



*Doing our best to achieve our best*

## **Clarendon Primary School, Nursery & Children's Centre**

# **Staff Attendance Management Policy & Procedure**

### **1. Introduction and Purpose of Policy and Procedure**

The purpose of this document is to encourage and support employees to achieve and maintain a high level of attendance at work, to promote a healthy workforce and to assist line managers in their role by providing a clear and consistent framework for managing unsatisfactory attendance.

This document is applicable to the management of both short and long-term sickness absence of all members of staff employed at the school with the exception of employees serving a probationary/induction period. Employees on temporary or fixed-term contracts will be subject to this procedure with adjustments made, where appropriate, to reflect the likely duration of the contract.

This document does not cover conditions or entitlements in relation to sick pay. Such payments will be made in accordance with the relevant conditions of service for teachers and support staff.

The Governing Body is mindful of its obligations under the Equality Act and acknowledges that its obligation to consider reasonable adjustments for employees with a disability may occasionally result in the different treatment of certain individuals in the interests of removing a significant disadvantage.

### **2. Policy Statement**

The Governing Body recognises that managing sickness absence can be a sensitive matter and at all times aims to give due consideration to the welfare of staff, the needs of the school and the impact that absence has on the effective education of pupils.

In particular, the Governing Body is committed to:

- Ensuring that the procedure is conducted in a constructive and non-discriminatory manner, taking account of individual circumstances and respecting confidentiality;
- Recording and monitoring absence effectively, in order to assist employees to improve attendance;
- Exploring the reasons for sickness absence to understand any underlying issues relating to absence;
- Identifying and seeking to address work-related causes of sickness absence;
- Dealing robustly with any identified abuses of the sickness absence system;
- Promoting the physical and mental well-being of staff.

### **3. Roles and Responsibilities**

- The Governing Body is responsible for the overall monitoring of the effectiveness of this procedure.
- The Chair of Governors will be responsible for monitoring the absence levels of the Headteacher and will act as the line manager in relation to the management of the Headteacher's absence in accordance with this document.

- The Headteacher is responsible for ensuring that those with line management responsibilities are suitably skilled to manage sickness absence and have received appropriate training. The Headteacher will also fulfil the responsibilities of the line manager in respect of certain individuals.
- All line managers (including the Headteacher) are responsible for ensuring that members of staff are familiar with the expectations placed upon them in relation to their attendance at work, for monitoring absence, ensuring that consistent reporting is in place and conducting informal and formal meetings with individuals in accordance with the various stages outlined within the procedure. References in this document to actions taken by the line manager are intended to refer either to the Headteacher or the line manager acting in consultation with the Headteacher.
- All employees are expected to comply with reporting and certification procedures outlined in this document (or as otherwise notified to them) and to take responsibility for maintaining general health and fitness in order to sustain a high level of attendance.

#### **4. Reporting Sickness Absence**

As a general rule, an employee who is unable to attend work because of sickness or injury should, where possible, report this to his/her line manager as soon as he/she becomes aware of the inability to attend work, and in any event by no later than the time he/she would normally start work on the first day of absence. Alternative notification procedures may apply to different parts of the school workforce, in which case employees should act in accordance with the procedure otherwise notified to them.

In the event of sickness the following staff should be contacted to ensure appropriate cover is organised.

- Headteacher to contact – Deputy Head - (in the event of longer term sickness contact Chair of Governors.)
- Deputy head and Business Manager to contact – Headteacher
- Teaching and support staff to contact – Deputy Head
- Office staff to contact Business Manager
- Caretaker to contact – Headteacher
- Cleaning staff to contact the office at the earliest opportunity.
- Children Centre Manager to contact the Headteacher.
- Children Centre staff to contact- Children Centre Manager.

To report an absence staff member should call their appropriate line manager as soon as possible to either speak to the relevant person or leave a voice message. Line managers will respond, to confirm that the message has been received, however if a response has not been received by 8.10am please report staff absence using the School main switchboard.

Reporting should include the reason for absence and the likely duration, as well as any necessary briefing on work commitments so that appropriate arrangements for cover can be made. The employee may ask to discuss the medical reasons for absence with another person, such as a different line manager or occupational health adviser, where he/she views the information as particularly sensitive.

If absence continues for longer than initially anticipated, the employee is expected to regularly update the line manager in the same way, confirming the likely duration of absence.

