

The Community of Saints Church of England Federation



MANAGING STAFF ATTENDANCE POLICY

At the Community of Saints Church of England Federation, we believe in the concept of the learning community and lifelong learning. Through our teaching we aim to equip children with the skills, knowledge and understanding necessary to become independent learners, with the ability to make informed choices about the important things in their lives. We believe that appropriate learning and teaching experiences help children to continue to develop and explore their potential.

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This policy is based on One Education Attendance Management Policy and Procedure – Oct 2021

Section 1 - MANAGING STAFF ATTENDANCE POLICY (SCHOOLS)

1.1 PURPOSE OF THE POLICY

This policy document on attendance management is consistent with the employment powers, duties and responsibilities of the governing body as set out in current Education legislation; Articles of Government for the school and conditions of service for teaching and support staff.

This policy sets out the framework within which the governing body's policy on attendance management will operate within each school in the Community of Saints Church of England Federation in order to achieve maximum benefits for pupils, parents and staff. It explains why it is necessary to adopt an attendance management policy and sets out the principles on which it is based. It describes the information about employee attendance which will be collected and under what circumstances it will be used. It emphasises that the process will be underpinned by the use of objective evidence which will be subject to review and possibly inspection. It also identifies the roles and responsibilities of the governing body, the Executive Headteacher and the employee which need to be clearly understood to ensure that the policy works effectively and efficiently

The Governing Body values the contribution of all its employees to the effective running of the school and the delivery of teaching and learning to pupils. Most staff maintain a very good attendance record over a long period of time. Executive Headteachers and Governors will wish to recognise this and build upon existing good practice. However, whilst recognising that employees may be prevented from attending work through ill health, the school has a duty to maintain provision of education to pupils and to minimise disruption in delivery of that education.

The Governors are, therefore, committed to managing attendance and sickness absence and creating a culture within which all employees work to maximise attendance for the benefit of themselves, pupils, the community and other stakeholders.

Each School within the Federation will achieve this through: -

- promoting a high attendance culture
- promoting the health, safety and well-being of all employees;
- monitoring levels of sickness absence for individuals, teams, departments, and the school as a whole; and
- implementing procedures to provide support for employees when absent, whilst addressing unjustified and/or high levels of sickness absence.

1.2 SCOPE AND DEFINITIONS

This policy applies to all employees in each School within the Federation whose employment is under the purview of the Governing Body including the Executive Headteacher. It does not apply to self-employed staff, contractors, external consultants, agency staff or governors.

This policy covers the management of both short-term and long-term sickness absences.

For the avoidance of doubt, in this policy any reference to a "school working day" will have the following meaning: -

(a) School Support Staff: -any day during an academic year when a school is normally open for educational purposes or when staff are in attendance for training purposes, and

(i) in the case of staff contracted to work during term time only, excluding any day which falls on a Bank Holiday or within school holiday periods, and

(ii) in the case of staff contracted to work all year round, excluding any day which falls on a Bank Holiday but including any day which fall within school holiday periods.

(b) School Teaching Staff: - any day during an academic year when a school is normally open for educational purposes or when staff are in attendance for training purposes but excluding any day which falls on a Bank Holiday or within school holiday periods.

1.3 PRINCIPLES

Within this Policy the Governing Body will: -

- deal with sickness absence in a way that is non-discriminatory and in accordance with the School's commitment to Equal Opportunities;
- ensure a fair and consistent treatment of all employees who are absent from work;
- seek medical advice from appropriate practitioners where appropriate;
- make reasonable adjustments to take account of any disability of an employee in accordance with the Equality Act 2010 and the related Disability Equality Duty and Code of Practice; and
- conduct sickness absence cases with respect for confidentiality and in accordance with the requirements of the Data Protection Act and the Access to Medical Records Act.

No employee should feel under pressure to return to work while unfit. This policy will not be used to place such pressure on individuals, however if despite continuing support an employee cannot sustain reasonable levels of attendance, dismissal for unsatisfactory attendance or on the grounds of incapability due to ill health will be given serious consideration.

1.4 ROLES AND RESPONSIBILITIES

Employees are required to: -

- attend work and fulfil their contractual obligations;
- comply with the school's sickness absence reporting procedure;
- inform school as soon as possible of any changes in their condition that affects their ability to do their job or alters the timescales for their return to work
- leave contact details when absent due to sickness;
- be available during normal working hours to meet with the Executive Headteacher or nominated person to discuss their absence;
- share information with the school with regard to their absence;
- attend medical referrals/appointments/case conferences;

- attend Return to Work interviews and Attendance Monitoring Reviews;
- co-operate with all efforts to identify and implement reasonable adjustments;
- comply with safe working practices and procedures; and

It is expected that staff will participate in treatment programmes, e.g. Cognitive Behaviour Therapy (CBT), Physio Therapy, etc. where it has been indicated that such programmes will improve their health.

