

# MARISH



## Academy Trust

# Managing Attendance Policy

**Date:** September 18

### **Summary**

The aim of this policy is to produce a framework which can deal fairly and equitably with sickness absence and to provide a process for the proactive reviewing of absence. This policy sets out procedures for a staff member to follow when sickness prevents him or her attending work or working productively at Marish Academy Trust.

The policy identifies the responsibilities of staff members and management with respect to these procedures

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## 1. Scope

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This policy applies to all employees in schools. The purpose of the policy is to manage absence due to ill health. Absences for reasons other than ill-health e.g., domestic emergencies, dependants' leave etc. is dealt with under the Special Leave Policy. For academies, all reference to Headteacher should, where appropriate be replaced with Principal/Head of School, all reference to the Governing Body should where appropriate be replaced with the Academy Trust, and all reference to school should where appropriate be replaced with Academy. This policy includes clear procedures for the monitoring of employee absence, taking appropriate action, and encouraging the promotion of good health.

## 2. Policy statement

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The school is committed to securing good employee relations through providing for the care and welfare of employees whilst managing attendance levels and recognizes that effective management of attendance will benefit all employees and contribute to the principal aim of educating the children in its charge.

The school will ensure that the Managing Attendance Policy and Procedure is applied fairly and consistently. Employees who are absent due to ill health will be approached in a sensitive and caring manner with due regard to confidentiality.

Wherever possible, assistance will be offered to help sick employees regain full health. Support, counselling and rehabilitation, where possible, will be offered to employees when recommended by Occupational Health. Special assistance will be offered wherever reasonably practicable to employees with disabilities or special needs. When employees are found to be partially/permanently incapable of continuing with their duties due to ill health, the school will endeavor to offer redeployment for alternative work, subject to vacancies and suitability. When all possible practical alternative options have been explored, the termination of service on grounds of ill health or incapability due to absence will be considered in line with this policy and the statutory dismissal procedure. Where there is doubt about the application of any part of this policy and procedure or a particular circumstance is not addressed please contact Schools HR.

## 3. Roles and responsibilities

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### **Employee's responsibility**

The responsibility of each employee is to:

- Attend work when fit to do so.
- Comply with the school's managing attendance reporting procedures, as defined below, both during their absence and upon their return to work.

- Ensure medical advice and treatment, where appropriate, is received at the earliest time in order to facilitate a return to work.
- Keep the designated person informed of any significant developments as defined under the policy's reporting procedures
- Provide the school with a completed 'Return to Work' form after each period of sickness absence
- Provide the school with a Doctor's certificate if the absence continues after seven consecutive calendar days.

### **Headteacher's responsibility**

The Headteacher's responsibility is to manage the attendance of employees of the school by:

- Acting fairly and consistently in applying the appropriate procedures as set out in this policy.
- Ensuring that accurate sickness records are maintained and absence returns are promptly completed, both for monitoring and sick pay purposes.
- Establishing clear action plans for a member of staff where it is decided that action is justified and ensuring that these are clearly communicated to that member of staff.
- Seeking advice from Schools HR as appropriate

## **4. Notification and certification of sickness absence**

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The school will determine who should be informed if an employee is sick and unable to attend work.

This may be the Headteacher, the employee's line-manager or other designated member of staff. For the purpose of this policy this person will be defined as the designated person.

If, for reasons of confidentiality or sensitivity, an employee does not feel able to discuss details of their absence with the designated person, they may speak to an alternative member from the school's senior management team, a governor, or their trade union representative to raise the issue with the designated person on their behalf.

This procedure recognises that individual schools will have their own sickness absence reporting procedures in place and these should be clearly communicated to employees as part of their induction process. However, general principals should be adopted:

- If an employee is sick and unable to attend work they must notify the designated person as soon as possible prior to their normal starting time.
- The designated person will establish the nature of the illness and the anticipated length of the employee's unavailability for work.
- The designated person will agree with the employee that if the absence is likely to extend beyond one day, what further notification would be appropriate.

- In cases where an employee's medical condition prevents them from notifying the school personally, they must ensure that someone else notifies the school on their behalf.
- Where an employee attends work then goes home sick at any time before fully completing their normal working hours, this will be counted as half a day's sickness absence.

