



Queen's Croft High School

STAFF MANAGING ATTENDANCE AT WORK POLICY

Prepared by: Jackie Hesslegrave, Business Manager
Checked by: Peter Hawksworth, Headteacher
Adopted by Governors: January 2018
Review Date: January 2019

Managing Attendance at Work Policy

The policy is a Staffordshire County Council Policy commended for adoption by governing bodies to apply to schools' staff. This policy was last updated by Staffordshire County Council in June 2016.

This Policy strives to ensure the wellbeing of employees at work, through support, advice and help where underlying health issues are contributing to their absence in order to encourage consistent high levels of attendance. It recognises that whilst a certain level of sickness may be inevitable, a reasonable balance must be maintained between the needs of the business and those of employees to take time off from work due to sickness. This policy outlines what is expected from managers and employees when such situations occur (both short and long term sickness absence) in order to ensure that support and treatment is consistent, lawful, fair and equitable. The Code of Practice details the responsibilities of both parties and the mechanisms put in place to underpin our policy.

Queen's Croft High School expects its employees to take responsibility for managing their own health wherever possible to ensure regular attendance at work, and to engage fully in the attendance management process when sickness absence occurs.

The school will use the Bradford factor scoring system to monitor all sickness absence, and employees not meeting the expected standards of attendance will be managed under the terms of this policy.

Sickness absences arising from and related to maternity, pregnancy, disability (Equality Act 2010), critical illness, or where the employer accepts that there has been an accident on duty in considering whether formal action is appropriate will normally be discounted from the Bradford score. An exception to this may be where reasonable adjustments have been agreed and put in place, but sickness absences continue to occur.

Queen's Croft High School will manage attendance through the use of Return to Work discussions which will be conducted each time an employee returns to work following any period of sickness absence.

Policy Principles

The three stages of managing attendance are progressive and intended to remind and enforce the attendance standards that are expected from all employees, with support mechanisms to encourage this. The manager must take formal action at the appropriate stage where the Bradford score is 150 or above, after taking account of absences that are normally discountable. The policy applies from the first day of employment, although an employee must never unknowingly find him or herself under consideration of the formal attendance procedure. Sometimes conflict with others at work can lead to employees taking sickness absence. In these circumstances mediation can be

particularly helpful, providing a process for the parties involved to explore their issues in a safe and confidential environment, paving the way to a successful return to work.

This policy and its supporting procedural documents provide a framework to manage attendance issues in ways that are founded on the principles of:

Effective support in the handling of sensitive and complex matters;

- Recognising disability related conditions and issues in the workplace and taking appropriate action to mitigate the effect of these;
- Equity and fairness of treatment;
- Consistency of application of the process and procedures agreed for handling sickness absence and attendance issues;
- Timeliness (in accordance with reasonable timelines).

Tool Kit & further information

1. For more information on how to apply this policy visit the following documents:

When an Employee Goes off Sick
Return to Work Discussions
Formal Absence Process
Managing Long Term Absence (including dismissal)

2. Employees are expected to engage appropriately with this policy insofar as they are affected by it. Abuse or misuse of this policy is unacceptable and may give rise to action under the school's formal procedures.
3. Information recorded during this process may on request be disclosed to any party involved in the process (subject to exemptions). When a request for information is received, it would need to be established if the requested information is the requestor's personal data. The request would then be assessed to identify if there are any exemptions from release, for example, would release put another person at harm. Written requests for information will be subject to the Data Protection Act 1998 and the Freedom of Information Act 2000. For further advice please contact Information

Governance

4. Formal action against a TU representative can lead to a serious dispute if it is seen as an attack on their functions. Whilst normal attendance standards apply to a TU representative as an employee, the relevant full-time official should be notified of any action that the County Council proposes to take under this policy. All reasonable efforts must be taken to ensure that action is not taken against a TU representative until the relevant full-time official has had an opportunity to be present at any stage of the formal procedure.

5. Further background information on this topic is available on the following websites:

www.bis.gov.uk/

www.acas.org.uk

www.lg-employers.gov.uk

See also national conditions of service and local agreements before determining or issuing advice.

Appendix 1: Managing Attendance at Work – Code of Practice

This Code of Practice must be read in conjunction with the Managing Attendance at Work Policy. It underpins the process for managing attendance.

Contents

Reporting Sick
Failure to Produce a Fit Note
Maintaining Contact during the Absence
Return to Work Discussions
Disability
Phased Returns
Termination of Contract
Bradford Factor
Discountable Absences
Formal Attendance Procedure
The Right to be accompanied
Non-attendance at Formal Meetings
The Formal Stages:

- Stage 1
- Stage 2
- Stage 3

Right of Appeal
Expired Warnings

Reporting Sick

Employees are required to personally contact their manager (or person appointed by their manager) at the earliest possible opportunity on the first day of absence and ideally at least two hours before they are due or expected to start work.

