appropriate line manager.

Hours (FT)	Period of Cumulative Absence	Description	Percentage Threshold	Case Review Meeting	Case Conference
59	8 days in 6 months	Level 1	6.1538%	Optional	Optional
96	13 days in 12 months	Level 2	5.0000%	Yes	Optional
223	30 days in 18 months	Level 3	7.6923%	Yes	Optional

The representation of the triggers as percentage thresholds ensures that the attendance management case event report triggers are pro-rated and applied consistently to all employees irrespective of their working arrangements.

7.3.4 Members of the school's administrative support staff will advise the Headteacher, other nominated senior member of staff or appropriate line manager when the above timescales have been reached.

7.3.5 Before entering the Formal Warning Stage reference should be made to paragraph 7.4.2 below.

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## **7.4 Formal Warning Stage**

- 7.4.1 The formal warning stage will normally be entered into where cumulative absences total 260 or more working hours, made up of three or more periods in an 18 month rolling period. Please also refer to 7.3.1 above.
- 7.4.2 However, before deciding whether or not to enter into the formal warning stage, the Headteacher or other nominated senior member of staff must first give careful consideration to the employees overall record of absence, any discussions held as part of return to work contact or discussion together with any actions previously recorded on the Sickness Absence - Action Record and Plan. Any decision not to enter into the formal warning stage must be authorised by the Headteacher, and a record kept of the rationale and reason for not progressing to a meeting. The authorisation of the decision must be recorded on the iTrent system and also on the Sickness Absence - Action Record and Plan.
- 7.4.3 Absences which are as a direct consequence of pregnancy, or arising out of an accident, assault, injury or disease whilst undertaking the duties of the post will not be included in calculating absence within the formal warning stage. Please refer to the process at 6.1.4 to be completed with respect to the reporting process in respect of absences arising out of an accident, assault, injury or disease.
- 7.4.4 If the formal warning stage is entered into, the Headteacher, other nominated senior member of staff or appropriate line manager must have previously explained to the employee at a Case Review meeting that their poor attendance level, if not improved, may lead to the issuing of a formal warning and have confirmed this in writing to the employee.
- 7.4.5 A formal meeting will be arranged within 21 calendar days of the employee's return to work to consider the issuing of a formal warning that their employment is at risk. The employee will be given 5 working days written notice of the date, time, and location of the meeting. The letter will also state the reason for the meeting, include copies of any supporting documentation that are to be presented at the meeting, and must also advise the employee of their right to be accompanied at the meeting by a trade union representative or work colleague. A second copy should be provided for the employee to hand to their representative or work colleague. The procedure to be followed at the meeting is outlined at Appendix B. The timing of the meeting must take into account school closure periods (eg it would be insensitive to hold the meeting on the last day of a school half term or term).
- 7.4.6 At the end of the formal warning meeting, the Headteacher or other nominated senior member of staff must give careful consideration to all the circumstances surrounding the situation, including any representations made by the employee before deciding whether or not to issue a formal warning. The Headteacher or other nominated senior member of staff must fully document the reason for their decision. If required, advice and guidance regarding the appropriateness of the decision can be obtained from the Human Resources Department. If a formal warning is issued it will take effect from the date of the meeting. Any decision to not

issue a formal warning must be authorised by the Headteacher, and a record kept of the rationale and reason for not issuing a formal warning. This must be recorded on the iTrent system and also on the Sickness Absence - Action Record and Plan.

7.4.7 If a decision is taken to not enter the formal warning stage under paragraph 7.4.2 above, or to not issue a warning under paragraph 7.4.6 above, the record of the reason for the decision must be reviewed after each subsequent period of absence until the number of hours absence in the 18 month rolling period has fallen below 260 working hours in line with paragraph 7.4.1.

7.4.8 Actions required at and following the formal warning stage can be summarised as follows:

<b>Hours (FT)</b>	<b>Period of Cumulative Absence</b>	<b>Percentage Threshold</b>	<b>Action Required</b>
260	35 days in 18 months	8.9744%	A formal warning should be issued unless paragraphs 7.4.2 or 7.4. 6 apply
59	8 days in 12 months following warning	3.0769%	Case review meeting must be held
89	12 days in 12 months following warning	4.6154%	A dismissal hearing should be convened

7.4.9 During the 12 month period following the date the formal warning was issued, the Manager must continue to take appropriate supportive action for any subsequent absences, and must hold at least one case review meeting after 59 further working hours absence. This review meeting must still take place if the employee remains absent from work due to sickness after the 59<sup>th</sup> hour. If at the end of the 12 month period cumulative absence has not exceeded 89 working hours, the formal warning will be regarded as having expired and the employee's attendance will continue to be managed in accordance with provisions of the Policy and Procedure.

