



IAT

ATTENDANCE MANAGEMENT POLICY & PROCEDURE

NOVEMBER 2023

BIENNIAL

POLICY APPLIES TO:	ALL STAFF
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Note: *Where reference is made to 'Manager' within this policy, this could mean CEO, Principal, Headteacher, line manager, Head of Department/Faculty, Business Manager, Trust or Local Governor, subject to delegation and authority for decision making within the Academy Trust.*

1. Scope

- 1.1. The current educational climate indicates ongoing change at a significant pace for delivery of high-quality teaching in a rich learning environment. This Trust values all members of staff and their health and well-being is important. There are occasions when health related circumstances cause sickness absence and the Attendance Management policy and guidance enables staff to be appropriately supported within a procedural framework that provides for best management practice
- 1.2. This policy applies to all employees of this Trust except where other provisions are protected following TUPE Transfer and any staff currently within a contractual probation period. In this case the Trust's probation policy will apply in respect of attendance management.

2. Purpose

- To be consistent and fair in the application of the attendance management policy;
- To provide appropriate support to employees during an absence and when returning to work;
- To prevent, where possible, sickness absence caused by or as a result of accidents/injuries at work;
- To set and review targets, where absence is an ongoing concern, for Trust employees to improve attendance;
- To regularly monitor and review action taken by managers within this policy;
- To provide adequate support to managers to manage attendance effectively.

3. Responsibilities

- To have a clear reporting procedure for employees to follow in the event of an absence due to illness, including any planned absences for health-related matters, referencing any relevant timescales and further procedure if the employee is unable to make contact personally;
- To communicate reporting procedures to all employees outlining their responsibilities;
- To treat matters related to ill health with confidentiality and in line with Data Protection legislation;
- In cases of prolonged absence, to make contact with the employee at the earliest opportunity, before four working weeks if appropriate, to offer support and explore possible options;
- Employees to remain in contact with their manager during their absence and be contactable by agreed methods and frequency and participate in discussions/meetings with them, to aid engagement and explore appropriate solutions, including reasonable adjustments where appropriate.
- To conduct return to work updates promptly after each absence to clarify reasons for absence and offer appropriate support;
- To seek medical advice where appropriate, via medical practitioners and health and well-being services, according to service agreements;
- Employees to attend any medical appointments and reviews arranged for them by health and well-being partner services.
- Where absence is attributable to an accident at work to refer to accident reporting procedures;
- To maintain accurate and up to date return to work documentation (including risk assessments undertaken);
- To treat as misconduct any suspected abuse of the attendance management policy, in line with the Trust's disciplinary policy;

- To monitor trends, patterns and reasons for absence, reporting attendance information, as appropriate, through team structures within the Academy Trust's leadership team to enable strategic management and ownership;
- Employees must not undertake any leisure, sporting or other activities that could be detrimental to their recovery and return to work (advice should be sought from a medical professional);
- In managing attendance before, during and after any period of absence due to sickness, managers will record the outcome of related discussions with the employee detailing any reasonable adjustments considered and/or agreed. A copy of the notes will be shared with the employee as soon as possible after the meeting.

4. Fit notes and sick pay

- Following notification of the absence, the Academy Trust is required to report this to their payroll provider.
- Managers and employees need to ensure that every day of a period of absence is covered either by a self-certification sickness form (see '[Reporting an Absence, Return to Work Meetings & Self-certification form](#)') or a fit note. An employee who is off sick for seven days or less (including weekends) must complete a self-certification form to cover every day of absence, including half days. This can be done prior to, or on their return to work. The manager retains the form and follows the Trust's absence reporting procedures.
- For sickness absences of eight days or more (including weekends) a fit note should be submitted by the employee to the manager following issue by a doctor, ensuring the dates are consecutive and there are no gaps. Upon receipt, the Trust retains a copy of the fit note and the original is returned to the employee.
- If an employee is absent from work through sickness and has not notified their manager as outlined previously, or does not provide the appropriate medical certificate, the absence will be regarded as unauthorised and therefore the absence may be unpaid and may be regarded as a conduct issue, subject to the Trust's disciplinary policy.

5. Triggers

5.1 Regular engagement between the manager and the employee is important for open and transparent communication. Consultation meetings will be held between the manager and the employee to discuss support available to help improve attendance, to clarify procedural steps, and any potential impact on their employment. Employees will be invited to meetings by letter or email with reasonable notice and notified of their right to be accompanied, subject to the Trust's local arrangements. The outcome of all formal meetings held under the attendance management procedure will be confirmed with the employee as soon as possible.