On Day 4 - Employee is required to contact their manager to update on their absence.

On Day 7 - Employee is required to contact their manager again, and produce a Doctor's fit note within 5 working days.

From Day 8 onwards the employee is required to:

- Produce ongoing Doctor's fit notes until they return to work or employment ceases.
- Update their manager at least every two weeks with their progress.
- Engage with Occupational Health and Human Resources regarding referral appointments and absence

Failure to Produce a Fit Note

- Failure to produce a fit note within 5 working days of it being due may result (except in exceptional circumstances) in the withdrawal of occupational sick pay from day 13.

Maintaining Contact during the Absence

Short term absence

- The manager has a duty of care and should take steps to find out why their employee is not well; the nature of their illness and what steps they are taking to deal with it.

Long term - absences of more than 20 days

- At the point it becomes known that the absence will be of more than 20 days the manager should arrange to meet with the employee and arrange a referral to Occupational Health if one has not already been made.

Return to Work Discussions on Return from Sickness Absence

- The RTW discussion enables a manager to identify the cause of the absence and should be carried out as soon as possible, ideally on the day of return and normally within 10 days.
- Managers must complete the relevant paperwork and update SAP/ on-line system for schools (or arrange for it to be updated where no direct access) to show that a RTW discussion has taken place, and keep a local record of the discussion taking place. Return to Work discussions must take place following every absence to ensure that an employee will never unknowingly find him or herself under consideration of the formal Attendance Procedure.

Disability

The implementation of the Equality Act 2010 places certain obligations on employers.

- It is unlawful to discriminate against a disabled person for reasons related to their disability.
- A further obligation is that of reasonable adjustments.

Phased Returns (following long term sickness absence)

- May follow a prolonged period of absence where the employee is not fully fit to resume normal duties.

Termination of Contract

- May be appropriate where an employee is unable to fulfil the terms of contract on the grounds of continuing sickness absence.

The Bradford Factor

- The Bradford Factor is used to calculate the Bradford Score in a rolling 12 month period, which in turn is used to measure levels of employee sickness absence.

Discountable Absences

- Sickness related to disability (Equality Act 2010); critical illness; accidents on duty (where the accident has occurred on duty); maternity and pregnancy are normally discounted from the Bradford score when considering formal action.

Formal Attendance Procedure

- Consists of three formal stages leading up to (and including) consideration of dismissal.

The Right to be Accompanied

- Employees have the right to be accompanied by a companion at any meeting that forms part of the formal attendance management procedure. A companion may be a trade union representative, a fellow worker, or an official employed by the trade union.

Non Attendance at Formal Meetings

- At any stage of the formal process if an employee declines to attend the meeting or is prevented from attending, the meeting may still proceed in their absence, at the discretion of the person or those conducting the meeting.
- The person conducting the meeting may request that the employee be offered a further opportunity no later than two weeks from the original date. If non-attendance is due to sickness the employee must produce a fit note, which clearly states that they cannot physically attend the meeting.

The Formal Stages

Guidance on how to arrange and hold a formal meeting

Note: During any stage of the formal process, where two same stage warnings (i.e. two Stage 1's) have been issued within the preceding two years the formal procedure may be escalated automatically to the next stage if the sickness absence standards are

breached.

Stage 1

- Bradford Score is at least 150. The manager (usually their line manager) must review their attendance record and consider the actions appropriate at this stage. These considerations must be well documented by the manager and retained on file against the absence record.

Where formal process is to take place the manager should:

- Arrange a formal meeting with the employee (usually within 14 calendar days of the employee returning to work, but in all circumstances as soon as is reasonably practical).
- Give a minimum of 14 calendar days' notice of the meeting in writing, clearly stating that it is being convened under the formal attendance procedure.

Some absences may be disability related and so managers may need to determine these with assistance from HR and/or OHU, and decide if reasonable adjustments are possible for the employee to be able to complete the tasks demanded by the job.

Stage 2

- Bradford score of at least 150 points and where two further absences or one absence of 10 days or more, has occurred during the 'life' of the previous Stage 1 warning. In such cases the manager will call the employee to a Stage 2 meeting with a more senior manager.
- A meeting is held to advise the employee that their attendance is unsatisfactory and Stage 2 issued. Should they incur a further two absences, or one absence of 10 days or more they will be facing Stage 3 of the Attendance Procedure at which point their dismissal will be considered.

Stage 3

- Bradford score is at least 150 points and where two further absences or one absence of 10 days or more, has occurred during the 'life' of the previous Stage 2 warning.
- Manager to invite the employee to a formal meeting allowing 14 calendar days' notice of the meeting.
- Where the decision is to dismiss the employee will be advised accordingly in writing and informed of the last day of service, setting out their appeal rights.
- The expiry or otherwise of an employee's payments under the sickness absence

scheme will not affect the decision.