Executive Headteachers and/or other nominated persons will be responsible for monitoring, managing and controlling absence by: -

- creating a culture where people want to attend work;
- monitoring management information, identifying trends and patterns and taking appropriate action;
- exploring reasons for absence;
- maintaining regular contact with employees;
- conducting meaningful Return to Work interviews (see Appendices 3 & 4) and Attendance Monitoring Reviews without delay;
- arranging Attendance Management Hearings where appropriate;
- ensuring the preparation and completion of all documentation, including confirmation letters;
- seeking advice where necessary;
- identifying and implementing reasonable adjustments where appropriate;
- considering the benefits of a referral to Manchester City Council's Occupational Health Unit or other nominated provider (see Appendix 5);
- initiating referrals to the Occupational Health Unit or nominated provider;
- attending case conferences and making provisions for agreed actions to be carried out;
- taking a consistent, but not necessarily uniform approach to managing absences;
- provide attendance statistics to the Governing Body each term.

St James' uses One Education as its HR support, including issues related to attendance.

HR Support to Schools (under SLA agreement) will: -

- provide clear, up-to-date guidelines about managing attendance and capability issues and other relevant policies;
- provide relevant information as available;
- issue advice to schools as requested;
- advise on the employment aspects of managing sickness absence cases;
- advise on strategies to reduce sickness absence on an individual or overall basis;
- advise/assist schools on the correct implementation of the policy and procedure when necessary;
- highlight any problem areas and bring these to the attention of the appropriate person in school;
- assist the Executive Headteacher/nominated person by attending meetings where required.

The responsibilities of the Governing Body are to;

- Establish a relevant Committee structure and identify how delegation of functions to the Executive Headteacher will be managed;
- ensure that the school has a policy on managing attendance;
- review the policy annually;

- monitor and review overall staff attendance statistics each term;
- ensure appropriate budget provision for supply staff and staff welfare;
- perform their statutory duties under the Health and Safety at Work Act 1974 (as amended) and in particular the Management of Health and Safety at Work Regulations 1999 (as amended);
- manage any attendance issues relating to the Executive Headteacher;
- ensure that the Executive Headteacher carries out his/her responsibilities to implement the policy appropriately

Occupational Health Service Provider

An Occupational Health provider will offer advice on how to support the employee to facilitate an early safe return or how best to promote attendance within school.

1.5 CONDUCT ISSUES

Failure to comply with the provisions of the Managing Attendance Policy and Procedure, for example by:

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- providing false information;
- failing to comply with the reporting procedure;
- failing to attend medical appointments; or
- failing to provide medical certificates when due

will be subject to a separate investigation. Where it is believed that the policy may have been breached disciplinary action (up to and including summary dismissal) may be taken under the School's Disciplinary Procedure.

Failure to comply may also lead to loss or suspension of pay where an investigation establishes that the requirements of the Managing Attendance Procedure have not been followed nor has the employee taken reasonable steps to comply with the Procedure.

1.6 RECORDS MANAGEMENT

Each period of absence will be formally recorded and information on an employee's absence will be reviewed by the Executive Headteacher or nominated person. Where appropriate this information will be discussed with the employee or provided to their line manager to assist them in promoting a high attendance culture.

The employee's absence records may be used as part of any review of absence or any other occasion where the school believes that the information is of material relevance to any decisions regarding the employee.

Absence records constitute confidential information and will be retained in accordance with the Managing Attendance Policy and Procedure and any other related statutory acts such as the Data Protection Act.

1.7 ANNUAL LEAVE AND SICK

Employees will continue to accrue annual leave during periods of sickness absence. Where long term sickness absence prevents an employee from taking their annual leave during a leave year, they may carry forward up to the maximum of their statutory entitlement of four weeks leave (pro-rated for part time employees), less any leave already taken in the year. For employees working term time only, any accrued entitlement is included in normal school closure periods.

Section 2 - MANAGING ATTENDANCE PROCEDURE

2.1 NOTIFYING ABSENCE & RETURN TO WORK

In order to ensure the effective running of the school and the delivery of teaching and learning to pupils is maintained, employees must inform the school's nominated person of their inability to attend work and the reason for this on the first day of absence. This will be by the time they are due to either commence work or at an agreed time notified locally by the school. The St James' reporting procedure is set out at Appendix 2.

Employees must report the absence in person or by telephone. In most cases e-mails or text messages are not acceptable unless previously agreed that it is not possible to communicate by telephone. Absence should not be reported by anyone other than the employee unless there are exceptional circumstances.

In order to assist school to assess the likely duration of absence and arrange the necessary cover, employees must specify the length of time they expect to be absent. If this is not possible the employee must follow the reporting procedure on **each** day of absence.

If the nominated person is not available then the employee must contact another senior person in school and leave a contact number.

If for some reason the nominated person is not available, the employee should expect a telephone call from the nominated person or other senior person at home later to establish a reason for the absence.

If an employee fails to comply with the notification procedure in this policy their absence will be treated as unauthorised and the School reserves the right to withhold occupational sick pay and statutory sick pay. The employee's failure to comply will also be regarded as a breach of this policy and the School may consider initiating action under the School's Disciplinary Policy and Procedure.