Employees who become unwell during the course of the working day should ensure that the line manager (or a senior manager if the line manager is unavailable) has been notified before leaving work early. Any accident or incident at work must be reported as soon as possible in accordance

with the school's health and safety procedures so that it can be appropriately recorded and any required action taken at an early stage.

All absences, including part days, should be notified and recorded.

## **5. Certification Requirements**

Absences of less than one calendar week must be supported by a self-certificate form completed upon return to work. This should be completed and forwarded to the school Business Manager to ensure the correct recording and payment of staff absence.

Absences of more than one calendar week (i.e. from the eighth calendar day) must be supported by medical evidence from a registered medical practitioner, usually in the form of a fit note from the employee's doctor, which must be submitted as soon as possible to the line manager. Additional fit notes must be submitted thereafter as necessary to ensure that the whole period of absence is covered, including any intervening school closure periods. Any period of absence caused by sickness or injury which is not covered by an acceptable medical certificate may be treated as unauthorised and therefore unpaid. Unauthorised absence may also be treated as a disciplinary matter.

In exceptional circumstances, employees may be required to provide a fit note from a doctor for periods of absence of less than one week. In such cases, the cost of providing such a certificate will be paid by the school.

The decision regarding what medical evidence is acceptable in individual cases rests with the school although a doctor's fit note will usually be deemed acceptable evidence of incapacity. In exceptional circumstances, and with compelling evidence to do so, the school reserves the right to reject a particular piece of evidence and require the individual to provide an alternative.

## **6. Return to Work Discussions**

All line managers have a responsibility, with appropriate training, to conduct return to work discussions following every period of absence (including part days) to ensure that the employee is well enough to be back at work, to support his/her return and ensure he/she is updated on work matters. After a short period of absence (generally less than one working week) a brief private enquiry will usually be sufficient.

For longer periods, or otherwise where there is concern about the nature or frequency of the absence, a more structured discussion will be appropriate. This discussion will be recorded on a return to work form, a copy of which should be given to the employee. The line manager is responsible for ensuring that he/she has all relevant information to hand, such as risk assessments and/or occupational health reports.

Return to work discussions are informal in nature but will be documented, as noted above. If there are grounds to believe that formal action is required under this – or any alternative – procedure, the individual should be informed of this and arrangements made to hold a formal meeting. The line manager will discuss and consider reasonable adjustments to assist the employee to return to work where this is appropriate.

## **7. Occupational Health Referrals**

The involvement of the school's occupational health ('OH') provider in individual cases can be crucial to understanding the impact of a medical condition upon an individual's ability to perform their normal duties and to support an employee's return to work; it is in the best interests of both the school and the employee. Referrals to OH will be made at the line manager's discretion, involving the individual and informed by the following criteria:

- Where the absence appears to be related to stress, anxiety or depression;

- Where the absence has lasted (or is likely to last) for at least four weeks;
- Where an employee has been absent on a frequent, short-term basis (a useful indicator would be when the trigger point, defined in section 8 below, has been reached);
- Where discussions with the employee indicate that the employee's health may be having an impact on his/her ability to carry out the job;
- Where ill health follows an accident that has either caused, or is likely to cause, a significant absence from work or otherwise impact on work or attendance;
- Where the individual may be suffering from an industrial or occupational disease or condition, or where there has been an injury at work, physical or non-physical;
- Where it is suspected that the employee has a notifiable disease;
- When the absence appears to have been triggered by the instigation of other procedures (such as the disciplinary and capability procedure).

The contents of the referral form and the subsequent report must be shared with the employee, preferably face-to-face where circumstances permit. In considering the referral, OH may wish to obtain a report from the employee's own doctor(s) but will obtain the employee's written consent before doing so. In the event of a refusal, decisions about the employee's future employment will be made on the basis of the information available at the time.