Where a decision is taken not to dismiss at Stage 3 the employee will return to Stage 2 of the procedure, the attendance standards appropriate to that stage will apply, and any other measures and/or reasonable adjustments will be considered.

Where an employee fails to co-operate with efforts by the manager to establish the true medical position (for example – fails to attend OHU) a decision concerning future employment will be made based on the information currently available.

Right of Appeal

- Where their senior manager chooses to issue a formal warning, the employee will have a right of appeal at all stages to a more senior manager (usually within 14 calendar days of the warning being issued, but this may be reasonably extended to provide opportunity for union representation).

Expired Attendance Warnings

- **Stage 1:** A copy of the first stage written warning should be kept on file, but will lapse after 6 months, subject to satisfactory attendance standards being maintained.
- **Stage 2:** A copy of this written warning should be kept on file but will lapse after 9 months, subject to satisfactory attendance standards being maintained.
- **Stage 3:** Where a decision not to dismiss is made, this decision should be documented and retained on file. The employee will then return to their original stage 2 warning and its applicable expiry date.

Appendix 2 – Return to Work Discussions

	Review of Bradford Score	Manager Accountabilities	Employee Accountabilities	HR/OHU Support Available
Before RTWD	<p>Review absence within rolling 12 months</p>	<ul style="list-style-type: none"> ▶ Consider normally discountable absences due to: <ul style="list-style-type: none"> • industrial injury • maternity • critical illness • disability ▶ Part-day and linked absence ▶ Review employees attendance and Bradford Score 	<ul style="list-style-type: none"> ▶ Ensure completed Self Certificate form. ▶ Provide a fit-note for absences of 8 or more days 	<p>Human Resources</p> <ul style="list-style-type: none"> ▶ provide policy and procedural guidance following the 150 trigger ▶ advise on discountable absences
During RTWD	<p>Confirm current and previous absences are correct and discounted where appropriate</p>	<p>Discuss latest absence using the structure of WARM:</p> <ul style="list-style-type: none"> ▶ Establish if likely to be further absence ▶ Identify patterns or trends ▶ Establish underlying reasons, preventable measures & support mechanisms ▶ Detail how Bradford factor fits in with formal process ▶ Agree and record actions 	<ul style="list-style-type: none"> ▶ Fully engage with discussion ▶ Expand on any medical circumstances including disability related ▶ Discuss any non medical issues contributing to absence ▶ Identify and agree support, preventable measures and actions 	<p>Human Resources</p> <ul style="list-style-type: none"> ▶ Advise managers on appropriate measures and other formal actions where 150 Bradford Score ▶ Support and advise manager in considering next actions ▶ Signpost to stress assessment, risk assessment and training
After RTWD	<p>Update records on SAP or SSC</p>	<ul style="list-style-type: none"> ▶ Refer to OHU where absence is likely to continue ▶ Address underlying non medical reason for absence through other policies ▶ Manage any agreed actions ▶ Carry out review meetings e.g. if there is a phased return 	<ul style="list-style-type: none"> ▶ Accept responsibility and take part in resolving any problems ▶ Put in place any agreed actions 	<p>Human Resources</p> <ul style="list-style-type: none"> ▶ Support manager to implement actions and access other policies if appropriate <p>Occupational Health Unit</p> <ul style="list-style-type: none"> ▶ Provide/obtain up to date medical information as required