Employee notification expectations

Day of absence	Action by employee	Action by manager	Sickness absence evidence	When required
Day 1	Personal contact, as set out in Appendix 2, by telephone, no later than 1 hour before the start of their normal working day/shift. The employee must provide details of the reason for absence and give an indication of the anticipated duration of the illness/incapacity.	Record of conversation(s)		On first day of absence
Calendar days 2 – 7	Daily contact with the Head of School or nominated person to notify of the reason for the continued absence and inform of their recovery process	Record of conversation(s)	Self-certification day 4-7	Days 2-7
Calendar day 8	Contact Head of School or nominated person to notify of the reason for continued absence. Obtain a Fit Note from GP.	Record of conversation	Fitness for work certificate from GP	Within 2 days of issue
Subsequent continuous absence	Contact Head of School or nominated person to notify of the reason for continued absence. Obtain a Fit Note from GP.	Record of conversation	Fitness for work certificate from GP	Within 2 days of issue
Return to work	Contact Line Manager/supervisor as soon as possible and no later than 24 hours before intended date of return.	Hold return to work interview with employee. Determine if absence is related to a disability or not.	Fitness to return to work note if appropriate /requested	Within 2 days of return

2.2 RETURNING TO WORK

When an employee returns to work following a period of sickness absence or unauthorised leave, they will be required to attend a Return to Work Interview (RTW) with their Line Manager, regardless of the duration of the absence. The RTW interview should take place within two days of returning to work, and must be attended by both the employee and manager.

The RTW form will be retained by the Line Manager. Each time an employee returns to work, the manager should speak to the employee about the absence and the reason for it. The manager should assess whether the employee is fit for work before commencing work. Ahead of the meeting it is useful to obtain a copy of the employee's absence record over the last 12 months to review general attendance and to check if employee has hit triggers. The manager should also ensure confidential records of all absences are kept.

The purpose of the RTW Interview is to:

- assess whether the employee is fit to work;
- establish if there are any underlying reasons for the absence;
- demonstrate an interest in the employee's well-being;
- identify possible patterns or trends of absence and investigate these;
- establish whether the employee's absences are in any way work related;
- establish whether medical advice needs to be sought to determine whether there is any underlying medical explanation for the employee's absence;
- establish whether any reasonable adjustments need to be made to assist in the employees return to work;
- set reasonable targets / timelines for improvement if necessary;
- warn the employee of the consequences of continuing unsatisfactory attendance;
- if triggers have been met, to inform the employee that they will be invited to an AMR meeting.

If returning after a long period of absence, it is good practice to set informal review meetings over the following 1-2 terms as a minimum and consider developing a Wellbeing Recovery Action Plan (if there is a mental health concern) Support is available from One Education's HR and People Team for this.

A return to work interview template is attached at Appendix 3.

2.3 TRIGGERS FOR ACTION

Triggers

The purpose of trigger points is to alert school to undertake a review of an employee's record of absence and assess whether further action is necessary. This requires a full consideration of each individual's circumstances and the nature of their absences.

Reasonable trigger points that will prompt a school to examine an employee's absence record will be where, during the course of a school term or other specified period, an employee is absent: -

- for four or more days in the last term;
- on three or more occasions in the last term.
- there are recognisable patterns of absence e.g. on Fridays and/or Mondays, before or after Bank Holidays/school closure periods;
- there has been an increase in absence following expiry of a previous Improvement Notice or an Attendance Monitoring Warning;
- there has been a single absence lasting more than 10 consecutive school working days;
- an employee is absent from work due to a mental health condition for any duration.

Modification of these trigger points may be considered when reviewing an individual's personal circumstances (but see Appendix 1).

When a trigger point is reached the Executive Headteacher or Nominated Person may meet with the employee at an AMR meeting to ascertain the reasons for the employee reaching the trigger and whether support to maintain their attendance is appropriate.

NB Employees are entitled to be accompanied at AMRs by a Trade Union representative or work colleague. Employees should be given 5 working days' notice of any AMR meeting

2.4 MANAGING SHORT TERM ABSENCE

First Attendance Monitoring Review (AMR)

If trigger points are reached or specific concerns arise an Attendance Monitoring Review will be held as soon as possible to: -

- review previous attendance record and determine whether any further action is required;
- review health issues previously discussed
- explain the impact of absence on service delivery and emphasise the importance of good attendance;
- explore the reasons for absence;
- seek to identify any underlying cause;
- discuss and agree any support mechanisms needed;
- consider any reasonable adjustments (see Appendix 1).
- review any medical advice provided from whatever source;
- review support/reasonable adjustments provided;
- identify improvement needed; and
- seek to establish whether the employee is disabled within the meaning of the Equality Act 2010 and whether the reason for the employee's absence(s) is connected to or for a reason arising in consequence of the employee's disability.