## **7.5 Dismissal**

7.5.1 A meeting will be arranged to consider the future employment of the employee where:

- (a) during the 12-month period following the formal warning being issued further sickness absences have exceeded 89 working hours

**or**

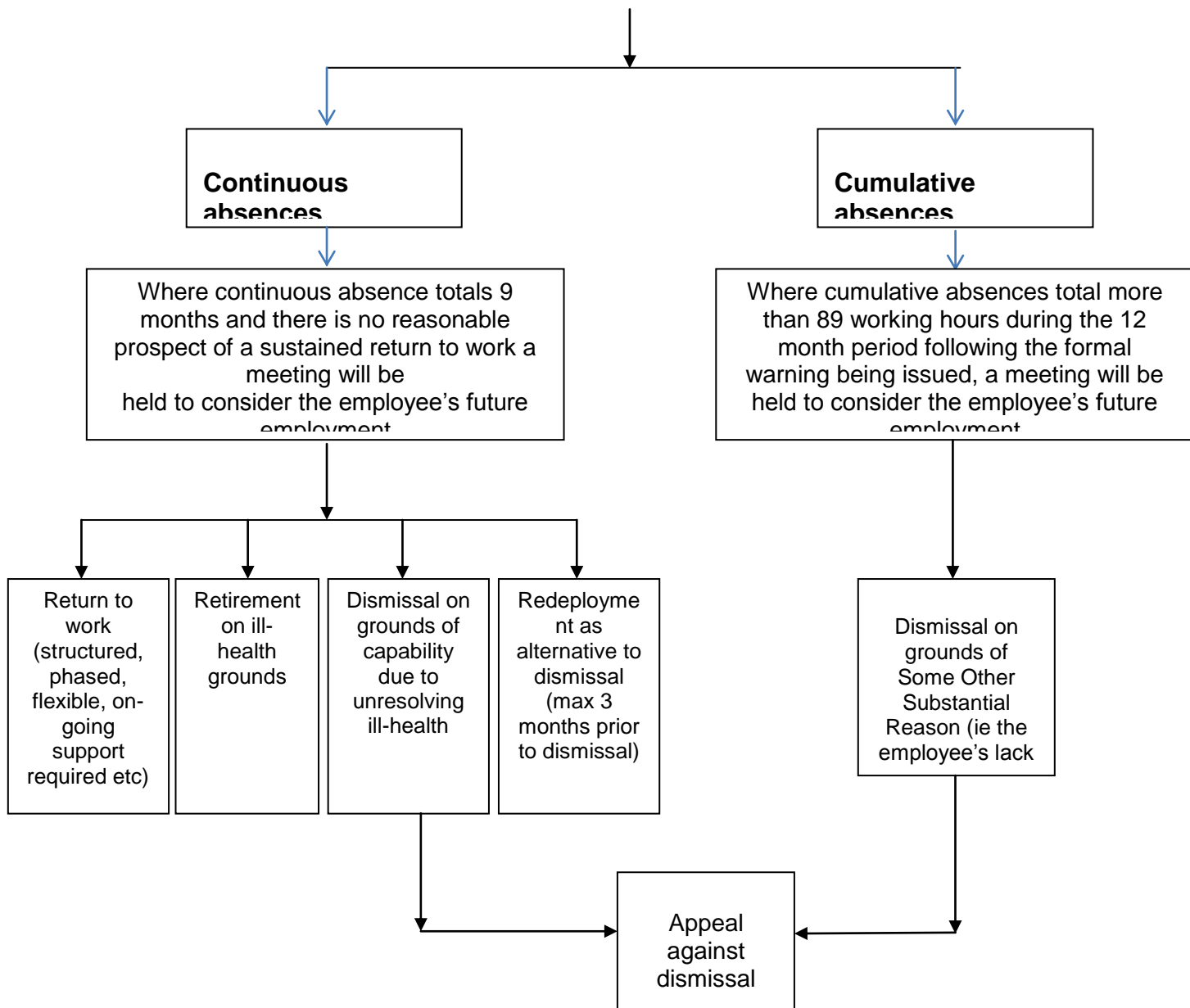
- (b) at the end of a nine month period of continuous absence and there is no reasonable prospect of the employee returning to work.
- 7.5.2 The employee will be given 5 working days written notice of the date, time, and location of the meeting. The letter will also state the reason for the meeting, include copies of any supporting documentation that are to be presented at the meeting, and must also advise the employee of their right to be accompanied at the meeting by a trade union representative or work colleague. A second copy should be provided for the employee to hand to their representative or work colleague. The timing of the meeting must take into account school closure periods (eg it would be insensitive to hold the meeting on the last day of a school half term or term). The procedure to be followed at the meeting is outlined at Appendix B.
- 7.5.3 The Governing Body or Headteacher must consider all the circumstances of the case including any representations made by the employee or their representative prior to making a decision to dismiss. Such considerations may include:
- (a) whether or not medical and other evidence indicates that acceptable progress is being made towards a return to work, or a reduction in absence in the case of frequent periods of absence
  - (b) **in the case of continuous absences, whether a return to work date is agreed, which may be on a structured, phased or flexible basis, with or without on-going support.**
  - (c) whether it might be possible for the employee to achieve a return to work in another suitable post in the school or Council under the Council's Redeployment Policy. If this is the case, the employee will be given notice to terminate their current contract of employment and remain on the Redeployment Register with efforts being made to find them alternative employment during their contractual notice period.
- 7.5.4 The Human Resources Section must always be involved where any decision is taken to dismiss an employee. The employee may be accompanied by a trade union representative or work colleague at any time where his/her continued employment at the school is being considered.
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## **7.6 Appeals**

