



Attendance Management - NEU model policy

1. Purpose of the policy

1.1 The employer recognises and accepts its obligations in respect of employees experiencing ill health.

1.2 The aim of this policy is to provide a framework to support employees who are unable to work due to illness and assist them back in to work as quickly as it is possible for them to do so.

1.3 This procedure will apply to all employees, and is designed to support and assist attendance at work and to ensure fair and consistent management of issues of absence from work in a manner which balances the interests and rights of employees, employer and students appropriately.

1.4 This policy also makes provision for disability leave which is recognised as a separate absence type from sickness absence.

2. Roles and responsibilities

2.1 The employer has a statutory duty to safeguard the health, safety and welfare of employees. Throughout this policy, the employer will assume that ill health is genuine unless there is evidence to the contrary; the reason for taking any action will therefore relate to the capability of an employee and not because of their illness.

2.2 Senior managers are responsible for promoting a positive working environment and for ensuring that this procedure is implemented, including providing necessary training and resources.

2.3 Line managers are responsible for applying the policy as set out below and will ensure that decisions are made based on the information available at the time.

2.4 Human resources (HR) managers are responsible for providing specialist advice and support in relation to absences and may attend any meeting held under the formal stages of the policy.

2.5 All employee health records will be kept confidential and held securely.

3. Equality Act 2010

3.1 This policy adheres to the Equality Act 2010 and its provisions relating to employees who have a disability. The Act requires employers to make reasonable adjustments to premises or working arrangements etc to facilitate access to work for disabled people and to enable an employee who is disabled, or becomes disabled during their employment, to remain in work.

3.2 For the purposes of the Act and this policy, a person is considered to have a disability: if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities; or if they have been diagnosed with a specific illness which is automatically deemed a disability under the Act.

3.3 Managers should seek guidance whenever necessary on whether an employee's condition is likely to fall within the provisions of the Act.

4. Occupational health

4.1 Referrals to occupational health (OH) by the employer should be regarded as a supportive measure to provide advice regarding an employee's condition, including what measures and adjustments may be appropriate to remove barriers to the employee's full participation in the workplace. A friend, relative or trade union representative may accompany employees at OH appointments.

4.2 A referral to OH should not be made by the employer for short-term absences for common ailments such as a cold or flu, unless the absences are frequent or there is a cause for concern.

4.3 Employees are entitled to request a referral to OH at any time to discuss a health and wellbeing issue with a view to making recommendations to the employer on reasonable adjustments.

5. Monitoring absences

5.1 Anonymised information on absences will be used to monitor and address absence issues in a fair and consistent way. Managers will share and discuss information on absence levels with recognised trade unions to identify issues of concern and to seek to improve general workplace wellbeing.

5.2 Unless a manager has reasonable grounds to believe that the employee has abused the sickness absence procedures, absence monitoring will not be used punitively.

6. Risk assessments

6.1 As part of the employer's commitment to maintaining the health and wellbeing of staff, an anonymous stress risk assessment will be conducted annually to help identify the issues of concern to staff.

6.2 Managers are reminded that a failure to take steps to support an employee who is known to be experiencing health problems as a result of factors in the workplace may have serious consequences. The employer could be held liable in law if the employee subsequently has a mental breakdown as a result. Managers should therefore be alert to the need to ensure that individual risk assessments are conducted in addition to organisational risk assessments, and that appropriate steps are taken where the circumstances warrant it.

7. Reporting absences

7.1 Employees should report sickness absence to their line manager or another nominated person as soon as possible on the first day of absence, wherever possible before the normal school starting time. The employee should report their absence personally, unless they are unable to do so, and should state the reason and the estimated period of absence.

7.2 Where absence continues beyond the period initially estimated, the employee should report their continuing absence as above until such time that they must provide a Statement of Fitness for Work certificate (fit note).

7.3 Where an employee fails to report their absence as above, the line manager may contact the employee to ensure their wellbeing.

7.4 On their return to work, the employee will complete a self-certificate form for absences of up to seven days (including non-working days) or a fit note for absences of more than seven days.

8. Maintaining contact

8.1 If an employee is on long-term absence due to illness (see 13.3), the employee and their manager should maintain reasonable contact. This will usually be by telephone or email. In

order not to add to the employee's stress, the frequency and mechanism of the contact will be agreed with the employee.

8.2 Any contact should be approached sensitively, focusing on the employee's health and wellbeing.

9. Return to work discussions

9.1 Line managers should hold a return to work discussion with the employee after any period of absence. He/she will welcome back the employee and enquire about their health, offer help and support, and update them on any developments at work during their absence. Any recommendations for returning to work made in the employee's fit note or occupational health report should be discussed.