Possible outcomes of Attendance Monitoring Review: -

- appropriate review/monitoring period established;
- identification of improvement needed and relevant timescales;
- Attendance Monitoring Warning (AMW) issued (if appropriate);
- some other appropriate action (e.g. support for employee, flexible working options discussed etc);
- no further action to be taken (only in exceptional cases should no action be taken.)

A letter will be sent to the employee normally within 10 school working days of the meeting. The letter will confirm the outcome of the meeting including any action points and any support or adjustments agreed. It is important to implement any identified actions as soon as possible. If a decision is taken to issue an AMW, the following points should be included in the warning to the employee:

- why their attendance does not meet the required standards and is causing concern;
- why their absence is having a detrimental impact on the running of the School;
- that an immediate improvement in their attendance is required and details of the review/monitoring period for which the improvement must be sustained;
- appropriate revised trigger points and confirmation that the employee's attendance will be monitored against the revised triggers;
- the fact that if further absences occur during the review/monitoring period which meet the revised triggers the employee will be invited to a second AMR meeting;
- that the employee must sustain their attendance in accordance with targets set in the AMW for a minimum of 12 months and failure to do so will mean the procedure will recommence at the stage it had reached at the time the AMW was issued;
- the length of time the AMW will remain on their record;
- that if the employee's attendance improves to the required standard during the above review/monitoring period, the employee will be removed from the attendance monitoring procedure;
- the employee's right of appeal against the decision to issue an AMW.

Sage Two - Second Attendance Monitoring Review (AMR)

A second Attendance Monitoring Review will be held if: -

- the revised triggers are hit; or
- there has been insufficient improvement in the employee's attendance during the further monitoring /review period established at the first AMR; or
- a recurring, recognisable pattern of absence emerges.

The purpose of this meeting is to: -

- explain impact of absence on service delivery and emphasise again the importance of good attendance;
- review issues discussed at the first AMR meeting;
- review the employee's overall level of absence;
- review any medical advice provided from whatever source;

- identify improvement needed;
- warn of possible consequences if improvement is not achieved;
- review any previous support/reasonable adjustments provided.

Possible Outcomes

- final AMW issued (see points above) with a caution that if the improvement identified in the warning is not achieved and sustained then an Attendance Management Hearing (AMH) may be held;
- identification of improvement required and relevant timescales;
- further revised/modified triggers set;
- further review/monitoring period established;
- referral to the School's Occupational Health provider in order to re-assess medical position and any further support which can be provided.

A letter will be sent to the employee normally within 10 school working days of the AMR confirming the points discussed and actions identified. It is important to implement any actions identified as soon as possible.

Should a final AMW be issued the employee must be advised of their right of appeal.

Stage Three - Attendance Management Hearing (AMH)

If, following the issue of a final AMW, the employee has not achieved and/or sustained the improvement required within the further review/monitoring period, an AMH may be held. This could result in a decision to dismiss the employee on notice. The Employee must be advised of the reasons for the AMH and that dismissal on notice may result due to their incapability due to ill health and/or the impact of their continuing absences on the School. Further information in relation to the process around the holding of an AMH and related considerations (early release of LGPS pension benefits/access to benefits under the Teachers' Pension Scheme) is detailed in section 2.5 below.

Equality Act considerations when managing short term disability related absences

If an employee's short-term absences are for reasons connected to their disability, the School must be mindful of its obligations under the Equality Act 2010. The School must make reasonable adjustments to the attendance management process which may include the following: -

- agreement to a higher level of sickness absence and an adjustment to the trigger points in this procedure;
- agreement to discount certain periods of disability related absence;
- granting a period of disability leave;
- a decision not to issue an AMW;
- an extension to the process to include a third AMR prior to holding an AMH;
- a decision that it is appropriate to deal with the employee's absence in accordance with the provisions relevant to managing long term absences.

During any AMR meetings with the employee, the School should: -

- identify which of the employee's absences are connected to their disability and which are not;
- review the employee's current health situation and any available medical information, including details of what medical intervention has occurred already, what is planned, by whom and expected timelines;
- discuss referral to the School's Occupational Health provider;
- establish what positive action the employee has taken to maintain their health and to improve their attendance;
- review any reasonable adjustments already put in place discussing the impact these adjustments have had and the extent to which these have improved the employee's attendance;
- discuss whether the employee's attendance levels are likely to improve in the future and whether current levels are sustainable;
- warn of possible consequences if despite all the support and adjustments provided, there has not been an acceptable improvement in the employee's attendance.

Further guidance on the School's duties in cases where there are Equality Act 2010 considerations (including examples of further reasonable adjustments) is contained in Appendix 1.

3. MANAGING LONG TERM ABSENCE

Absences of more than 10 consecutive working days are considered long term in the majority of cases but this figure can be adjusted depending upon the circumstances.

When an employee is absent from school due to sickness it is important that regular contact is maintained so that the employee does not feel isolated, vulnerable or out of touch. The school will use the contact to update the employee on issues currently live within school and also to identify the need to reallocate work or resources so that teaching & learning and other support to pupils is maintained.

