

# Staff Attendance Policy

<b>APPROVING BODY</b>	TRUST EXECUTIVE BOARD
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<b>SUPERSEDES VERSION</b>	V5.0
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<b>FURTHER INFORMATION / GUIDANCE</b>	

## 1. About this policy

- 1.1. This Sickness Absence Policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.2. Sickness absence can vary from short intermittent periods of ill health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.3. We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent due to sickness to return to work.
- 1.4. This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 1.5. This policy has been implemented following consultation with the Trade Unions.
- 1.6. This policy does not form part of any employee's contract of employment and we may amend it at any time, in consultation with the relevant Trade Unions.
- 1.7. Any information you provide to us about your health will be processed lawfully and in accordance with our Data Protection Policy. We recognise that such data is sensitive and will handle it in a confidential manner.

## 2. Personnel responsible for this policy

- 2.1. The Executive Board of Trustees (the board) has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework.
- 2.2. Managers have a specific responsibility to ensure the fair application of this policy.

## 3. Disabilities

- 3.1. We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure (set out in paragraph 16 of this policy), particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.
- 3.2. If you consider that you are affected by a disability or any medical condition, which affects your ability to undertake your work, you should inform your line manager so that all reasonable adjustments can be considered to assist your return to work or your ability to provide good attendance. Any information you provide will be handled in a confidential manner and in accordance with our Data Protection Policy.

## 4. Sickness absence reporting procedure

- 4.1. If you are taken ill, or injured while at work, you should report to your department in order to be given permission to leave work. Managers should contact the Lead Cover Supervisor to arrange for anyone who is unwell to be covered (if applicable). Arrangements may need to be made for the member of staff to be accompanied home AND/OR to receive medical treatment, where necessary.
- 4.2. Day 1  
Unless the Academy has already been informed, or there are exceptional circumstances, all teaching staff who are absent due to sickness should, wherever possible, telephone the staff absence line by 7:30am on the first day of absence. Staff should telephone personally but, where this is not possible, a relative

or friend must call on their behalf. Operational staff are expected to telephone the absence line as soon as possible, but normally no less than one hour before their start time. If you cannot speak to your manager you should leave a message and your manager will call you back, if you have requested this and the absence will be recorded. The following information must be provided during the call:

- 4.2.1. The nature of your illness or injury.
  - 4.2.2. The expected length of your absence from work.
  - 4.2.3. Contact details.
- 4.3. Managers should ensure that:
- 4.3.1. Any sickness absence that is notified to them is recorded and reported to the Lead Cover Supervisor.
  - 4.3.2. Arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).
- 4.4. You should expect to be contacted during your absence by your line manager, during normal working days/hours, who will want to enquire after your health and be advised, if possible, as to your expected return date. If you are unable to speak directly with your line manager, please advise us of a preferable contact.

## 5. Evidence of incapacity

- 5.1. For absence of more than a week, on the 8<sup>th</sup> day, you must obtain a certificate from your doctor (a "Statement of Fitness for Work") stating that you are not fit for work and the reason(s) why. This should be forwarded to your HR Department as soon as possible. If your absence continues, further medical certificates must be provided to cover the whole period of absence.
- 5.2. If your doctor provides a certificate stating that you "may be fit for work" you should inform your line manager immediately. Your Manager will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice or Occupational Health Services (if appropriate). This may take place at a return-to-work discussion (see paragraph 14). If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.
- 5.3. Where there are concerns about the reason for absence, or frequent short-term absence, we may require a medical certificate for each absence regardless of duration. In such circumstances, we will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.
- 5.4. If you are undergoing an elective or cosmetic surgery or procedure, for which you will be absent from work, any entitlement to company sick pay (as set out in paragraph 7) will be subject to receipt of satisfactory medical evidence. This medical evidence will need to be in the form of a report from your doctor or a specialist confirming that you are undergoing the procedure on medical advice. You may be required to take annual leave for any absence related to a purely elective procedure.