9.2 If, during the discussion, the line manager has reasonable grounds to believe the employee is not fit, they should instruct them to go home (helping them make transport arrangements if necessary). If appropriate, they should advise them to see their GP or OH adviser as soon as possible.

9.3 Where an employee feels uncomfortable discussing the nature of their absence with their line manager, they may ask to discuss the matter with an HR manager instead. Any such request will not be unreasonably refused.

9.4 Where appropriate, a written agreement should be produced after a return to work discussion, clearly explaining how the employee's return is to be managed in light of the fit note and/or OH report.

9.5 A trade union representative or workplace colleague may accompany the employee in a return to work discussion.

9.6 The employee will continue to receive their normal pay throughout their phased return to work where it is agreed that they will return on a phased basis.

10. Disability leave

10.1 Section 20 of the Equality Act 2010 identifies the provision of leave as a reasonable adjustment where a disabled person needs to be absent from work for "rehabilitation, assessment or treatment" for a fixed period(s) of time known in advance. This can be classed as disability leave.

10.2 Disability leave may include:

- assessment for conditions
- training with a guide dog or in the use of specialist equipment
- medical appointments or specialist check-ups
- reviewing treatment or equipment
- to allow time for adaptations or adjustments to be made.

10.3 Disability leave can only be used for absences that occur as a direct result of an employee's disability or caring for a dependant (as a primary carer) who has a disability. This means that not all absences will be automatically classed as disability leave. For example, if an employee has a disability and is off work for another reason such as cold or flu, this will be classed as ordinary sick leave rather than disability leave.

10.4 Disability leave will be on full pay, and an employee's disability leave record will not be used for the purposes of assessing their performance, promotion, selection for redundancy etc.

11. Reasonable adjustments

11.1 When the line manager becomes aware that the employee has a disability, they are obliged to exercise their duty of care under the Equality Act 2010 and investigate what reasonable adjustments can be made. Depending on the condition and circumstances, these may include but are not limited to:

- allowing a disabled employee to take a period of disability leave

- allowing time off for medical appointments
- keeping a record of the absence, which is separate from sickness absence
- a car parking space close to the entrance of the workplace
- an adapted keyboard/mouse or voice recognition software
- changes to the layout of the workplace to make it more accessible
- more rest breaks
- altered hours/place of work or more home working.

12. Formal procedures

12.1 The following will apply to all formal meetings under this procedure including appeal hearings:

- The employee will be informed in writing of the meeting date at least five days prior to the meeting (or ten days for a meeting at stage 3 – see 13.1 below). The employee will be informed of their right to be accompanied by a trade union representative or colleague at this meeting, and may request the postponement of the meeting by up to five days if necessary to allow their trade union representative or colleague to attend (or ten days for a meeting at stage 3).
- The trade union representative will be allowed to put, and sum up, the employee's case, respond on behalf of the employee to any views expressed, and confer with the employee during the meeting. The representative will not have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employer from explaining its case.
- The employer will provide a note-taker to record an accurate note of the meeting.
- Notes of the meeting will be shared with the employee within three days of the meeting and the employee will be invited to recommend any changes they deem appropriate.
- Managers will at all stages seek advice from the HR adviser on the application of the policy. The HR adviser has the right to attend if they wish to do so and will attend if invited by managers and at all meetings at stage 3 of the procedure.
- In cases of long-term absences, meetings may be held at a suitable alternative location, if the individual is not well enough to travel to the workplace. If the employee is too ill to attend a meeting, another form of communication, eg by telephone, may be agreed. In such cases the employee's representative should be involved in the discussion about holding the meeting.
- Formal procedures will not be treated as disciplinary procedures unless the line manager has reasonable grounds to believe that the sickness absence procedure has been abused, in which case formal warnings will be issued as a matter of course.

13. Procedure for managing repeated short-term/intermittent absence

13.1 The procedure below should be followed in cases of repeated short-term or intermittent absence in order that such cases are monitored and managed in a fair and consistent manner. The procedure consists of the following stages:

1. informal meeting following return to work discussion
2. formal stage 1
3. formal stage 2
4. formal stage 3 – referral to governors
5. appeal stage.

13.2 Appointments related to an employee's disability would not count as absences for the purposes of this policy (see section 9 above).

13.3 Absences for reasons other than sickness (eg leave of absence such as a family emergency or caring responsibilities), absences due to injury at work or pregnancy, and absences amounting to disability-related leave within the terms of a disability leave policy should be disregarded for attendance management purposes.