Where possible and appropriate an Attendance Monitoring Review will be held with the employee after the first four weeks' absence, and then every four weeks in order to discuss the employee's absence, including the issues identified below: -

- explore reasons for absence/identify progress and/or any appropriate support;
- seek to identify any underlying cause/whether the Disability section of the Equality Act applies;
- ask about treatment and/or specialist help being received;
- establish if date for return to work can be given;
- establish review periods;
- consider seeking an opinion from an Occupational Health Adviser, explaining the purpose to the employee (see Appendix 5);
- bearing in mind any disability issues and/or medical advice received, consider: -
 - reasonable adjustments
 - other support mechanisms
 - redeployment within school on medical grounds
 - ill health retirement

- structured/phased return to work
- explain the consequences of continued absence.

Where an employee cannot or does not attend an Attendance Monitoring Review at school, careful consideration should be given to meeting the individual in their home, at another agreed location, or, if this is not possible, conducting a review by correspondence, telephone and/or holding a review in their absence.

The points discussed and actions identified at the Attendance Monitoring Reviews will be confirmed in writing to the employee within 10 days of the meetings.

12-week review meeting

A formal review following 12 weeks of continued absence from the School should be arranged. The Executive Headteacher or Line Manager will write to the employee inviting them to attend a formal review meeting giving at least 5 school working days' notice and providing any relevant documentation that may be referred to at the meeting. The employee can be accompanied at this meeting by a companion who may be a trade union representative or a work colleague. Up to date medical advice may be obtained from the School's Occupational Health provider for this meeting.

At the meeting the Executive Headteacher or Line Manager will explore with the employee:

- medical opinion, the prognosis about recovery including the expected timescale for a return to work;
- what support the employee needs to enable him/her to make a successful return to work;
- whether the employee is disabled within the meaning of the Equality Act 2010 and whether any reasonable adjustments can be made to support their return;
- the impact of the absence on the school's operations including the School's ability to cover the employee's role, the impact on staff and pupils and the costs associated with the employee's continuing absence.

Possible outcomes following 12-week review

- taking no further action;
- discounting certain periods of disability related absence;
- agreeing a return to work plan including reasonable adjustments e.g. a phased return;
- extending the period of monitoring and review;
- obtaining further medical advice including specialist opinion;
- referral to an AMH (ensuring the employee is fully advised of the reasons for the referral and the risk of dismissal where a return to work is unlikely within a reasonable timescale).

If the period of monitoring is extended the case should then be reviewed every 4 weeks and the employee should be invited to 16-20-24-week attendance management review meetings with possible outcomes outlined as described above.

Equality Act considerations when managing long term disability related absences

If an employee's long-term absences are for reasons connected to their disability, the School must be mindful of its obligations to the employee under the Equality Act 2010. In addition to the points already

outlined above further guidance is provided in Appendix 1 of this policy. St James' will seek advice from One Education's HR and People service when managing long term disability related absence cases.

Consideration of early release of LGPS benefits due to ill health (support staff)

When all reasonable alternatives have been explored and the dismissal of an employee on the grounds of incapability due to ill health is a real consideration, the School is obliged to make a decision as to whether the employee is entitled to access their pension benefits early. The early release of LGPS benefits due to the employee's ill health is subject to strict criteria and due process must be followed. St James' will contact its LGPS pensions team at the earliest opportunity for support and guidance with this process.

Ill health retirement (teachers)

Where the dismissal of a teacher on the grounds of incapacity due to ill health is being considered, the provisions of the Teachers' Pension Scheme regarding ill health retirements should be noted and followed where appropriate. **Note - Dismissal on the grounds of incapacity does not guarantee an award of ill health retirement benefits.** Advice on the process to be followed will be taken from One Education's HR and People service.

Attendance Management Hearing

The employee and their companion (who will be a Trade Union representative or work colleague) will, no later than 10 school working days before the AMH be informed in writing of the date, time and venue of the hearing. The notification will set out the detailed reasons for the hearing and will caution the employee that the hearing could result in a decision to dismiss them on the grounds of their incapability to perform their role due to their ill health.

No later than 5 school working days before the hearing copies of any documentation the School intends to rely upon at the hearing will be forwarded to the employee. The employee also will send copies of any documentation they intend to rely upon to the School no later than 5 school working days before the hearing.

The school's case will be presented to the Governors Committee together with all documents relevant to the employee's health and attendance. Any representation made by the employee or the employee's representative, or any written submission made in the employee's absence will be given due consideration before any decision is taken.

The Attendance Management Hearing will be heard by the Governors Committee who will review the case and consider: -

- the employee's overall attendance record;
- the impact of the employee's absences on the School;
- any representations from the employee;
- whether there are Equality Act 2010 considerations;
- the management of the case;
- the medical advice received;

- whether medical advice is relevant and up to date;
- the support/reasonable adjustments considered and/or provided;
- whether any adjustments or auxiliary aids provided have been effective;
- any further action that can reasonably be taken;
- options for redeployment within the School on medical grounds;
- whether an application for early release of pension benefits has been made (LGPS or TPS as appropriate).