## 6. Unauthorised absence

- 6.1. Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.
- 6.2. Absence that has not been notified according to the sickness absence reporting procedure may be treated as unauthorised absence and may be unpaid in these circumstances.

6.3. If you do not report for work and have not telephoned the absence line to explain the reason for your absence, your line manager will try to contact you, during normal working days/hours, by telephone and in writing if necessary. **This should not be treated as a substitute for reporting sickness absence.** Repeated or extended unauthorised absence may result in disciplinary action.

## 7. Sick pay

7.1. You will be entitled to receive occupational sick pay provided you have complied with this policy. Occupational sick pay is inclusive of any SSP that may be due for the same period and is paid based on your contract of employment and service.

7.2. If a period of sickness absence is or appears to be occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, such as a car accident that was not your fault in respect of which damages are or may be recoverable, you must immediately notify the academy of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that we may reasonably require. If we require you to do so, you must co-operate in any related legal proceedings and refund to us that part of any damages or compensation you recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs you incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount we paid to you in respect of the period of sickness absence.

## 8. Sick leave and holidays (applicable for Operational Staff)

8.1. If you are on sick leave you may choose to cancel any pre-arranged annual leave that would otherwise coincide with your sick leave. You should notify your manager as soon as possible that you wish to do this.

8.2. If your period of sick leave extends into the next holiday year, or if there is not enough time left in the current holiday year to make it practicable to take your remaining holiday entitlement, you can carry any unused holiday entitlement over to the following leave year, to be used within three months of your return to work. Any annual leave not taken within 18 months of the end of the holiday year in which it accrues (whether you have returned to work) will be lost.

## 9. Keeping in contact during sickness absence

9.1. If you are absent on sick leave you should expect to be contacted from time to time by your line manager, during normal working days/hours, in order to discuss your wellbeing, expected length of continued absence from work and any of your work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.

9.2. If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact your line manager, the headteacher, head of school or Service Director at any time.

## 10. Medical examinations

10.1. We may, at any time in operating this policy, require you to attend a medical examination by our Occupational Health Provider.

- 10.2. You will be asked to agree that any report produced in connection with any such examination may be disclosed to us, with prior approval by you, and that we may discuss the contents of the report with our advisers.

## 11. Managing short term absence

- 11.1. Short term absences, irrespective of whether they are uncertified or certified by a G.P. can occur where there is no obvious evidence of a single underlying medical condition (i.e. where the reasons for the absences appear unrelated).
- 11.2. The Bradford Factor is a way of illustrating how disruptive frequent short-term absence, particularly around weekends, for example, can be relative to occasional longer spells of Absence. Bradford scores are a way of identifying individuals with serious absence and patterns of absence worthy of investigation.
- 11.3. The Bradford Factor calculation is as follows:
- $$O \times O \times D = \text{Bradford points score}$$
- 11.4. Where O is the number of occasions of absence in the last 52 weeks and D is the total number of days absence in the last 52 weeks.
- 11.5. The employer will consider any employee with a Bradford score of 80 points and over worthy of investigation, commencing with an informal sickness absence meeting.

## 12. Managing long term absence

- 12.1. Long term sickness absence is defined as a consecutive period of 20 working days or more.
- 12.2. It is important that the School maintains contact with an employee on long term sickness absence to:
- 12.2.1. monitor the employee's progress in terms of his/her return to health;
  - 12.2.2. support the employee and actively maintain his/her engagement with the School and ensure the employee remains informed about events in the workplace;
  - 12.2.3. provide information to the employee so that he/she may make informed decisions (for example, in relation to sick pay entitlement);
  - 12.2.4. provide practical support from the Trust's Occupational Health advisers;
  - 12.2.5. encourage a return to work as early as possible;
  - 12.2.6. facilitate a phased return to work if required, by making appropriate temporary or permanent adjustments.
- 12.3. It is the joint responsibility of both the line manager and the employee to maintain contact. Once the employee is on long-term sickness absence (i.e. once the employee has reached 28 days' continuous absence), the employee's line manager should contact the employee to agree the method and frequency of contact. Contact should be on a regular basis and at least weekly.
- 12.4. Once an employee has been absent for 28 days, or as soon as it is confirmed that he/she will be absent for at least 28 days (for example, a fit note has signed him/her off for that period), his/her manager should refer the employee to Occupational Health.
- 12.5. The line manager should also contact the employee to advise him/her that the occupational health team will be in touch, with a view to the School seeking medical advice on the employee's prognosis.