## 8. Managing Short-Term Absence

| <b>Definitions</b> |  |
|--------------------|--|
| A day's absence    | A day's absence refers to a standard working day for the individual concerned (and the equivalent half day, multiple days etc)   |
| Short-term absence | 'Short-term absence' is intended to refer to absences which typically last for between one day and up to one calendar week and which are sporadic and attributable to minor ailments, often unrelated.   |
| Trigger Point      | The trigger point represents the stage at which referral to the formal procedure will usually be considered. This is: <ul style="list-style-type: none"> <li>• Three separate occasions, irrespective of length, during a 6-month period; or</li> <li>• A total of ten days' absence in a 6-month period (over two or more occasions); or</li> <li>• Where there are concerns about an employee's absences, such as the level or pattern.</li> </ul> |

Genuine short-term absences which occur over a limited period of time are usually best managed through discussion with the individual at return-to-work interviews, which may include consideration of advice from occupational health.

Where, however genuine, the number and/or frequency of absences reach the trigger points identified above staff will be invited to an informal meeting to discuss absence and an agreed way forward.

Where frequent absence continue, however genuine and/or becomes detrimental to the normal operation of the school, formal action will proceed under the procedure described in section 9. The point at which referral to the formal procedure is made is at the discretion of the relevant line manager, however it will usually be prompted by absences that reach the trigger point (defined above). Should attendance levels still fail to improve, termination of the contract will ultimately become an option: this is considered a final resort having given the employee reasonable opportunities to increase their attendance to a satisfactory level, taking account of the individual circumstances and with the provision of additional support where appropriate.

## 9. Formal Procedure

### 9.1 Stage One Meeting – First Formal Discussion (Short-Term Absence)

Where the line manager or Headteacher determines that the employee's attendance levels need to be reviewed on a formal basis (usually when the trigger point, defined in section 8, has been reached), he/she will arrange a formal meeting, giving at least 5 working days' notice in writing to the employee. The employee has the right to be accompanied at this meeting, and any subsequent formal meetings, by a work colleague or trade union representative and should be provided with a copy of the procedure in order to understand the context of the meeting.

At the formal meeting under Stage One, the line manager or Headteacher will:

- Outline the employee's absence record and the outcome of any OH referral(s) made;
- Invite the employee and/or his/her companion to clarify any factual matters, explain his/her attendance levels and to question or comment on the information presented;
- Seek to identify whether there are any relevant personal, domestic or work circumstances that have impacted on his/her attendance;
- Encourage the employee, if appropriate, to seek medical advice;
- Discuss, if appropriate, changes in working arrangements;
- Discuss the implications of the absence for the school;
- Consider whether there is any further support the school may reasonably be able to give to the individual;
- Explain that attendance will be closely monitored and discuss what is considered to be an acceptable level of attendance;
- Explain the consequences of a failure to improve attendance levels and confirm the date of the next review meeting.

The meeting will be adjourned if new facts come to light which the manager decides to refer for further investigation.

After the meeting, the manager will review the evidence and discussion which took place and decide what appropriate course of action to take from the following options:

- No formal action: this may be applicable where the concerns about the employee's attendance are determined to be unfounded or where informal reviews are deemed to be a more appropriate response;
- First written warning: this will be issued where a specified improvement is required in attendance levels.

The Headteacher or manager will also determine whether any other action is appropriate, such as whether a private medical certificate will be required (at the school's cost) for any further periods of absence during the review period.

The employee will be notified of the decision as soon as possible following the meeting and, in any event, in writing within 5 working days. He/she will be informed, either at the same time or as soon as possible thereafter, of expectations in relation to attendance and dates of any review meetings, as well as any other actions required. The letter to the employee will also confirm the period during which any written warning issued will remain live (see also 'Warnings', section 12.4) and the employee's right to appeal the decision in writing within 5 working days of receipt. The appeal may be heard by the Headteacher, if he/she was not involved in the initial decision, otherwise it will be directed to the Clerk to the Governing Body who will convene a governors' hearing for the purpose (see also 'Appeals', section 10).

Stage Two of the procedure will not be instigated unless and until a formal warning has been issued under Stage One and therefore more than one formal meeting may be held under Stage One if appropriate to the circumstances.

## 9.2 Interim Reviews

The monitoring of attendance is an ongoing process for all members of staff, irrespective of whether or not there are particular concerns. Employees whose attendance is being monitored as part of the formal stage of the process will have return to work discussions conducted as normal in respect of any further periods of absence, and it may also be appropriate to hold informal progress review meetings.

Where it becomes apparent that acceptable progress is not being made, the member of staff will be invited to another formal meeting in accordance with the next stage of the procedure. There is no set time period after which another formal meeting will be convened in such circumstances as this will depend on the nature, frequency and any patterns of absence as well as the impact the absence is having on the school.