5.2 The attendance triggers are:

- 3 or more occasions in any rolling 6-month period*
- 4 or more occasions in any rolling 12-month period*
- 8 days sickness absence in any rolling 12-month period

**An occasion is defined as a period of absence that may be consecutive days, single days or half days. This includes intermittent absences and longer periods of absence. Recurrent absences with the same illness in short succession (i.e. one week) may be considered as one occasion subject to discussion regarding underlying medical cause for absence. Rolling periods refer to the 6 or 12 months previous to the latest absence.*

6. Short Term Absence

- 6.1 When triggers are met, the manager will arrange an attendance management consultation with the employee to discuss their attendance. It will be important at the outset to establish if there is an underlying medical cause for the absences or any disability considerations, for which reasonable adjustment need to be made or consideration of what appropriate next steps might be in terms of the attendance management policy (as detailed in the associated guidance).
- 6.2 After considering the circumstances on a case by case basis, where appropriate, the manager may put in place targets and support, over a three month review period (commencing from the date of the meeting), to help the employee improve their attendance.
- 6.3 If the employee has not sufficiently improved their attendance in the initial review period (measured against targets set where applicable), or there are further lapses in attendance within six months of the review period ending, a formal notification will be issued to allow the employee a further three-month review period and support to improve attendance.
- 6.4 If the employee has not met the targets set in the formal notification, or there are further lapses in attendance within six months of ending the formal notification monitoring end date, a final notification will be issued, with a further six-month review period, with targets and support to improve their attendance. The employee has the right of appeal in respect of being issued with a final notification.
- 6.5 If the employee's attendance has not sufficiently improved during the final notification period, or there are further lapses in attendance within six months of ending the final notification monitoring end date, and the manager has explored and exhausted all support mechanisms and reasonable adjustments to improve attendance, then the case may be progressed to attendance panel.

7. Long Term Absence

- 7.1 Long term absence is categorised as a prolonged period of absence in excess of four working weeks.
- 7.2 Long term absence will be managed through regular long term sickness review meetings. The frequency and content of review meetings for long term absence will be determined on a case by case basis subject to the nature of the absence. However, it is expected that the review meetings will include discussions regarding any updates in respect of the employees health (including any medical or Occupational Health advice available), support available and reasonable adjustments to assist the employee to make a healthy, early and sustained return to work (as detailed within the attendance management guidance), potential return to work dates, the impact of the absence on the Trust, and the possible next steps in line with the attendance management policy
- 7.3 If the employee's absence continues and there is no foreseeable return to work date, or there is a prolonged recovery timescale that is unsustainable for the Trust, then the manager should consider whether medical redeployment, or ill health retirement are applicable to the case.
- 7.4 Once all options have been explored, if the employees absence continues then the case may progress to attendance panel. The employee has a right of appeal against any decision to dismiss then from their employment.

8. Medical redeployment and ill health retirement

- 8.1. If the employee remains absent due to ill health and the Trust cannot sustain the absence, and a return to work is not foreseeable, then the manager should consider whether medical redeployment is applicable or available, and whether ill health retirement should be considered and discussed with the employee. It should be noted that the decision in relation to ill health retirement is separate from any decision to dismiss an employee on grounds of ill health / capability and must be considered prior to dismissal.

9. Formal meeting alternative to attendance panel

- 9.1. Where a case is likely to progress to attendance panel, in some circumstances it may be appropriate for a formal meeting to be offered to an employee and, where agreed, held instead of an Attendance Panel (the use of this process must be subject to mutual agreement). Where this takes place it is essential that due process is followed in accordance with the attendance management policy and procedure to avoid allegations of unfairness, undue pressure or discrimination. Whilst an individual may be agreeable to a process alternative to a panel hearing, the procedure remains formal with the following steps:

- The employee should be invited to a final attendance review meeting. It must be explained that dismissal is being proposed. The employee must be informed of their right to a formal hearing and given a copy of the attendance management policy and procedure with explanation, as necessary. If the decision is reached to use a formal attendance meeting, the employee will be asked to confirm their agreement in writing. A signed copy of the agreement should be retained for Academy Trust records.
- The employee should be encouraged to be accompanied, subject to Academy Trust local agreement, by a trade union or professional association representative (if applicable) or work colleague at the final review meeting and the formal attendance meeting. The employee is encouraged to seek separate advice prior to and during the meetings from trade union or professional association representatives or to seek independent advice prior to the formal attendance meeting. The employee will be reminded of their rights to a formal hearing and given a full explanation of the evidence and proposed action and be afforded the opportunity to comment on and question the facts of the case.
- If there is agreement to the proposed action (dismissal) management must confirm in writing to the employee the facts of the case and the process that has been followed including the date of the meeting, those present, the information and advice given about the employees' rights under the formal procedure (including the appeal process) and their understanding of these.