Informal meeting following return to work discussion

13.4 If the line manager feels there is cause for concern following the return to work discussion, they should invite the employee to a further informal meeting to discuss the cause of absence and ways in which attendance can be supported and maintained.

13.5 Where an employee feels uncomfortable discussing the nature of their absence with their line manager, they may ask to discuss the matter with an HR manager instead. Any such request will not be unreasonably refused. Employees have the right to be accompanied by a trade union representative or colleague at this meeting, and may request the postponement of the meeting by up to five days if necessary to allow their trade union representative or colleague to attend.

13.6 At the meeting, the manager and employee will:

- confirm that the meeting is an informal meeting within the procedure for managing absence and for the purposes set out in 12.4 above
- confirm the employee's absence record and give them an opportunity to discuss their health and wellbeing if they wish. This will also allow for any underlying medical or non-medical reason to be established. If the employee has a condition or health issues that they do not want to discuss with the line manager, this will be respected and a referral made to occupational health instead.
- discuss what support can be offered for any underlying medical or non-medical reason for absence, any reasonable adjustments suggested by the employee's GP and possible referral to OH for further advice.

13.7 At the conclusion of the meeting, the manager will summarise what has been discussed and agreed, and send a summary to the employee following the meeting. Where appropriate, the manager will advise the employee that the formal stages of the procedure will commence, or may commence, if further short-term or intermittent absence occurs.

Formal meeting: stage 1 meeting with line manager

13.8 If the line manager continues to be concerned about the level of absence following an informal meeting, or following further short-term or intermittent absence unrelated to a disability or health condition of which the line manager has been made aware, they may invite the employee to a formal meeting to discuss the cause of absences and ways in which attendance can be supported and maintained.

13.9 The following points are a guide for discussion:

- The employee's absence record will be confirmed as correct.
- The employee will be given the opportunity to explain any factors which may have arisen and contributed to their levels of absence.
- Any 'non-medical' (especially work-related or welfare) issues which may be contributing to the absences will be considered sympathetically and non-judgementally.
- The parties will discuss whether there is any support which could be offered to assist the employee in reaching an acceptable standard of attendance such as changes to the environment, tasks/duties, temporary contractual changes to working hours etc (see 10.1 above).
- Referral to OH will be initiated (if not already undertaken).
- The manager will, after considering the circumstances, consider setting a review period. It is recommended that the line manager set a target of [insert any agreed review timescale here].
- Caution the employee clearly about possible outcomes if they fail to meet the agreed targets, ie moving to the formal stage 2 of the policy and possible eventual dismissal.
- If the manager has evidence to suggest that the employee is taking time off for reasons other than illness or disability, referral to the misconduct procedure may be appropriate at the formal stage of the attendance management procedure.

13.10 At the conclusion of the meeting, the manager will summarise what has been discussed and agreed, and send a summary to the employee following the meeting. The manager will advise the employee that: if their attendance improves during the review period, no further action will be taken; if further short-term or intermittent absence occurs,

and the line manager remains concerned about the level of absence, they may consider referring the case to a further formal meeting with the head teacher/principal.

Formal meeting: stage 2 meeting with head teacher/principal

13.11 Where, following a review period after a first formal meeting, the line manager continues to be concerned about the level of absence, they may advise the head teacher/principal to invite the employee to a second formal meeting to discuss the cause of absences and ways in which attendance can be supported and maintained. Where the line manager believes that this course of action is unnecessary, they may decide not to do so at this point but continue to monitor the situation.

13.12 The head teacher/principal should utilise the information provided to them by OH when considering any reasonable adjustments or amendments such as changes to working arrangements or supporting the employee's search for alternative employment. The head teacher/principal must ensure that reasonable options to help sustain the employee's levels of attendance are explored and given reasonable time for improvement.

13.13 The head teacher/principal will, after considering the circumstances, consider setting another review period. It is recommended a target of [insert timescale here].

Formal stage 3: determination meeting with panel of governors

13.14 If the employee's attendance improves during the review, no further action will be taken. If there has been no improvement, or attendance worsens and the head teacher/principal believes that the employee is unable to fulfil their contract of employment, they can move to stage 3 of the process. This involves referring the matter to the final sickness absence meeting where a decision will be taken on the employee's continued employment by a panel of governors from the local governing body. The employee should be told that the outcome of the meeting could result in their dismissal.

13.15 It will be necessary at this point to obtain an up-to-date OH report, even if one was obtained earlier. The case should not be progressed to the formal stage 3 without up-to-date OH advice.