## 13. Access to online information

- 13.1. All employees will have access to their own absence data. All employees have the ability to monitor their own Bradford Factor score using the electronic system. Employees have the right to clarify with the employer any absence that appears on the system and to have the data corrected if agreed by the Employer.

## 14. Return-to-work discussion

- 14.1. If you have been absent on sick leave for more than five consecutive days, we will arrange for you to have a return-to-work discussion with your line manager.
- 14.2. A return-to-work discussion enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention.
- 14.3. Where your doctor has provided a certificate stating that you "may be fit for work" we will usually hold a return-to-work discussion to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice or advice from the occupational health provider, if applicable.

## 15. Returning to work from long-term sickness absence

- 15.1. We are committed to helping members of staff return to work from long-term sickness absence. As part of our sickness absence meetings procedure (see paragraph 16), we will, where appropriate and possible, support returns to work by:
  - 15.1.1. obtaining medical advice;
  - 15.1.2. making reasonable adjustments to the workplace, working practices and working hours;
  - 15.1.3. considering redeployment; and/or
  - 15.1.4. agreeing a phased return-to-work programme with everyone affected.

## 16. Sickness absence meetings procedure

- 16.1. We may apply this procedure whenever we consider it necessary, including, for example, if you:
  - 16.1.1. have been absent due to illness on a number of occasions; and have accumulated a Bradford Factor of 80 or more
  - 16.1.2. have been absent due to illness on a single occasion for 20 working days or more
  - 16.1.3. have discussed matters at a return-to-work interview that require investigation
- 16.2. We will give you 5 working days' written notice of the date, time and place of a sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.
- 16.3. The meeting will be conducted by your line manager or other appropriate manager and may be attended by a member of the Human Resources Department. You may bring a companion with you to the meeting (see paragraph 17).
- 16.4. You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you, or your companion, are unable to attend at the time specified you should immediately inform your line



manager or other appropriate manager who will seek to agree an alternative time provided that this does not represent an unreasonable delay

- 16.5. A meeting may be adjourned if your line manager or other appropriate manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- 16.6. Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing within 3 working days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).
- 16.7. If, at any time, your line manager or headteacher considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.

## **17. Right to be accompanied at meetings**

- 17.1. You may bring a companion to any formal meeting or appeal meeting under this procedure.
- 17.2. Your companion may be either a trade union representative or a colleague. Their details must be given to the manager conducting the meeting, in good time before it takes place.
- 17.3. Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.
- 17.4. A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

## **18. Stage 1: first formal sickness absence meeting**

19. This will follow the procedure set out in paragraphs 16 & 17 on the arrangements for and right to be accompanied at sickness absence meetings.
20. The purposes of a first sickness absence meeting may include:
  - 20.1. Discussing the reasons for absence.
  - 20.2. Where you are on long-term sickness absence, determining how long the absence is likely to last.
  - 20.3. Where you have been absent on a number of occasions, determining the likelihood of further absences.
  - 20.4. Considering whether medical advice is required.
  - 20.5. Considering what, if any, measures might improve your health and/or attendance.
  - 20.6. Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure.
  - 20.7. Issue a Formal Stage One (First) Written Warning

## **21. Stage 2: further formal sickness absence meeting(s)**

- 21.1. Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the

procedure set out in paragraphs 16 & 17 on the arrangements for and right to be accompanied at sickness absence meetings.