## 9.3 Stage Two Meeting – Second Formal Discussion (Short-Term Absence)

If, following the Stage One meeting the required level of attendance has not been achieved, another formal meeting will be convened, giving the employee at least 5 working days' notice in writing.

The meeting will usually be conducted by the same person (Headteacher or manager) responsible for conducting the formal meeting(s) held under Stage One of the procedure and the substance of the meeting will be similar, whilst recognising the increased level of concern and the implications for the employee of a failure to improve.

After the meeting, the Headteacher or manager will review the evidence and discussion which took place and decide what appropriate course of action to take from the following options:

- No formal action: this may be applicable where there has been sufficient improvement in attendance that informal reviews are now deemed to be a more appropriate response or where an underlying medical condition has been identified and an alternative management route becomes more appropriate;
- Final written warning: this will be appropriate where concerns about the employee's level of attendance remain, in spite of any support provided.

The employee will be notified of the decision as soon as possible following the meeting and, in any event, in writing within 5 working days. He/she will be informed, either at the same time or as soon as possible thereafter, of expectations in relation to attendance and dates of any review meetings, as well as any other actions required. The letter to the employee will also confirm the period during which any written warning issued will remain live (see also 'Warnings', section 12.4) and the employee's right to appeal the decision in writing within 5 working days of receipt. The appeal may be heard by the Headteacher, if he/she was not involved in the initial decision, otherwise it will be directed to the Clerk to the Governing Body who will convene a governors' hearing for the purpose (see also 'Appeals', section 10).

More than one formal meeting may be held under Stage Two of the procedure if a final written warning was not issued at the initial Stage Two meeting.

## 9.4 Stage Three Meeting (Short-Term or Long-Term Absence)

If, following the Stage Two meeting the required level of attendance has not been achieved or, in cases of long-term absence, where the manager has referred the matter for consideration at Stage Three (see section 11), the Clerk to the Governing Body will convene a governors' hearing, providing at least 10 working days' notice in writing to the employee.

An officer of the authority (and a diocesan representative, as appropriate) will be invited to attend any proceedings in community or voluntary controlled schools where a possible outcome is dismissal and, if accorded advisory rights, in foundation and voluntary aided schools. The School's Personnel Consultant will advise on this.

The meeting may be adjourned if, in the view of the chairperson of the hearing, the meeting cannot continue until new evidence is investigated.

As with all formal meetings held in accordance with the procedure, the employee will be entitled to be accompanied by a trade union representative or workplace colleague and will have the opportunity to challenge evidence and state his/her case.

After the meeting, the governor(s) will consider all the evidence presented to them and reach a decision. As part of the decision-making process the governor(s) will determine whether the concerns about the individual's attendance levels are justified (or, in the case of long-term absence, whether it is reasonable to consider dismissal at this stage) and, if so, what outcome is most appropriate in all the circumstances of the case.

Where dismissal is being considered, the governor(s) will first discount options which could be put forward as an alternative to dismissal where these have not already been considered and reasonably rejected, such as temporary or permanent redeployment, ill-health retirement or reasonable adjustments for an employee with a disability.

The employee will be notified of the decision as soon as possible and, in any event, in writing within 5 working days. The letter will include confirmation of the governor(s) conclusions and what, if any, formal action is being taken.

In cases of persistent short-term absence where the outcome is not dismissal but where there are still concerns, the letter will outline what actions and improvements are needed to obviate the need for a further formal meeting. The letter to the employee will also confirm the employee's right to appeal the decision in writing within 5 working days of receipt. An appeal against a decision made by governors will be referred to the Clerk to the Governing Body who will convene a hearing by different governors, uninvolved in the previous decision (see also 'Appeals', section 10).

Following a decision to dismiss in a foundation or voluntary aided school, the school will issue notice of termination in accordance with the employee's contractual or statutory notice period (whichever is greater). In community schools and voluntary controlled schools the decision to dismiss will be communicated to the local authority which, as the employer of staff, will issue confirmation of the termination of employment within 14 days of notification. As a general rule, the employee will not be expected to attend work during the notice period irrespective of his/her current health position.