## 5. Medical certification of sickness absence

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Where absence extends beyond 7 calendar days, the employee must submit a medical certificate from their GP from the 8th day of absence. Where the dates of absence covered by the certificate are exceeded and the employee continues to be absent, further medical certificates must be sent within one week of expiry of the previous medical certificate. The medical certificate must also cover any periods of school holidays which may fall during the employee's continuous sickness absence.

Foreign medical certificates and other medical certificates will be dealt with on a case by case basis. The onus is on the employee to ensure that there are adequate details available to verify and contact the source. There is no guarantee that foreign certificates or other medical documents will be accepted.

## 6. Failure to notify sickness absence

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If an employee fails to notify sickness absence or provide appropriate sickness certification, the designated person should seek to find out the reasons why the employee has not complied with the process. If the manager is satisfied with the explanation then no action need be taken. However, if the designated person is not satisfied with the explanation, then disciplinary action may be taken. This could include stopping the employee's pay.

## 7. Return to work process

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On returning to work the employee should complete a Return to Work (Self Certification Form) and pass it to their line manager/designated person before or during their Return to Work Meeting.

As soon as possible following the employee's return to work, the employee's line manager/designated person will meet with the employee for a Return to Work Meeting. It is recommended that the Return to Work Meeting should be with the employee's immediate line manager, however where this is not possible the school may wish to designate another member of staff taking into account the employee's position within the school.

Whatever the local arrangements, the school should aim to complete the Return to Work Meeting within **5 working days** of the employee's return to work.

## 8. General points on the return to work process

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The Return to Work Meeting provides an opportunity for the manager to:

- welcome the employee back to work;
- enquire after the employee's health;
- give the employee an opportunity to draw attention to any particular problems, work related or not, which may affect their attendance;
- offer appropriate help and support e.g., access to counselling, workload adjustments where appropriate;
- Update the employee on any developments at work during their absence;
- Receive the Return to Work (Self Certification) Form/medical certificates as appropriate;
- Review the employee's absence record over the Rolling 12 month period or within the fixed 12 month period (as appropriate); advise the employee where they are within the procedure; identify whether the triggers have been breached;
- Review options for employees who might have been absent due to reasons associated with a disability within the meaning of the Equality Act;

Where the line manager has any doubt about the employee's fitness to resume their contractual duties, they should seek advice from Occupational Health and discuss options with the employee.

The line manager must sign the completed Return to Work Meeting Record.

The employee may add written comments and will sign to confirm that they have received a copy of the record. This Return to Work Meeting Record and the Return to work (Self Certification) Form must be placed on the employee's personal file.

## 9. Confidentiality

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All sickness absence should be treated in a confidential manner with information only being shared on a need to know basis for the purposes of meeting service delivery requirements and to implement and monitor this Policy. All documentation will be kept on the employee's personal file. The information contained in these records will be disclosed to the line manager/designated person, Schools HR and legal services, Occupational Health and the nominated officers responsible for monitoring sickness absence but to no one else without the employee's express consent.

If, for reasons of confidentiality or sensitivity, an employee does not feel able to discuss details of their absence with their line manager/designated person, they may speak to an alternative member of the school's senior management team, a governor or their trade union representative to raise the issue with

the line manager/designated person on their behalf. However, it is considered that the principal responsibility for managing the processes outlined in this document remains with the line manager/designated person.

## 10. Initial attendance standards

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It is recognized that setting attendance standards is important to ensure consistency and fairness in dealing with ill health and absenteeism.

### 10.1 Short-term absence

The initial defined levels of Short Term sickness absence that will prompt action in accordance with this procedure are as follows:

- 12 days or 4 periods of sickness absence within a Rolling 12 month period

### 10.2 Long-term absence

The defined levels of Long Term sickness absence that will prompt action in accordance with this procedure are as follows:

- A continuous period of sickness absence of four calendar working weeks. Only working weeks should be counted towards the defined levels of Long Term sickness absence.