Possible Outcomes of an AMH

- further medical evidence to be sought;
- further reasonable adjustments to be implemented;
- consideration of alternative employment;
- further AMW issued with further review/monitoring period established;
- when all other alternatives have been considered, dismissal with notice in accordance with the employee's contractual notice entitlement. (Note - in community, voluntary controlled, community special and maintained nursery schools the Local Authority must be notified of the Executive Headteacher's/Governing Body's determination to dismiss the employee and the reasons for their determination and the Local Authority must write to the employee to notify them of the termination of their employment).

The School will write to the employee normally within 10 school working days of the AMH, confirming the outcome of the hearing and any actions identified and, if a further AMW or dismissal is the outcome, informing the employee of the reasons for the decision and their right to appeal (see section 2.6 below).

2.6 RIGHT OF APPEAL

An employee issued with an Attendance Management Warning has the right to appeal to a nominated person including (if the Executive Headteacher has taken the decision) a nominated Governor.

An employee issued with notice of dismissal has the right to appeal to a Committee of three Governors (dependent upon the procedures adopted by the Governing Body).

There is no further right of appeal after this stage has been completed.

Where an employee wishes to appeal a decision made in relation to the early release of pension benefits under LGPS, they can appeal within six months of the date of the decision letter. The School will refer to the Local Authority LGPS pensions' team and One Education's HR and People service for advice in this regard.

In order for any appeal to be considered the employee must submit in writing the grounds upon which they base their appeal within 10 school working days of being advised in writing of the decision they are appealing. The grounds of appeal must be sufficient to justify the arranging of the appeal.

Note - At the appeal hearing the employee and/or their representative will present their case first based on the grounds submitted with any new evidence. The school will then respond to the appeal.

2.7 SANCTIONS/WARNINGS

An AMW issued under this policy will remain live for 12 calendar months from the date of issue and will run parallel to any live (current) disciplinary warnings on the employee's record. They will not be used for 'totting up' purposes should any disciplinary sanction/warning be imposed under the School's Disciplinary Procedure.

2.8 RIGHT TO BE ACCOMPANIED

Employees may be accompanied at all normal AMRs and AMHs by a companion who will be either a work colleague, a person employed by a Trade Union or a Trade Union representative who has been certified in writing by the union as having experience of acting as a companion.

If the companion cannot attend on a proposed date for a meeting, an alternative companion should be nominated or the meeting re-arranged to a time and date which is no more than 5 working days after the date originally proposed.

Employees must make their own arrangements if they wish to be accompanied at AMRs or AMHs and if this cannot be arranged within the timescales set out above, and there are no accepted extraordinary or mitigating circumstances, then the School should proceed with the scheduled meeting.

2.9 REDEPLOYMENT

In cases where the School's Occupational Health or other health provider recommends redeployment on medical grounds the Executive Headteacher or nominated person must consider whether suitable alternative employment is available within the existing staffing structure of the School. There is no procedure for redeploying across schools or into the Local Authority in community schools.

Federations and Multi Academy Trusts should consider all locations within the Federation/Trust when considering medical redeployment.

2.10 DISMISSAL

When it has been decided that an employee's case should be referred for an AMH and all appropriate options have been explored, including reasonable adjustments under the Equality Act 2010, the dismissal of the employee may need to be considered. When deciding whether dismissal is reasonable and appropriate, the School will take into account obligations under employment law including the Employment Rights Act 1996 and the Equality Act 2010 and also the provisions of the Education (Health Standards) (England) Regulations 2009.

Where a decision to dismiss is made, the School must ensure the dismissal is effected by the person(s) who has/have the appropriate authority to dismiss with the appropriate contractual notice.

Section 3 - APPENDICES

- 1. Disability Discrimination**
- 2. Notifying/Reporting Procedure**
- 3. Return to work proforma for use by line managers**

GUIDE TO DISABILITY DISCRIMINATION PROVISIONS UNDER EQUALITY ACT

The Equality Act 2010 (the Act) protects individuals with protected characteristics from discrimination. Disability is a protected characteristic under the Act. Discrimination may take various forms and includes direct discrimination, indirect discrimination, harassment and victimisation and in the case of people with a disability, also includes discrimination arising from a disability and a failure to make reasonable adjustments.

This means that in the application of this policy, both in respect of short term and long-term absences, schools must not treat an employee with a disability less favourably than they treat or would treat someone else without a disability. It also means that if the application of this policy is more likely to have an adverse effect on employees with a disability compared to employees who do not have a disability, schools must ensure they can objectively justify their actions and responses by showing that they are appropriate and necessary, for legitimate reasons and they are a proportionate means of achieving a legitimate aim.

Provisions under S15 of the Act which relate specifically to people with a disability, also mean an employee with a disability must not be treated unfavourably because of something connected to their disability unless a school can show it can objectively justify its actions or responses. This means schools must show their actions are appropriate and necessary, for legitimate reasons and are a proportionate means of achieving a legitimate aim.