## **10. Appeals**

There shall be a right of appeal against any decision to impose a written warning or other formal sanction as a result of action taken by the employee's manager, the Headteacher or by governors. In exercising this right, the employee must confirm the grounds on which he/she is making the appeal.

Appeals against warnings issued during Stage One or Stage Two will be heard by the Headteacher or one or more governors, in accordance with the scheme of delegation in place and bearing in mind the need to secure impartiality at every stage of the process. No person will hear an appeal against his/her own decision. Appeals against dismissal, or against formal warnings or sanctions determined by governors, will always be heard by one or more governors with delegated powers. References to the Appeals Panel hereafter may therefore be interpreted accordingly, although the 'panel' could in some cases consist of one person.

An officer of the authority (and a diocesan representative, as appropriate) will be invited to attend an appeal hearing against a decision to dismiss in a community or voluntary controlled school and, if accorded advisory rights, in foundation and voluntary aided schools. The School's Personnel Consultant will advise on this.

The appeal hearing will be arranged to take place as soon as is reasonably practicable, allowing the employee at least 5 working days' notice of the date (or 10 working days where the appeal is against a dismissal decision).

The purpose of the meeting is for the Appeals Panel to consider the grounds for appeal and to review the fairness of the outcome of the original meeting. New evidence may be considered at the appeals stage but no additional grounds for action against the employee may be introduced.

Within 5 working days of the appeal hearing taking place, the employee will be notified in writing of the outcome and any actions which have been determined. There is no further right of appeal.

In community and voluntary controlled schools the local authority is responsible for confirming the termination of contract with the employee. The local authority must, therefore, be kept informed about the outcomes of appeals against dismissal. The school's Personnel Consultant will advise on this.

If a dismissed employee is reinstated on appeal, his/her salary will be back-paid to the date of the original termination, minus any monies already paid in respect of notice.

## 11. Managing Long-Term Absence

| Definitions       |   |
|-------------------|---|
| Long-term absence | Long-term absence is intended to refer to absences that have lasted, or are expected to last, for a period of at least 4 weeks. |

Long-term absence will occur for different reasons and is therefore best managed according to the individual circumstances of the case. The key principle in managing long-term absence is ensuring that a balance is struck between the needs of the employee and the needs of the school.

Where it becomes apparent that absence is likely to be long term, an appropriate strategy should be put in place to ensure that the individual does not become isolated from work and that timely OH advice is received about the prognosis. Maintaining regular contact is essential although managers are expected to act considerately to avoid the employee feeling that he/she is being put under undue pressure. Where possible, the mechanism and regularity of contact will be agreed with the individual or his/her nominated representative. Where the employee is a member of a union, he/she may also wish to involve his/her union representative as a source of support and as a means of facilitating communication.

OH advice should be sought as soon as it becomes likely that the absence will be long term and periodically thereafter as necessary to support the employee's return to work, which will often include consideration of a phased return. Where OH advice indicates that there is no realistic prospect of a return to normal duties within the reasonably foreseeable future, consideration will be given to whether temporary or permanent redeployment might impact positively on the employee's ability to return to work. Where this is not possible, ill-health retirement or dismissal on the grounds of capability will ultimately be considered. These options are explained in more detail as follows:

| Options for Managing Long Term Absence       |  |
|--|--|
| <b>Phased Return</b>                         | After a period of long-term absence, the employee's doctor and/or OH will often recommend a phased return programme to support the employee's return to full duties. Whilst the duration and nature of a phased return will depend on the individual circumstances, it is expected that, in general, this will not exceed a period of six weeks. Changes to an employee's working hours, pattern or duties on a longer term basis will be considered as a temporary redeployment (see below). Where a phased return can be supported by the school, the employee will remain on (or return to) full pay. |
| <b>Temporary Redeployment or Adjustments</b> | Where the employee is deemed currently unfit to carry out the full duties of his/her post but could be temporarily redeployed to alternative work (or adjustments made to the role or working hours on a temporary basis), the school will consider what options might be realistic and reasonable, taking   |

