

RWST Staff Attendance Management Policy and Procedure

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Next update	January 2022
Reviewed by	RWST Trust Board
Responsibility	CEO

1. Introduction and purpose of this policy

The purpose of this policy 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 procedure 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 period. Employees on temporary or fixed-term contracts will be subject to this policy with adjustments made, where appropriate, to reflect the likely duration of the contract.

This policy 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 (the Burgundy Book, saved at Key documents/Burgundy Book and support staff (the Green Book, saved at Key documents/Burgundy Book).

The school is mindful of its obligations under the Equality Act 2010 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

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The school and RWST 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 RWST and the impact that absence has on the effective education and outcomes of students.

In particular, the school and RWST are 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 school is responsible for the overall monitoring of the effectiveness of this policy.
- 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 procedure.
- The Headteacher is responsible for ensuring that those with line management responsibilities are suitably skilled to manage sickness absence and have received appropriate training.
- 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

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with individuals in accordance with the various stages outlined within this policy.

- All employees are expected to comply with reporting and certification procedures outlined in this policy (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.
- The CEO is responsible for monitoring the effectiveness of this policy for RWST staff. The Chair of Trustees is responsible for monitoring the effectiveness of this policy for CEO.

4. Reporting sickness absence

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

As a general rule, any member of staff who is unable to attend work because of sickness or injury should report this to the line manager as soon as he/she becomes aware of the inability to attend work, and in any event by no later than 7.00am on the first day of absence and any subsequent days not covered by a doctor's note. As well as informing the line manager, teaching staff must follow the school's cover procedure of setting appropriate cover work (see Appendix 1).

Reporting must 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 staff member may ask to discuss the medical reasons for absence with another person, such as a different line manager or the Business Manager where he/she views the information as particularly sensitive.

The staff member must attempt to speak in person to their line manager; if it is necessary to leave a message, contact details should be left to enable the line manager to make a return call.

If absence continues for longer than initially anticipated, the employee is expected to update the line manager and cover supervisor daily, confirming the likely duration of absence.

Staff who become unwell during the course of the working day should ensure that the line manager (or a member of the leadership team if the line manager is unavailable)

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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.

5. Certification requirements

- Absences of less than 7 days must be supported by a self-certificate form completed upon return to work (see Appendix 2).
- Absences of more than 7 days 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.
- 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.

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 to conduct return to work discussions following every period of absence (including part days) to ensure that the staff member is well enough to be back at work, to support his/her return and ensure he/she is updated on work matters.

This discussion will be recorded on a return to work form (Appendix 2), a copy of which should be given to the member of staff. The line manager is responsible for

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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. 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 member of staff 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 and/or Headteacher'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 3 weeks;
- Where an employee has been absent on a frequent, short-term basis (a useful indicator would be when the trigger point, defined 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 a condition, or where there has been an injury at work;
- 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 or feedback about performance).

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

Definitions	
A day's absence	A day's absence refers to a standard working day for the individual concerned
Short-term absence	'Short-term absence' is intended to refer to absences which typically last for between one day and up to 3 days 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"> • Three separate occasions, irrespective of length, during one half term • A total of ten days' absence in one term (over two or more occasions); or • Where there are concerns about an employee's absences, such as the level or pattern.

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 becomes detrimental to the normal operation of the school, formal action will proceed. The point at which referral to the formal procedure is made is at the discretion of the relevant line manager and/or Headteacher, 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. Managing long-term absence

Definition	
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 3 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.

Options for Managing Long Term Absence	
Phased Return	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 4 weeks. Changes to an employee's working hours,

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	<p>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.</p>
<p>Temporary Adjustments</p>	<p>Where the employee is deemed currently unfit to carry out the full duties of his/her post work, the school will consider what options might be realistic and reasonable, taking 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, 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.</p>
<p>Ill-Health Retirement or Dismissal</p>	<p>Where the employee is deemed unfit to carry out the duties of his/her present post in the reasonably foreseeable future, the matter will be referred for consideration at a Stage 3 meeting.</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 3 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"> • The length of absence to date and the prognosis for a return to work; • The nature of the illness and the medical advice obtained; • Whether the individual's absence is related to a disability; • The effect of the absence on the school; • What options, as alternatives to dismissal, have already been considered; • Any relevant personal circumstances pertaining to the individual that may be impacting on their attendance.

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	<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>
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10. Formal procedure:

Stage 1 meeting – first formal discussion

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 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 this procedure in order to understand the context of the meeting.

At the formal meeting under Stage 1, 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;

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- 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 (this can differ from case to case and these examples can be used as a guide; no absence without doctors note, an absence level which is at least equal to the average for the school, with reference to trigger points);
- Explain the consequences of a failure to improve attendance levels and confirm the date of the next review meeting.

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 line manager will also determine whether any other action is appropriate, such as whether a medical certificate will be required 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.

Stage 2 of the procedure will not be instigated unless and until a formal warning has been issued under Stage 1 and therefore more than one formal meeting may be held under Stage 1 if appropriate to the circumstances.

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.

Stage 2 meeting – second formal discussion

If, following the Stage 1 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 line manager) responsible for conducting the formal meeting(s) held under Stage 1 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 line 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.

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The letter to the employee will also: confirm the period during which any written warning issued will remain live; 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 Chair of Governors who will convene a governors' hearing for the purpose.

Stage 3 meeting

If, following the Stage 2 meeting, the required level of attendance has not been achieved or, in cases of long-term absence, the Headteacher will arrange a formal meeting, providing at least 10 working days' notice in writing to the employee.

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

As with all formal meetings held in accordance with the policy, 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 Headteacher will consider all the evidence presented and reach a decision. As part of the decision-making process the Headteacher 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 Headteacher will first discount options which could be put forward as an alternative to dismissal where these have not already been considered and reasonably rejected.

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 Headteacher'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 will be referred to the Clerk to the Chair of Governors who will convene a hearing by governors.

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The school will issue notice of termination in accordance with the employee's contractual or statutory notice period (whichever is greater). As a general rule, the employee will not be expected to attend work during the notice period irrespective of his/her current health position.

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 line 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 1 or Stage 2 will be heard by the Headteacher or one or more governors, 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.

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.

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.Procedural points and specific circumstances:

Disability and reasonable adjustments

The Attendance Management Policy applies to all employees, including those with a disability. Employees are 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 as necessary 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.

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.

Terminal illness

The school 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.

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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.

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.

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. 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 line manager or an OH adviser instead.

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Relationship with Disciplinary and Capability Procedure

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.