- 21.2. The purposes of further meeting(s) may include:
- 21.2.1. Discussing the reasons for and impact of your ongoing absence(s).
  - 21.2.2. Where you are on long-term sickness absence, discussing how long your absence is likely to last.
  - 21.2.3. Where you have been absent on a number of occasions, discussing the likelihood of further absences.
  - 21.2.4. If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
  - 21.2.5. Considering your ability to return to/remain in your job in view both of your capabilities and our business needs and any adjustments that can reasonably be made to your job to enable you to do so.
  - 21.2.6. Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
  - 21.2.7. Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a return-to-work programme.
  - 21.2.8. If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.
  - 21.2.9. Issuing a Stage 2 (Final) Written Warning
  - 21.2.10. Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning you that you are at risk of dismissal.

## **22. Stage 3: final formal sickness absence meeting**

- 22.1. Where you have been warned that you are at risk of dismissal, we may invite you to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out in paragraphs 16 & 17 on the arrangements for and right to be accompanied at sickness absence meetings.
- 22.2. The purposes of the meeting will be:
- 22.2.1. To review the meetings that have taken place and matters discussed with you.
  - 22.2.2. Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.
  - 22.2.3. To consider any further matters that you wish to raise.
  - 22.2.4. To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
  - 22.2.5. To consider the possible termination of your employment.
  - 22.2.6. Termination will normally be with full notice or payment in lieu of notice. For teachers, this will be in line with STPCD deadlines of notice periods.

## **23. Appeals**

- 23.1. An employee has the right of appeal against the outcome of any formal stages of this procedure if it results in a first or final written warning, or dismissal. An employee may appeal on one or more of the following grounds:



- 23.2. the proper procedure was not followed, and this materially affected the decision;
  - 23.3. the decision reached was not supported by the evidence presented;
  - 23.4. the sanction applied was too severe, taking into account the mitigating circumstances;
  - 23.5. new evidence which is pertinent, goes to the heart of the case, and was not reasonably available at the time, has become available.
24. You may bring a companion to an appeal meeting (see paragraph 17).
  25. An appeal should be made in writing, stating the full grounds of appeal, to the headteacher/head of school or Service Director within 10 days of the date on which the decision was sent to you.
  26. Unless it is not practicable, you will be given written notice of an appeal meeting within one week of the meeting. In cases of dismissal the appeal will be held as soon as possible.
  27. An appeal meeting will be conducted by an equivalent or more senior manager than the manager who made the decision which is being appealed.
  28. The final decision will be confirmed in writing, if possible, within 5 working days of the appeal meeting. There will be no further right of appeal.
  29. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

## APPENDIX 1 – ORDER OF EVENTS

### Stage 1 / 2 meeting

Member of SLT chairs the meeting:

1. Operations manager/ Line Manager presents the absence report.
2. Questions from employee and/or employee representative.
3. Employee (or representative) presents their case to Chair of the meeting.
4. Questions from Chair of the meeting.
5. Chair of the meeting sums up.
6. Employee (or representative) sums up.
7. Both parties withdraw.
8. Chair of the meeting reviews evidence/makes decision with support from HR.
9. All parties reconvene. Decision given to employee.
10. Decision confirmed to employee in writing within 3 working days (including notice of right to lodge appeal within 10 working days – if appropriate)

### Stage 3 meeting

Headteacher or Service Director Chairs the meeting.

1. Operations Manager/ Line Manager presents the absence report to the Headteacher.
2. Questions from employee and/or employee representative.
3. Questions from the Chair.
4. Employee (or representative) presents their case.
5. Operations Manager/ Line Manager sums up.
6. Employee (or representative) sums up.
7. Chair sums up.
8. Both parties withdraw.
9. Chair reviews evidence and makes decision with support from HR.
10. All parties reconvene. Decision given.
11. Decision confirmed to employee in writing within 10 working days of the date the decision was sent to you.