- 9.2. Should an employee wish to retract their agreement to dismissal prior to or during the formal attendance meeting, then a panel hearing should be arranged under the normal procedure.

- 9.3. There may be circumstances where an employee does not wish to attend or is too ill to attend. Where this occurs the formal meeting must proceed in the employee's absence to reach a decision and this should be formally communicated with the employee, following the procedure outlined.

10. Attendance Panel and Appeal Hearings

- 10.1. Where panel or appeal hearings are required the relevant Hearing and Appeals procedure will be used. The employee must be invited to an attendance

management hearing and given appropriate notice of the hearing. Any documentation which the manager will be using at the hearing must be given to the employee, their representative, and the panel at least 5 working days prior to the hearing, subject to the Academy Trust's local agreement. The Academy Trust's Hearing and Appeals procedure will be used. Where an employee or their representative is unable to attend an alternative date should be suggested within five working days.

- 10.2. Panels / Headteachers will normally be advised by a NYES HR representative. If, as an outcome of the attendance hearing, the panel decide that the employee's level of absence is unacceptable, given the circumstances of the case, or the Academy Trust cannot sustain the absence, despite all the measures taken to facilitate a return to work and / or improve attendance, the outcome reached will be either of the following:
1. Extension of the period for improvements in attendance or continuation with the monthly review, and / or modification the targets set, together with a revised action plan and monitoring programme, or;
 2. Termination on the grounds of capability due to ill health. Notice will be given in accordance with this procedure and will be either contractual or statutory, whichever is greater.
- 10.3. At any attendance management panel it is important for management to ensure that:
- All reasonable adjustments suggested either by the employee or medical partners, such as occupational health, have been considered
 - Medical advice has been obtained and considered
 - Medical redeployment and Ill health retirement options have been considered

The Academy Trust should notify the employee of the outcome of the hearing within five working days, in writing after the panel, and where the outcome has resulted in dismissal, provide reasons and the right of appeal

11. Appeals against termination

- 11.1. An employee has a right of appeal against the decision of the attendance panel to terminate their employment within ten days of notification of outcome of the attendance panel. The appeal should be heard as soon as possible and where possible before the termination takes effect. Appeals against termination will be heard in accordance with the Academy Trust's hearing and appeals procedure. Panels will normally be advised by a representative from North Yorkshire HR.

12. Exclusions from the Attendance Management policy and procedure

- 12.1. The following appointments are not recorded as sickness for the purposes of the attendance management policy:
- GP appointments
 - Dental appointments
 - Hospital appointments
 - Medically prescribed treatment appointment
 - Any form of absence that is not related to the sickness of the employee
- 12.2. Where these prevent attendance at work, evidence of appointments must be seen and approved by managers. It is expected the employee will take all reasonable steps to attend the above appointments whilst avoiding disruption to the workplace, subject to circumstances e.g. in the employees own time or at the start or end of their working day/shift.

- 12.3. Sickness absence which is as a direct consequence of pregnancy will be recorded as absence, but will not be included in calculating absence for the purpose of attendance management procedures. Sickness absence which is a direct consequence of a disability is still recorded as absence, but managers need to consider reasonable adjustments in individual cases in line with the relevant legislation.
- 12.4. Absences arising out of an accident, assault, injury or disease whilst undertaking the duties of the post will be recorded as absence and where the Trust acknowledge liability will be excluded in calculating absence for the purpose of attendance management . However all such absences will be subject to investigation in accordance with the Trust's terms and conditions and Health and Safety policy.

13. Statutory obligations

- 13.1. This policy recognises the requirements to comply with the following legislation where applicable:
- Equality Act 2010
 - Health and Safety at Work Act 1974
 - Management of Health and Safety Regulations 1999
 - RIDDOR - Reporting of Incidents, Diseases, Dangerous Occurrences Regulations 1995 (as revised 1999)
 - Human Rights Act 1998
 - Employment Rights Act 1996
 - Data Protection Act 2018 and Access to Medical Records Act 1988

In application of this policy it is expected that managers will follow the principles of the above legislation regardless of the reason for absence.

Other Trust policies may also apply when using the attendance management policy

- Staff Handbook
- Infection Prevention and Control policy
- Health and Safety policy
- Contractual terms and conditions for employers e.g. Green Book, Burgundy Book, STPCD
- Pay policy
- Stress Management policy
- Reorganisation, Redeployment and Redundancy

This policy and accompanying procedures are not intended to replace or undermine the provisions contained in any contractually agreed documents.