**For employees who are employed on a term-time only basis, sickness absences which fall in school holidays must not be counted towards the triggers for action under this policy. This will invariably apply to long-term absences rather than short-term absences. Any school holidays which fall in one continuous period of sickness absence should be discounted for the purposes of counting the number of days/weeks/months towards the triggers.**

**For staff employed on a variation to the Term-Term only contract, any sickness falling during designated working weeks would need to be counted towards the triggers.**

## 11. Subsequent attendance standards and review periods

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Once an employee enters into the procedure they will be given a fixed review period, at the Sickness Absence Review Meetings, over which their attendance will be monitored against the set attendance

standards, and any breaches of the attendance standards within the fixed review period will instigate the next stage of the procedure.

### 11.1 Short-term sickness absence

A fixed 12 month review period will be set. The fixed 12 month review period is defined as 12 months commencing the day after the First/Second Sickness Absence Review Meeting (Short-Term). Attendance standard within the review period: 9 days or 3 periods.

If these triggers are breached within the 12 month fixed review period, then the Headteacher/Designated Line Manager will progress to the next stage within the Procedure for Dealing with Short-Term Absence.

### 11.2 Long-term sickness absence

Where the employee is on sickness absence at the time of the First/Second Sickness Absence Review Meetings, the review period will be 2 months from the date of the Sickness Absence Review Meeting.

Attendance standards within the review period: If the employee has not returned to work after 2 months from the date of the Sickness Absence Review Meeting, the Headteacher/Designated Line Manager will progress to the next stage within the Procedure for Dealing with Long-Term Absence.

If the employee returns to work within the 2 month review period, then at the Return to Work Meeting, a fixed 12 month review period will be set starting from the date of the employee's return to work.

Attendance standards within the fixed 12 month review period:

If the employee has a further period of a continuous absence of 4 working weeks, the Headteacher/Designated Line Manager will progress to the next stage within the Procedure for Dealing with Long-Term Absence.

### 11.3 Reverting from fixed to rolling review period

At the end of the fixed 12 month review period, the monitoring of absences will revert to a rolling 12 month period and this can include counting back into the 12 month fixed review period which has just ended and include any sickness absences which may have occurred in this period. For example, if a fixed review period ended 31st March 2009 and the employee is off sick for 1 day on 3rd May 2009 then you would count back over a rolling 12 month period to see if they have triggered again within the rolling 12 month period having started from 3rd May 2009 to 4th May 2008.

### 11.4 Overlapping fixed 12 month fixed review periods

Short-Term absence and Long-Term absence must be dealt with separately. Therefore it is feasible that an employee will be affected by both processes at the same time and will have two different fixed 12



month review periods running concurrently. When referring to these periods, they should be clearly marked as short-term or long-term.

## 12. Intervening sickness absence

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Where an employee is off sick in the period between their return to work and the date of the Sickness Absence Review Meeting, this absence will be considered at the meeting but will not count towards any subsequent triggers that are set at the meeting.

## 13. Linked absences

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When an employee returns from a day or period of sickness absence, and within 7 calendar days is off sick for the same reason, the linked absences will be treated as one period of sickness absence. This must be confirmed at the Return to Work Meeting.

## 14. Referring employees to Occupational Health

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The Line Manager/designated person may refer an employee to Occupational Health at any time within this procedure to establish the employee's medical situation. In any event, a referral should be made after a continuous sickness absence of 4 weeks or more. Advice must be sought from Occupational Health prior to any action within the scope of the Contract Review Hearing stage. Where the reason for an employee's sickness absence is given as stress/depression or some other mental health condition, whether work related or not, steps should be taken to refer the employee to Occupational Health as soon as possible.

## 15. Regular contact

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The Line Manager/designated person should maintain regular contact with an employee who is on long term sickness absence. It is recommended that contact should occur at least once a month if not more frequently. Consideration should be given to the employee's preference about the appropriate means of communication, which may include telephone communication and/or letter. The primary purposes of the contact are both to keep the employee aware of what is going on in the work place and to keep the Line Manager/designated person informed of the employee's progress.

## 16. Pregnancy related sickness absence

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An employee who is pregnant is afforded special protection under the Equality Act against unfair treatment because of her pregnancy. It is unlawful to dismiss an employee for reasons connected with her pregnancy. For this reason, any pregnancy related sickness absence must be recorded separately from other sickness absence and must not be counted towards the triggers for action under this policy. If there is uncertainty whether the reason for sickness absence is pregnancy related, advice should be sought from Occupational Health.