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|---|---|
|   | <p>into account the advice of OH and the employee's doctor(s). Unless such arrangements are short term and therefore being treated as a phased return (see above), the ramifications in relation to salary, pension and any other affected terms and conditions, must be explained to the member of staff and confirmed in writing. Where temporary redeployment cannot be facilitated, the employee will remain on sick leave until he/she is either fit to return to normal duties or whilst the remaining options are considered.</p>  |
| <p><b>Permanent Redeployment or Adjustments</b></p> | <p>Where the employee is deemed permanently incapable of carrying out the duties of his/her current post but may be fit to return to work in another capacity (or permanent adjustments could be made to the role or working hours), the school will consider what posts or adjustments might be available and suitable, taking into account the advice of OH and the employee's doctor(s).</p> <p>The likelihood of a successful redeployment will depend on a number of factors, including the employee's skills, abilities and flexibility over hours and work location. Each situation will be treated individually according to the circumstances. The employee will remain on sick leave pending consideration of the adjustments or redeployment options available. An employee permanently redeployed into another role will be appointed on the terms and conditions applicable to the new post.</p> <p>Sometimes the likelihood of suitable alternative posts arising is simply not a realistic prospect and the employee's expectations will be managed accordingly.</p>   |
| <p><b>Ill-Health Retirement or Dismissal</b></p>    | <p>Where the employee is deemed unfit to carry out the duties of his/her present post in the reasonably foreseeable future and redeployment has already been explored and failed to secure an alternative post, the matter will be referred for consideration at a Stage Three meeting in accordance with the procedure outlined in section 9.4.</p> <p>Retirement on the grounds of ill health may be an option to be investigated under certain conditions, as an alternative to dismissal (in the case of teachers, the application process for ill-health retirement is initiated by the individual).</p> <p>In determining the point at which it becomes appropriate to refer the matter to a Stage Three meeting, the manager will seek HR advice and further OH advice as necessary, and take into consideration the following factors:</p> <ul style="list-style-type: none"> <li>• The length of absence to date and the prognosis for a return to work;</li> <li>• The nature of the illness and the medical advice obtained;</li> <li>• The 'Fitness to Teach' regulations, as appropriate to the role;</li> <li>• Whether the individual's absence is related to a disability;</li> <li>• The effect of the absence on the school;</li> <li>• What options, as alternatives to dismissal, have already been considered;</li> <li>• Any relevant personal circumstances pertaining to the individual that may be impacting on their attendance.</li> </ul> <p>The employee should be given the opportunity to input into this consideration before a formal meeting is called. This may be a meeting in person, if circumstances permit, or via another agreed mechanism, such as communication via the employee's union representative. The purpose of this exchange is to ensure that all relevant factors and options have been taken into account before a recommendation is made to terminate employment on the grounds of incapability through ill health.</p> |

## **12. Procedural Points and Specific Circumstances**

### **12.1 Disability and Reasonable Adjustments**

The Attendance Management Procedure applies to all employees, including those with a disability. Employees are, however, encouraged to inform the school if they have a disability, particularly where this may affect their ability to perform their current duties, in order that reasonable adjustments can be considered and discussed.

Attendance monitoring will distinguish between absences which are disability-related and those which are not, where this is known to the school.

Managers will seek HR and OH advice on reasonable adjustments to ensure that a disabled employee is not placed at a substantial disadvantage when compared with a person who is not disabled. Reasonable adjustments may include adjustments to the operation of the procedure where this is appropriate in the individual circumstances of the case.

Disability is a protected characteristic under the Equality Act 2010. To come within the definition of disability, the employee must have an impairment which has a substantial and long-term adverse effect on the employee's ability to carry out normal day-to-day activities. The impairment may be either physical or mental, meaning that conditions such as depression will be covered provided the effect of the condition on the individual meets the overall definition.

### **12.2 Pregnancy-Related Absences**

Sickness absence which is pregnancy-related will be recorded in the normal way and will count against sickness entitlement but will be disregarded for the purposes of the trigger point for short term absence. An OH referral will usually also be appropriate if such absences become frequent or otherwise where advice to management on suitable workplace adjustments would be beneficial.

### **12.3 Terminal Illness**

The Governing Body recognises that cases of terminal illness must be handled with compassion and sensitivity, respecting the employee's dignity and privacy. The employee and his/her nominated representative will be given a senior-level contact within the school who can act as a conduit for relevant communications and ensure that any issues are dealt with promptly and efficiently.

The school will seek HR/pension advice on the options available regarding pension entitlement, death in service benefits and benefits for partners and dependents.

Governors may give consideration to the extension of sick pay entitlement to alleviate financial worries.