Appendix 3 – Formal Absence Process

	Review of Bradford Score	Manager Accountabilities	Employee Responsibilities	HR/OHU Support Available
Stage One Warning	Score of at least 150	<p>Consider normally discountable absences due to:</p> <ul style="list-style-type: none"> ▶ industrial injury ▶ maternity ▶ critical illness or disability. <p>Also part day and linked absence.</p> <ul style="list-style-type: none"> ▶ Arrange formal meeting ▶ Adhere to timescales ▶ Fully document any decisions ▶ Notify employee in writing ▶ Inform HR where a stage 1 is issued ▶ Arrange appeals 	<ul style="list-style-type: none"> ▶ Fully engage with the process. ▶ Provide a fit-note where not able to attend scheduled meetings. ▶ Arrange to be accompanied if required. ▶ Ensure up-to-date absence information is provided to manager. ▶ Submit appeal within 14 days. 	<p>Human Resources</p> <ul style="list-style-type: none"> ▶ To provide policy and procedural guidance. <p>Occupational Health Unit</p> <ul style="list-style-type: none"> ▶ Undertake OHU referrals ▶ Provide management advice on medical conditions and reasonable adjustments. ▶ Obtain medical reports.
Stage Two Warning	<p>Stage 1 still live. Score is at least 150 plus 2 more absences or 1 absence of at least 10 days.</p> <p>2 Stage One's issued within last 2 years.</p>	<p style="text-align: center;">Stage Two is considered by a more senior manager.</p> <p>Same as at Stage One, plus.....</p> <ul style="list-style-type: none"> ▶ Refer to OHU for medical advice as appropriate. ▶ Refer to HR for procedural advice. ▶ Make clear that dismissal will be considered at next stage. 	<p style="text-align: center;">Same as at Stage One, plus.....</p> <ul style="list-style-type: none"> ▶ Expand on any medical circumstances that need to be considered. ▶ Make known any absences that may be related to disability. 	<p>Human Resources</p> <ul style="list-style-type: none"> ▶ Check that all reasonable adjustments have been implemented. ▶ Support manager through process and at meetings. <p>Occupational Health Unit</p> <ul style="list-style-type: none"> ▶ Provide/obtain up to date medical information as required.
Stage Three Dismissal Consideration	<p>Stage 2 still live. Score is at least 150 plus 2 more absences or 1 absence of at least 10 days.</p> <p>Two Stage 2's issued within last 2 years.</p>	<p style="text-align: center;">Stage Three is considered by a more senior manager.</p> <p>Same as at Stages One and Two, plus</p> <ul style="list-style-type: none"> ▶ Must obtain up to date medical advice on which to base decision ▶ Confirm to the employee that dismissal is being considered. 	<p style="text-align: center;">Same as at Stages One and Two, plus...</p> <ul style="list-style-type: none"> ▶ Provide consent to enable access to your most recent medical information. This will ensure that appropriate decisions are made. ▶ Arrange representation 	<p>Human Resources</p> <ul style="list-style-type: none"> ▶ Support and advise manager on options and risks. <p>Occupational Health Unit</p> <ul style="list-style-type: none"> ▶ Provide/obtain up to date medical information as required.

Appendix 4 – Managing Long Term Absence (including Dismissal)

	Manager Accountabilities	Employee Responsibilities	HR/OHU Support Available
Absence has continued for at least 20 days	<ul style="list-style-type: none"> ▶ Maintain regular contact with the employee. ▶ Refer case to OHU if not already done so at day 20. ▶ Consider how a return to work can be facilitated by the business and the employee. ▶ Discuss progress and outcome of OHU referrals and recommendations. ▶ Maintain contact every two weeks 	<ul style="list-style-type: none"> ▶ Maintain contact with your manager ▶ Fully engage with the process and be receptive to ideas. ▶ Ensure up-to-date absence information is provided to manager, including fit notes. ▶ Consider how a return to work can be facilitated and what adjustments may need to be considered. 	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <p>Occupational Health Unit</p> <ul style="list-style-type: none"> ▶ Undertake case referrals ▶ Provide management advice on medical conditions and reasonable adjustments. ▶ Obtain medical reports. </div> <div style="border: 1px solid black; padding: 5px;"> <p>Human Resources</p> <ul style="list-style-type: none"> ▶ Provide policy and procedural guidance. </div>
Absence at 5 Months at the latest	<ul style="list-style-type: none"> ▶ Assess case and recent medical information with HR ▶ Consult with HR/OHU regarding the future prospects of the employee and likelihood of a return to work in the near future. ▶ Decide how the case should be managed. ▶ Advise the employee that dismissal may be considered. 	<div style="border: 1px solid black; padding: 5px;"> <ul style="list-style-type: none"> ▶ Provide fortnightly updates on medical progress. ▶ Work with manager to identify practical solutions and a way forward. </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <p>Human Resources</p> <ul style="list-style-type: none"> ▶ Check that redeployment and all reasonable adjustments have been considered. ▶ Support manager through process and at meetings. </div> <div style="border: 1px solid black; padding: 5px;"> <p>Occupational Health Unit</p> <ul style="list-style-type: none"> ▶ Provide/obtain up to date medical information as required. </div>
Absence at 8 Months at the latest	<ul style="list-style-type: none"> ▶ In consultation with HR, the manager must decide if it is reasonable for the business to continue to wait for the employees' return to work. ▶ Must obtain up to date medical advice on which to base decision. No more than 3 months old. ▶ Confirm to the employee that dismissal is being considered. ▶ In consultation with HR, initiate termination of employment. 	<div style="border: 1px solid black; padding: 5px;"> <ul style="list-style-type: none"> ▶ Provide consent when requested, to enable access to your most recent medical information. This will ensure that appropriate decisions are made. ▶ Arrange representation </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <p>Human Resources</p> <ul style="list-style-type: none"> ▶ Guide manager through process and support at formal meetings. ▶ Support and advise manager through termination process. </div> <div style="border: 1px solid black; padding: 5px;"> <p>Occupational Health Unit</p> <ul style="list-style-type: none"> ▶ Provide/obtain up to date medical information as required. </div>