Pregnancy related sickness absences will however still be subject to the schools' sickness absence reporting procedures.

If the employee is absent due to a pregnancy related sickness in the 4 weeks before the week in which the baby is due, her maternity leave will automatically commence the day after her first day of absence.

Ongoing risk assessments for new and expectant mothers are important in identifying hazards in the workplace that could pose a health and safety risk and inform appropriate action to remove or reduce the risk and consequently help reduce pregnancy related sickness absence.

## 17. Medical appointments

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Medical appointments such as GP, dentist and optician should be taken in the employee's own time and, wherever possible, outside working hours.

Reasonable paid time off should be given for attendance for medical emergencies.

Reasonable paid time off should be given for hospital appointments as the employee has less control over the date and time when these are scheduled. The employee should be asked to produce evidence of the appointment in the form of a letter or appointment card from the hospital. This should be kept on the employee's file.

If following a medical appointment, an employee is too ill to return to work that day, the resulting absence will be counted as a half-day sickness absence.

Paid time off must be given for an employee to attend appointments arranged by Occupational Health following a management referral.

## 18. Phased returns to work

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Where an employee returns to work on a part time basis following long term sickness absence, with the expectation that they will be able to work their full contractual hours within a reasonable period of time, on medical advice provided by the Occupational Health doctor, the following arrangements will be made in relation to pay:

- Where the employee has exhausted sick pay, the salary payment made will be based on the number of hours worked.
- Where the employee has not exhausted sick pay, the employee will be paid in accordance with the number of hours worked, or the occupational sick pay entitlement that would be payable if the employee remained sick, whichever is the greater amount.
- If the employee remains on phased hours after three months, salary payments will be based on the number of hours worked.

Where the phased return continues beyond a three month period, advice should be sought from Schools HR.

Further guidance on managing phased returns is given in Annex 5.

## 19. Terminal illness

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Where an employee has a terminal prognosis, the line manager/designated person should seek advice from Schools HR at the earliest opportunity.

In some exceptional circumstances, where an employee is incapacitated and unable to engage with the process, there may be discretion in the operation of the policy. This discretion rests solely with the Governing Body.

The line manager/designated person needs to bear in mind that although such sickness absence is managed in much the same way as for other school employees, there are some particular points that should be noted:

The line manager/designated person, in consultation with Schools HR and Occupational Health, may use the formal review meetings to explore options with the employee in relation to entitlements to sick pay and leave, as well as the relative financial implications for the employee if they retire or die in service.

The line manager/designated person may wish to consider how to deal with a number of eventualities that may include:

- The employee may wish to continue attending work for as long as possible; a referral to Occupational Health will help to establish the employee's medical situation.
- The employee may need extensive time away from work to undergo treatment or to take a period of sickness absence.
- The employee, though fit to attend work, may wish to take time off work.
- The employee continuing in employment until their death.
- The employee leaving employment and if eligible, receiving benefits from their pension

## 20. Disability discrimination - reasonable adjustments

An employee has a disability within the meaning of the Equality Act if they have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day to-day activities. Long-term means that the condition must last, or is likely to last, for at least 12 months, or it is likely to last for the rest of the life of the person affected.