Schools also have a duty to make reasonable adjustments under the Act. This means where an employee is placed at a substantial disadvantage compared to other members of staff who are not disabled, schools have a duty to take reasonable steps to try and avoid that disadvantage. Schools are not required to take steps that are unreasonable however and in deciding whether an adjustment is reasonable, the following factors will be taken into account; - the size and resources a school has, practicability, health and safety, how effective the adjustment will be, the interests of others and the extent of any disruption and cost.

There are three elements to the duty to make reasonable adjustments - changing how things are done, changing physical features of a school and providing extra equipment (auxiliary aids and services). Examples of reasonable adjustments which may be considered by a school when managing employees under this policy are set out below.

The Public Sector Equality Duty (PSED) detailed in S149 of the Act means that when making decisions and when applying policies schools have a duty to consider how their actions may affect people with protected characteristics. The duty has three parts meaning schools must have due regard to the need to eliminate unlawful discrimination; to advance equality of opportunity between people who share a protected characteristic and those who do not and to foster good relations across all protected characteristics. Schools *must* take their PSED into account in the application of this policy and when making decisions relating to/following AMRs and AMHs in respect of employees with a disability.

DEFINITION OF DISABILITY

A person has a disability under the Act if: -

- they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities.

For the purposes of the Act, these words have the following meanings: -

- 'substantial' - more than minor or trivial.
- 'long-term' - the effect of the impairment must have lasted or is likely to last for at least twelve months (n/b there are special rules covering recurring or fluctuating conditions).
- 'normal day-to-day activities' - includes everyday things like eating, washing, walking going shopping, reading, writing, having a conversation, moving around, going outdoors unaccompanied, having the ability to follow instructions and carry out general work activities.

There are some conditions that are automatically counted as a disability under the Act and there are some conditions that are excluded. There are some conditions that might be regarded as a disability depending upon whether the above definition is satisfied.

Note - The definition of a disability is a legal **not** a medical issue. Medical evidence is still highly relevant however and will always be important in considerations around reasonable adjustments. Medical opinion must be taken into account by schools in AMRs and AMHs and will be particularly important in AMHs where the dismissal of an employee is being considered.

REASONABLE ADJUSTMENTS

Examples of reasonable adjustments during the attendance management process: -

- modifying the triggers when reviewing an employee's record of absence;
- discounting certain periods of absence related to an employee's disability;
- adjusting working arrangements;
- altering working hours;
- providing extra breaks;
- changing work location;
- changing duties or reallocating tasks;
- adjusting an employee's physical environment/premises;
- providing a car parking space closer to school;
- acquiring or modifying equipment such as a special chair or an adapted keyboard;
- providing appropriate training or modifying instructions or reference manuals;
- providing supervision;
- authorising absence for medical appointments, assessment, treatment, counselling or rehabilitation activities;
- allowing a period of disability leave.

A reasonable adjustment may also involve transferring the employee to fill a suitable existing vacant post. It will be necessary to obtain advice from the Occupational Health Unit or other provider regarding the tasks which the employee is capable of undertaking and in all such cases advice should also be sought from Management Support (under SLA arrangements).

All decisions taken with regard to determining whether an adjustment is reasonable or not, as outlined in the Equality Act's criteria, must be documented. The rationale for reaching such decisions should also be documented.

NOTIFYING/REPORTING PROCEDURE

Day 1

All staff must notify the Head of School or Assistant Head of School on the first day of absence before 8.00am.

Staff should report the absence in person or by telephone. E-mails or text messages are not acceptable (unless previously agreed that it is not possible to communicate by telephone). Absence reports should not be made by other people (partners or family friends) unless there are exceptional circumstances.

If the nominated person is not available the employee must ask to speak to the School Business Manager or Executive Headteacher.

If for some reason the nominated person or other senior member of staff is not available, the employee must leave a contact number and expect a telephone call to them at home to establish a reason for absence.

Employees must give the following details:

Cause of absence - note confidentiality rule. If the employee is unable to discuss the reason for absence with the nominated person the employee must speak to the Executive Headteacher. The Executive Headteacher will not divulge any confidential information but will advise the nominated person if the request for confidentiality is reasonable. (This would be in unusual circumstances only).

Likely date of return to work - although this may change following a visit to the doctor for example, the employee must inform the school of a likely date or if/when they are intending to visit a doctor.

Any appointments, outstanding work, deadlines, training that will need re-arranging or reallocating.

Where an employee is not able to give an expected date of return they must ring each day to keep the school updated on their health/absence.

Failure to report absence in the manner described above may result in an employee losing pay and/or being subject to formal disciplinary action.

Day 2

Employees who have not given a likely date of return must phone the nominated person every day.

Day 4

The employee must provide written reasons for their absence (self-certified absence). This requirement is usually achieved when they complete their return to work interview form but can also be achieved by the provision of a letter.