13.16 The chair of governors will appoint a panel of no less than three governors who will convene a meeting with the purpose of reaching a final decision on the employee's continuing employment with the organisation.

13.17 Possible outcomes of this meeting are:

- The panel agrees to take further supportive action, within an agreed timescale, to try and address the problem. This is only applicable where there is a clear belief that further action is likely to lead to an improvement, even where it has not done so previously.
- The panel offers the employee a change to their contract of employment, for example redeployment, permanent changes to working hours, job role or job grade. The employee would need to agree to this change in contract and it would be offered on the basis that attendance improves.
- The employee's employment is terminated with full notice or payment in lieu of notice.

13.18 Notification and a summary of the outcome of the meeting, including evidence presented with an explanation of the employee's right of appeal, will normally be sent to the employee within five working days of the meeting. Minutes of the meeting will also be provided.

14. Procedure for managing long-term absence

14.1 The process for managing long-term absence consists of the following stages:

1. absence review
2. formal review meetings
3. final sickness absence meeting

14.2 Where employees know in advance that they are going to be absent from work, for example for a planned operation, the line manager and employee will meet beforehand to discuss:

- the reason for the absence and its likely duration
- any support and counselling to be offered prior to or during absence
- any support on return to work and any potential phasing of that return
- arrangements for covering the absence and for 'keeping in touch'
- any referral to OH.

14.3 Sickness absence is treated as being long-term once an employee has been absent continuously for six weeks. However, it is not necessary for six weeks to expire before an occupational health referral can be made; if an employee submits a fit note for a duration of six weeks or more, or the line manager or employee reasonably believes the employee's condition will result in an absence of six weeks or more, a referral to OH will be made immediately.

14.4 Occupational health advice will specifically be sought on whether the employee's condition is an underlying medical condition and if it is covered by the Equality Act 2010. The OH adviser should also be able to give an opinion on the likely length of absence and any adjustments that may be needed to working conditions and/or premises to facilitate the employee's return to work.

14.5 It is the responsibility of the relevant manager to manage absence with the support of HR. The actions outlined below should not be deferred, as deferral or delay of actions may result in prolonging the period of absence to the detriment of the employee's health.

14.6 Relevant managers are responsible for ensuring reasonable contact is maintained with the employee while they are off sick (see 7.1 above), in order to:

- keep informed about the employee's progress
- inform the employee of any workplace developments that they may have been missed
- ask what support the employer can provide to assist the employee etc.

Absence review meeting

14.7 An absence review meeting should be initiated as soon as the line manager is made aware that an employee's sickness is likely to last for a period of six weeks or more, or as soon as possible following receipt of the report from OH. The review will cover a prognosis enquiry about the employee's health and general welfare, and consider supportive measures that can be put in place to support the employee in returning to work.

14.8 The following points are a guide for discussion:

- Make a prognosis enquiry about the employee's health and general welfare, and offer support where appropriate.
- Give the employee an opportunity to raise any concerns or discuss their reasons for, and/or cause(s) of, their absence if they wish, including any possible 'non-medical' issues (especially work-related or welfare). The manager will be sympathetic and non-judgemental.
- Discuss the report from OH, in particular to note the adviser's recommendations for reasonable adjustments, whether the employee has an underlying condition and/or if their condition is covered by the Equality Act.
- Consider whether reasonable adjustments or measures, eg a phased return, changes to the environment, tasks/duties, contractual changes to working hours etc, could be made to facilitate an earlier return to work.
- Discuss the likely length of the absence and, depending on the condition, a target return to work date based on the OH opinion. The employee should not feel pressured to return to work before they feel fit enough or before their GP considers them fit for work.
- If medical information is available that indicates that the employee may be unable to resume in their current job, early consideration should be given to alternatives such as redeployment, ill-health retirement etc. The employee should be provided with information regarding these options and advised to seek advice from their trade union representative.
- Explain that, if it later becomes apparent that a target return to work date (if discussed) does not seem achievable, a formal review will be held to discuss the absence further.

Formal reviews

14.9 Where the absence lasts longer than six weeks, or the employee fails to achieve the target return to work date as discussed in the previous meeting, the line manager will invite the employee to a formal review meeting.