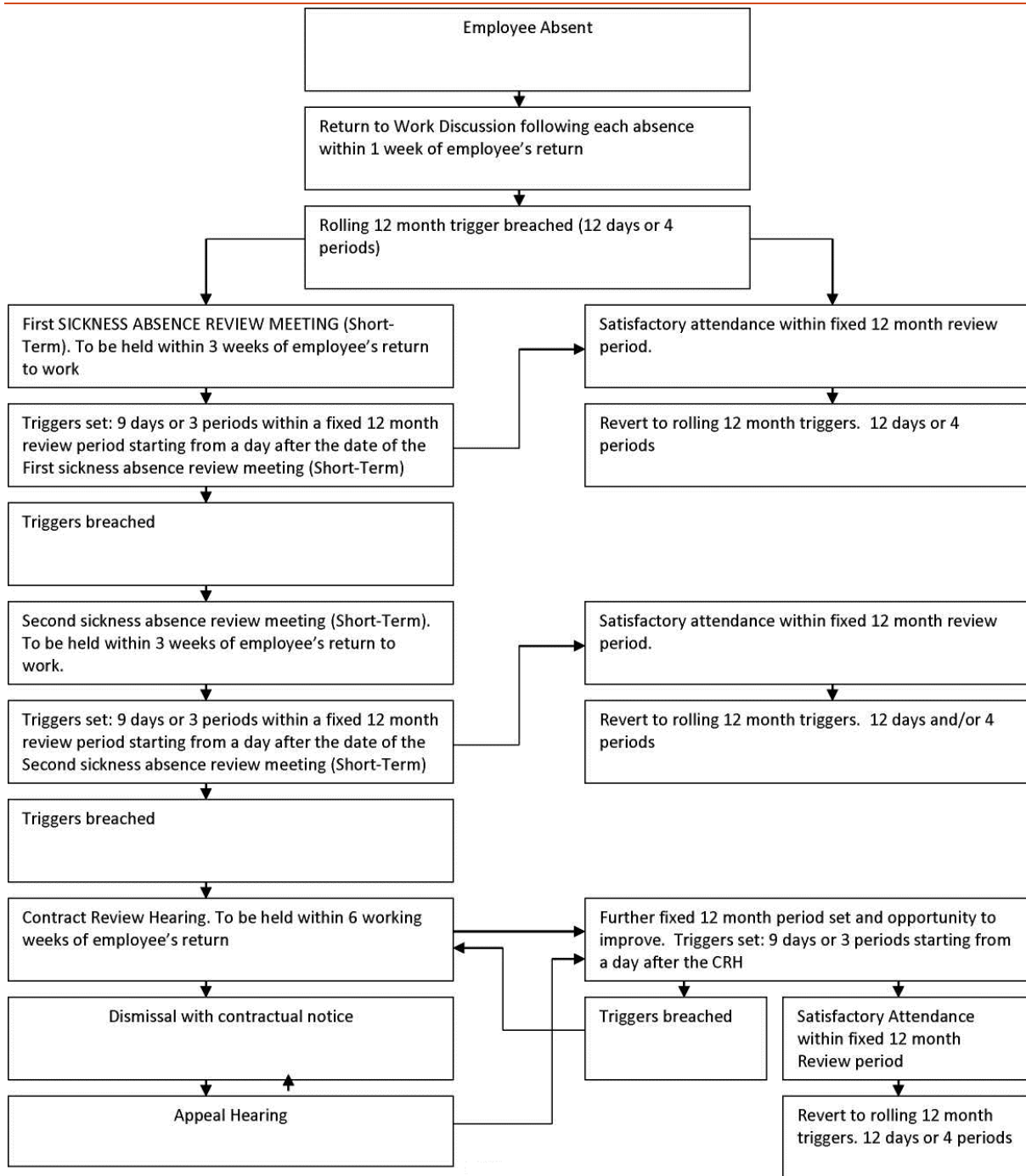
Line managers need to consider and be sensitive to the possibility that an employee's period of sickness may be caused by a disability. This is particularly true in respect of possible psychiatric conditions including depression, which may result in repeated periods of absence (combined possibly with poor work as a result of lack of concentration etc.)

Employers have a statutory obligation to make reasonable adjustments for employees who have a disability. When all reasonable adjustments have been explored, an employee can be dismissed, following a Contract Review Hearing, if they can no longer perform the main functions of their job. Advice must be sought from Schools HR.