Day 8 onwards

The employee must:

Obtain a medical certificate (Fit Note) from their doctor and tell the school that they have this. They should state the date it has been signed as well as an expected date for return to work and identify any restrictions or otherwise detailed in the note. If they have not got a medical certificate they should inform the school of their GP appointment and arrange to make contact after this.

Send the certificate to the school. It is essential that the certificate covers the whole period of absence. The school must be contacted immediately when a new certificate has been issued. The new certificate must arrive within 4 days of the previous one expiring.

For the purpose of Medical Certificates all days including weekends and Bank Holidays are counted.

Schools must:

- Ensure they have all the relevant information from the employee.
- Send the original certificate to Shared Service/Payroll or other provider within the required deadlines.
- Make a record of the key points of any discussion.

Failure to produce a medical certificate may result in an employee losing pay and/or being subject to disciplinary action.

CoS Federation: St James' C of E and St Philip's C of E Primary School

RETURN TO WORK INTERVIEW FORM (incorporating self-certification form for the first 7 days of sickness)

Surname	Forenames
<div style="border: 1px solid black; height: 30px;"></div>	<div style="border: 1px solid black; height: 30px;"></div>
Address	Job title & Grade
<div style="border: 1px solid black; height: 60px;"></div>	<div style="border: 1px solid black; height: 60px;"></div>
Personnel Number	School
<div style="border: 1px solid black; height: 30px;"></div>	<div style="border: 1px solid black; height: 50px;"></div>

DETAILS OF SICKNESS ABSENCE

FIRST DAY & DATE OF ABSENCE	FINISH TIME LAST DAY BEFORE ABSENCE
<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>
LAST DAY & DATE OF ABSENCE	START TIME ON RETURN TO WORK
<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>

NUMBER OF WORKING DAYS ABSENT

IS THIS ABSENCE DISABILITY RELATED	INDUSTRIAL INJURY
<div style="border: 1px solid black; padding: 2px 10px;">YES/NO</div>	<div style="border: 1px solid black; padding: 2px 10px;">YES/NO</div>

NATURE OF SICKNESS

NAME AND ADDRESS OF GENERAL PRACTITIONER

DECLARATION

I HAVE/HAVE NOT* CLAIMED NATIONAL INSURANCE SICKNESS/INDUSTRIAL INJURY BENEFIT* FOR THIS ABSENCE (*DELETE AS APPROPRIATE)

IF MY ABSENCE WAS LONGER THAN 7 DAYS (INCLUDING WEEKENDS) I ATTACH/HAVE SUBMITTED A MEDICAL CERTIFICATE(S) COVERING ALL ABSENCE AFTER THE 7TH DAY

I HAVE NOT UNDERTAKEN ANY WORK (PAID OR UNPAID) DURING MY ABSENCE.

I DECLARE THAT THE DETAILS AND STATEMENTS WHICH I HAVE PROVIDED ARE CORRECT AND TRUE AND I CLAIM BENEFIT UNDER THE RELEVANT SICKNESS SCHEME FOR THE PERIOD OF SICKNESS INDICATED

SIGNED: <div style="border: 1px solid black; width: 200px; height: 30px; display: inline-block;"></div>	DATE: <div style="border: 1px solid black; width: 200px; height: 30px; display: inline-block;"></div>
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Return to work interview
Form to be completed by relevant manager and employee

1. EMPLOYEE CONFIRMS ABLE TO RETURN TO WORK

YES/NO

2. EMPLOYEE HAS FOLLOWED REPORTING PROCEDURES

YES/NO

3. EMPLOYEE UPDATED ON WORK ISSUES (INCLUDING PROBLEMS CAUSED THROUGH ABSENCE)

YES/NO

4. WORKING DAYS ABSENT THROUGH SICKNESS IN THE LAST 12 MONTHS?

5. IS THERE CONCERN ABOUT THE LEVEL OF SICKNESS ABSENCE?

YES/NO

6. EMPLOYEE HAS BEEN INFORMED ABOUT THE IMPORTANCE OF REGULAR ATTENDANCE AND THE FACT THAT A POOR ATTENDANCE RECORD CAN LEAD TO ACTION BEING TAKEN IN ACCORDANCE WITH THE SCHOOL'S MANAGING ATTENDANCE POLICY?

YES/NO

7A. ARE THERE ANY UNDERLYING REASONS FOR THE LEVEL OF ABSENCE?

YES/NO

7B. REASON

8. IS THERE A NEED TO REVIEW THE OVERALL ABSENCE RECORD?

YES/NO

9A. IS THERE A NEED FOR ANY FOLLOW-UP ACTION IN RELATION TO THE EMPLOYEES ABSENCE RECORD?

YES/NO

9B. FOLLOW UP ACTION TO BE TAKEN, E.G. ATTENDANCE MONITORING REVIEW, ETC

10. EMPLOYEE COMMENTS

SIGNED – EXECUTIVE HEADTEACHER/HEAD OF SCHOOL/NOMINATED PERSON

DATE

SIGNED – EMPLOYEE

DATE