14.10 The following points are a guide for discussion:

- Make a prognosis enquiry about the employee's health and general welfare.
- Discuss the earlier OH report, including an update on the recommendations made, and a possible follow-up referral to OH.
- Discuss a new target return to work date and agree what support the employer can provide to help achieve this (this point may need revisiting following OH advice) The employee should not feel pressured to return to work before they feel fit enough or before their GP considers them fit for work.
- Consider whether reasonable adjustments or measures, eg a phased return, changes to the environment, tasks/duties, contractual changes to working hours etc, could be made to facilitate an earlier return to work (see 10.1 above).
- If medical information is available that indicates the employee may be unable to resume in their current job, early consideration should be given to other options such as supporting the search for alternative employment, taking ill health retirement etc. Employees should be provided with information regarding these options and advised to seek advice from their trade union representative.
- Set a date at which the sickness absence will be reviewed again. Explain to the employee that, if their absence continues, and the school/academy is not able to continue to support it, the final stage of the process could result in dismissal based on capability.

Further formal review meeting

14.11 Where appropriate, further formal review meetings should be held between the employee and the line manager, depending on the medical prognosis and the operational effect of the absence.

14.12 The purpose of the further review meeting will be to:

- consider whether there have been any changes since the last meeting regarding a possible return to work or opportunities for return or redeployment
- consider the up-to-date medical evidence available (including the OH report)
- consider whether there is a likelihood of the employee returning to work in the reasonably foreseeable future.

14.13 If, at the further review meeting, it is clear from the medical information available that the employee has no confirmed date to return to work (within the foreseeable future), and there is no recommendation for ill-health retirement, the relevant manager will make a further OH referral to establish whether the employee will be able to return to work in the foreseeable future.

14.14 If, following a formal review meeting and on the advice of OH, a return to work in the reasonably near future is unlikely, and alternatives have been explored, the line manager will involve the head teacher/principal in the case.

14.15 If, at this stage, it is felt that there is no likelihood of a return to work, and the employee has had regular review meetings and been referred to OH, the head teacher/principal will consider referring the case to the chair of governors. The chair of governors will convene a final sickness absence meeting where a decision will be taken on the employee's continued employment by a panel of governors from the local governing body. The employee should be told that the outcome of the meeting could result in dismissal.

Final sickness absence meeting

14.16 It will be necessary at this point to obtain an up-to-date OH report, even if one has already been obtained. The case should not be progressed to the final sickness meeting without up-to-date OH advice.

14.17 The chair of governors will appoint a panel of no less than three governors who will convene a meeting with the purpose of reaching a final decision on the employee's continuing employment with the organisation. The meeting can take place at a mutually

agreed venue and time that suits the employee. If the employee is too unwell to attend, the trade union representative can attend on their behalf – the employee can also submit a written statement to support their case.

14.18 The panel of governors will appoint a chair to lead the meeting and will ensure the employee can explain their concerns and put forward their case.

14.19 Possible outcomes of this meeting are:

- The panel agrees to take further supportive action, within an agreed timescale, to try and address the problem. This is only applicable where there is a clear belief that further action is likely to lead to an improvement, even where it has not done so previously.
- The panel offers the employee a change to his/her contract of employment, for example redeployment, permanent changes to working hours, job role or job grade. The employee would need to agree to this change in contract and it would be offered on the basis that attendance will improve.
- The employee's employment is terminated with full notice or payment in lieu of notice.

14.20 Notification and a summary of the outcome of the meeting, including evidence presented, as well as an explanation of the employee's right of appeal will normally be sent to the employee within five working days of the meeting.

15. Appeals

15.1 The employee may appeal against any decision taken within the process and against a dismissal decision taken as part of the attendance management process.

15.2 The employee should set out their appeal in writing, stating the full grounds of appeal. This should be sent to the chair of the local governing body within ten working days from receipt of the decision.

15.3 The appeal hearing will be conducted by a different panel of no fewer than three members of the local governing body who were not previously involved in the case. The appeal will be dealt with impartially.

15.4 The employee may invite any appropriate individuals to be present at the hearing in support of their appeal. Equally, the panel may arrange for any appropriate individuals to be present as required, including the head teacher/principal or line manager etc. Notice of who may be present at the hearing must be provided to the employee making the appeal at least five days before the hearing date.

15.5 The appeal panel may uphold the original decision to dismiss, or they may revoke or replace it with a different decision. The decision of the appeal hearing will be communicated to the employee in writing within seven working days of the hearing. The decision of the panel will be final and represents the end of the internal process.

16. Monitoring and review

16.1 This policy will be reviewed after 12 months in consultation with the trade unions represented within the workplace. Anonymised data on the operation of the policy will be provided to identify and help to address any adverse impact in relation to:

- age
- disability
- maternity and pregnancy
- part-time status
- race
- religion and belief
- sex
- sexual orientation.

16.2 The results will be shared (anonymised where appropriate) with the recognised trade unions.

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