



Attendance Management NEU model policy checklist

NEU guidance for reps and local officers

This checklist should be used alongside the NEU's model policy on attendance management to help you negotiate a policy acceptable to the union. You may not be able to secure everything on this checklist – if that is the case, you may wish to consult members on whether the proposed policy is sufficiently positive to be acceptable. More advice can be found on the NEU website at: neu.org.uk.

NEU position on attendance management

The NEU does not accept that widespread abuse of sick leave arrangements is taking place in schools and colleges. Negotiators should not agree attendance management policies that exist primarily to discourage staff from taking sick leave and/or to subject staff to detriment for taking sick leave. Instead, union negotiators should seek to ensure that the procedures used by employers are fair and are applied fairly.

Dealing with sickness absence in a supportive way

Some employers make it obvious, either in their choice of words or the tone of their absence management policy document, that they believe anyone taking sick leave is doing so dishonestly unless they are obviously ill or have a medically diagnosed illness or condition which the employer knows about. Union negotiators are encouraged to make it clear that employers who deter employees from taking time off sick by subjecting them to detriment will be publicly condemned for their practice (ie through union bulletins, the union website and magazine, and other publications). Detriment includes adopting bureaucratic reporting procedures, threatening to withhold sick pay, applying onerous performance management arrangements, or refusing training to those who are frequently absent.

Frequent absenteeism is often due to:

- underlying medical conditions (diagnosed or otherwise)
- vulnerability to colds, flu etc (this is an occupational hazard for school staff)
- excessive tiredness which may or may not be a consequence of lifestyle
- personal or family problems
- problems in the workplace.

Employers should seek to identify the reason(s) for frequent absenteeism and address them in a manner that is appropriate and proportionate. Too often the initial response is to act punitively and then withdraw from that position only when an employee can demonstrate that a more supportive approach is called for. This is a retrograde step and should be resisted whenever it is encountered.

Suspend performance management while health improves

A reasonable employer would accept that performance diminishes during and immediately after a period of ill health. It takes time to adjust to working with an ongoing or recurrent health condition. Staff returning to work after a period of absence, but particularly long-term absence, should be given a reasonable period (at least a term for those returning from long-term absence) to ease back into their role before they are observed.

Organisational stress risk assessments

Absence management policies should contain a commitment to annually conduct organisational stress risk assessments to determine:

- the volume of work or pressure of deadlines on employees
- the health or otherwise of working relationships
- whether there is perceived bullying and harassment by colleagues, parents and/or governors
- the effectiveness of management and management style
- the speed with which employees are required to adapt to changing policies and practices
- other factors that may be causing dissatisfaction, for example, ineffective procedures or equipment, or having no clear goals or targets.

Refer to the NEU model stress risk assessment and to paragraph 6 of the model attendance management policy.

Triggers and targets

When does sickness absence warrant investigation? The answer must be when the absence starts to interfere with the ability of management to deliver good quality education to students. The point at which this happens will be different in each school and college, and will depend on the age of the students, the number of staff available to offer cover, existing volumes of work, whether the absent employee is a key worker etc.

It is understandable that school and college leaders will seek to define a level of sickness absence that will trigger investigation by the senior management team or line manager.

However, the trigger should be based on a consideration of the factors highlighted above and should be consulted on with the recognised trade unions. The union is opposed, in principal, to use of the following methods for measuring time lost to sickness absence:

- the lost-time rate
- the frequency rate
- the individual frequency rate
- the Bradford factor.

These purported measures of sickness absence do not encourage each employee's circumstances to be considered and may therefore lead to less favourable or unfavourable treatment. They should be rejected by negotiators and school/college groups where the opportunity to do so arises. Where employers insist on imposing such absence measures on the workforce, school/college groups should consider whether industrial action is an appropriate response.

Reporting absences

Negotiators should resist the imposition of a requirement to report sickness absence only by phone and/or daily. Once an employee has notified a line manager that they are ill and unlikely to be well enough to return to work until a particular date, there should be no requirement to contact the school/college before then. The employee should contact the school/college only if their absence continues beyond the estimated period of absence (refer to paragraph 7 of the attendance management model policy).

Employers should not insist on detailed medical information for the purposes of sickness absence insurance. Employees have data protection rights and should not be pressured to disclose intimate details to a third party if they do not wish to do so.

Pay during a phased return to work

The NEU's position is that an employee on phased return should continue to receive their normal pay throughout their phased return to work (refer to paragraph 9.6 of the attendance management model policy)

Employers should be encouraged to pay full pay during a phased return to work, particularly if this practice helps retain educators with disabilities in the workplace. There is no legal restriction on being more generous than the law requires.

Employers should also be reminded that it can be a reasonable adjustment under the Equality Act 2010 to pay an employee full pay where the reason for the phased return is due in part or in full to a discriminatory decision by the employer, such as a failure to make other reasonable adjustments that would have enabled the employee to return to work earlier.

Occupational health referrals

The union believes employees should be able to initiate the occupational health (OH) referral process if they would like to discuss a health issue which has not yet impacted their performance but may do if the employer fails to take preventative measures or backtracks on previously agreed adjustments. The union believes this may represent a reasonable adjustment to the OH referral process and could save employers money in the long run, as it may pre-empt long-term sickness absence and its associated costs.

For example, a staff member with a well-documented history of mental illness regularly attends cognitive behavioural therapy (CBT) on Wednesday afternoons during what would otherwise be directed time. The staff member's mental health would quickly deteriorate without CBT. However, due to pressure to improve on last year's GCSE results, the member is informed that Wednesday afternoons must now be filled with a timetabled lesson. The member wishes to discuss this with occupational health and initiates a self-referral.

Statutory absences

It is extremely important that statutory absences, such as maternity, adoption and parental leave, do not fall within the remit of the absence management policy. Bringing such absences within the scope of an absence management policy may subject women to substantial disadvantage. Seek the views of the school/college group if an employer insists on including statutory absences in the absence management policy.

Pregnancy and disability related sickness absence

The union recognises the need to record and monitor pregnancy and disability related sickness absences for health and safety reasons. While it may be necessary in such circumstances to apply certain aspects of the absence management policy, such as timely reporting, our recommendation to employers is to address such absences via a pregnancy and maternity policy and/or disability leave policy (refer to paragraph 10 of the attendance management model policy). Otherwise, there is a risk that such absences may result in disciplinary action, which may give rise to pregnancy and maternity discrimination, sex discrimination, disability discrimination, detriment and/or unfair dismissal.