- 7.6.1 Any appeal against a **formal warning** given under the formal warning stage must be on the grounds of misapplication of the procedure eg the issues contained in paragraph 7.4.2. The Headteacher will hear the appeal where the warning was issued by a nominated senior member of staff unless they were involved in the decision making at an earlier stage. The Governing Body Appeals Committee will hear the appeal where the warning has been issued by the Headteacher.
- 7.6.2 Any appeal against **dismissal** must be on grounds of misapplication of the procedure (examples as above) or that the person making the decision to dismiss failed to adequately take into account any extenuating circumstances. The Governing Body Appeals Committee will hear any appeal against dismissal, regardless of whether it was the Headteacher or another Committee of Governors who took the initial decision to dismiss.

- 7.6.3 The notice of appeal must be in writing, addressed to the Headteacher, or the Clerk to Governors where the appeal is to be heard by the Governing Body Appeals Committee, and made within 14 calendar days of the date of the letter confirming the notification the issuing of a formal warning or dismissal. The letter must include the grounds on which the appeal is being made.
- 7.6.4 The employee will have a right to be accompanied at an appeal hearing by a trade union representative or work colleague. The procedure to be followed at the meeting is outlined at Appendix C.





**N.B. Management of sickness absence is not a linear process and this flowchart does not show the discretions and alternatives which can be used at each stage within the Policy and**



### Procedure to be Followed at a Hearing to Consider Issuing a Formal Warning, or Dismissing an Employee

- (a) The Headteacher or other nominated senior member of staff who took action under the procedure will present the facts of the case. The Governing Body Committee, Headteacher or other nominated senior member of staff hearing the case, and the employee and/or their representative will have the opportunity to question the Headteacher or other nominated senior member of staff who presented the case.
- (b) The employee and/or their representative will state the facts of their case. The Governing Body Committee, Headteacher or other nominated senior member of staff hearing the case, together with the person presenting the case, will have the opportunity to question the employee.
- (c) If, as a result of questioning, new information is disclosed, both sides shall have the opportunity to comment.
- (d) The Headteacher or other nominated senior member of staff presenting the case and the employee or their representative shall sum up their cases.
- (e) The Headteacher or other nominated senior member of staff presenting the case and the employee and their representative will withdraw from the meeting.
- (f) The Governing Body Committee, Headteacher or other nominated senior member of staff and any Human Resources representative present will deliberate in private only recalling the Headteacher or other nominated senior member of staff who presented the case and employee and their representative to clear points of uncertainty. If recall is necessary both parties must return.
- (g) The Governing Body Committee, Headteacher or other nominated senior member of staff will recall all parties to give the decision, which will be confirmed in writing.

**Procedure to be Followed at an Appeal Hearing  
Against the Issuing of a Formal Warning or Dismissal**

- (a) The Chair of the Governing Body Committee, Headteacher or other nominated senior member of staff who took action under the procedure will present the facts of the case and explain the reasons for their decision. The Governing Body Committee or Headteacher hearing the appeal and the employee and/or their representative will have the opportunity to question the Chair of the Governing Body Committee, Headteacher or other nominated senior member of staff.
- (b) The employee and/or their representative will state the grounds of appeal. The Governing Body Committee or Headteacher hearing the appeal and the Chair of the Governing Body Committee, the Headteacher or other nominated senior member of staff who took action under the procedure will have the opportunity to question the employee.
- (c) If, as a result of questioning, new information is disclosed, both sides shall have the opportunity to comment.
- (d) The Chair of the Governing Body Committee, Headteacher or other nominated senior member of staff who took action under the procedure and the employee or their representative shall sum up their cases.
- (e) The Chair of the Governing Body Committee, Headteacher or other nominated senior member of staff who took action under the procedure and the employee and their representative will withdraw from the meeting.
- (f) The Governing Body Committee or Headteacher hearing the appeal and any Human Resources representative present will deliberate in private only recalling the Chair of the Governing Body Committee, Headteacher or other nominated senior member of staff who took action under the procedure and employee and their representative to clear points of uncertainty. If recall is necessary both parties must return.
- (g) The Governing Body Committee or Headteacher hearing the appeal, will recall all parties to give the decision, which will be final and confirmed in writing.

\_\_\_\_\_ School

## **Sickness Absence Reporting Procedure**

*<<<INSERT A COPY OF THE SCHOOL'S ABSENCE REPORTING*