### **12.4 Warnings**

The period during which a warning issued under the Attendance Management Procedure will remain 'live' for the purposes of this procedure is not definitive and may be varied according to the circumstances of the case. As a general rule, written warnings will remain live for a period of 12 months after which point they will be disregarded. A longer warning period may be appropriate in certain cases, for example where there has been a history of variable attendance or where a longer warning period was determined as an alternative to dismissal. The Headteacher may exercise discretion to disregard the warning prior to its documented expiry date in circumstances where the employee has reached and maintained an acceptable level of attendance, confirming this in writing to the employee.

### **12.5 Data Protection**

The Headteacher, governors and any other manager involved with the operation of this procedure will ensure that any information relating to concerns about an employee's attendance are disclosed only to those who have a direct involvement in dealing with, or advising on, those concerns, emphasising the need for strict confidentiality. Personal data collected as part of this process will

be handled in accordance with the school's data protection policy, with particular regard to rules around processing special categories of personal data. If the school is seeking to rely on 'legitimate interests' as the basis for processing personal data under this procedure you will have the right to object to this. Employees can also find out more about how the school processes data about them in the workforce privacy notice.

Medical information can be particularly sensitive and, whilst it is essential for the school to have appropriate information about the nature of an employee's ill health in order to manage his/her absence accordingly, this will be balanced against an employee's desire for privacy over such matters. Where the employee is reluctant to discuss medical information that he/she views as sensitive with his/her line manager, the employee may ask to speak to an alternative manager or an OH adviser instead.

**12.6 Relationship with Disciplinary and Capability Procedure**

The formal procedure outlined within section 9 is intended to broadly replicate the stages and outcomes of the Disciplinary and Capability Procedure whilst at the same time recognising that genuine absences are not best managed as a disciplinary matter. The Disciplinary and Capability Procedure may, however, be referred to on points of procedure not otherwise dealt with explicitly in this document.

On occasion, an employee may not be meeting the required standards of work either in terms of his/her attendance or his/her conduct/performance. In such cases, unsatisfactory attendance may be considered alongside conduct or performance issues in a joint formal meeting to avoid the complexity of instigating parallel procedures with similar stages and potential outcomes

**Policy review:**

Reviewed by the headteacher: Autumn Term 2018

Reviewed and adopted by the governing body: Autumn Term 2021

# Appendix 1- What to Do When You Are Sick

## Introduction

This leaflet outlines the procedure that employees must follow when they are absent from work because of sickness and/or injury.

## Your Responsibilities

You should ensure that you have read this leaflet carefully and that you are clear about what you are required to do should you be prevented from working because of sickness or injury. The procedure for the reporting of sickness absence will usually be covered as part of your induction programme but if you do not understand any part of the procedure, have any questions in relation to it, or are unsure about what to do, it is your responsibility to contact your headteacher or line manager and ask him or her to clarify it for you.

### On Your First Day of Absence

As a general rule, an employee who is unable to attend work because of sickness or injury should, where possible, report this to his/her line manager as soon as he/she becomes aware of the inability to attend work, and in any event by no later than the time he/she would normally start work on the first day of absence. Alternative notification procedures may apply to different parts of the school workforce, in which case employees should act in accordance with the procedure otherwise notified to them.

In the event of sickness the following staff should be contacted to ensure appropriate cover is organised.

- Headteacher to contact – Deputy Head-(in the event of longer term sickness contact Chair of Governors.)
- Deputy Head and Business Manager to contact – Headteacher
- Teaching and support staff to contact – Deputy Head
- Office staff to contact Business Manager
- Caretaker to contact – Headteacher
- Cleaning staff to contact the office at the earliest opportunity.
- Children Centre Manager to contact the Headteacher
- Children Centre staff to contact- Children Centre Manager.

To report an absence staff member should call their appropriate line manager as soon as possible to either speak to the relevant person or leave a voice message. Line managers will respond, to confirm that the message has been received, however if a response has not been received by 8.10am please report staff absence using the School main switchboard.

Reporting should include the reason for absence and the likely duration, as well as any necessary briefing on work commitments so that appropriate arrangements for cover can be made. The employee may ask to discuss the medical reasons for absence with another person, such as a different line manager or occupational health adviser, where he/she views the information as particularly sensitive.