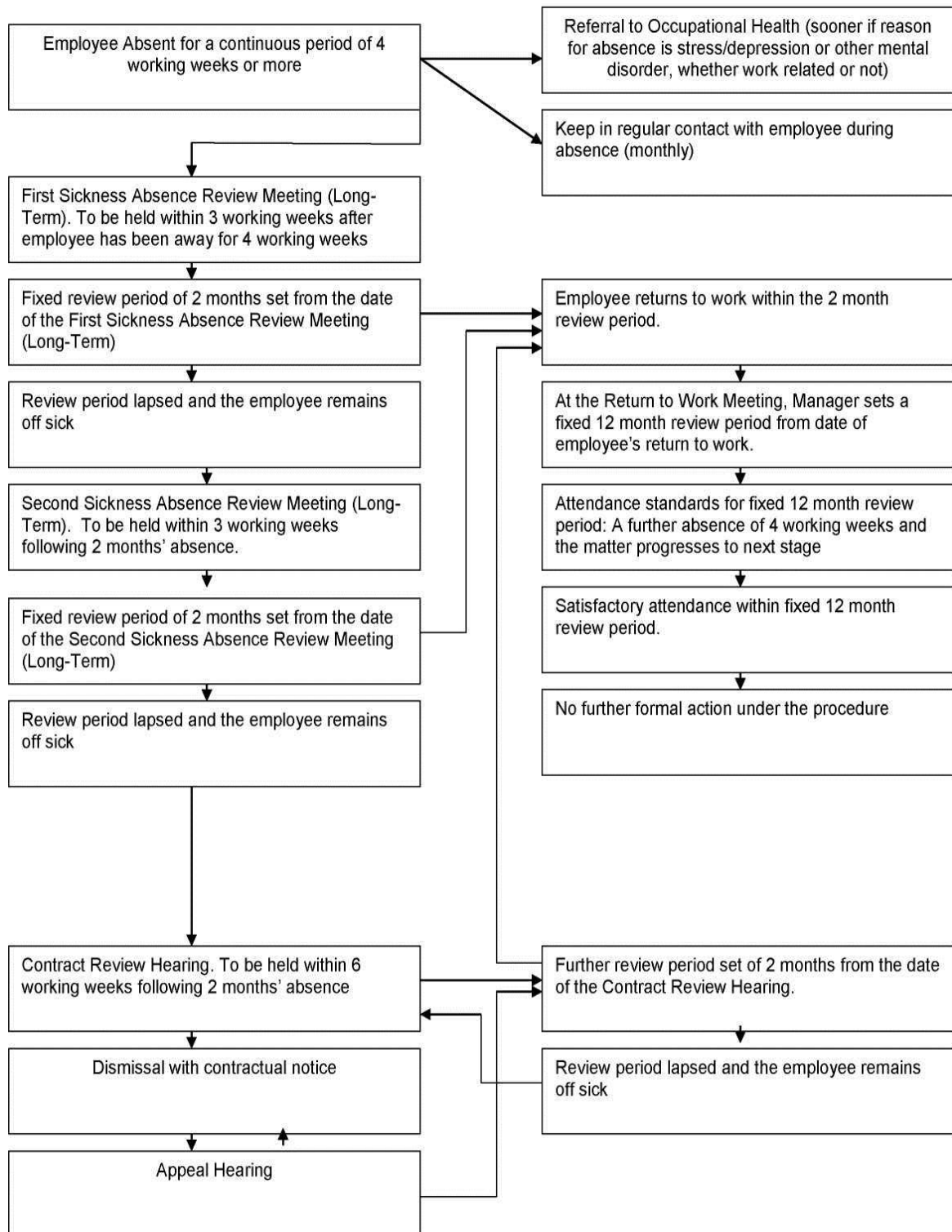
The nature of the reasonable adjustments will depend on the circumstances of each case. Where no reasonable adjustment would overcome a particular disability and enable the employee to continue in their existing role, reasonable adjustments can include the redeployment of the employee to an alternative post. Reasonable adjustments can also include provisions made to assist a gradual return to the full contracted hours or, for example, a change to part-time hours. Reasonable adjustments recommended by Occupational Health will also need to be considered.

Whilst sickness absences related to a condition under the Equality Act are counted towards triggers, it should nevertheless be distinguished from other sickness absences.

# Appendix 1 Short-Term Absence Flow Chart



## Appendix 2 Long-Term Absence Flowchart



## Revision History

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Version	Date	Author	Comments
2.0	Sep 2016	HRM	Based on School's HR Cooperative's Template
3.0	May 2018	HRM	Based on School's HR Cooperative's Template
4.0	Sept 2018	HRM	Based on School's HR Cooperative's Template

## Approval History

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Version	Approved	Comments
1.0	Jan 2011	Implementation of Slough's Model School Sickness Absence Policy (June 2009).
2.0		
3.0	Sept 2018	By Strategic Board of Governing Body