If absence continues for longer than initially anticipated, the employee is expected to regularly update the line manager in the same way, confirming the likely duration of absence.

Employees who become unwell during the course of the working day should ensure that the line manager (or a senior manager if the line manager is unavailable) has been notified before leaving work early. Any accident or incident at work must be reported as soon as possible in accordance with the school's health and safety procedures so that it can be appropriately recorded and any required action taken at an early stage.

Absences of less than one calendar week must be supported by a self-certificate form completed upon return to work. This should be completed and forwarded to the school Business Manager to ensure the correct recording and payment of staff absence.

### **Absences of More than One Calendar Week**

Absences of more than one calendar week (i.e. from the eighth calendar day) must be supported by medical evidence from a registered medical practitioner, usually in the form of a fit note from the employee's doctor, which must be submitted as soon as possible to the line manager. Additional fit notes must be submitted thereafter as necessary to ensure that the whole period of absence is covered, including any intervening school closure periods. Any period of absence caused by sickness or injury which is not covered by an acceptable medical certificate may be treated as unauthorised and therefore unpaid. Unauthorised absence may also be treated as a disciplinary matter.

You must submit your doctor's certificate to the Business Manager as soon as possible after you receive it.

You must continue submitting doctor's certificates as often as necessary in order to authorise your absence from work and for you to continue receiving sick pay. It is your responsibility to ensure that you obtain consecutive medical certificates to cover your absence from work and to ensure that they are submitted to your manager on time.

A failure to either obtain, or submit, medical certificates regularly and on time may result in your absence being treated as unauthorised, resulting in loss of pay and/or disciplinary action.

### **Returning to Work After Absence**

When you know the date that you expect to be fit to return to work, you should notify the headteacher or line manager of this as soon as possible so they can make the appropriate arrangements for your return.

On your first day back at work, or as soon as possible thereafter, you will have a return to work discussion with your line manager or the headteacher to ensure that you are fit to return, to update you on any work matters and to discuss any other relevant issues. Depending on the circumstances, this may be a brief verbal enquiry or may take the form of an informal meeting. You will be given a copy of any return-to-work form completed by your manager. You will be asked to complete a self-certification form if you have not already done so.

### **Accidents at Work**

If you have an accident at work, it is important that this is reported and the appropriate details recorded in accordance with the school's procedures. If you are unsure how to make a report, please approach your line manager or the bursar.

### **Measures to Manage Attendance at Work**

The school regularly monitors the attendance record of all employees and has adopted a range of measures to help maximise attendance at work and minimise any work-related causes of sickness

absence. It is the school's aim always to deal fairly and consistently with all the health problems of employees and, in order to achieve this, the following measures are available to be used:

- referral to the school's occupational health advisers;
- referral to the school's Employee Assistance Programme
- requirement for private medical certificates to be produced for all periods of absence (employees who are asked to produce these will be reimbursed for the cost on production of a receipt);
- consideration of temporary or permanent redeployment;
- the formal attendance management procedure.

This list is not intended to be exhaustive and appropriate action will be taken depending on the individual circumstances of the case.

## **Confidentiality**

The school is committed to ensuring that all medical information provided about an individual is treated with confidentiality at all times. This does not, however, mean that employees have a right to withhold information about their medical condition, but the school recognises some employees may be reluctant to divulge certain personal information. The school's procedure for the management of absence therefore allows employees some discretion over who, within reason, they may speak to about their ill-health problems. If you are reluctant to speak to the headteacher or line manager about an ill-health problem for reasons of confidentiality you may ask to speak to another line manager or a member of occupational health staff.

Any breach of confidentiality by any member of staff will be regarded as serious and may lead to disciplinary action.

## **Disclosure of a Disability**

No employee is required, purely as a matter of course, to inform the school that they have a disability and the school recognises that employees vary in their preferences on this matter. The school does, however, encourage staff to disclose any disability so that proper consideration can be given to reasonable adjustments, including to the attendance management procedure itself, where this is appropriate.

School staff may become aware that an employee has a disability through various means, such as the pre-employment screening process, recruitment process or an occupational health referral. All such staff are expected to treat this information confidentially and not to disclose it to those who do not need to know, except with the employee's consent.

## **Where to Find the Attendance Management Procedure**

Copies of the school's Attendance Management Procedure can be found on the school website.